CITY COUNCIL

A. Roll Call

B. Invocation – Councilwoman Jackson

C. Pledge of Allegiance

D. Presentations and Recognitions
   1. Recognition in memory of former Councilmember Rodney Williams

   2. Gun Violence Awareness Proclamation (To be sent under separate cover)

E. Public Hearings

   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 2037 Lake Shore Drive (James Island) (0.21 acre) (TMS #343-03-00-156) (Council District 11), annexed into the City of Charleston April 23, 2019 (#2019-028), be zoned Single-Family Residential (SR-1) classification. The property is owned by East Bay Air LLC.

   2. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that Clements Ferry Road (Cainhoy) (approximately 6.0 acres) (TMS #275-00-00-004) (Council District 1), be zoned Rural Residential (RR-1) classification. The property is owned by Murphy Family Property LLC. (AS AMENDED) (SECOND READING)

   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 Clements Ferry Road (Cainhoy) (approximately 1.0 acre) (TMS #275-00-00-006) (Council District 1), be zoned Rural Residential (RR-1) classification. The property is owned by Jenkins Family Property LLC. (AS AMENDED) (SECOND READING)

   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 2234 Portside Way (West Ashley) (0.29 acre) (TMS #353-12-00-016) (Council District 2), be zoned Single-Family Residential (SR-1) classification. The property is owned by Elizabeth Bohler Eubanks.

   5. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Planned Unit Development (PUD) Master Plan and Development Guidelines for property located on River Road and Maybank Highway (the Village at Fenwick PUD – Johns Island) (approximately 44.891 acres) (TMS# 346-00-00-004, 076 and portions of 346-00-00-258 and 259).
6. An ordinance to amend the Verdier Pointe Planned Unit Development Master Plan and Development Guidelines, adopted by Ordinance #2008-158, by modifying the Land Development Guidelines and associated site plan for properties located on Bees Ferry Road (TMS# 301-00-00-028, 301-00-00-673, 301-00-00-674 and 301-00-00-677).

7. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 54, to amend various sections and add others related to the implementation of the Federal Opportunity Zone Program. (AS AMENDED) (SECOND READING)

F. Act on Public Hearing Matters

G. Approval of City Council Minutes:

1. May 14, 2019 (Deferred)

H. Citizens Participation Period

I. Petitions and Communications:

   (i) Appointments to the Planning Commission

   (ii) Appointments to the Health and Wellness Advisory Committee

J. Council Committee Reports:

1. Committee on Public Works and Utilities: (Meeting was held on May 28, 2019 at 2:00 p.m.)

   a. Acceptances and Dedications:

      (i) Dedication and Acceptance of The Cottages, Phase 3, - Towne Street (50’ R/W, 815 LF), Baycroft Lane (20’ R/W, 590 LF), Alamanda Drive (50’ R/W, 1100 LF), Applegrove Lane (22’ R/W, 258 LF), Lapham Alley (22’ R/W, 176 LF), Tweedside Lane (22’ R/W, 125 LF). There are 53 lots in this Phase. All infrastructure with the exception of sidewalks and the drainage maintenance shelf have been constructed. These items have been bonded.

      a. Title to Real Estate

      b. Affidavit for Taxable or Exempt Transfers

      c. Exclusive Stormwater Drainage Easement Agreement

      d. Plat

      (ii) Approval to notify SCDOT that the City intends to accept maintenance responsibility for 250 LF of granite curb, street trees and street lights on Mary Street (S-564) and Reid Street (S-2124) in conjunction with the project at 82 Mary Street (S-564)
(iii) Approval to notify SCDOT that the City intends to accept maintenance responsibility for approximately 1030 LF of granite curb on East Bay Street (US-52), Calhoun Street (S-404) and Alexander Street (S-110) in conjunction with the project at 475 East Bay Street (US-52)

b. Stormwater Management Department Update

(i) Updates from Project Managers
(ii) Update from Floodplain Manager

c. Miscellaneous Business *(Action may or may not be taken)*:

(i) Executive Session in accordance with S.C. Code Section 30-4-70(a)(2) to receive legal advice related to addressing private property encroachments on drainage easements in West Ashley

2. Committee on Traffic and Transportation: *(Meeting was held on May 28, 2019 at 1:30 p.m.)*

a. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 19, Sections 247 and 248 to enact rules of conduct for publicly owned parking garages.

b. Director’s Update

c. Discussion

*Give first reading to the following bill from Traffic and Transportation:*

An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 19, Sections 247 and 248 to enact rules of conduct for publicly owned parking garages.

3. Committee on Community Development: *(Meeting was held on May 23, 2019 at 4:30 p.m.)*

a. Review and approval of Development Plan for 105 Hanover Street

b. 2019-2020 Federal Budget

c. Review and approval of the Choice Neighborhood Initiative

4. Committee on Ways and Means:

*(Bids and Purchases)*

*(Traffic and Transportation: Approval for consulting services in the amount of $23,500 with*
completing the TIGER/BUILD Grant Application with RAM Consulting Services, 2022 San
Marco Blvd., Suite 202, Jacksonville, FL 32207; Sole Source
(Office of Cultural Affairs: Approval to apply for $3,000 from SC Humanities (Fast Task
Literary Grant) to support programs of the 2019 Free Verse Festival. A 1:1 City match is
required. Matching funds will come from paid admissions and donations.
(Recreation: Approval to apply for the Summer Feeding Program in the amount of $125,000
from S.C. Department of Education. This will allow the City to offer the USDA Summer
Feeding Service Program. The effective date is June 10th through August 9th 2019. No
City match is required.
(Police Department: Approval of an agreement which provides CPD and College of
Charleston access to each other’s external street cameras for public safety purposes.
(Parks-Capital Projects: Approval of Demetre Park Floating Dock Change Order #5 to the
construction contract with Salmons Dredging Corporation in the amount of $284,997 for
additional rip-rap reinstatement to mitigate future damage to the Demetre Park dock and
pier. Approval of Change Order #5 will result in a $284,997 increase to the Construction
Contract with Salmons Dredging Corporation (from $550,576.32 to $835,573.32). Funding
will come from FEMA reimbursements.
(Stormwater Management: Approval to apply for the HMGP grant application that requires a
75/25 match of $142,515. If awarded, this grant would cover $427,544 of the costs to
acquire and demolish two residential houses due to history of flood-related damages. The
application is due on Friday, May 31, 2019. The City match of $142,515 is available
through the Drainage Fund.
(Stormwater Management: Approval to apply for the HMGP grant application that requires a
75/25 match of $1,470,185. If awarded, this grant would cover $4,410,556 of the costs of
the Huger Street Drainage Improvement project, excluding maintenance-related costs. The
application is due on Friday, May 31, 2019. The City match of $1,470,185 is available
through the Cooper River Bridge TIF in the amount of $964,886. The remaining $505,299
is available through the Drainage Fund.
(Stormwater Management: Approval of Guerin Creek Mitigation Project Change Order #1
with Gibbs Construction Group, LLC in the amount of $155,009.50 for the removal of
additional material including remobilization costs, extension of the construction drive, on-
site shuttling of material, disposal of the material, and demobilization costs. This change
order also includes an additional 90 days until substantial completion. Approval of Change
Order #1 will increase the Construction Contract by $155,009.50 (from $194,000 to
$349,009.50). This Construction Contract is a part of the Spring/Fishburne Improvement
Project-Phase 3. The funding source for this work is the State Infrastructure Bank.
(Public Service: Approval of a contract with JLA in the amount of $40,000 to act as the
City’s representative during the design and construction of the Magnolia PUD. The scope
of the services is to act as an approved reviewing consultant for the City of Charleston.
As the reviewing consultant JLA will assist with the review of construction documents, shop
drawings and interim pay requests. They will also assist with the observation of
construction to verify that it is satisfactory with project requirements. It is noted all final
approvals will be made by the City. JLA will also attend construction site meetings and will
provide documentation of the visits. Fees will be paid out of the Charleston Neck TIF.
(Stormwater Management: Approval of Work Authorization #1 with AECOM in the amount of $231,250 for the preliminary engineering work on the two primary drainage systems within the Central Park/Wambaw Drainage Basin. This work includes phased data collection, model development, and system improvement analysis and recommendations. Approval of Work Authorization #1 will allocate $231,250 of budgeted funds to this project. Funds are available in the currently allocated Professional Services line item for Program Management.

(Stormwater Management: Approval of Work Authorization #2 with AECOM in the amount of $233,688 for the development of a prioritization system including a workgroup to select categories for scoring and a rigorous trial run with tool adjustments for actual potential projects. Approval of Work Authorization #2 will allocate $233,688 of budgeted funds to this project. Funds are available in the currently allocated Professional Services line item for Program Management.

(Housing and Community Development: Mayor and City Council are asked to approve the Department of Housing and Community Development’s submittal of a Choice Neighborhood Initiative Planning and Action grant application in the amount of $1,900,000 to the Department of Housing and Urban Development (HUD). The $1.9 million represents total grant funding of $1.3 million and anticipated match of $600,000; both in-kind and cash. Five percent (5%) is the minimum match requirement for the grant. The match requirement will be met through the Community Development Block Grant (CDBG), General Funds allocated to the Department of Housing and Community Development (HCD) and other local partners and funding sources. The grant is implemented in two phases; developing a transformation plan and then implementing the strategies outlined in the transformation plan. The application is being submitted in collaboration with Atlantic Housing Foundation (AHF) Orleans Gardens, LLC, which is the organization that owns and is rehabilitating the Orleans Garden Apartments; a 100 unit rental development in the Orleans Woods community. Attached in the draft forms is the Executive Summary, budget, description of proposed uses and Memorandum of Understanding between the City of Charleston and AHF Orleans Gardens, LLC. The final application to include letters of support shall be provided to Charleston City Council after completion. There is a $65,000 minimum match requirement. The full grant application is due June 10, 2019.

(Housing and Community Development: Mayor and City Council approval is requested for the submission of the Application for Federal Assistance (SF 424 Forms) and the corresponding documents to the Department of Housing and Urban Development (HUD) for the 2019-2020 program years. Attached are the 424 Forms, HUD certification forms and the budget [Community Development Block Grant (CDBG) - $844,413, Home Investment Partnerships Program (HOME) - $519,104, and Housing Opportunities for Persons with AIDS (HOPWA) - $725,261]. This request has been coordinated with the Community Development Advisory Committee and the Community Development (CD) Committee of City Council. The CD Committee gave final approval to the HOPWA, HOME and CDBG budgets Thursday, May 23, 2019. Approval is also requested for the execution of contracts for each organization based on the approved budgets/awards. The contracts will be reviewed and vetted by City of Charleston Corporation Counsel prior to the dissemination of the contracts to the nonprofit agencies. The Annual Action Plan with the
components detailed above are due to the Department of Housing and Urban Development by June 12, 2019.

(Approval of a facility usage agreement at no cost with Calvary Lutheran Church for Piccolo Spoleto (1400 Manor Blvd.). The property is owned by Calvary Lutheran Church.

(Request authorization for the Mayor to execute an Amended and Restated Memorandum of Understanding between the City and East Line Partners, LLC ("East Line"), to amend and restate the existing Memorandum of Understanding between them, dated May 23, 2017, by (1) requiring East Line to convey an easement, instead of fee simple title, to the City over East Line’s property designated as Charleston County TMS No. 459-05-03-138, for a linear park connection following completion of East Line’s development; and (2) requiring East Line or its affiliates to grant an easement to the City over certain adjoining and nearby property upon acquisition of the property by East Line or its affiliates to facilitate a similar connection. (TMS: No. 459-05-03-138; The Lowline Linear Park)

(Request authorization for the Mayor to execute an easement agreement with CRP/SSCP Woolfe Street Owner, LLC, (the "Grantor"), under which the Grantor will grant to the City a perpetual easement across a portion of property owned by the Grantor, located at 28 Woolfe Street (Charleston County TMS No. 459-09-01-052), for the City to construct and maintain a pedestrian and bike path and non-motorized vehicular path connecting the existing southern terminus of the City’s property, known as the “Lowline,” to Woolfe Street. (28 Woolfe Street)

(Approval of the Management and Operating Agreement between the City of Charleston and Charleston Area Convention and Visitors Bureau (To be sent under separate cover by the Legal Department)

(Authorization for the Mayor to execute the Plan for Dissolution of Bridge-Pointe Homeowners Association, Inc. related to the FEMA Hazard Mitigation Grant Program (HMGP) Buy-Out Program.

(Request approval of Intergovernmental Agreement between the County of Charleston and the City of Charleston to establish the Suzie Jackson Freedom Memorial Garden (68 Calhoun Street; TMS: 459-13-03-041). Costs will be paid for through private funds raised by the family(ies).

(Request authorization to execute the License Agreement between the South Carolina State Ports Authority, the City, and the Citadel authorizing the use of space at the Port’s North Charleston Terminal to unload and store oysters pending their replanting.

(Approval of Amendment of Lease between City of Charleston and Charleston Tennis, LLC (Approval of Second Amendment to the Master Lease (requested by Charleston Digital Corridor Foundation) (Ordinance)

(Approval of Sublease from Charleston Digital Corridor Foundation to City pertaining to the rental of 850 square feet in the Pad 1 Building.

(Approval of Development Agreement between the City and the Charleston Digital Corridor Foundation to govern the construction of a parking garage at 999 Morrison Drive.

(Approval of a partial assignment of the Master Lease as it pertains to constructing the parking garage from the Charleston Digital Corridor Foundation to CTC Holdings Garage, LLC, the entity that will construct the parking garage.
(Approval of an assignment of the Development Agreement from the Charleston Digital Corridor Foundation to CTC Holdings Garage, LLC, the entity that will construct the parking garage as set out in the Master Lease.

(Approval of a partial assignment of the Master Lease as it pertains to constructing the Pad 1 Building from the Charleston Digital Corridor to CTC Holdings Office, LLC, the entity that will construct the Pad 1 Building.

(Request authorization for the Mayor to execute a Declaration of Cross Access and Utility Easements for Lot 473A, Lot 473B, and Lot 473C, Ashleyville (Charleston County TMS Nos. 418-07-00-118, 418-07-00-173, 418-07-00-174).

(An ordinance authorizing the Mayor to execute on behalf of the City of Charleston (“City”) an Agreement of Purchase and Sale, in which the City agrees to sell to Kiurna Shamone Brown Summers the property located at 933 Fifth Avenue (Charleston County TMS No. 418-07-00-174) (West Ashley) (Maryville/Ashleyville) for $199,237.00, subject to the City of Charleston single-family affordable housing restrictive covenants, with an affordability period of ninety (90) years (AS AMENDED TO INCORPORATE CHANGES TO THE EXHIBIT TO EMPHASIZE THAT THE CONVEYANCE WILL BE SUBJECT TO A DECLARATION OF EASEMENTS). (See also City Council Agenda Item #L-10)

(Consider the following annexations:

(i) 404 Woodland Shores Road (TMS# 343-11-00-104) 0.50 acre, James Island (District 11). The property is owned by Nathaniel West.

(Discussion regarding the Richardson property on Camp Road

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

An ordinance authorizing the Mayor to execute on behalf of the City a Second Amendment to Lease Agreement pertaining to the Lease Agreement between the City and the Charleston Digital Corridor Foundation of property located at 999 Morrison Drive dated January 19, 2016, as amended by First Amendment to Lease dated January 9, 2018 (AS AMENDED).

An ordinance to provide for the annexation of property known as 404 Woodland Shores Road (0.50 acre) (TMS# 343-11-00-104), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 11. The property is owned by Nathaniel West.

K. Bills up for Third 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 property located at Maybank Highway and River Road (the Kerr Tract PUD-Johns Island) (approximately 70.59 acres) (TMS #345-00-00-090 and 345-00-00-099) (Council District 5), be rezoned from General Office (GO) and General Business (GB) classification to Planned Unit Development (PUD) classification. The property is owned by RHK LLC et al. and John A. and James J. Kerr Development. (AS AMENDED TO INCORPORATE CHANGES TO THE PLANNED UNIT DEVELOPMENT GUIDELINES TO INCLUDE THE CONVEYANCE OF A STREET RIGHT-OF-WAY TO THE CITY).
2. An ordinance amending Chapter 27 of the Code of the City of Charleston, by amending Flood Hazard Prevention and Control Requirements in Section 27-117 to increase the Freeboard Requirement from one foot to two feet, effective August 1, 2019 (AS AMENDED)(DEFERRED)

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 Clements Ferry Road (approximately 6.0 acres) (TMS# 275-00-00-004), 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 Murphy Family Property LLC.

2. An ordinance to provide for the annexation of property known as Clements Ferry Road (approximately 1.0 acre) (TMS# 275-00-00-006), 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 Jenkins Family Property LLC.

3. An ordinance to amend Chapter 27, Article I, Division 2 to add a new Section 18 authorizing the Stormwater Director, in addition to the Mayor, to sign stormwater drainage easements and drainage facility dedications on behalf of the City of Charleston after their acceptance by the Public Works and Utilities Committee; as well as, permit applications related to stormwater projects.

4. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by adding thereto a new Part 15 entitled Transit Accommodations to set forth requirements for transit accommodations for multi-family and non-residential projects reviewed by the Technical Review Committee to improve the mobility of the City by increasing the opportunity to utilize and options for transportation.

5. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 19, Section 234 to make it unlawful to park a vehicle in a marked fire lane when signs, curb painting, pavement markings, or other approved notices or markings are installed giving notice thereof.

6. An ordinance to make additional appropriations to meet the liabilities of the City of Charleston for the fiscal year ending December 31, 2018.

7. An ordinance to recognize the usage of additional funds to meet additional appropriations authorized by Ordinance 2019-______ for the fiscal year ending December 31, 2018.

8. An ordinance providing for the issuance and sale of Waterworks and Sewer System Revenue Bonds of the City of Charleston in one or more series in the aggregate principal amount of not
exceeding $155,000,000 and other matters relating thereto.

9. An ordinance authorizing the Mayor to execute on behalf of the City of Charleston (“City”) an Agreement of Purchase and Sale, in which the City agrees to sell to Renee Fleetwood Lewis the property located at 839 Minnie Street (Charleston County TMS No. 418-11-00-074) (West Ashley) (Maryville/Ashleyville) for $201,637.00, subject to the City of Charleston single-family affordable housing restrictive covenants, with an affordability period of ninety (90) years.

10. An ordinance authorizing the Mayor to execute on behalf of the City of Charleston (“City”) an Agreement of Purchase and Sale, in which the City agrees to sell to Kiarana Shamone Brown Summers the property located at 933 Fifth Avenue (Charleston County TMS No. 418-07-00-174) (West Ashley) (Maryville/Ashleyville) for $199,237.00, subject to the City of Charleston Single-Family Affordable Housing Restrictive Covenants, with an affordability period of ninety (90) years (AS AMENDED TO INCORPORATE CHANGES TO THE EXHIBIT TO EMPHASIZE THAT THE CONVEYANCE WILL BE SUBJECT TO A DECLARATION OF EASEMENTS).

11. An ordinance authorizing the Mayor to execute on behalf of the City of Charleston (“City”) an Agreement of Purchase and Sale, in which the City agrees to sell to Damion H. Guild and Nyesha O. Cherry-Guild the property located at 835 Minnie Street (Charleston County TMS No. 418-11-00-075) (West Ashley) (Maryville/Ashleyville) for $153,578.00, subject to the City of Charleston single-family affordable housing restrictive covenants, with an affordability period of ninety (90) years.

12. An ordinance authorizing the Mayor to execute on behalf of the City of Charleston (“City”) an Agreement of Purchase and Sale, in which the City agrees to sell to Fredricka Ravenell the property located at 919 Sycamore Avenue (Charleston County TMS No. 418-11-00-239) (West Ashley) (Maryville/Ashleyville) for $196,237.00, subject to the City of Charleston single-family affordable housing restrictive covenants, with an affordability period of ninety (90) years.

13. An ordinance to provide for the annexation of property known as 2234 Portside Way (0.29 acre) (TMS# 353-12-00-016), 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 Elizabeth Bohler Eubanks.

14. An ordinance to provide for the annexation of property known as 2154 Wappoo Drive (0.24 acre) (TMS# 343-06-00-185), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 11. The property is owned by Tyler Cox and Graham Cox.

15. An ordinance to provide for the annexation of property known as Clements Ferry Road (16.40 acres) (TMS# 275-00-00-005), 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 IVO Sands LLC. (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 property on Clements Ferry Road (Cainhoy) (approximately 16.40 acres) (TMS #275-00-00-005) (Council District 1), be zoned Rural Residential (RR-1) classification. The property is owned by IVO Sands LLC. (DEFERRED)

17. An ordinance to provide for the annexation of a vacant lot on Stinson Drive (0.99 acre) (TMS #350-05-00-095), 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 11. The property is owned by Rale MGMT LLC. (DEFERRED)

18. 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 vacant lot on Stinson Drive (West Ashley) (0.99 acre) (TMS #350-05-00-095) (Council District 11), be zoned Diverse Residential (DR-1F) classification. The property is owned by Rale MGMT LLC. (DEFERRED) Expires 2.26.20

19. An ordinance to provide for the annexation of property known as 1415 S Edgewater Drive (0.72 acre) (TMS # 349-13-00-095), 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 11. The property is owned by Robert F. Kauffmann. (DEFERRED)

20. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1415 South Edgewater Drive (West Ashley) (00.72 acre) (TMS #349-13-00-095) (Council District 11), be zoned Single-Family Residential (SR-1) classification. The property is owned by Robert F. Kauffmann. (DEFERRED FOR PUBLIC HEARING) Expires 11.27.19

21. An ordinance to provide for the annexation of property known as 1389 River Road (10.94 acres) (TMS # 311-00-00-025), 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 Knapp A Partnership. (DEFERRED)

22. An ordinance to provide for the annexation of property known as 1381 River Road (1.28 acres) (TMS # 311-00-00-097), 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 Knapp A Partnership. (DEFERRED)

23. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1335 King Street Extension (Peninsula) (0.37 acre) (TMS #464-14-00-079) (Council District 4), be rezoned from Light Industrial (L) classification to Upper Peninsula (UP) classification. The property is owned by Joe Singleton. (DEFERRED) Expires 7.17.19

24. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone
Map, which is a part thereof, so that 1335 King Street Extension (Peninsula) (0.37 acre) (TMS #464-14-00-079) (Council District 4), be rezoned from the 2.5 Old City Height District classification to the 4-12 Old City Height District classification. The property is owned by Joe Singleton. (DEFERRED) Expires 7.17.19

25. 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 King Street Extension and Montford Avenue (Peninsula) (0.10 acre) (TMS #464-14-00-080) (Council District 4), be rezoned from Single-Family Residential (SR-1) classification to Upper Peninsula (UP) classification. The property is owned by Horace A. Rooke. (DEFERRED) Expires 7.17.19

26. 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 King Street Extension and Montford Avenue (Peninsula) (0.10 acre) (TMS #464-14-00-080) (Council District 4), be rezoned from the 2.5 Old City Height District classification to the 4-12 Old City Height District classification. The property is owned by Horace A. Rooke. (DEFERRED) Expires 7.17.19

27. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 141 Meeting Street and 174 King Street (Peninsula) (1.061 acres) (TMS #457-08-04-003) (Council District 1), be rezoned from General Business (GB) classification to Urban Commercial (UC) classification. The property is owned by SCE&G. (DEFERRED) Expires 8.21.19

28. An ordinance to close and abandon Kinlock Court, a City right-of-way, said right-of-way running westerly approximately 200 feet from meeting street to the Interstate 26 right-of-way; and to further authorize the Mayor to execute Quit Claim Deeds and any other necessary documents, approved as to form by the Office of Corporation Counsel, to the owners of those properties abutting each side of Kinlock Court, conveying to each owner one-half of the width of Kinlock Court as said Kinlock Court abuts each owner’s property, subject to any and all easements or other matters of record. (DEFERRED)

M. Bills up for First Reading

1. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 2 Section 37 to amend the order of business for City Council Meetings.

2. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by deleting Section 54-220 Accommodations Overlay Zone, and replacing said section with a new Section 54-220, Accommodations Overlay Zone, to, among other things: provide for the preservation or creation of Mixed-Use Districts; prohibit the displacement of housing by accommodations uses and consider the effects of dwelling units to be altered or replaced on the housing stock and whether requirements to protect the affordability of the dwelling units should be attached to an accommodations special exception approval; establish conditions on the displacement or reduction of office space by accommodations uses; prohibit the
displacement of more than 25 percent of ground floor, store front retail space by accommodations uses on the property; to include a minimum and maximum size for accommodations facilities; to provide regulations for the design and location of guest drop off and pick up areas; to require the incorporation of meeting and conference space; to establish a limit on the number of full-service hotels; to provide for a contribution to the City of Charleston Affordable/Workforce Housing Account; and to subject violators of the provisions of this Section 54-220 to having their business license or certificate of occupancy revoked. (AS AMENDED)

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 217 Ashley Avenue (Peninsula) (0.33 acre) (TMS #460-11-04-080) (Council District 6), be rezoned from Diverse Residential (DR-2F) classification to Limited Business (LB) classification. The property is owned by Trust of Robert J. Lowe, Jr. & Trust of Gwendolyn M. Lowe. *(The Planning Commission recommends disapproval.)* (DEFERRED) Expires 11.27.19

4. An ordinance to amend Chapter 21, Article II of the Code of the City of Charleston by adding a new Section 21-17 that prohibits building construction operations during certain hours. (DEFERRED)

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 property located on Sheppard Street and Saint Philip Street (Peninsula) (approximately 0.69 acre) (TMS #460-04-04-078, 460-04-04-080 and 460-04-04-086) (Council District 4), be rezoned to include it in the Short Term Rental Overlay Zone (ST) classification. The property is owned by Lowcountry Marketing Group LLC. (DEFERRED) Expires 7.17.19

6. An ordinance to amend provisions of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Part 17 – Upper Peninsula District pertaining to incentive options and particularly strengthening Workforce Housing; and by amending Sec. 54-201 (V), Base Zoning Districts to correct Upper Peninsula District; and by amending Article 3, Part 2, Sec 54-305 (B) pertaining to Upper Peninsula District; and by amending Article 3, Part 1, Sec. 54-301, Table 3.1 Height, Area and Setback Regulations, footnote 24, pertaining to correcting the Section number; and by amending Article 4, Part 4, Sec. 54-420, Table 1.2 allowed sign types by Zoning District to add Upper Peninsula District; and by amending Article 1, Part 1, Sec. 54-102 (b), Base Zoning District Classifications to add Upper Peninsula District. (DEFERRED) Expires 6.19.19

N. Miscellaneous Business:

1. Executive Session in accordance with S.C. Code Section 30-4-70(a)(2) to receive legal advice relating to the LDC litigation. Action may or may not be taken.

2. The next regular meeting of City Council will be Tuesday, June 18, 2019 at 5:00 p.m. at TBA.
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, May 28, 2019 beginning at 5:00 p.m. at City Hall, 80 Broad Street, on the request that the Zoning Ordinance of the City of Charleston be changed in the following respects:

ZONINGS

To zone the following property was annexed into the City of Charleston:

1. 2037 Lake Shore Drive (James Island) (0.21 acre) (TMS# 343-03-00-156) Single-Family Residential (SR-1).
2. Clements Ferry Road (Cainhoy) (Approx. 6.0 acres) (TMS# 275-00-00-004) Rural Residential (RR-1).
3. Clements Ferry Road (Cainhoy) (Approx. 1.0 acre) (TMS# 275-00-00-006) Rural Residential (RR-1).
4. 2234 Portside Way (West Ashley) (0.29 acre) (TMS# 353-12-00-016) Single-Family Residential (SR-1).

ORDINANCE AMENDMENTS

1. To amend the Planned Unit Development Master Plan and Development Guidelines for River Road and Maybank Highway (The Village at Fenwick PUD — Johns Island) (Approx. 44.891 acres) (TMS# 346-00-00-004, 076 and portions of 346-00-00-258 and 259).
2. To amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending various sections and adding others related to the implementation of the federal Opportunity Zone.
3. To amend the Planned Unit Development Master Plan and Development Guidelines for Bees Ferry Road (Verdier Pointe PUD — West Ashley) (Approx. 102.65 acres) (TMS# 301-00-00-028, 673, 674 & 677).

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 REPORT

MEETING OF APRIL 17, 2019

A meeting of the City of Charleston Planning Commission was held at 5:00 p.m., on Wednesday, April 17, 2019 in the Public Meeting Room, 1st Floor, 2 George St. The following applications were considered:

SUBDIVISIONS

1. Main St (Ashleyville Subdivision – West Ashley) – TMS# 4181100034 – 0.676 ac. Request concept plan approval for subdivision into 6 lots. Zoned SR-4.
   DEFERRED BY THE APPLICANT

2. 144 & 146 Cannon St (144.146 Cannon – Peninsula) – TMS# 4601104150 & 151 – 0.29 ac. Request concept plan approval for subdivision into 10 lots. Zoned MU-1/WH.
   APPROVED WITH CONDITIONS

ZONING

1. 2037 Lake Shore Dr (James Island) TMS# 3430300156 – 0.21 ac. Request zoning of Single-Family Residential (SR-1), Zoned Single-Family Residential (R-4) in Charleston County.
   RECOMMENDED APPROVAL

ORDINANCE AMENDMENTS

1. River Rd & Maybank Hwy (The Village at Fenwick PUD – Johns Island) TMS# 34600000004, 076 & portions of 3460000258 & 259 – approx. 44.891 ac. Request an amendment to the Planned Unit Development Master Plan and Development Guidelines for this property.
   RECOMMENDED APPROVAL

2. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending various sections and adding others related to the implementation of the federal Opportunity Zone Program.
   RECOMMENDED APPROVAL
A meeting of the City of Charleston Planning Commission was held at 5:00 p.m., on Wednesday, May 15, 2019 in the Public Meeting Room, 1st Floor, 2 George St. The following applications were considered:

**REZONING**

1. **276 Coming St (Peninsula) TMS# 4600404003** – 0.68 ac. Request rezoning from Diverse Residential (DR-2F) to General Business (GB).
   
   RECOMMENDED DISAPPROVAL

**ZONINGS**

1. **Clements Ferry Rd (Cainhoy) TMS# 2750000004** – approx. 6.0 ac. Request zoning of Rural Residential (RR-1). Zoned Multi-section Manufactured Residential (R1-MM) in Berkeley County.
   
   RECOMMENDED APPROVAL

2. **Clements Ferry Rd (Cainhoy) TMS# 2750000006** – approx. 1.0 ac. Request zoning of Rural Residential (RR-1). Zoned Multi-section Manufactured Residential (R1-MM) in Berkeley County.
   
   RECOMMENDED APPROVAL

3. **2234 Portside Way (West Ashley) TMS# 3531200016** – 0.29 ac. Request zoning of Single-Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.
   
   RECOMMENDED APPROVAL

   
   RECOMMENDED APPROVAL

5. **Kinloch Ct (aka Kinlock Ct) Right-of-Way (Peninsula) unzoned right-of-way** – approx. 0.09 ac. Request zoning of Limited Business (LB) and to be included in the Amusement and Recreation Services (AR) Overlay Zone. Property was unzoned public right-of-way.
   
   RECOMMENDED APPROVAL

**ORDINANCE AMENDMENT**

1. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by adding requirements for transit accommodations for multi-family and non-residential projects reviewed by the Technical Review Committee.

   DEFERRED BY CITY STAFF
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2037 LAKE SHORE DRIVE (JAMES ISLAND) (0.21 ACRE) (TMS #343-03-00-156) (COUNCIL DISTRICT 11), ANNEXED INTO THE CITY OF CHARLESTON APRIL 23, 2019 (#2019-028), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY EAST BAY AIR 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:

2037 Lake Shore Drive (James Island) (0.21 acre) (TMS #343-03-00-156)

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

2037 Lake Shore Dr (James Island)

TMS# 3430300156

0.21 ac.

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

Owner: East Bay Air LLC
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT CLEMENTS FERRY ROAD (CAINHOY) (APPROXIMATELY 6.0 ACRES) (TMS #275-00-00-004) (COUNCIL DISTRICT 1), BE ZONED RURAL RESIDENTIAL (RR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY MURPHY FAMILY PROPERTY LLC. (AS AMENDED)

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:

Clements Ferry Road (Cainhoy) (approximately 6.0 acres) (TMS #275-00-00-004)

Section 2. That the said parcel of land described above shall be zoned Rural Residential (RR-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

Clements Ferry Road (Cainhoy)

TMS# 2750000004

Approximately 6.0 ac.

Request zoning of Rural Residential (RR-1).
Zoned Multisection Manufactured Residential (R1-MM)
in Berkeley County.

Owner: Murphy Family Property LLC
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT CLEMENTS FERRY ROAD (CAINHOY) (APPROXIMATELY 1.0 ACRE) (TMS #275-00-00-006) (COUNCIL DISTRICT 1), BE ZONED RURAL RESIDENTIAL (RR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY JENKINS FAMILY PROPERTY LLC. (AS AMENDED)

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:

Clements Ferry Road (Cainhoy) (approximately 1.0 acre) (TMS #275-00-00-006)

Section 2. That the said parcel of land described above shall be zoned Rural Residential (RR-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

Clements Ferry Road (Cainhoy)

TMS# 2750000006

Approximately 1.0 ac.

Request zoning of Rural Residential (RR-1).
Zoned Multisection Manufactured Residential (R1-MM)
in Berkeley County.

Owner: Jenkins Family Property LLC
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2234 PORTSIDE WAY (WEST ASHLEY) (0.29 ACRE) (TMS #353-12-00-016) (COUNCIL DISTRICT 2), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY ELIZABETH BOHLER EUBANKS.

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:

2234 Portside Way (West Ashley) (0.29 acre) (TMS #353-12-00-016)

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 3

2234 Portside Way (West Ashley)

TMS# 3531200016

0.29 ac.

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

Owner: Elizabeth Bohler Eubanks
AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN AND DEVELOPMENT GUIDELINES FOR PROPERTY LOCATED ON RIVER ROAD AND MAYBANK HIGHWAY (THE VILLAGE AT FENWICK PUD – JOHNS ISLAND) (APPROXIMATELY 44.891 ACRES) (TMS# 346-00-00-004, 076 AND PORTIONS OF 346-00-00-258 AND 259).

BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS 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 amending The Village at Fenwick Planned Unit Development Master Plan and Development Guidelines as more fully described in the document titled “First Amendment to Amended and Restated Planned Unit Development Guidelines – The Village at Fenwick” which is attached hereto and made part hereof:

Section 2. The Village at Fenwick Planned Unit Development Master Plan and Development Guidelines be amended for property described as follows:

Property located off River Road and Maybank Highway (approximately 44.891 acres) (TMS# 346-00-00-004, 076 and portions of 346-00-00-258 and 259).

Section 3. This Ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of ______________________ in the Year of Our Lord 2019, 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
FIRST AMENDMENT TO
AMENDED AND RESTATED
PLANNED UNIT DEVELOPMENT GUIDELINES

The Village at Fenwick
Charleston, South Carolina
ID# 150928-RiverRd-1

This First Amendment to Amended and Restated Village at Fenwick PUD Master Plan was approved by the City of Charleston on ____________, Ordinance Number ________________.
The following Sections of the Amended and Restated Planned Unit Development Guidelines for the Village at Fenwick shall be modified and amended as stated below:

III. PUD Land Uses and Development Regulations

A. Land Uses

3. Village at Fenwick Mixed Use Commercial (VFMC) designated area(s) will allow moderate intensity mixed use, residential, and commercial. The following uses shall be permitted:

1. Uses permitted in the GB district, except that commercial hours of operation shall be limited to 7 a.m. 5 a.m. to 12 a.m.; provided that Food Stores, Eating Places located within Food Stores, Drug Stores, and their related, ancillary, or similar commercial uses located within such Food Store or Drug Store shall not be subject to the above limited hours of operation.

Note: VFMC areas will be under purview of the Design Review Board (DRB).

B. Development Regulations

All lots must conform to dimensional, density, and zoning requirements as found in the following chart:

<table>
<thead>
<tr>
<th>Minimum Building Frontage along Right of Ways</th>
<th>VFMR</th>
<th>VFMC</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>None</td>
<td>65%-None</td>
</tr>
</tbody>
</table>

2. Development standards for Village at Fenwick Mixed-Use Commercial (VFMC)

e) Individual commercial building footprints shall be limited to 30,000 square ft. max. footprint area; provided that a single building with a 55,000 square ft. max. footprint shall be allowed provided that: (i) such building is located in the area identified in Appendix M, and (ii) no other building in the VFMC exceeds a 15,000 square ft. max. footprint.

VI. Streets, Sidewalks, and Trails

F. No new driveway or street connection to Maybank Highway shall be permitted from the planned development except for the planned ‘Pitchfork Road’, subject to the approval of unless approved by the City of Charleston Traffic and Transportation Department, Zoning Administrator, and SCDOT, as applicable. No new street or driveway connections from the planned development to River Road shall be permitted except for the planned ‘Pitchfork Road’ connection. The existing vehicular connection from TMS 346-00-00-008 to Maybank Highway may remain. Approval of this PUD shall remove and replace the language found in restrictive covenant #4 pertaining to parcel 346-00-00-076 found in (Bk Y166, Pg 522; Bk V142, Pg 434) with the language found in this paragraph. See Appendix E for Restrictive Covenants. Vehicular connections to the Village at Fenwick shall be provided along the new Pitchfork Road. There shall be no more than one (1) curb cut in each side of the Pitchfork Road per every five hundred (500') feet of roadway unless
otherwise agreed to, in writing, by the Zoning Administrator for the City of Charleston, who may require the approval of the City Traffic and Transportation Department and the property owners representing the majority of the PUD acreage.

XIV. Appendices
AN ORDINANCE

TO AMEND THE VERDIER POINTE PLANNED UNIT DEVELOPMENT MASTER PLAN AND DEVELOPMENT GUIDELINES, ADOPTED BY ORDINANCE #2008-158, BY MODIFYING THE LAND DEVELOPMENT GUIDELINES AND ASSOCIATED SITE PLAN FOR PROPERTIES LOCATED ON BEES FERRY ROAD (TMS# 301-00-00-028, 301-00-00-673, 301-00-00-674 AND 301-00-00-677).

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

Section 1. That the ordinance adopting the Verdier Pointe Planned Unit Development Master Plan and Development Guidelines be amended by inserting at the end of the PUD document the attached exhibit entitled "Amendment to Zoning Regulations for Verdier Pointe Planned Unit District," including the revised site plan, and making it part of the PUD document.

Section 2. The Verdier Pointe Planned Unit Development Master Plan and Development Guidelines be amended for property described as follows:

Property located on Bees Ferry Road (TMS# 301-00-00-028, 301-00-00-673, 301-00-00-674 and 301-00-00-677).

Section 3. This Ordinance shall become effective upon ratification.

Ratified in City Council this ___ day of ________, in the Year of Our Lord 2019, 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
Amendment to
Zoning Regulations
for
Verdier Pointe Planned Unit District
(Ratification # 2008-158)
Dated: December 9, 2008
Revised: May 25, 2018
Revised: June 20, 2018 (Minor PUD Amendment)
Proposed Revision: November 26, 2018 (Major PUD Amendment)

The following are amendments to the zoning regulations, for the previously approved and amended Verdier Pointe Planned Unit District

Relationship to the Official Zoning Ordinance
The Development Guidelines for Verdier Pointe Planned Unit District, attached hereto and made a part hereof, are part of the PUD conditional use Master Plan application submitted in accordance with the Zoning Ordinance of the City of Charleston, Article 2, Part 7 Section 54-250, et seq. The Zoning Ordinance of the City of Charleston is incorporated herein by reference, except as amended herein.

No person shall erect or alter any building, structure, or sign on any tract of land or use any tract of land within the Verdier Pointe PUD except in conformance with these guidelines and regulations. Unless modified herein, definitions of terms used in the Development Guidelines shall follow definitions listed in the Zoning Ordinance of the City of Charleston, as amended from time to time. Administration and enforcement of the adopted Verdier Pointe PUD Master Plan shall follow Article 9 of the Zoning Ordinance of the City of Charleston.

Purpose and Intent:
The purpose and intent for the Verdier Pointe community will remain the same. The amendment is to allow for a wider range of fee simple single-family home options by permitting attached and detached products.

The proposed community plan for the tract includes attached and detached single-family residences in the northwest and central portions of the tract. These homes will be the community’s Single Family Residential ("SFR") central portions of the tract. The SFR district will consist of two picturesque walkable single-family attached and/or detached neighborhoods nestled in a natural environment with preserved wooded and wetland areas along with active and passive community open space. Interconnected trails will provide pedestrian access between the neighborhoods, to the commercial village and its businesses/services, and to the parcels adjacent to the community. The SFR district will also work hand in hand with the development’s Multi-Family District ("MFD") in the tract’s northeastern corner to form an active and livable residential community. The MFD will provide entry-level residences for the community, as well as opportunities for individuals and families looking for an alternative living environment to the traditional single detached family homes. This portion of the tract, while more densely developed, will have access to the amenities and open natural environments of SFR district, along with additional active open space in an attractive, modern multi-family community. With access to the community’s open space and walking trails and connectivity to the commercial village district and its community services, the MFD will provide a well price alternative to the SFR district.
Land Uses:
All land uses will remain the same. The Single Family Residential (SFR) will be amended to allow for single-family attached residence along with the detached residence. The allotted dwelling units may be shifted between land uses as long as they don’t exceed the 5.75 du/ac Proposed Net Density based on the Maximum Proposed DU.

Amended Table 1.1
The proposed land use is as follows: (all acreages are approximate)

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Net Area (Gross Area)**</th>
<th>Maximum Proposed Dwelling Units*** (&quot;DU&quot;)</th>
<th>Minimum Proposed &quot;DU&quot;</th>
<th>Maximum Proposed Commercial Area</th>
<th>Minimum Proposed Commercial Area</th>
<th>Proposed Net Density (Based on Maximum Proposed DU)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Village District (CVD)</td>
<td>24.77 Ac</td>
<td>40 DU</td>
<td>0 DU</td>
<td>1800,000 sf</td>
<td>90,000 sf</td>
<td>1.66 du/ac</td>
</tr>
<tr>
<td></td>
<td>24.01 Ac</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1.66 du/ac</td>
</tr>
<tr>
<td></td>
<td>(25.45 Ac)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>24.99 Ac</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-Family District (MFD)</td>
<td>20.78 Ac</td>
<td>304 DU</td>
<td>288 DU Existing</td>
<td>264 DU</td>
<td>0</td>
<td>14.62 du/ac</td>
</tr>
<tr>
<td></td>
<td>20.73 Ac</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
<td></td>
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<tr>
<td></td>
<td>(24.44 Ac)</td>
<td></td>
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<tr>
<td></td>
<td>24.35 Ac</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Residential (SFR)</td>
<td>35.50 Ac</td>
<td>324 DU</td>
<td>145 DU</td>
<td>60 DU</td>
<td>0</td>
<td>3.46 du/ac</td>
</tr>
<tr>
<td></td>
<td>37.73 Ac</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
<td>4 du/ac</td>
</tr>
<tr>
<td></td>
<td>(52.76 Ac)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>33.31 Ac</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Totals:</td>
<td>81.85 Ac*</td>
<td>468 DU</td>
<td>474 DU</td>
<td>324 DU</td>
<td>1800,000 sf</td>
<td>5.75 du/ac (blended net density)</td>
</tr>
<tr>
<td></td>
<td>82.47 Ac</td>
<td></td>
<td></td>
<td></td>
<td>90,000 sf</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(102.65 Ac)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Existing highland plus 2.16 ac of filled non-jurisdictional wetlands
** Acreage adjusted per property subdivisions and U.S. Army Corps of Engineer permits to fill wetlands.
*** Dwelling units may be shifted between land uses but cannot exceed the 5.75 du/ac from the Proposed Net Density Total for the PUD.

Permitted uses and District Regulations:
The following amendments are for the SFR Standards and Regulations only. Standards and Regulations for the CVD and MFD will remain.

SFR Standards and Regulations
The SFR district is the single family fee simple neighborhood component of the development that will provide a pedestrian friendly, livable community to compliment the CVD and MFD components of Verdier Point.

A. Permitted residential uses allowed within the Single-family Residential (SFR) District include attached and detached single-family residences in accordance with the Zoning Ordinance.

B. Height Limitations, Maximum: three and one-half (3 1/2) stories, ground floor parking counting as a story. The maximum height permitted for a land use area in a FEMA flood zone shall be the height allowed per the land use district as governed by the PUD measured from the base flood elevation.

C. Lot Frontage: Minimum fifty (50) thirty-five (35) feet. A Minimum lot frontage of thirty (30) twenty-five (25) feet is allowed on curves.

D. Front Setback for the principal building: 15 feet min. non-conditioned spaces, such as porches shall be allowed in the front setback.

E. Side setbacks for principal buildings: 5 feet

F. Rear setback for the principle building: 25 10 feet

G. Open space shall be calculated cumulatively throughout the district not per lot.
H. Lot coverage: 35% 40%
I. Accessory Buildings shall be permitted and the following standards shall apply:
   a. Front setback: 60 feet
   b. Side setback: 9 feet
   c. No additional dwelling units allowed
   d. Fences and walls are limited to 6 feet
   e. Parking and loading requirements shall be by the parking and loading section above.
J. Allow no more than five (5) attached single family dwellings in a continuous row and no such row of attached dwellings shall exceed two hundred (200) feet in length.

**Amended Exhibits:**
- Amended Conceptual Master Land Use Exhibit
AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 54, TO AMEND VARIOUS SECTIONS AND ADD OTHERS RELATED TO THE IMPLEMENTATION OF THE FEDERAL OPPORTUNITY ZONE PROGRAM. (AS AMENDED)

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

Section 1. Chapter 54, Section 299 of the Code of the City of Charleston is hereby amended by adding thereto the following underlined text, which shall read as follows:

The MU-1/WH and MU-2/WH districts, being incentive based, are only available to property owners who apply for the district designation, except that any property owner may receive the benefits of these districts without applying for the district designation subject to restrictions outlined in Secs. 54-299.1-54-299.7 by demonstrating to the Zoning Administrator that the project is a Qualifying Project funded wholly or in part by a Qualified Opportunity Fund and the project lies wholly or in part within a federally-designated Opportunity Zone, and the property in question has a zoning of LB, GB, CT, GO, LI, or HI.

Section 2. Chapter 54, Section 299.1 of the Code of the City of Charleston is hereby amended by adding thereto the following underlined text as subsection g subsequent to subsection f, which shall read as follows:

g. Opportunity Zone workforce housing unit: In a development taking advantage of the Opportunity Zone provision of Sec. 54-299, a dwelling unit, where occupants have, in the aggregate, household income less than or equal to sixty (60%) percent of the area median income (AMI). Area median income (AMI) shall be determined annually by the United States Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or their successors.

Section 3. Chapter 54, Section 299.1, subsection c of the Code of the City of Charleston is hereby amended by adding thereto the following underlined text, which shall read as follows:

c. Qualified household: Households where occupants have, in the aggregate, a household income less than or equal to one hundred twenty (120%) percent of the area median income (AMI) for owner occupied units, and a household income less than or equal to eighty (80%) percent of the area median income (AMI) for rental units, and a household income less than or equal to sixty (60%) percent of the area median income (AMI) for Opportunity Zone units. Area median income
(AMI) shall be determined annually by the United States Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or their successors.

Section 4. Chapter 54, Section 299.2 of the Code of the City of Charleston is hereby amended by adding thereto the following underlined text as subsections j and k subsequent to subsection i, which shall read as follows:

j. In a development taking advantage of the Opportunity Zone provision of Sec. 54-299, the number of rental workforce housing units per development shall be the greater of: (1) one unit; or (2) twenty (20%) percent of the number of residential units in the development, rounded up to the next whole number, whichever is greater. This ratio shall apply to all residential units built up to the maximum number of residential units that would be legal under the base zone district of the property. The workforce housing units shall be sized, in terms of square footage and number of bedrooms, comparable and proportional to the square footage and number of bedrooms of market rate units in the development as a whole. The smallest workforce housing unit by bedroom count shall not be smaller than the smallest market rate unit with the same number of bedrooms. The workforce housing units shall be integrated and intermixed within the market rate units in a development and not clustered together or segregated from the market rate units. Developments that contain multiple buildings shall incorporate in each building workforce housing units comparable and in proportion, square footage and bedroom wise, to the number of market rate units in the building. Exterior finishes of workforce housing units shall be the same type and quality as the development's market rate units.

While a development taking advantage of the Opportunity Zone provision of Sec. 54-299 would be eligible to provide commercial space legal under the base zone district of the property, such space cannot be substituted for providing residential workforce housing units unless its use is as a food store or produce market.

k. In a development taking advantage of the Opportunity Zone provision of Sec. 54-299, and exceeding the number of dwelling units that would be legal under the base zoning of the property, the number of Opportunity Zone workforce housing units per development shall be the greater of: (1) one unit; or (2) fifty (50%) percent of the number of residential units, rounded down to the next whole number, whichever is greater. This ratio shall apply to all residential units built in excess of the number of residential units that would be legal under the base zone district of the property.

Section 5. Chapter 54, Section 299.2, subsection c of the Code of the City of Charleston is hereby amended by adding thereto the following underlined text, which shall read as follows:

c. Fee payment in lieu of units (rental units only): In lieu of providing on site rental workforce housing units, a developer may choose to contribute a fee, on a per unit basis, to the City's Affordable/Workforce Housing Account for any or all of the number of workforce housing units required for the development. The fee, per unit, shall be a sum equal to the number of gross square footage in the development, whether residential, retail, commercial or otherwise, and inclusive of all heated and unheated spaces (but excluding parking garages) multiplied by $5.10, then divided by the number of required workforce units in the development. Square footage initially used solely as a grocery store or pharmacy may be excluded from gross square footage for purposes of calculating the fee; provided however, if at any time during the period of twenty-five (25) years after the issuance of a certificate of occupancy for the development, the use of the square footage as a grocery store or
pharmacy lapses for a period of twelve (12) consecutive months, or is utilized for any other purpose, the then owner of the development shall be required, as a condition of occupancy of such space, to pay a sum equal to the difference between fee per unit that would have been payable had the space not been excluded from the per unit calculation and the fee per unit initially.

Fees shall be calculated at the time of building permit application, and paid in full prior to the issuance of a certificate of occupancy for any part of the project.

Fee payment in lieu of units for projects taking advantage of the Opportunity Zone provisions of Sec. 54-299 shall be equivalent to the cost for the City of Charleston to construct two Workforce Housing units for persons of the same Area Median Income level for each Workforce Housing unit not provided that would be required under the provisions of this code. Such cost will be determined by the City of Charleston Department of Housing and Community Development or its successor.

Section 6. Chapter 54, Section 316, of the Code of the City of Charleston is hereby amended by adding thereto the following underlined text, which shall read as follows:

At the time any building, structure, or outdoor commercial space (a use not utilizing a structure) is constructed, reused, enlarged, or increased in capacity by the addition of dwelling units, guest rooms, floor area, or seats, the required number of off-street automobile parking spaces with adequate provisions for ingress and egress by an automobile of standard size shall be provided for the new or enlarged use(s) pursuant to Table 3.3. Properties within the GP zoning district shall be exempt from all provisions of Part 4: Off-Street Parking Requirements, with the exception of Section 54-317, subsection b. relating to the maximum area of paved parking spaces and aisles. Uses permitted as new construction or renovation and demonstrating to the Zoning Administrator that the project is a Qualifying Project funded wholly or in part by a Qualified Opportunity Fund and located wholly or in part within a federally-designated Opportunity Zone and on the second finished floor of any property shall be exempt from all provisions of Part 4: Off-Street Parking Requirements, except that this exemption shall not apply to restaurant, bar, residential, or accommodations uses.

Section 7. Chapter 54, Section 317 of the Code of the City of Charleston is hereby amended by adding thereto the following underlined text as subsection c subsequent to subsection b, which shall read as follows:

c. Opportunity Zones – Projects permitted as new construction or renovation and demonstrating to the Zoning Administrator that the project is a Qualifying Project funded wholly or in part by a Qualified Opportunity Fund and located wholly or in part within a federally-designated Opportunity Zone shall be exempt from these requirements in part, as follows:

1. Only uses in the categories of “Institutional and Community Service,” “Business, Entertainment, and Office,” “Industrial,” or “Recreational” in table 3.3 may be exempted under the terms of this section. Restaurant and Bar uses may not be exempted from this section.
2. For uses requiring four or more parking spaces under table 3.3, 50% of the square footage of the use shall be exempt from the parking requirements of this chapter.
3. For uses requiring three or fewer parking spaces, no off-street parking shall be required, except that no permit shall be granted that allows the exemption of more than fifteen parking spaces by this method.
Section 7. Chapter 54, Section 299.2, subsection c of the Code of the City of Charleston is hereby amended by adding thereto the following underlined text, which shall read as follows:

b. Any use not permitted in a district is expressly prohibited, except that any property in a DR or SR zone district that fronts on two or more public rights-of-way and contains or is eligible for two or fewer dwelling units may be renovated in the interior only to have any of the uses allowed in the RO or GO zone districts subject to the restrictions of Sec. 54-204, Sec 54-207e, and Sec. 54-207j as appropriate to the proposed use as long as the property also maintains at least one legal dwelling unit and the project is a Qualifying Project funded wholly or in part by a Qualified Opportunity Fund and located wholly or in part within a federally-designated Opportunity Zone.

Section 8. This Ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of ______ in the Year of Our Lord, 2019, 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
City of Charleston

JOHN J. TECKLENBURG
MAYOR

MEMORANDUM

TO: City Councilmembers
FROM: John J. Tecklenburg, Mayor
DATE: May 28, 2019
RE: Planning Commission Appointments

With the recent resignation of two Planning Commission members and the expiration of two other members' terms, we have four member seats to fill with appointments and reappointments, respectively.

First, we are replacing Dr. Elise Davis-McFarland who served on Planning Commission for over six years and decided not to return at the end of her most recent term. In her place, I recommend the appointment of Dr. William Melvin Brown, III to the Commission. Melvin, a peninsula resident, is a Navy veteran and a medical doctor. He has many years of experience serving the public on various boards, mostly notably as a current member of the MUSC Board of Trustees.

In place of Chris Fraser, who resigned in anticipation of serving the public in another capacity, I recommend Matthew L. Yaun. A resident of the Cainhoy area of the City, Mathew has a diverse background including service in the US Air Force, a family-owned business and various leadership positions in public service. He is a retired veteran who volunteers much of his time with the Boys Scouts of America.

I am also recommending the reappointment of two current members whose terms have expired: Gordon Geer, the current Chair, and Angie Johnson. As requested by City Council, I have listed below the attendance records of each member. Records for state required continuing education hours indicate neither have attended any sessions in the past year and must do so soon to remain eligible to continue serving. The City Planning Department will provide many opportunities for this to happen.

Melvin Brown – New Appointment (replacing Elise Davis-McFarland) – Expires 2/28/2022
Matthew Yaun – New Appointment (replacing Chris Fraser) – Expires 2/28/2020
MEMORANDUM

TO: City Councilmembers
FROM: John J. Tecklenburg, Mayor
DATE: May 28, 2019
RE: Health & Wellness Advisory Committee

The City of Charleston Health & Wellness Advisory Committee shall make recommendations and advise city council and staff on all community health and wellness issues; Increase public awareness of community health and wellness issues; Educate citizens on healthy lifestyle choices including, but not limited to: nutrition, physical activity, and safety; Provide recommendations for a healthy environment to combat childhood and adult obesity; Provide recommendations for creating and promoting healthy workplaces in the community; and, Make recommendations on City Partnerships with private and public organizations to create, support, and encourage community programs and activities benefiting health and wellness.

The terms for institutional representatives shall be two (2) years. The term for categorical representatives and experts shall be three (3) years with the exception of city council members who shall serve for one (1) year. No member shall serve more than two (2) consecutive terms. Members of the committee filling a vacancy shall serve for the balance of the unexpired term.

The following are my recommendations for the Health & Wellness Advisory Committee:

- Jennifer Roberts – **new appointment** – Expert Mental Health – term expires 2/28/2022
• Kevin Shealy – new appointment – City Council member – term expires 2/29/2020
• Mike Seekings – reappointment – City Council member – term expires 2/29/2020
• Anton Gunn – reappointment – Medical University of South Carolina – term expires 2/28/2021
• Aretha Jones – reappointment – Fetter Health Care – term expires 2/28/2021
• Janice Key, MD – reappointment – Charleston County Medical Society – term expires 2/28/2021
• Amy Seago – reappointment – Child Adolescent Health Expert – term expires 2/28/2022
• Susan Johnson – reappointment – Expert Active Living – term expires 2/28/2022
STATE OF SOUTH CAROLINA  )
COUNTY OF CHARLESTON       )

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that D.R. Horton, Inc. ("Grantor") in the state aforesaid, for and in consideration of the sum of ONE AND 00/100 DOLLAR ($1.00), being the true consideration to it in hand paid at and before the sealing of these presents by the CITY OF CHARLESTON, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said CITY OF CHARLESTON ("Grantee"), its successors and assigns, forever, the following described property which is granted, bargained, sold and released for the use of the public forever:

All of the property underneath, above, and containing those certain streets, roads, drives, and cul-de-sacs situate, lying and being in the City of Charleston, County of Charleston
State of South Carolina, identified as (list street names) Towne Street, Alamanda Drive, Applegrove Lane, Baycroft Lane, Tweedside Lane, and Lapham Alley

as shown and designated on a plat entitled Final Subdivision Plat of The Cottages, Phase 3 At John's River Creek, TMS# 312-00-00-125, City of Charleston, Charleston County, South Carolina

prepared by Atlas Surveying CHS, Inc.,
dated 08/30/2018, revised 04/15/2019, and recorded on
in Plat Book   at Page   in the RMC Office for Charleston County. Said property butting and bounding, measuring and containing, and having such courses and distances as are shown on said plat. Reference being had to the aforesaid plat for a full and complete description, being all of the said dimensions, a little more or a little less.

This being a portion of the property conveyed to Grantee herein by deed of the Johns Coastal Ventures, LLC dated 04/11/2017 and recorded 04/13/2017 in Book 0630 at Page 265 in the RMC Office for Charleston County, South Carolina.

Grantee's Mailing Address:
City of Charleston
Department of Public Service
Engineering Division
2 George Street
Suite 2100
Charleston, South Carolina 29401

Portion of TMS No.: 312-00-00-125
TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the CITY OF CHARLESTON, its successors and assigns forever.

AND Grantor does hereby bind itself and its heirs, executors and administrators, to warrant and forever defend, all and singular, the said premises unto the said City of Charleston, heirs and assigns, against Grantor and its heirs, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS our Hand(s) and Seal(s) this 18th day of February 2019.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

[Signature]
Witness Number One
[Printed Name]
Chris Hill

[Signature]
Witness Number Two
[Printed Name]
Robert Adams

Grantor
Bryan Monahan

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

ACKNOWLEDGEMENT

This foregoing instrument was acknowledged before me (the undersigned notary) by Bryan Monahan, the Asst. Secretary of D.P. Horton Inc., a ________________ , on behalf of the Grantor on the 18th day of February, 2019.

Signature of Notary: [Signature]
Print Name of Notary: Sara Disk
Notary Public for South Carolina
My Commission Expires: 12-19-2024

SEAL OF NOTARY
STATE OF SOUTH CAROLINA    
COUNTY OF CHARLESTON   

AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1.    I have read the information on this affidavit and I understand such information.

2.    The property was transferred by _______ D.R.Horton, Inc.__________

       to _______ City of Charleston_____________ on _________________.

3. Check one of the following: The deed is

   (A) _____ subject to the deed recording fee as a transfer for consideration paid or to be
           paid in money or money’s worth.
   (B) _____ subject to the deed recording fee as a transfer between a corporation, a
           partnership, or other entity and a stockholder, partner, or owner of the entity,
           or is a transfer to a trust or as distribution to a trust beneficiary.
   (C) √ exempt from the deed recording fee because (See Information section of
        affidavit): #2__________________ (explanation required)
        (If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty?
Check Yes _____ or No _____

4. Check one of the following if either item 3(a) or item 3(b) above has been checked. (See
   Information section of this affidavit):

   (A) _____ The fee is computed on the consideration paid or to be paid in money or
           money’s worth in the amount of_________________________.
   (B) _____ The fee is computed on the fair market value of the realty which is
           ___________________________.
   (C) _____ The fee is computed on the fair market value of the realty as established for
           property tax purposes which is ___________________________.

5. Check YES _____ or NO _____ to the following: A lien or encumbrance existed on the land,
   tenement, or realty before the transfer and remained on the land, tenement, or realty after
   the transfer. If “YES,” the amount of the outstanding balance of this lien or encumbrance is
   ___________________________.

6. The deed recording fee is computed as follows:

   (A) Place the amount listed in item 4 above here: ___________________________
   (B) Place the amount listed in item 5 above here: ___________________________
       (If no amount is listed, place zero here.)
   (C) Subtract Line 6(b) from Line 6(a) and place the result here: ________________

ATET4-2013
7. The deed recording fee is based on the amount listed on Line 6(c) above and the deed recording fee due is ______________________.

8. As required by Code Section '12-24-70, I state that I am a responsible person who was connected with the transaction as Grantor ______________________.

9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Bryan Maslan
Responsible Person Connected with the Transaction

Print or Type Name Here

Sworn this 22 day of March 2019

Rebecca M Freeman
Notary Public for South Carolina
My Commission Expires: July 25, 2026
STATE OF SOUTH CAROLINA ) EXCLUSIVE STORM
COUNTY OF CHARLESTON ) WATER DRAINAGE
 ) EASEMENTS
 ) CITY OF CHARLESTON

This Agreement is made and entered into this ______ day of ____________ 20__, by and between the City of Charleston, a Municipal Corporation organized and existing pursuant to the laws of the State of South Carolina (herein the “City”), and ______ D.R. Horton, Inc. ___________________________ (herein the “Owner”).

WHEREAS, THE CITY OF CHARLESTON, is desirous of maintaining storm water drainage ditches and appurtenances (“Storm Water System”) across a portion of ______ property identified by and designated as Charleston ______ County tax map number 312-00-00-125 ______ and to accomplish this objective, the City must obtain certain easements from the Owner permitting the maintenance of the Storm Water System through the referenced portion of ______ the Owner’s property as hereinafter described; and

WHEREAS, the undersigned Owner of the property is desirous of cooperating with the City and is minded to grant unto it certain permanent and exclusive storm water drainage easements in and to the property necessary therefor.

NOW, THEREFORE, in consideration of the foregoing and the benefits to be derived by the drainage improvements to the property, the Owner has granted, bargained, sold, released and conveyed by these present and does grant, bargain, sell, release and convey unto the City of Charleston all of those certain New City of Charleston Drainage Easements (or D.E.) as such are identified on the above referenced portion of ______ property and which are more fully shown on that certain plat entitled;

"Final Subdivision Plat of The Cottages, Phase 3. At John’s River Creek
TMS#: 312-00-00-125. City of Charleston,
Charleston County, South Carolina"

Prepared and executed by ________________ Atlas Surveying CHS, Inc. ______ dated ______ 08/30/2018 ______.
revised on ______ 04/15/2019 ______, and recorded on _____________________________ in Plat
Book _____ at Page _____ in the RMC Office for Charleston ________, South Carolina (herein the “Plat”).
A copy of said plat is attached heretofore as “Exhibit A” and incorporated herein.

SAID EXCLUSIVE STORM WATER DRAINAGE EASEMENTS having such size, shape, location, and butting
and bounding as shown on said Plat, reference to which is hereby made for a more complete description.

The City shall at all times have the right of ingress and egress to the land affected by the said Exclusive and Permanent Storm Water Drainage Easements for purposes of periodic inspection, maintenance, repair and replacement of the Storm Water System. These Exclusive and Permanent Storm Water Drainage Easements shall be commercial in nature and shall run with the land.

The City has no obligation to repair, replace or to compensate the Owner for trees, plants, grass, shrubs or other elements damaged or destroyed within the confines of these Exclusive and Permanent Storm Water Drainage Easements during the conduct of its allowable activities as described above.

TO HAVE AND TO HOLD, all and singular, the said before mentioned unto the said CITY OF CHARLESTON, its successors and assigns, against Owner and its heirs and assigns, and all persons whomsoever lawfully claiming or to claim the same or any part thereof.
IN WITNESS WHEREOF, the parties have set the Hands and Seals the day and year above written.

WITNESSES:

Witness #1

Witness #2

STATE OF SOUTH CAROLINA  )
COUNTY OF CHARLESTON  )

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me (the undersigned notary) by the

of the City of Charleston, a Municipal Corporation organized and existing pursuant to the laws of the State of South Carolina, on ______________.

Signature:

Print Name of Notary:

Notary Public for

My Commission Expires:

SEAL OF NOTARY

WITNESSES:

H. Justin Finch
Witness #1

Rebecca Freeman
Witness #2

STATE OF SOUTH CAROLINA  )
COUNTY OF CHARLESTON  )

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me (the undersigned notary) by

of ______________, a ______________, on behalf of the Owner on ______________.

Signature: _________________________

Print Name of Notary: Sara Disk

Notary Public for South Carolina

My Commission Expires: 12-19-2024

SEAL OF NOTARY

ESWDE8-2016
Mr. Kirk R. Richards, P.E.
Assistant District Maintenance Engineer
SCDOT-District Six
6355 Fain Blvd.
North Charleston, SC 29406

RE: Maintenance of granite curb, street lights and street trees on 82 Mary (S-564) and Reid (S-2124) Streets.

Dear Mr. Richards:

This letter concerns the proposed installation of granite curb, street lights and street trees to be constructed in conjunction with the project at 82 Mary (S-564) and Reid (S-2124) Streets.

The City Council of Charleston, at its meeting held May 28, 2019, agreed to accept maintenance responsibility for the granite curb, street lights and street trees within the State maintained right-of-way shown on the attached drawing and which will be constructed under a valid SCDOT Encroachment Permit. The City of Charleston agrees to maintain this sidewalk and corner accessibility ramps in compliance with current ADA and SCDOT standards (ADA Standards for Transportation Facilities, SC Highway Design Manual, SCDOT Standard Drawings, AASHTO Guide for Development of Pedestrian Facilities).

Should there be any questions, please do not hesitate to contact me at 843-724-3754 or at obrien@charleston-sc.gov.

Sincerely,

Thomas F. O'Brien,
Director of Public Service
Copy to:
Jennifer Pepa, ADC Engineering
Robert Hauck, GIS

TFO/mrg.
April 29, 2019

Mr. Tom O’Brien
City of Charleston
2 George Street
Charleston, SC 29401

subject: Proposed SCDOT Right-of-Way Improvements
82 Mary Street Office
Charleston, South Carolina
ADC Project No. 17193

Dear Tom:

Below is a list of proposed items, that SCDOT has requested the City be responsible for maintaining. This is also shown on the attached Exhibit.

170 LF of granite curb on Mary Street
80 LF of granite curb on Reid Street
4 EA Palmetto Street trees on Mary Street
4 EA light poles on Mary Street
2 EA light poles on Reid Street

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

Sincerely,
ADC Engineering, Inc.

[Signature]

York Dilday, P.E.
Civil Project Manager

enclosures:

EX-C200-01: City of Charleston Right-of-Way Maintenance Exhibit
May 29, 2019

Mr. Kirk R. Richards, P.E.
Assistant District Maintenance Engineer
SCDOT-District Six
6355 Fain Blvd.
North Charleston, SC 29406

RE: Maintenance of granite curb on 475 East Bay Street (US-52).

Dear Mr. Richards:

This letter concerns the proposed installation of granite curb on East Bay (S-52), Calhoun Street (5-404) and Alexander Streets (5-110) in conjunction with the project at 475 East Bay Street (45-52).

The City Council of Charleston, at its meeting held May 28, 2019, agreed to accept maintenance responsibility for the granite curb within the State maintained right-of-way shown on the attached drawing and which will be constructed under a valid SCDOT Encroachment Permit. The City of Charleston agrees to maintain this sidewalk and corner accessibility ramps in compliance with current ADA and SCDOT standards (ADA Standards for Transportation Facilities, SC Highway Design Manual, SCDOT Standard Drawings, AASHTO Guide for Development of Pedestrian Facilities).

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

Sincerely,

Thomas F. O’Brien,
Director of Public Service
Copy to:
Patterson Farmer, SWA
Robert Hauck, GiS

TFO/tmg
March 13, 2019

Tom O'Brien
City of Charleston
Department of Public Service
Engineering Division
2 George Street, Suite 2100
Charleston, SC 29401

Liberty by Hilton Club
SCDOT Curb & Sidewalk Maintenance Request Letter
City Project ID: TRC-SP2017-000064

Dear Mr. O'Brien,

As part of the encroachment permit review for Liberty by Hilton Club, City ID# TRC-SP2017-000064, the SCDOT is requesting that we provide a signed maintenance agreement letter from the City of Charleston for proposed +/-1030 LF of granite curb, +/-473 LF of brick border for street tree planters, and +/-715 SF of brick paving for pedestrian sidewalk to be installed within the SCDOT Right-of-Way along East Bay Street, Calhoun Street and Alexander Street. Please let this letter represent our formal request to the City of Charleston for a signed maintenance agreement letter for the new sidewalk and granite curb on these streets associated with the Liberty by Hilton Club project.

Should you have any questions or need additional information, please call our office.

SEAMON, WHITESIDE & ASSOCIATES, INC.

[Signature]

Patterson Farmer, PE
Senior Civil Engineer

CC: Anna Lewis, Entitlements Manager, SWA

Job #7701
AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 19, SECTIONS 247 and 248 TO ENACT RULES OF CONDUCT FOR PUBLICLY OWNED PARKING GARAGES.

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

Section 1. Chapter 19, Section 247 of the Code of the City of Charleston is hereby amended by renumbering said section from 19-247 to 19-248.

Section 2. Chapter 19, Section 248 of the Code of the City of Charleston is hereby amended by adding thereto the following underlined phrases, which shall read as follows:

"Sec. 19-247 -- Rules of Conduct for City Parking Garages Rules of Conduct

1. No person shall violate federal, state, or city law.

2. No person shall enter or remain for any purpose other than to park or retrieve a motor vehicle, do business with a City parking garage retail tenant or CARTA, or to utilize a public restroom.

3. No person shall possess any weapon or any similar instrument that can be used to inflict injury upon a person or damage to property, except to the extent permitted by South Carolina law.

4. No person shall use City parking garages for the purpose of housing or camping, including but not limited to, sleeping, bathing, cooking, or use as a restroom.

5. No person shall deface, damage, or destroy City parking garages.

6. No person shall park a golf cart in a City parking garage.

7. No person shall park and unattached trailer in a parking garage.

6. Unless authorized by the City of Charleston, no person shall post or place on cars any handbills, flyers, or posters of any kind within City parking garages.

7. No person shall post, place, display, fly, or hang in or on any portion of the parking garage and its physical structure flyers, posters, flags, advertisements, commercial
8. Other than at City of Charleston authorized events, no person shall possess an open container of alcohol or consume alcoholic beverages.

9. Other than at City of Charleston authorized events, no person shall play or use amplified or audio equipment at a level that disturbs others.

10. Other than at City of Charleston authorized events, no person shall participate in parties, rave parties, or other similar gatherings.

11. No person shall use City parking garages and/or their structures and fixtures, including but not limited to, walls, railings, banisters, stairs, or ventilation fixtures, in ways they were not intended to be used, including but not limited to, sitting, standing, lying, kneeling, skating, or skateboarding.

12. No person shall smoke or carry any lighted smoking instrument while in the elevator or any enclosed portion of City parking garages.

13. No person shall engage in conduct that disrupts or interferes with normal operations of City parking garages, or any tenant of a City parking garage, or that disturbs employees or patrons of City parking garages, including but not limited to, conduct that involves the use of abusive or threatening language or gestures, conduct that creates unreasonable noise, or conduct that consists of loud or boisterous physical behavior.

14. No person shall interfere with free passage of patron or employees of City parking garages, including but not limited to, placing objects such as bicycles, backpacks, carts or other items in a manner that interferes with free passage.

15. No person shall refuse to obey any posted parking signs or any reasonable direction of a Parking Garage Employee.

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this______day of_______ in the Year of Our Lord, 2019, in the______Year of Independence of the United States of America.

By: 

[Signature]
John J. Tecklenburg
Mayor, City of Charleston

ATTEST:

[Signature]
Vanessa Turner Maybank
Clerk of Council
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 AT MAYBANK HIGHWAY AND RIVER ROAD (THE KERR TRACT PUD-JOHNS ISLAND) (APPROXIMATELY 70.59 ACRES) (TMS #345-00-00-090 AMD 345-00-00-099) (COUNCIL DISTRICT 5), BE REZONED FROM GENERAL OFFICE (GO) AND GENERAL BUSINESS (GB) CLASSIFICATION TO PLANNED UNIT DEVELOPMENT (PUD) CLASSIFICATION. THE PROPERTY IS OWNED BY RHK LLC ET AL. AND JOHN A. AND JAMES J. KERR DEVELOPMENT. (AS AMENDED TO INCORPORATE CHANGES TO THE PLANNED UNIT DEVELOPMENT GUIDELINES TO INCLUDE THE CONVEYANCE OF A STREET RIGHT-OF-WAY TO THE CITY).

BE IT ORDERED AND 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) and General Business (GB) classification to Planned Unit Development (PUD) classification, with the Planned Unit Development Guidelines attached hereto and incorporated herein by reference to serve as the development plan for such property.

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

Property located at Maybank Highway and River Road (the Kerr Tract PUD – Johns Island) (approximately 70.59 acres) (TMS #345-00-00-090 and 345-00-00-099)

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 the Independence of the United States of America.

By: 
John J. Tecklenburg, Mayor
City of Charleston

ATTEST: By: 
Vanessa Turner Maybank
Clerk of Council
Rezoning 2
Maybank Hwy and River Rd
(The Kerr Tract PUD - Johns Island)
TMS# 345000090 & 099
approx. 70.59 ac.

Request rezoning from General Office (GO),
General Business (GB) and Diverse Residential (DR-9)
to Planned Unit Development (PUD).

Applicant: SeamonWhiteside + Associates
AN ORDINANCE

AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF CHARLESTON ("CITY") AN AGREEMENT OF PURCHASE AND SALE, IN WHICH THE CITY AGREES TO SELL TO KIUARNA SHAMONE BROWN SUMMERS THE PROPERTY LOCATED AT 935 FIFTH AVENUE (CHARLESTON COUNTY TMS NO. 418-07-00-174) (WEST ASHLEY) (MARYVILLE/ASHLEYVILLE) FOR $199,237.00, SUBJECT TO THE CITY OF CHARLESTON SINGLE-FAMILY AFFORDABLE HOUSING RESTRICTIVE COVENANTS, WITH AN AFFORDABILITY PERIOD OF NINETY (90) YEARS (AS AMENDED TO INCORPORATE CHANGES TO THE EXHIBIT TO EMPHASIZE THAT THE CONVEYANCE WILL BE SUBJECT TO A DECLARATION OF EASEMENTS).

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

Section 1. The Mayor is hereby authorized to execute on behalf of the City an Agreement of Purchase and Sale, a copy of which is attached to this Ordinance and incorporated herein by reference, in which the City agrees to sell to Kiuarna Shamone Brown Summers the City’s property located at 935 Fifth Avenue (TMS No. 418-07-00-174) for a total purchase price of $199,237.00, subject to the City of Charleston Single-Family Affordable Housing Restrictive Covenants, with an affordability period of ninety (90) years.

Section 2. The Mayor is hereby authorized to execute a deed and other documents necessary to consummate the sale in accordance with the Agreement of Purchase and Sale.

Section 3. This Ordinance shall become effective upon ratification.

Ratified in City Council this ___ day of ___ in the year of Our Lord, 2019, in the ___ Year of the Independence of the United States of America.

By: __________________________

John J. Tecklenburg, Mayor
City of Charleston

ATTEST: By: __________________________

Vanessa Turner Maybank
Clerk of Council

Ratification Number: ___
AGREEMENT OF PURCHASE AND SALE

This AGREEMENT OF PURCHASE AND SALE (this “Agreement”) is made as of the ____ day of May, 2019, by and between CITY OF CHARLESTON, having a notice address of 80 Broad Street, Charleston, South Carolina 29401 (hereinafter referred to as the “Seller”), and Kiurna Shamone Brown Summers, having a notice address of 861 Burger Street, Charleston, South Carolina 29407 (hereinafter referred to as the “Buyer”).

WITNESSETH

1. SALE OF THE PROPERTY. Subject to the terms and conditions of this Agreement, the Seller agrees to sell and the Buyer agrees to purchase on the terms hereafter stated all of the Seller’s right, title, and interest as of the Closing Date (hereafter defined), in and to the real property located in the City of Charleston, Charleston County, South Carolina, and known generally as 933 Fifth Avenue, Charleston, South Carolina 29407, bearing Charleston County Tax Map No. 418-07-00-174, together with all improvements located thereon being more particularly described on Exhibit A, attached hereto and appurtenances thereto, if any incorporated herein by reference (the “Property”).

2. PURCHASE PRICE. Subject to the adjustments and the prorations hereafter described, the total purchase price to be paid by the Buyer to the Seller on the Closing Date for the Property (the “Purchase Price”) is the sum of One Hundred Ninety-Nine Two Hundred Thirty-Seven and No/100 Dollars ($199,237.00), payable, in cash, as follows:

2.1 Earnest Money Deposit. The sum of $2,500 is enclosed by the Buyer to the Seller (the “Earnest Money”). The Earnest Money shall be held in escrow by the Seller’s attorney, Haynsworth Sinkler Boyd, P.A. (the “Escrow Agent”), in a non-interest bearing account, until the Closing Date and then shall be applied against the Purchase Price on the Closing Date, unless otherwise disposed of in accordance with the terms and provisions of this Agreement.

2.2 Cash at Closing. On the Closing Date, the Buyer shall pay to the Seller a further sum in immediately available funds which, together with the Earnest Money, will be equal to the Purchase Price.

3. TITLE. At closing, Seller shall convey the Property to the Buyer in accordance with the requirements set forth in Paragraph 4.3.1 below and subject to all matters appearing of record in Charleston County.

4. CLOSING. The Buyer and the Seller agree that the purchase will be consummated as follows:
4.1 **Title Transfer.** The Seller agrees to convey title to the Property to the Buyer, subject to the items set forth in Paragraph 4.3 below and subject to the Single Family Affordable Housing Restrictive Covenants (the "Restrictive Covenants"), the form of which is attached hereto as Exhibit AB, on or before the close of business on the Closing Date. The parties hereto agree and acknowledge that Seller is providing Buyer with a subsidy (in the form of down payment assistance) in the amount of Fifty Thousand and No/00 Dollars (50,000.00); in consideration thereof, the foregoing subsidy shall be reflected in the Restrictive Covenants.

4.2 **Closing Date and Location.** Unless otherwise agreed by the parties in writing, this transaction shall close on or before the date that is thirty (30) days after the expiration of the Inspection Period (as hereinafter defined) (the "Closing Date"). **TIME IS OF THE ESSENCE.** The closing shall occur at a time and place in Charleston County, South Carolina, to be designated by the Buyer and approved by the Seller; provided, however, unless the parties otherwise agree, closing shall occur at the offices of Buyer’s counsel in Charleston, South Carolina, at 2:00 PM on the Closing Date.

4.3 **Seller’s Instruments.** At closing, the Seller will deliver or cause to be delivered to the Buyer the following items:

4.3.1 **Limited Warranty Deed.** A limited warranty deed (the "Deed") executed by the Seller conveying to the Buyer all of the Seller’s right, title and interest, as of the Closing Date, in and to the Property, subject to the following:

(a) General real estate taxes not yet due and payable for the year of closing and subsequent years;

(b) The Restrictive Covenants; and

(c) All easements and all other matters of record, all existing federal, state, county, municipal, and local governmental statutes, ordinances, rules, and regulations, including, without limitation, zoning ordinances; and

(d) The Declaration of Cross Access and Utility Easements (the "Declaration"), a copy of which is attached hereto and incorporated herein by reference as Exhibit C.

4.3.2 **Additional Documents.** Such additional documents as might be reasonably required by the Buyer to consummate the purchase of the
Property by the Buyer.

4.4 Buyer’s Instruments. At closing, the Buyer will deliver to the Seller the following items:

4.4.1 Purchase Price. The payment required by Paragraph 2 hereof.

4.4.2 Additional Documents. Such additional documents as might be reasonably required by the Seller to consummate the sale of the Property to the Buyer.

4.5 Closing Costs. With respect to the conveyance of the Property, the Seller shall pay its own legal expenses, deed preparation costs, and any sum necessary to correct any title deficiency that is raised by Buyer in writing prior to expiration of the Inspection Period, and that that Seller agrees, in writing, to pay. Buyer shall pay all other closing costs, including any survey costs and all other recording costs and fees associated with the sale of the Property. All property taxes (if any) on the Property shall be prorated as of the date of closing, with the Buyer being solely responsible for any property taxes that are imposed on the Property after the date of closing. Buyer agrees to be responsible for any real estate commission or other fee resulting from a sale of the Property; however, the Seller acknowledges that it has not engaged nor shall engage a real estate agent to sell the Property. Roll back taxes, if any, shall be the responsibility of the Buyer.

5. POSSESSION. Subject to any limitations set forth in this Agreement, possession of the Property shall be delivered to the Buyer on the Closing Date. Upon delivery of the Deed to Buyer, beneficial ownership and the risk of loss of the Property will pass from the Seller to the Buyer.

6. DEFAULT; REMEDY. In the event that either party fails to perform its obligations under this Agreement, the non-defaulting party shall deliver written demand for performance to the defaulting party. If the Seller defaults and fails to comply with such written demand within ten (10) days after receipt thereof, the Buyer, as its sole and exclusive remedy under this Agreement, shall have the right to terminate this Agreement and receive a refund of the Earnest Money. Except to enforce its rights under the foregoing sentence, the Buyer shall not have, and hereby waives, the right to bring suit for damages against Seller for breach of this Agreement. If the Buyer defaults and fails to comply with such written demand within ten (10) days after receipt thereof, the Seller’s sole remedy shall be to terminate this Agreement and retain the Earnest Money as liquidated damages, it being agreed between Seller and Buyer that damages are liquidated due to the difficulty, inconvenience and uncertainty of ascertaining actual damages for failure to perform under this Agreement.

7. AS-IS PURCHASE. BUYER ACKNOWLEDGES THAT THIS IS AN “AS-IS” PURCHASE AND REPRESENTS AND WARRANTS THAT AS OF THE CLOSING DATE
BUYER SHALL BE FAMILIAR WITH THE PROPERTY AND SHALL HAVE MADE SUCH INDEPENDENT INVESTIGATIONS AS BUYER DEEMS NECESSARY OR APPROPRIATE CONCERNING THE PROPERTY. IF BUYER ELECTS TO PROCEED WITH THE PURCHASE OF THE PROPERTY, ANY OBJECTIONS WHICH BUYER MAY HAVE WITH RESPECT TO THE PROPERTY SHALL BE WAIVED BY BUYER. SELLER MAKES NO REPRESENTATIONS OR WARRANTIES AND SPECIFICALLY DISCLAIMS ANY REPRESENTATION, WARRANTY, OR GUARANTY, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE WITH RESPECT TO THE PHYSICAL CONDITION OR ANY OTHER ASPECT OF THE PROPERTY, THE CONFORMITY OF THE PROPERTY TO PAST, CURRENT OR FUTURE APPLICABLE ZONING, THE FINANCIAL EARNING CAPACITY OR HISTORY OR EXPENSE HISTORY OF THE OPERATION OF THE PROPERTY, THE NATURE AND EXTENT OF ANY RIGHT-OF-WAY, LEASE, POSSESSION, LIEN ENCUMBRANCE, LICENSE, RESERVATION, CONDITION, OR OTHERWISE, THE EXISTENCE OF SOIL INSTABILITY, PAST SOIL REPAIRS, SOIL ADDITIONS OR CONDITIONS OF SOIL FILL, SUSCEPTIBILITY TO LANDSLIDES, SUFFICIENCY OF UNDERSHRING, SUFFICIENCY OF DRAINAGE, WHETHER THE PROPERTY IS LOCATED WHOLLY OR PARTIALLY IN A FLOOD PLAIN OR A FLOOD HAZARD BOUNDARY OR SIMILAR AREA, THE EXISTENCE OR NON-EXISTENCE OF HAZARDOUS WASTE OR OTHER TOXIC MATERIALS OF ANY KIND OR ANY OTHER MATTER AFFECTING THE STABILITY OR INTEGRITY OF THE PROPERTY. BUYER ACKNOWLEDGES AND AGREES THAT CERTAIN CHEMICALS AND OTHER POTENTIALLY HAZARDOUS MATERIALS HAVE BEEN STORED ON THE PROPERTY IN THE PAST AND BUYER AGREES TO HOLD SELLER HARMLESS FROM ANY LIABILITY ARISING OUT OF THE SAME. THE PROVISIONS OF THIS PARAGRAPH 7 SHALL SURVIVE CLOSING.

8. **BUYER'S RIGHT OF INSPECTION.** Buyer, at its own expense, shall have the privilege of inspecting, or causing to be inspected, the title to the Property and the Property itself, which may include, without limitation, environmental concerns, including but not limited to hazardous waste and radon gas; from the Effective Date (as hereinafter defined) until the date that is thirty (30) days thereafter (the "Inspection Period"); provided, however, that Buyer may not perform or cause to be performed on the Property a Phase II Environmental Site Assessment without the prior written consent of Seller (which consent may be withheld in Seller’s sole discretion). In the event that the results of the foregoing inspections are not satisfactory to Buyer, in Buyer’s sole discretion, Buyer shall have the option, which shall be exercised by written notice to Seller prior to the expiration of the Inspection Period, to either (a) terminate this Agreement, in which event (1) this Agreement shall be deemed canceled, void, and of no further effect; (2) neither Buyer or Seller shall have any obligations of any nature to the other under this Agreement or by reason of this Agreement; and (3) the Earnest Money shall promptly be returned to the Buyer; or (b) proceed to closing without reduction or abatement of the Purchase Price, in which event all such objections shall be deemed waived by Buyer.

9. **LEAD BASED PAINT.** Residential Dwellings Built before 1978: (check one of the following)

[ ] This contract is contingent upon a risk assessment or inspection of the Property for the
presence of lead-based paint and/or lead-based paint hazards which shall be done, at the Buyer’s expense, by midnight on the tenth day after ratification of this Agreement or by midnight on _____________, 20___. (Intact lead-based paint that is in good condition is not necessarily a hazard. See EPA pamphlet “Protect Your Family From Lead in Your Home” for more information). This contingency will terminate at the above predetermined deadline unless the Buyer (or Buyer’s agent) delivers to the Seller (or Seller’s agent) a written contract addendum listing the specific existing deficiencies and corrections needed, together with a copy of the inspection and/or risk assessment report. The Seller may, at the Seller’s option, within _____ days after delivery of the addendum, elect in writing whether to correct the condition(s) prior to closing. If the Seller will correct the condition, the Seller shall furnish the Buyer with certification from a risk assessor or inspector demonstrating that the condition has been remedied before the Closing Date. If the Seller does not elect to make the repairs or if the Seller makes a counter-offer, the Buyer shall have _____ days to respond to the counter-offer or remove this contingency and take the property in “as-is” condition or this Agreement shall become void. Upon such termination, the Earnest Money of Buyer shall be returned to Buyer and neither party shall have any further rights hereunder. The Buyer may remove this contingency at any time without cause; or

[X] Buyer waives the opportunity to conduct a risk assessment or inspection for lead-based paint and/or lead-based paint hazards.

10. REAL PROPERTY DISCLOSURE STATEMENT. The Buyer and Seller agree, in accordance with South Carolina Code Ann. Section 27-50-30(13), that no Real Property Disclosure Statement shall be provided with this transaction.

11. COASTAL TIDELANDS & WETLANDS ACT. In the event the Property is affected by the provisions of the South Carolina Coastal Tidelands & Wetlands Act (Section 48-39-10, et seq., South Carolina Code of Laws), an addendum will be attached to this Agreement incorporating the required disclosures at Buyer’s expense.

12. MEGAN’S LAW. The Buyer and Seller agree that the Seller is not responsible for obtaining or disclosing any information contained in the South Carolina Sex Offender Registry. The Buyer and Seller agree that no course of action may be brought for failure to obtain or disclose any information contained in the South Carolina Sex Offender Registry. The Buyer agrees that the Buyer has the sole responsibility to obtain any such information. The Buyer understands that Sex Offender Registry information may be obtained from the local sheriff’s department or other appropriate law enforcement officials.

13. MISCELLANEOUS. It is further agreed as follows:

13.1 Notice. All notices required hereunder will be in writing and served by certified mail, return receipt requested, postage prepaid, at the addresses shown above, until notification of a change of such addresses. Notice may
also be sent by a nationally recognized overnight courier service to the addresses set forth above.

13.2 **Entire Agreement.** This Agreement, together with the attachments hereto, constitutes the entire agreement between the Buyer and the Seller and there are no agreements, understandings, warranties or representations between the Buyer and the Seller except as set forth herein. The Agreement cannot be amended except in writing executed by the Buyer and the Seller.

13.3 **Binding Effect.** This Agreement will inure to the benefit of and bind the respective successors and permitted assigns of the parties hereto.

13.4 **Assignment.** This Agreement shall not be assigned by either party without first obtaining the other party's written consent, which consent may be withheld with or without cause.

13.5 **South Carolina Law.** This Agreement shall be governed, enforced and construed in accordance with the laws of the State of South Carolina.

13.6 **Time is of the Essence.** Seller and Buyer expressly agree that time is of the essence with respect to each provision of this Agreement.

13.7 **Counterparts / Electronic Transmittal.** This Agreement may be executed by all parties in counterparts, each of which will be deemed an original, but all of such counterparts taken together will constitute one and the same agreement. Facsimile or e-mail copies of this Agreement containing signatures of the parties shall be deemed to be originals and shall be binding.

13.8 **Agreement to Survive Closing.** This Agreement, and each obligation of the parties hereto, shall survive the Closing of the transfer of the Property from Seller to Buyer.

13.9 **Attorneys' Fees/ Costs.** In the event of any dispute arising under this Agreement, the prevailing party shall be entitled to recover reasonable attorney's fees and costs incurred in connection therewith.

13.10 **Business Days.** If any date herein set forth for the performance of any obligations by Seller or Buyer or for the delivery of any instrument or notice as herein provided should fall on a Saturday, Sunday or a day on which banking institutions in the State of South Carolina are required or authorized by law (including executive orders) to close, the compliance with such obligations or delivery shall be deemed acceptable on the next business day.
13.11 **Forum Selection.** Any action or proceeding to enforce or interpret this Agreement and any action or proceeding arising from or relating to this Agreement or its breach shall be brought exclusively in the federal or state courts located in Charleston County, South Carolina, and the parties hereto consent to the exercise of personal jurisdiction over them by any such courts for purposes of any such action or proceeding.

13.12 **Effective Date.** This Agreement will not be binding on or effective until approved by Seller’s City Council and until all parties have signed it, with the “**Effective Date**” being the date this Agreement is signed by the last party to sign it (as indicated by the date associated with that party’s signature).

***Remainder of Page Intentionally Left Blank***

[Signatures on Following Page]
IN WITNESS WHEREOF, this Agreement has been executed by the parties as of the Effective Date.

WITNESSES:

SELLER:

________________________

________________________

________________________

________________________

City

OF CHARLESTON

By: _______________________

John J. Tecklenburg

Its: Mayor

Date: ______________________, 2019

WITNESSES:

BUYER:

________________________

Kiuama Shamone Brown Summers

Date: ______________________, 2019
EXHIBIT A

LEGAL DESCRIPTION

All that certain lot, piece or parcel of land, together with any buildings and improvements thereon, containing 0.142 acres, more or less, located in the City of Charleston, Charleston County, South Carolina, being more particularly shown and described as "LOT 473B, 0.142 Acre, 6196 Sq. Ft." on that certain plat entitled, "SURVEY TO SUBDIVIDE LOT 473 & 473A INTO LOT 473A, LOT 473B & LOT 473C, ASHLEYVILLE, LOCATED City of Charleston, CHARLESTON COUNTY, SOUTH CAROLINA," prepared by James G. Pennington (S.C.R.I.S. No. 10291), dated March 25, 2017, last revised June 23, 2017, and recorded June 29, 2017, in Plat Book S17 at Page 0152 in the RMC Office (now known as the Register of Deeds Office) for Charleston County, South Carolina (the "Plat"), said lot, piece or parcel of land having such size, shape, dimensions, buttings and boundings as will by reference to the Plat more fully appear.

LESS AND EXCEPTING Seller's fee simple title or other right, title or interest, if any, to any rights-of-way (including without limitation street rights-of-way) adjoining or near the above-described property, including without limitation the right-of-way for Fifth Avenue as shown on the Plat.

Being a portion of the property conveyed to the City of Charleston by deed of Landscape Pavers, LLC, dated January 8, 2016, and recorded on January 8, 2016 in the RMC Office (now the Register of Deeds Office) for Charleston County, South Carolina.

TMS No. 418-07-00-174
EXHIBIT B
Form of Single Family Affordable Housing Restrictive Covenants

[see attached.]
EXHIBIT C

DECLARATION OF CROSS ACCESS AND UTILITY EASEMENTS
AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 2 SECTION 37 TO AMEND THE ORDER OF BUSINESS FOR CITY COUNCIL MEETINGS.

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

Section 1. Chapter 2 Section 37 of the Code of the City of Charleston is hereby amended by replacing said Section with the following language which shall read as follows:

"Sec. 2-37. - Call to order; order of business.

Immediately at the hour appointed for the meeting, the mayor shall take the chair, and the clerk shall proceed to call the roll. If a quorum is present, business shall proceed in the following order:

(1) Properly advertised public hearings shall be conducted. Immediately following the adjournment of the public hearings, city council shall discuss the matters for which the public hearings were held.

(2) Citizens participation period as provided by section 2-69 herein.

(3) Reading of the journal of the previous meeting.

(4) Petitions received and disposed of.

(5) Councilmember Communications.

(6) Reports or communication from city officers or boards.

(7) Reports from standing committees.

(8) Reports from special or joint committees.

(9) Bills already in possession of council shall then be taken up for a second or third reading.

(10) Introduction of bills and resolutions.

(11) Miscellaneous business not included in any of the previous orders."
Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of _________ in the Year of Our Lord, 2019, 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
AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY DELETING SECTION 54-220 ACCOMMODATIONS OVERLAY ZONE, AND REPLACING SAID SECTION WITH A NEW SECTION 54-220, ACCOMMODATIONS OVERLAY ZONE, TO, AMONG OTHER THINGS: PROVIDE FOR THE PRESERVATION OR CREATION OF MIXED-USE DISTRICTS; PROHIBIT THE DISPLACEMENT OF HOUSING BY ACCOMMODATIONS USES AND CONSIDER THE EFFECTS OF DWELLING UNITS TO BE ALTERED OR REPLACED ON THE HOUSING STOCK AND WHETHER REQUIREMENTS TO PROTECT THE AFFORDABILITY OF THE DWELLING UNITS SHOULD BE ATTACHED TO AN ACCOMMODATIONS SPECIAL EXCEPTION APPROVAL; ESTABLISH CONDITIONS ON THE DISPLACEMENT OR REDUCTION OF OFFICE SPACE BY ACCOMMODATIONS USES; PROHIBIT THE DISPLACEMENT OF MORE THAN 25 PERCENT OF GROUND FLOOR, STORE FRONT RETAIL SPACE BY ACCOMMODATIONS USES ON THE PROPERTY; TO INCLUDE A MINIMUM AND MAXIMUM SIZE FOR ACCOMMODATIONS FACILITIES; TO PROVIDE REGULATIONS FOR THE DESIGN AND LOCATION OF GUEST DROP OFF AND PICK UP AREAS; TO REQUIRE THE INCORPORATION OF MEETING AND CONFERENCE SPACE; TO ESTABLISH A LIMIT ON THE NUMBER OF FULL-SERVICE HOTELS; TO PROVIDE FOR A CONTRIBUTION TO THE CITY OF CHARLESTON AFFORDABLE/WORKFORCE HOUSING ACCOUNT; AND TO SUBJECT VIOLATORS OF THE PROVISIONS OF THIS SECTION 54-220 TO HAVING THEIR BUSINESS LICENSE OR CERTIFICATE OF OCCUPANCY REVOKED. (AS AMENDED)

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

Section 1. That Section 54-220 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting said section in its entirety and by substituting in its place and stead the following:

"Sec. 54-220. - Accommodations overlay zone."
a. Intent. The A Overlay Zone is intended to identify those areas within the City limits where accommodations uses are allowed. Accommodation uses are prohibited except within the A Overlay Zone, with the exception of short term rentals and bed and breakfasts that are approved in accordance with the provisions of sections 54-208, 54-208.1, 54-208.2, 54-208.3, 54-224. b.1 or 54-227. The City places a high value on the preservation of the character of its residential districts. Outside of its residential districts, the City places a high value on the preservation and creation of a diverse mix of uses, containing a balance of uses comprised of retail uses, office uses, service industry uses, educational uses, cultural uses, and appropriate residential uses. Potential negative impacts of accommodations uses affecting residential districts shall be avoided or minimized to the greatest extent possible, and, outside residential districts, accommodations uses shall contribute to preservation or creation of diverse, mixed-use districts.

b. Permitted uses. In any Accommodations overlay zone, land may be used and buildings or structures may be erected, altered or used for any purpose allowed by the base zoning district as listed in Article 2: Part 3, and the following uses, subject to the approval of the Board of Zoning Appeals-Zoning:
1. **Accommodations uses.** The Board of Zoning Appeals-Zoning may permit accommodations uses as an exception where it finds that:

(a) the accommodations use will not result in a net loss of dwelling units that have been occupied within 7 years of the date of application for the exception; provided however, the BZA-Z may approve the alteration or replacement of such existing dwelling units on the same site as the accommodations use, or within a radius of one quarter (1/4) mile from the site if the proposed off site location does not result in an over concentration of low income households, as defined by the U. S. Department of Housing and Urban Development, as adjusted by the Department of Housing and Community Development; and provided further, the BZA-Z shall require any such alteration or replacement to include dwelling units of substantially the same size and type of those being altered or replaced and shall require that no certificate of occupancy shall be issued for the accommodations uses until either a certificate of occupancy has been issued for all dwelling units being altered or replaced or irrevocable bonds or letters of credit in favor of the City in amounts equivalent to one hundred twenty-five (125%) per cent of the costs to complete construction or renovation of the dwelling units, as determined by the Chief Building Inspector, has been filed with the City.
(b) the accommodations use will not reduce or displace more than 75% of office
space that has been used for such purpose within 7 years of the application
for the exception;

(c) the accommodations use will not displace more than 25% of the linear
frontage of existing ground floor storefront retail space on the property;

(d) the location of the accommodations use will not significantly increase
automobile traffic on streets within residential districts neighborhoods;

(e) the location of the accommodations use will contribute to the maintenance,
or creation, of a diverse mixed-use district;

(f) the total square footage of interior and exterior floor area for restaurant and
bar space in the proposed accommodations use, including restaurant/bar
patron use areas, bar areas, kitchen, storage, and bathroom facilities, shall not
exceed 12 percent of the total interior, conditioned floor area in the
accommodations use, except that each accommodations use shall be
permitted to exempt from the calculation of total restaurant floor area one
interior, ground floor restaurant tenant space if the total tenant space does not
exceed 2,000 square feet, the restaurant tenant does not serve alcoholic
beverages, and the exempt restaurant tenant space is clearly labeled with
these restrictions on the floor plans submitted with the application for this zoning special exception;

(g) the proposed accommodations use does not incorporate or facilitate the use of the roof of any building or structure in which it is located as a bar or restaurant.

(h) the accommodations use proposed guest drop off and pick up area(s) is located outside the public right-of-way and on the property utilized for the accommodations if the accommodations use contains more than 50 sleeping rooms, and if 50 sleeping rooms or less, the proposed guest drop off and pick up area(s) are located outside the public right-of-way if feasible, and the location and design of the guest drop- off and pick-up area(s) has been reviewed by the Department of Traffic and Transportation and determined to be safe and not be an impediment to traffic and that every effort has been made to minimize traffic impacts;

(i) the total number of sleeping units within the buildings or structures on the lot or parcel in which the accommodations use is located is equal to or exceeds twenty (20) sleeping units.
(j) the number of sleeping units within the buildings or structures on the lot or parcel in which the accommodations use is located shall not exceed 50 in areas designated "A-1" on the zoning map; 180 in areas designated "A-2" on the zoning map; 225 in areas designated "A-3" on the zoning map; 100 in areas designated "A-4" on the zoning map; 150 in areas designated "A-5" on the zoning map; 69 in areas designated "A-6" on the zoning map; and 175 in areas designated "A-7" on the zoning map; provided, however, that within the portion of the area designated "A-1" bounded by King Street on the west, Meeting Street on the east, Mary Street on the south and Line Street on the north (the "Full-Service Corridor"), the number of sleeping units within the buildings or structures on the lot or parcel in which the accommodations use is located may exceed 50, but shall not exceed 250, if the accommodations use qualifies as a Full-Service Hotel, meaning that the accommodations use provides 20,000 or more square feet of meeting, conference and banquet space of which 15,000 square feet thereof is contiguous, an on-site restaurant that serves breakfast, lunch and dinner seven days a week and other services such as a concierge, a spa/health club, laundry, turndown service newspaper delivery, security personnel and airport shuttle;
(k) the proposed accommodations use will not share any of its buildings, structures, facilities, or operations with another accommodations use;

(l) the proposed accommodations use incorporates meeting and conference space at a ratio of 500 square feet per 10 sleeping units, of which 75% thereof must be contiguous; provided that if the accommodations use contains more than 50 sleeping units and is located in the Full-Service Corridor, the provisions of subsection (j) hereof shall govern the square footage of required meeting and conference space;

(m) the proposed accommodations use will not result in there being more than ___ Full-Service Hotels in the City; and

(n) to assist in providing affordable housing for its employees, the applicant for the accommodations use commits to contribute to the City of Charleston Affordable/Workforce Housing Account a fee calculated in accordance with the provisions of Sec. 54-299.2 (c)

c. Application requirements. In making the findings required in subsection b.1, the Board of Zoning Appeals-Zoning shall consider the following information to be provided by the applicant in site plans, floor plan and building elevations that will govern the construction of the building in which
the accommodations use is located, along with a detailed written assessment report to be submitted with the application:

(1) the number of existing dwelling units on the property, including units on the property that were occupied as dwelling units within 7 years of the date of the application for the exception, the type of unit (rental or owner-occupied; one-family detached; one-family attached; two-family or multi-family; occupied or unoccupied), by income range of the most recent occupant(s), the rental price for rental units and market price for owner occupied units relative to the area median income figures that are determined annually by the U.S. Department of Housing and Urban Development and adjusted by the City of Charleston Department of Housing and Community Development, or its successor, the physical condition of the units (sound, deficient, deteriorated or dilapidated), the square footage and number of bedrooms in each unit, and if the units are proposed to be physically altered or replaced, a description and plan showing the square footage and number of bedrooms in the altered or replaced units, and their location;

(2) the effect of the physical alteration or replacement or relocation of dwelling units on the housing stock of a particular type on the property
and whether a condition should be attached to a special exception approval for the accommodations use requiring a minimum percentage of the dwelling units on the property or replaced off-site to remain affordable based on the annually updated median area income values;

(3) the presence of office space on the property or the presence of spaces on the property that were occupied as office spaces within 7 years of the date of application for the exception;

(4) the linear frontage of existing ground floor storefront retail space on the property;

(5) the location and design of guest drop off and pick up areas for the accommodations use;

(6) the cumulative number of vehicle trips generated by the proposed accommodations use and other accommodations uses that are either existing or approved within an area identified by the Department of Traffic and Transportation, the traffic circulation pattern serving the accommodations use and efforts made to minimize traffic impacts;
(7) the distance of the main entrance and parking entrance of the accommodations use from a road classified as an arterial or collector road;

(8) the land uses within five hundred feet (500') of the accommodations use, to include the location, square footage, and number of rooms in existing accommodations uses and accommodations uses that have been approved;

(9) the proximity of residential districts to the accommodations use;

(10) the accessory uses proposed for the accommodations use in terms of their location, size, impact on parking and impact on traffic generation;

(11) the demonstrated provision of off-street parking at the rate of two spaces that meet the design requirements of Sec. 54-318 for each three sleeping units;

(12) the presence of industrial uses and uses which use, store, or produce toxic or hazardous materials in quantities in excess of those specified by the EPA listing of toxic and hazardous materials, within five hundred feet (500') of the accommodations use;

(13) the commitment to environmental sustainability and recycling;
(14) the distance of the accommodations use from major tourist attractions;

(15) the distance of the accommodations use from existing or planned transit facilities;

(16) the long term provision of on- or off-site parking for employees who drive vehicles to work, including an estimate of the number of employees that will drive to work during the maximum shift and the location of parking spaces to be provided, and the demonstrated provision of free transit passes or other incentives to encourage employee use of public transportation;

(17) the number of sleeping units proposed as part of the accommodations use;

(18) the provision of shuttle bus services to and from the Historic Districts by accommodations uses with more than 50 sleeping units located outside the area designated "A-1" through "A-6" on the zoning map;

(19) the commitment to make affirmative, good faith efforts to see that construction and procurement opportunities are available to MBEs (minority business enterprises) and WBEs (women business enterprises)
as outlined in Section 2-268 (e)(1), (2), and (3) of the Code of the City of Charleston;

(20) the commitment to make affirmative, good faith efforts to hire personnel, representative of the population of the Charleston community, at all employment levels.

(d) Violations: In addition to any remedies otherwise available to the City under State law or the City Code, a violation by the owner or operator of the accommodations use of any provisions or conditions of an exception granted hereunder, to include any deviation from the plans and written assessment as required by subsection (c) hereof, shall subject the owner or operator of the accommodations use to having its business license and/or certificate of occupancy revoked.

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of
________________ in the Year of Our Lord, 2019,
and in the _____ Year of the Independence of the United States of America

__________________________________________
John J. Tecklenburg, Mayor

ATTEST:__________________________________
Clerk of Council