

CITY OF BEAUFORT
302 CARTERET STREET
BEAUFORT, SOUTH CAROLINA 29902
WORK SESSION
MARCH 16, 2010

CITY HALL CONFERENCE ROOM
302 CARTERET STREET

EXECUTIVE SESSION **4:30 PM**

Pursuant to Title 30, Chapter 4, Section 70 (a) (2) of the South Carolina Code of Laws: Discussion regarding acquisition of property and contractual agreement.

- I. **Call to Order** – Mayor Billy Keyserling **5:00 PM**
- II. **Board and Commissions Interviews**
- Tree Board Applicant Interview
- III. **Council Discussion Items**
- Discussion regarding revision to the UDO relevant to mailed notices
 - Discussion regarding proposed revision to Sidewalk Vending Ordinance locations
 - Discussion regarding Downtown Lighting Plan
- III. **Reports**
- Discussion regarding Form-Based Coding Process.
- IV. **City Manager Agenda Items**
- VI. **Adjourn**

NOTE: IF YOU HAVE SPECIAL NEEDS DUE TO A PHYSICAL CHALLENGE, PLEASE CALL IVETTE BURGESS 525-7070 FOR ADDITIONAL INFORMATION

STATEMENT OF MEDIA NOTIFICATION

"In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, all local media was duly notified of the time, date, place and agenda of this meeting."

City of Beaufort Department of Planning and Development Services

MEMORANDUM

TO: Scott Dadson, City Manager
FROM: Libby Anderson, Planning Director
DATE: March 10, 2010
SUBJECT: Notification of Adjoining Property Owners

You asked me to outline the process for notification of the public regarding board applications.

With regard to variances, special exceptions, and rezonings, state law and the Unified Development Ordinance (UDO) require us to prepare a public hearing notice and post the property with a sign. This is in addition to providing the media with a copy of the meeting agenda which is typically done one week before the regularly scheduled meeting. With regard to variance and special exception applications, the UDO stipulates a mailed "courtesy" notice be provided to property owners within 200' of the subject property. With regard to rezoning applications, although not specifically provided for by the ordinance, staff typically mails "courtesy" notices to property owners within 400' of the subject property. There is no requirement for published, posted, or mailed notice for applications going before the Design Review Board and the Historic District Review Board.

There has been discussion regarding increasing the scope of the mailed notification. We have estimated the number of letters that would necessary in the various neighborhoods:

Table with 4 columns: Location, 200', 400', 600'. Rows include Northwest Quadrant, Pigeon Point, Mossy Oaks, and SC 170 area.

Using a location in the Pigeon Point neighborhood as an example, the costs for notification are as follows:

Table with 4 columns: Costs (\$), Staff *, Materials, Postage, Total. Rows show cost breakdown for notification.

*not including benefits

City of Beaufort Department of Planning and Development Services

M E M O R A N D U M

TO: Scott Dadson, City Manager

FROM: Libby Anderson, Planning Director

DATE: March 10, 2010

SUBJECT: Proposed Revision to Sidewalk Vending Ordinance

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Staff is proposing to revise the Sidewalk Vending Ordinance in the City Code as it pertains to the approved locations for vending. Currently, there are four locations approved for vending carts: three in the Waterfront Park (WFP) and one at the Multigovernment Center (see attachment).

Staff is proposing to eliminate the location at the County Multigovernment Center as: 1. there has been no demand for this location in recent memory; and 2. because the 5' sidewalk is too narrow to accommodate a vending cart and still allow pedestrians to safely pass.

Staff is proposing to eliminate the current locations in the WFP and replace them with two new locations. The two locations on West Street (Locations 1 and 2) are proposed to be eliminated because of lack of space. As shown in the attached photos, West Street Extension is now landscaped with trees, planters, and benches. There is not adequate room for a vending cart to operate and still allow safe and convenient pedestrian circulation.

Location 3 on the chart, at the WFP Pavilion, interferes with rental of the pavilion for special events and also narrows the width of the promenade to just a minimally acceptable level.

Staff is proposing to establish a vending location at the east end of the park, just beyond the playground area. The attached photos show the location at the east end of the promenade, just south of the restroom building.

The other proposed WFP location is at the end of Charles Street Extension, just west of the Contemplative Garden. The attached photos show the proposed location "close up" and looking back (east) from the Marina.

Please contact me with any questions on this proposal.

Thank you.

attachments

Sec. 7-9009. Advertising.

No advertising shall be permitted on any cart except to identify the name of the product or the name of the vendor, and the posting of prices. (Ord. No. O-09-90, 5-8-90)

Sec. 7-9010. Renewal of license.

All business licenses are valid for the period of the license period unless revoked or suspended prior to expiration. An application to renew a business license shall be made. (Ord. No. O-09-90, 5-8-90)

Sec. 7-9011. Denial, suspension and revocation.

Any franchise may be denied, suspended or revoked by council for any of the following reasons:

- (1) Fraud or misrepresentation contained in the application for a franchise.
- (2) Fraud or misrepresentation made in the course of carrying on the business of vending.
- (3) Conduct of the licensed business in such manner as to create a public nuisance, or constitute a danger to the public health, safety, welfare or morals.
- (4) Conduct which is contrary to the provisions of this chapter or the license.
- (5) Failure to use the license fully in accordance with its terms within ninety (90) days after notice of the grant of license, or within fifteen (15) days after notice of non-use, during the term of the license.
- (6) Failure to qualify for a business license or determination that any condition in sections 7-1015 or 7-1016 exists.
- (7) A determination that the applicant is not able or qualified by reason of background, medical limitations, financial condition, or conditions related to the vending business to render acceptable service to the public pursuant to this chapter.

- (8) A determination that a more qualified applicant for the same location or locations will accept a license.
- (9) A determination that no license should be granted to any applicant and that a location or locations should be removed from the vending district approved list.
- (10) False application unlawful in accordance with section 7-1007.
- (11) If after four (4) weeks of receiving a business license and a permit by the South Carolina Health Department to operate the cart in the Waterfront Park, the site is not being used by the licensee and there has been no notification of the delay, the licensee forfeits use of the site.

(Ord. No. O-09-90, 5-8-90; Ord. No. O-25-08, 9-9-08)



Sec. 7-9012. Location designation.

Sidewalk vending for carts are designated as follows:

<i>Vending District</i>	<i>Location Number</i>	<i>Location Designation</i>	<i>Permitted Merchandise</i>
Downtown Bay Street	1	Entrance to HCC Park at Bay & West Sts. (West side)	See § 7-9002
Downtown Bay Street	2	Entrance to HCC Park at Bay and West Sts. (East side)	Flowers only
H.C. Chambers Park	3	On patio south of Pavilion (West side)	See § 7-9002
Multi-Gov't. Center	4	Sidewalk east of the complex (West side of Ribaut Road)	See § 7-9002

(Res. No. O-09-90, 5-8-90)

West Street Extension



West Street Extension Looking North

Core Mark East End Vending Location



East End Location From Distance.

Charles Street Location From Distance



* marks location of Charles St Extension