

AN EMERGENCY ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO CREATE A SPECIAL PARKING DISTRICT OVERLAY ZONE FOR THE PURPOSE OF ELIMINATING MINIMUM OFF-STREET PARKING REQUIREMENTS APPLICABLE TO CERTAIN USES WITHIN THE DISTRICT AND BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTIES DESIGNATED AS CHARLESTON COUNTY TMS NOS. 457-04-02-007 TO 012, 457-04-02-014 TO 033, 457-04-02-035 TO 041, 457-04-02-081, 457-04-02-111, 457-04-02-113 TO 134, 457-04-02-157 TO 172, 457-04-02-175 TO 182, 457-04-02-184 TO 191, 457-04-02-193 TO 194, 457-04-04-009 TO 023, 457-04-04-039, 457-04-04-041 TO 047, 457-04-04-092, 457-04-04-094 TO 105, 457-04-04-107 TO 111, 457-04-04-117, 457-04-04-129 TO 130, 457-04-04-150 TO 154, 457-04-04-157 TO 160, 457-04-04-163, 457-04-04-167 TO 201, 457-04-04-258 TO 269, 457-04-04-271 TO 277, 457-04-04-307 TO 320, 457-04-04-322, 457-08-01-039 TO 044, 457-08-01-046, 457-08-01-048 TO 064, 457-08-01-072, 457-08-01-078, 457-08-01-080, 457-08-01-088 TO 090, 457-08-01-095 TO 117, 457-08-01-125 TO 127, 457-08-01-141 TO 156, 457-08-01-163, 457-08-02-020 TO 026, 457-08-02-032 TO 038, 457-08-02-135, 457-08-02-159 TO 161, 457-08-04-003, 457-08-04-015 TO 017, 457-08-04-019, 457-08-04-0191, 457-08-04-020 TO 032, 457-08-04-035 TO 040, 457-08-04-042, 457-08-04-088, 457-08-04-091, 457-08-04-131, 457-08-04-133 TO 134, 457-08-04-137 TO 143, 457-08-04-148 TO 149, 457-08-04-154 TO 156, 457-08-04-184 TO 188, 457-12-02-009 TO 010, 457-12-02-041, 457-12-02-046 TO 049 AND 457-12-04-015 BE INCLUDED WITHIN THE SPECIAL PARKING DISTRICT OVERLAY ZONE.

INCIDENT TO THE ADOPTION OF THIS ORDINANCE, CITY COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT:

1. In December 2019, an outbreak respiratory illness due to a novel coronavirus (COVID-19), was first identified and, subsequently, has spread across the world, including the United States.
2. It is well recognized that COVID-19 presents a public health concern that requires extraordinary protective measures and vigilance.
3. On January 23, 2020, the Center for Disease Control (“CDC”) activated its Emergency Response System to provide ongoing support for the response to COVID-19.

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

5. Between March 16, 2020 and the present, City Council has enacted and extended a series of temporary emergency ordinances intended to combat the public health and adverse economic impact from COVID-19.

6. For example, on May 12, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-060) to authorize the use of new or additional space for outdoor dining.

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

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

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

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

11. On July 28, 2020, the Mayor issued a declaration continuing the local state of emergency in the City of Charleston until August 20, 2020, based on the continuing threat to our community from the risk of exposure to COVID-19, and City Council passed an emergency ordinance extending certain ordinances related to COVID-19 to August 20, 2020 (Ordinance No. 2020-90), and amending the face covering ordinance (Ordinance No. 2020-91).

12. As of August 11, 2020, DHEC identified at least 101,000 confirmed cases of COVID-19 in South Carolina, including 2,049 deaths due to COVID-19; this includes 12,377

confirmed cases in Charleston County with 196 deaths and 4,186 confirmed cases in Berkeley County with 67 deaths; and,

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

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

15. As of October 19, 2020, DHEC identified at least 134,135 confirmed cases of COVID-19 in South Carolina, including 3,650 deaths, with 16,628 confirmed cases and 271 deaths in Charleston County and 5,815 confirmed cases and 93 deaths in Berkeley County.

16. As of November 15, 2020, DHEC reported that there were at least 184,360 confirmed cases of COVID-19 in South Carolina, including 3,846 deaths and the positivity rate was 15.4% of individual test results, such report also showing 18,571 confirmed cases in Charleston County with 288 deaths and 6,693 confirmed cases in Berkeley County with 98 deaths.

17. As of January 2, 2021, DHEC reported that there were at least 325,472 confirmed and probable cases of COVID-19 in South Carolina, including 5,484 deaths and the positivity rate was 15.9% of individual test results, such report also showing 25,041 confirmed and probable cases in Charleston County with 323 deaths and 9,533 confirmed and probable cases in Berkeley County with 113 deaths.

18. Section 45-3-10 of the South Carolina Code authorizes the City to provide by ordinance such rules and regulations regarding the conduct and operation of hotels, restaurants, cafes, and lunch counters within the City as to provide for the public health, comfort and convenience.

19. To stimulate the recovery of businesses in the City and to support local businesses, City Council has determined that certain provisions of the City's ordinances requiring off-street parking for existing buildings within a specific area along King Street should be temporarily suspended.

20. Due to concerns over adverse impacts, it is necessary to limit the boundaries of the area in which off-street parking requirements will be suspended and to make the suspension temporary.

21. Based on the parking facilities available in the designated area and the uses contained therein, City Council finds the area designated herein as appropriate for the suspension of off-street parking requirements.

22. The businesses within the specified area have played a vital role in the growth of Charleston, economically and in other respects. Such businesses have substantially contributed to the City becoming the number one tourist destination in the world.

23. The COVID-19 pandemic has had a devastating impact on the businesses, owners, and tenants of the properties located in the specified area.

24. Notwithstanding the unmistakably positive *economic* impact that the designated area has had on the City, such area also has a significant positive impact on the health and welfare of the City's residents.

25. A full *economic* recovery within the City after the demise of the current pandemic is critical to the recovery of the health, welfare, culture, and economy of the City and its residents.

26. The City should maximize the use of existing spaces within buildings in the specified area, while minimizing adverse impacts from, among other things, traffic on residential areas and on the public rights-of-way within the City.

27. Such a policy serves a compelling government interest by substantially increasing the ability of this area of the City to remain open during the current pandemic and to fully recover after the pandemic subsides, preserving the important positive impact of such area on the health, welfare, culture, and economy of the City.

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

Section 1. That Sec. 54-511 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding the following new Sec. 54-511.c:

c. (1) Intent. A new parking overlay zone, to be known as the Special Parking District, SPD Overlay Zone is hereby established to facilitate the occupancy of buildings existing as of November 30, 2020, within the district.

(2) Exempt Properties. Except as set forth in Sec. 54-511.c.(3), buildings on properties located in the Special Parking District Overlay Zone, as shown on the City's zone map, shall be exempt from the minimum off-street parking requirements set forth in Sec. 54-208.1, Sec. 54-220, Sec. 54-317.a and Table 3-3 (Off-Street Parking Requirements).

(3) Exceptions. Notwithstanding Sec. 54-511.c.(2), any building or structure, or any extension or expansion of an existing building or structure, constructed on or after December 1, 2020 shall not be exempt from the minimum off-street parking requirements.

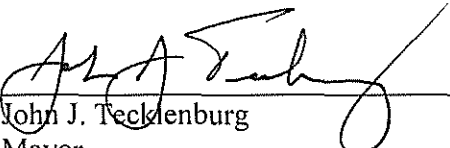
Section 2. That Sec. 54-202 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding the following new Sec. 54-202.n:

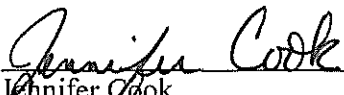
n. Special Parking District, SPD Overlay Zone. See Sec. 54-511.c.

Section 3. That Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by changing the zone map, which is part thereof, so as to add the properties designated as Charleston County TMS Nos. 457-04-02-007 TO 012, 457-04-02-014 TO 033, 457-04-02-035 TO 041, 457-04-02-081, 457-04-02-111, 457-04-02-113 TO 134, 457-04-02-157 TO 172, 457-04-02-175 TO 182, 457-04-02-184 TO 191, 457-04-02-193 TO 194, 457-04-04-009 TO 023, 457-04-04-039, 457-04-04-041 TO 047, 457-04-04-092, 457-04-04-094 TO 105, 457-04-04-107 TO 111, 457-04-04-117, 457-04-04-129 TO 130, 457-04-04-150 TO 154, 457-04-04-157 TO 160, 457-04-04-163, 457-04-04-167 TO 201, 457-04-04-258 TO 269, 457-04-04-271 TO 277, 457-04-04-307 TO 320, 457-04-04-322, 457-08-01-039 TO 044, 457-08-01-046, 457-08-01-048 TO 064, 457-08-01-072, 457-08-01-078, 457-08-01-080, 457-08-01-088 TO 090, 457-08-01-095 TO 117, 457-08-01-125 TO 127, 457-08-01-141 TO 156 AND 457-08-01-163, shown on the maps attached hereto and incorporated herein by reference, to the Special Parking District, SPD Overlay Zone.

Section 4. This Ordinance shall become effective upon enactment and shall expire on March 26, 2021, unless otherwise modified, amended, extended, or rescinded by a subsequent City Ordinance to protect the health, safety, and welfare of the City of Charleston.

Enacted in City Council this 26th day of January, in the
Year of Our Lord 2021, in the 245th Year of the
Independence of the United States of America

By: 
John J. Tecklenburg
Mayor

ATTEST: 
Jennifer Cook
Clerk of Council