



JOHN J. TECKLENBURG  
MAYOR

*City of Charleston*  
*South Carolina*  
*Clerk of Council Department*

VANESSA TURNER MAYBANK  
CLERK OF COUNCIL

**SPECIAL**

**COMMUNITY DEVELOPMENT COMMITTEE AGENDA**

A meeting of the Community Development Committee will be held at 4:00 p.m., Thursday, April 30<sup>th</sup> via Conference Call at 1-929-205-6099, Access Code: 759694505. The agenda will be as follows:

- Invocation

a. **New Business:**

1. Conservation Subdivision Ordinance
2. Accessory Dwelling Unit Ordinance
3. Affordable Housing Subdivision/Lot Standards Ordinance

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](mailto:schumacherj@charleston-sc.gov) three business days prior to the meeting.

AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY REPLACING PART 16 (CLUSTER DEVELOPMENT) OF ARTICLE 2 (LAND USE REGULATIONS) WITH A NEW PART 16 (CONSERVATION DEVELOPMENT) AND BY ADDING RELEVANT DEFINITIONS TO SEC. 54-120 OF THE ZONING ORDINANCE.

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

Section 1. That Sec. 54-120 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is amended to delete the introductory sentence and replace it with the following new introductory clause:

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning or when the word, term, or phrase is specifically defined to apply to a particular Article, Part, or Section of this Chapter:

Section 2. That Sec. 54-120 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is amended to include the following new defined terms, to be inserted in alphabetical order with the remaining definitions in Sec. 54-120:

**AMI.** See Area Median Income.

**Area Median Income.** “Area Median Income” or “AMI” shall mean and have reference to the median family income, based upon applicable family size of a qualified household for the Charleston-North Charleston metropolitan statistical area as published by the United States Department of Housing and Urban Development (together with its successors, “HUD”), as adjusted for household size by the City of Charleston Department of Housing and Community Development (together with its successors, “DHCD”). If HUD should no longer compile and publish such statistical information, the most similar information compiled and published by HUD, or any other branch or department of the federal government or the State of South Carolina, or the City of Charleston shall be used for the purpose of determining 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.

**Building Line.** A line parallel to the street right-of-way touching that part of the principal building on a lot closest to the street right-of-way.

**Common Open Space.** Common open space means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for the use and enjoyment of the public generally or for the use or enjoyment of the residents of the development and their guests. Without limiting the foregoing, common open space may include such complementary structures and improvements as are necessary and appropriate, in addition to wetlands, critical areas, water bodies, agricultural lands, wildlife habitat, historical or cultural features, archaeological sites, easements for underground public utilities, or other elements to be protected from development. Common open space shall not include streets, alleys, or cul-de-sacs; drives; off-street parking and loading areas; areas so located or of such size or shape to have no substantial aesthetic or recreational value; or any area within the property lines of residential lots.

**Conservation Tree.** Any tree with a DBH of sixteen inches (16”) or greater and of the following species: Live oak, White Oak, Willow Oak, Blackgum, Southern Magnolia, Bald Cypress, American Holly, Dogwood, Pecan, Hickory, Southern Red Oak, Chestnut Oak, and Sawtooth Oak.

**Development Plan.** Development plan means a preliminary plat and, to the extent public improvements are required, construction drawings, for subdivision of any property that includes all information described on the development plan submittal checklist for subdivision applications available from the Zoning Division.

**Impervious Surface.** A surface that does not allow water to penetrate. Examples of impervious surfaces include asphalt, rooftops and concrete. For purposes hereof, all other surfaces shall be considered pervious surfaces.

**Household Income.** All sources of financial support, both cash and in kind, of adult occupants of the housing unit, to include wages, salaries, tips, commissions, all forms of self-employment income, interest, dividends, net rental income, income from estates or trusts, Social Security benefits, railroad retirement benefits, Supplemental Security income, Aid to Families with Dependent Children or other public assistance welfare programs, other sources of income regularly received, including Veterans’ (VA) payments, unemployment compensation and alimony, and awards, prizes, government or institutional or eleemosynary loans, grants or subsidies and contributions made by the household members’ families for medical, personal or educational needs.

**Low Impact Development or LID.** Low impact development (LID) is a set of principles and design components used to manage stormwater runoff by mimicking natural conditions and limiting pollutant transport through source control. Nothing in this definition amends, modifies, abrogates, or repeals the Stormwater

Regulations, and applicants must comply with all applicable Stormwater Regulations and obtain approval under such Stormwater Regulations for the use of any LID.

**Owner Occupied Workforce Housing Unit.** See Workforce Housing Unit, Owner Occupied.

**Pervious Surface.** A surface that permits full or partial infiltration of water. Notwithstanding the foregoing, a pervious surface shall include any surface which is not an impervious surface.

**Qualified Households.** Households in which occupants have, in the aggregate, a household income (1) less than or equal to 120% of AMI for owner occupied workforce housing units; or (2) less than or equal to eighty percent (80%) of AMI for rental workforce housing units.

**Rental Workforce Housing Unit.** See Workforce Housing Unit, Rental.

**Stormwater Regulations.** Those federal, state, or local regulations governing stormwater management and drainage, including without limitation Chapter 27 (Stormwater Management and Flood Control) of the Code of Ordinances of the City of Charleston and the City's Stormwater Design Standards Manual. Stormwater Regulations additionally include any amendments, supplements, or modifications to the existing Stormwater Regulations.

**Technical Review Committee.** The Technical Review Committee or TRC established by Sec. 54-602 and Sec. 54-816.2.

**TRC.** See Technical Review Committee.

**Workforce Housing Unit.** An owner occupied workforce housing unit or a rental workforce housing unit.

**Workforce Housing Unit, Owner Occupied.** A dwelling unit in which at least one (1) occupant is an owner and in which all occupants have, in the aggregate, household income less than or equal to 120% of AMI.

**Workforce Housing Unit, Rental.** A dwelling unit in which occupants have, in the aggregate, household income less than or equal to eighty percent (80%) of AMI.

Section 3. That Part 16 (Cluster Development) of Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting said Part in its entirety and by substituting in its place and stead the following:

## **PART 16 – CONSERVATION DEVELOPMENT**

**Sec. 54-299.11. - Purpose.**

(1) Intent. City Council intends for Conservation Developments to facilitate innovative residential developments that:

- (a) Utilize creative and flexible site design compatible with surrounding development patterns;
- (b) Accommodate and preserve features of historical, cultural, archeological, and/or environmental significance;
- (c) Provide common open space of high quality with multiple access points;
- (d) Decrease stormwater runoff and nonpoint source pollution by reducing the amount of impervious surface in the development and incorporating LID;
- (e) Reduce infrastructure costs by integrating predevelopment site hydrology into the stormwater management design for the development; and
- (f) Maintain unobstructed scenic views or vistas, especially from street rights-of-way.

(2) Definition. A Conservation Development is a development utilizing innovative site planning techniques to concentrate buildings, structures, and impervious surfaces in specific areas within the development and to allow the remaining land to be used for common open space. Such techniques may include, but shall not be limited to, any or all of the following:

- (a) reduction or, when appropriate, elimination of (i) minimum lot areas per family; (ii) minimum setbacks; and/or (iii) minimum lot frontage; and/or
- (b) increase or, when appropriate, elimination of maximum lot occupancy;

but only to the extent such techniques facilitate the preservation and use of the remainder of the development as common open space.

(3) Conservation Site. “Conservation Site” or “Site” means all properties, lots, parcels, waterbodies, watercourses, wetlands, and other areas included within a Conservation Development, whether or not such properties, lots, parcels, waterbodies, watercourses, wetlands, or other areas will be developed.

**Sec. 54-299.12. - Applicability and general provisions.**

(1) Base Zoning: Conservation Developments may be permitted only on properties entirely located within one or more of the following base zoning districts: SR-1, SR-7, RR-1 or C.

(2) Minimum acreage: Conservation Developments may be permitted only on developments with a minimum of ten (10) contiguous gross acres.

(3) Net Density: Net Density shall comply with the standards set forth in the base zoning district for each property or portion thereof included in the Conservation Site, as set forth in Table 3.1 in Sec. 54-301, except as follows:

- (a) When an accessory dwelling unit is permitted, such accessory dwelling unit shall not count toward Net Density; and
- (b) Workforce housing units meeting the conditions in Sec. 54-299.12(4)(b) shall not count toward Net Density.

(4) Allowed Uses: All principal and accessory uses permitted in the base zoning district for each property or portion thereof included within a Conservation Development also shall be permitted on such property or portion thereof, subject to the same conditions, special exceptions, limitations, and terms applicable to such principal or accessory uses within the base zoning district; provided, however, the following terms, conditions, and exceptions shall apply:

- (a) Accessory dwelling units. Accessory dwelling units may be permitted as part of a Conservation Development, whether or not permitted in the applicable base zoning district, only when each of the following conditions is met:
  - (i) The accessory dwelling unit is an accessory use to a principal, one-family detached or attached dwelling unit;
  - (ii) The accessory dwelling unit is located within the same building or on the same lot as the principal, one-family detached or attached dwelling unit;
  - (iii) The accessory dwelling unit is the only accessory dwelling unit on the lot;
  - (iv) The accessory dwelling unit is the only accessory building on the lot;
  - (v) If the accessory dwelling unit is located within an accessory building, the building height shall be limited to one and one-half (1½) stories and a parking level shall count as one (1) story;
  - (vi) The accessory dwelling unit shall not exceed 600 square feet of conditioned space; and
  - (vii) The accessory dwelling unit shall have one (1) additional off-street parking space.
- (b) Workforce housing units. Workforce housing units included as part of a Conservation Development shall comply with each of the following conditions in order to qualify as such for purposes of Sec. 54-299.12(3)(b) and Sec. 54-299.12(4)(c):

- (i) The workforce housing unit is a one-family detached dwelling unit; a one-family attached dwelling unit; or an accessory dwelling unit.
  - (ii) The workforce housing unit has been approved by the City's Department of Housing and Community Development in conformity with the criteria applicable to such workforce housing unit; and
  - (iii) Once approved, a workforce housing unit shall be maintained as such in perpetuity as part of the zoning regulations applicable to the property; provided, however, a workforce housing unit located within the Conservation Site which is not an accessory dwelling unit may be converted to a one-family detached or detached dwelling unit without workforce housing restrictions so long as (a) the maximum Net Density for the Conservation Site will not be exceeded based on the total number of dwelling units (1) constructed; or (2) permitted as a vested right, at the time of any application to convert such workforce housing unit; and (b) the workforce housing unit is not required to comply with Sec. 54-299.12(c)(1).
- (c) One-family attached dwelling units. One-family attached dwelling units may be permitted as part of a Conservation Development, whether or not permitted in the applicable base zoning district, only when each of the following conditions is met:
- (i) There are no more than six (6) one-family attached dwelling units located within a single row;
  - (ii) At least twenty percent (20%) of the one-family attached dwelling units on the Conservation Site have been set aside as workforce housing units complying with the conditions in Sec. 54-299.12(4)(b);
  - (iii) The required workforce housing units shall be integrated throughout the Conservation Site, such that they are not concentrated together within a single row.

(5) Stormwater Regulations: Notwithstanding any other provision of this Part which may be interpreted to the contrary, all Conservation Developments shall comply with the Stormwater Regulations in effect at the time a complete application for a development plan is submitted, and nothing in this Part amends, modifies, abrogates, or repeals the Stormwater Regulations.

**Sec. 54-299.13. - Conservation Development Approval and Design Criteria.**

Properties satisfying the criteria of Sec. 54-299.12 may be developed as a Conservation Development as set forth in an approved development plan, upon compliance with the procedures and regulations governing subdivisions in Article 8 of the Zoning Ordinance, subject to the following supplemental terms and conditions:

(1) Pre-Application Site Review.

- (a) Purpose. The purpose of the pre-application site review is to identify the features and resources on the proposed Conservation Site that should be preserved, and to determine potential site layouts that will best meet the criteria of a Conservation Development.
- (b) Request. The applicant for approval of a Conservation Development shall submit a Request for Pre-Application Site Review on a checklist available from the Zoning Division, together with the following exhibits (collectively, the “Request”):
  - (i) Graphic exhibits at the same scale as the existing conditions survey with all existing features on the parcel(s) clearly identified and labeled to include: all Conservation Trees; wetlands; OCRM critical areas; man-made and natural water bodies or watercourses, including without limitation ditches; phosphate mines; logging, farm and forest roads; structures; archeological sites; scenic views or vistas (into and out from the parcel); topographical features; elevation; floodplain; significant groves/plots of vegetation; and unique environmental characteristics; and
  - (ii) A preliminary stormwater volume calculations table.
- (c) Pre-Application Site Review Meeting. Upon submission of a Request, the Zoning Administrator shall determine if the Request is complete. If the Zoning Administrator determines that the Request is complete, the Zoning Administrator will schedule a pre-application site review meeting with a representative of the applicant; designated staff of the City’s Department of Planning, Preservation and Sustainability (the “Planning Department”); and designated staff of the City’s Department of Stormwater Management (the “Stormwater Department”).
- (d) Diagram. Following the pre-application review meeting, the applicant shall submit a bubble diagram showcasing the proposed land use plan, including where and how stormwater will be managed.
- (e) Determination. Designated staff from the Planning Department and the Stormwater Department shall determine that the Request complies, in concept only, with the standards for Conservation Development before the applicant may submit a concept plan to TRC.
- (f) Amendment. To the extent the area or location of the proposed Conservation Site changes at any time prior to approval of a development plan, the applicant shall be required to submit a new Request.

- (2) Site Analysis. With respect to a Conservation Development, each application for concept plan approval shall include a site analysis presented in graphic form at the same scale as the existing conditions survey and shall provide the same information as required for the pre-application site review conducted prior to concept plan submission (the “Site Analysis”). The Site Analysis shall also include the following:
- (a) Narrative. A narrative as to how the concept plan aligns with the intent, purpose, and definition of a Conservation Development as delineated in Sec. 54-299.11.
  - (b) Vegetation. An exhibit demonstrating that existing vegetation will be preserved as much as reasonably feasible.
  - (c) Conservation Trees. A survey of all Conservation Trees within the Conservation Site, together with a tree risk assessment by a Certified Arborist for the Conservation Trees identified on the survey.
  - (d) Other Information. All information required to show that the Conservation Site will comply with the requirements of this Part.
- (3) Streets. The following standards shall apply to streets within a Conservation Development:
- (a) All streets shall be public.
  - (b) All streets shall be designed in a manner to allow for visitor parking inside or outside the public right-of-way at the rate of one (1) parking space per three (3) dwelling units.
  - (c) LID shall be incorporated into the street design and approved by TRC.
  - (d) A twenty foot (20’) clear zone must be provided in a street design to accommodate emergency response vehicles.
  - (e) If lots front on an access easement, other than a public right-of-way, the access surface material may be constructed with pervious paving material.
  - (f) Street trees are required for all street types, except alleys.
  - (g) The location, species and spacing of street trees shall comply with the City’s Street Tree Manual.
  - (h) In all other respects, street design must meet the standards set forth in Sec. 54-821 and other provisions in this Chapter; provided, however street design and cross-sections may be modified upon the review and approval of TRC.
- (4) Lots. The following standards shall apply to lots within a Conservation Development:

- (a) There shall be no minimum lot area requirement, maximum lot occupancy requirement, or minimum building setback requirement.
  - (b) There shall be no minimum lot frontage requirement provided that each lot shall have a platted access easement a minimum of ten (10) feet wide to a public or private right-of-way. Such access easement may be shared with other lots.
  - (c) In all other respects, the standards for lots set forth in this Chapter shall apply.
- (5) Height. Except as set forth in Sec. 54-299.12(4)(a)(v), the height requirements, exceptions, terms, and conditions applicable to the base zoning district for each property within the Conservation Development continue to apply to such property.
- (6) Parking. The following parking standards shall apply to a Conservation Development:
- (a) The number of required off-street parking spaces shall meet the standards in Sec. 54-317, unless specifically provided otherwise.
  - (b) The required off-street parking for each lot shall be provided (1) on the lot; or (2) in a community parking lot; provided, however, the community parking lot shall have a pervious surface. Upon approval of TRC, required off-street parking spaces may also be provided on-street.
- (7) Garage Doors. Garage doors must be flush with or set back further than the building line.
- (8) Wetland Buffer. Existing wetlands shall be protected by an undisturbed buffer, at least twenty-five feet (25') wide, adjacent to the delineated boundary of the wetlands. Without limiting the foregoing, existing vegetation and Conservation Trees within such buffer shall be preserved within the buffer area.
- (9) Open space. The following open space requirements shall apply within a Conservation Development:
- (a) At least fifty percent (50%) of the gross acreage within the Conservation Site shall qualify as common open space (the "Required Open Space").
  - (b) Notwithstanding subsections (c) through (e), at least twenty-five percent (25%) of the Required Open Space shall be designed for active recreational uses, such as play fields, playgrounds, greenways, and/or agricultural uses. To qualify as an active recreational use under this subsection and to be considered as part of the Required Open Space, a greenway shall have (i) a pervious surface; (ii) a minimum total width of at least twenty-five feet (25'); and (iii) a minimum pathway for pedestrian and/or bike trails of eight feet (8').

- (c) Subject to subsection (b), when a Conservation Site includes existing or proposed water bodies or watercourses, only fifty percent (50%) of the area of such water bodies and/or watercourses shall qualify as part of the Required Open Space.
  - (d) Subject to subsection (b), when a Conservation Site includes existing wetlands, only seventy-five percent (75%) of the area of such wetlands shall qualify as part of the Required Open Space.
  - (e) Subject to subsection (b), if the Conservation Site is forested at the time of the Site Analysis, then the lesser of (i) at least seventy percent (70%) of the Required Open Space; or (ii) the gross acreage of the Conservation Site which is forested at the time of the Site Analysis, shall be maintained in an undisturbed canopy.
  - (f) All common open space shall comply with Sec. 54-299.114.
  - (g) The improvement or development of common open space shall incorporate LID techniques.
  - (h) To the extent reasonably feasible, common open space shall be contiguous and not divided into unconnected small parcels located in various parts of the Conservation Site.
- (10) Stormwater Management. Without limiting, amending, abrogating, or repealing the Stormwater Regulations, the following stormwater standards shall apply to a Conservation Development:
- (a) Conservation Developments shall demonstrate limited impacts on the natural features and pre-development hydrology.
  - (b) LID shall be utilized in the stormwater management design.
  - (c) Roof drainage and gutter downspouts shall be hydraulically disconnected from impervious surfaces and properly drained so as to prevent erosion within the Conservation Site or on offsite properties.
  - (d) Pervious surfaces shall be used when reasonably feasible.
  - (e) Impervious surfaces shall not exceed forty percent (40%) of the net acreage within the Conservation Site; provided, however, the calculation of impervious surface for residential lots shall be fifty percent (50%) of the lot area, regardless of the actual impervious surface area of the lots.
  - (f) Each residential lot shall have a minimum of two (2) native canopy trees, which shall be trees existing on the pre-developed Site, when reasonably feasible. To the extent the use of an existing tree or trees are not reasonably feasible, only native

species commonly found in the associated Inland Atlantic Maritime Forest shall be utilized, per list provided in Appendix B.

(11) Other Requirements. Unless specifically provided otherwise herein, all other requirements of this Chapter shall apply to the Conservation Development.

(12) Standard Codes. The City's standard codes, including without limitation the City's building code and fire code, apply to a Conservation Development, notwithstanding any other provision herein to the contrary. Without limiting foregoing, the minimum clearance requirements for fire apparatus access routes shall apply to Conservation Developments.

**Sec. 54-299.14 – Management of Common Open Space.**

The following regulations shall apply to all common open space within the Conservation Site:

- (1) POA. Prior to obtaining final plat approval for all or any portion of the Conservation Site, the applicant shall establish a property owners' association ("POA") to provide for the maintenance of all common open space, BMPs (as defined in the City's Stormwater Design Standards Manual), and other improvements, unless any such common open space and/or improvements are dedicated to and accepted by the City or other appropriate governmental entity for ownership and/or maintenance.
- (2) POA Requirements. The POA required under subsection (1) shall meet the following requirements:
  - (a) The POA shall include as members all owners of lots or parcels within the Conservation Site, except the City or other governmental entity as to any public improvements dedicated to and accepted by the public.
  - (b) The POA shall take title to and manage all common open space and improvements, other than public improvements dedicated to and accepted by the public.
- (3) Declaration. All lands, common open space, BMPs, and improvements shall be described as to the general location, size, use and control in a Declaration of Covenants, Conditions and Restrictions ("Declaration") governing the Conservation Site and properly recorded with the Office of the Register of Deeds for Charleston or Berkeley County, as applicable. The Declaration shall set forth the method of assessment against all lots or parcels within the Conservation Site (other than areas dedicated to and accepted by the public and common areas) for maintenance of common areas, common open space, BMPs, and other improvements to be owned or maintained by the POA. The Declaration shall run with title to the Conservation Site and all privately-owned lots or parcels located therein. The Declaration shall indicate the properties included therein are part of a Conservation Development approved by the City of Charleston.

- (4) No Dissolution. Unless prohibited by applicable law, the requirements applicable to the Declaration shall perpetually run with title to the Conservation Site or any portion thereof as part of the zoning regulations applicable to the Site. The POA shall not be dissolved nor shall the POA dispose of any common open space except to (a) a conservation or similar organization established to own and maintain common open space; (b) to the City; or (c) to another appropriate governmental entity. Notwithstanding the foregoing, any such conveyance, to be complete, shall require acceptance by the grantee.
- (5) Restricted Use. Unless prohibited by applicable law, all common open space shall be restricted in perpetuity as part of the zoning regulations applicable to the Conservation Site. All such common open space shall be deed restricted and may not be developed for uses other than common open space. The applicant shall include the following notice on all deeds, mortgages, plats, or any other legal instruments used to convey any right, title or interest in the Conservation Site or any portion thereof:

NOTICE: THIS PROPERTY IS SUBJECT TO THE CITY OF CHARLESTON'S REQUIREMENTS FOR CONSERVATION DEVELOPMENTS AND MAY BE SUBJECT TO CERTAIN USE RESTRICTIONS AS SET FORTH IN THE REQUIREMENTS APPLICABLE TO CONSERVATION DEVELOPMENTS ON FILE WITH THE CITY'S ZONING DIVISION.

**Sec. 54-299.15 – Appeal.**

Any determination by staff and/or TRC under this Part 16 may be appealed to the Planning Commission by any party in interest if an appeal is filed with the Zoning Division within ten (10) business days after actual notice of the decision. The Planning Commission must act on the appeal within sixty (60) days, and the action of the Planning Commission is final.

Section 4. This Ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_ day of \_\_\_\_\_ in the year of Our Lord, 2020, in the \_\_\_\_ Year of the Independence of the United States of America.

By: \_\_\_\_\_  
John J. Tecklenburg, Mayor

ATTEST:

By: \_\_\_\_\_  
Vanessa Turner Maybank  
Clerk of Council

## AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO AMEND THE DEFINITIONS FOR HALF STORY, ACCESSORY BUILDING, AND ACCESSORY DWELLING UNIT, AND INCORPORATE PROVISIONS TO PERMIT ACCESSORY DWELLING UNITS WITHIN ALL BASE ZONING DISTRICTS IN THE CITY OF CHARLESTON

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

Section 1. The definition for “Accessory Building” in Section 54-120 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting text shown below with a ~~strikethrough~~ and adding text shown below with a double-underline:

“**Half Story.** ~~A-story~~The space under a gabled or hipped roof, where the wall plates, or knee walls, ~~of which~~ on at least two opposite exterior walls are not more than two feet above the finished floor of such story. The aggregate width of dormers on a half-story shall not exceed 50% of the width of the exterior wall below the dormer(s).”

Section 2. The definition for “Accessory Building” in Section 54-120 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting text shown below with a ~~strikethrough~~ and adding text shown below with a double-underline:

“**Accessory Building.** A subordinate building on the same lot as the principal building(s) or use. Accessory buildings may include but not be limited to pool houses, additional living space, storage sheds, garages, and additional dwelling units ~~in zoning districts that permit additional dwelling units, if permitted by this Chapter.~~ Accessory buildings in SR (Single-family Residential) zone districts shall not include kitchens unless the accessory building is permitted by this Chapter to have an accessory dwelling unit.”

Section 3. The definition for “Accessory Dwelling Unit” in Section 54-120 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding text shown below with a double-underline:

**“Accessory Dwelling Unit.** A dwelling unit providing complete, independent living facilities for no more than two adults that is separate from and subordinate to the principal dwelling unit, and located in the same building as the principal dwelling unit or in an accessory building on the same lot. This definition includes garage apartments.”

Section 4. Article 2, Part 4 Accessory Uses, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting the following sections in numerical order:

**“Section 54-214. Accessory Dwelling Unit**

An Accessory Dwelling Unit (ADU) may be approved in all base zoning districts, as an accessory use to a principal single-family dwelling unit, if all of the following conditions are met:

- a. A scaled site plan must be submitted which shall show all information listed on the Accessory Dwelling Unit Application and Site Plan Checklist and Application provided by the Department of Planning, Preservation and Sustainability, as may be amended from time to time;
- b. In conjunction with the site plan, a Recorded Covenant Affidavit must be submitted, which certifies that no covenants exist that prohibit the construction of an ADU;
- c. There shall be a limit of one ADU per lot, subject to meeting all other requirements contained in this section, and the total number of dwelling units, including the ADU, shall not exceed two dwelling units per lot. The ADU may be separately metered for electricity, gas, and water.
- d. Each ADU shall be limited to 850 square feet of conditioned floor area, except that:
  - 1. In the case of an ADU located above a detached garage approved utilizing setback exceptions listed in Sec. 54-506, f., footprint maximums described in Sec. 54-506, f. take precedence over the requirements of this section.
  - 2. In the case of an ADU located on the ground level and attached to or located within a detached accessory building approved utilizing setback exceptions listed in Sec. 54-506, f., the building footprint shall not exceed 600 square feet.

- e. One (1) off street parking space shall be provided for the occupants of the ADU on the subject property, in addition to providing, on the subject property, required off street parking for existing uses on the property. The parking space provided for the ADU may be situated in tandem with the required spaces for other uses.
- f. The following conditions shall be memorialized in a recorded covenant to run with the property.
  - 1. Either the principal structure or the accessory dwelling unit, hereinafter ADU, must be owner-occupied and serve as the owner's primary residence. If neither unit is owner-occupied, the ADU may not be rented separately from the principal dwelling unit. No subleases of the ADU are permitted;
  - 2. Occupancy of an ADU shall be limited to no more than two (2) adults with "adult" defined as any person eighteen years of age or older;
  - 3. Under no circumstances shall the property be converted to a horizontal ownership regime;
  - 4. Neither the principal dwelling unit or ADU shall not be utilized for a Short Term Rental"

Section 5. This Ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_ day of \_\_\_\_\_ in the Year of Our Lord, 2020, and in the \_\_\_\_ Year of the Independence of the United States of America

\_\_\_\_\_  
John J. Tecklenburg, Mayor

ATTEST:

\_\_\_\_\_  
Clerk of Council

## Comparison of Accessory Dwelling Unit (ADU) Regulations

	Mount Pleasant Accessory Dwelling Units - Sec.156.110-111	Charleston County Accessory Dwelling Units - Sec. 6.5.9*	City of Charleston Proposed Regulations
Permitted in SF zones	yes	yes	yes
Number of ADU's permitted per lot	one	one	one
Min. lot size to qualify	yes, min. lot size of zoning district	yes, 50% larger than zoning district requires	no
Max. height for ADU in accessory building	25 feet for detached ADU	same as main house	1 ½ stories, unless building is within Old City Height District and taller accessory building is permitted
Max. size of ADU	850 sf conditioned space	800 sf conditioned space in Res. Dist. and 1,500 sf in Ag. Dist.	850 sf conditioned space
Max. # of occupants in each ADU**	three persons	no max. if related; six if unrelated	2 adults
Min. off-street parking requirement	one space for ADU in addition to spaces required for main unit	2 spaces for ADU	One space for ADU in addition to spaces required for main unit; space may be in tandem with other spaces
Architectural standards	yes, design, color, material of ADU must be compatible w/neigh.	no	no, unless within BAR review area
Owner-occupancy requirement	yes, either main unit or ADU	no	yes, either main unit or ADU
Separate meters allowed	yes	no	yes
Conversion to condo ownership	not permitted	not addressed, but staff does not think this would ever happen	not permitted
Limit on number of accessory buildings per lot	no	no	no, but only one accessory building can utilize exceptions to setback requirements

Statement required from applicant confirming no private covenants prohibiting ADU exist	yes	no	yes
Requirement for recorded covenant that states owner occupancy requirement, ADU occupancy limit and horizontal property regime prohibition	yes	no	yes

\* Some standards may vary for specific overlay zones and lots abutting critical area.

\*\* Building Codes also limit the number of occupants and would be more restrictive than zoning limits for small ADU's.

Updated 4.15.20

## AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO INCORPORATE PROVISIONS TO ALLOW SUBDIVISION AND DEVELOPMENT OF SINGLE FAMILY DETACHED AFFORDABLE HOUSING AS A CONDITIONAL USE WITHIN MULTIPLE BASE ZONING DISTRICTS.

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

Section 1. Article 2, Part 2, Sec. 54-207, Conditional Uses, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting the following new subsection in alphabetical order:

“z. Affordable Housing Conditional Use Subdivision and Lot Dimensional Standards for One-Family Detached Dwellings and One-family Attached Dwellings.

1. Intent: To promote ownership or occupancy of quality Affordable Housing, property within the SR-1, SR-2, SR-6, zoning district may be approved for subdivision and development for one-family detached dwellings, in accordance with the following conditional use standards in this section. Property within the STR, DR-1, DR-1F, DR-2, or DR-2F zoning districts may be approved for subdivision and development of one-family detached dwellings and one-family attached dwellings, in accordance with the following conditional use standards in this section. The use of the subject parcel shall be restricted to one-family detached dwellings or one-family attached dwellings, according to the zoning of the property, for the provision of Affordable Housing as certified by the City of Charleston Department of Housing and Community Development, or its successor.
2. Affordable Housing Conditional Use Requirements:
  - (a) The entity developing the subject parcel in accordance with the standards in this Sec. 54-207, z., shall restrict the use of each lot to a single, one-family detached dwelling or a single, one-family attached dwelling lot for the provision of Affordable Housing as certified by the City of Charleston Department of Housing and Community Development, or its successor.
  - (b) Ownership: As to owner occupied units, these units shall be sold to households earning no more than one hundred twenty (120) percent of the area median income. Each owner, prior to initial occupancy, shall be required to submit to the City of Charleston Department of Housing and Community Development, or its successor, a

verified income report of household income of all members of the household. These units shall be subject to resale restrictions for no fewer than ninety (90) years from date of initial sale of the property. Such restrictions will be recorded as deed restrictions.

(c) Rental: As to rental units, these units shall be rented to households earning no more than eighty (80) percent of the area median income, and the rents charged by the owner shall be in accordance with the Fair Market Rents published annually by the U.S. Department of Housing and Urban Development or such entity that may be subsequently designated. In the absence of such information, the rents charged by the owner shall not exceed 30 percent of the household annual income. The owner shall be required to submit to the City of Charleston Department of Housing and Community Development, or its successor, the rental rate to be charged and verified income reports of household income of all rental occupants at the inception of each tenancy and on no less than a yearly basis thereafter, as determined by the City of Charleston Department of Housing and Community Development, or its successor. These units shall be subject to these restrictions for no fewer than ninety (90) years from the initial occupancy as Affordable Housing.

(d) The entity developing the subject parcel in accordance with this Sec. 54-207, z., shall execute a Memorandum of Use with the City as a party acknowledging the use of the property for Affordable Housing in accordance with the provisions of this Section, which Memorandum shall be in a form acceptable for recording in the record office of the applicable county and which shall be recorded in the record office of the applicable county. If a proposal meets the requirements of this section and the owner is willing to enter into the terms of a Memorandum of Use contained in this paragraph, the Mayor shall be authorized so sign the Memorandum of Use on behalf of the City.

3. Affordable Housing Conditional Use Lot Dimensional Standards For One-family Detached Dwellings: See Section 54-301, Table 3.1 Height, Area and Setback Regulations for standards not addressed in the table below.

ZONING DISTRICT	MINIMUM LOT FRONTAGE <sup>1,2,3</sup>	MINIMUM HIGH GROUND LOT AREA IN SQ FT	MINIMUM BUILDING SETBACKS	MAXIMUM LOT OCCUPANCY OF BUILDINGS
SR-1	45'	7,000	Front 25', Rear 20', Sides 7'SW, 7'NE	35%
SR-2	40'	4,400	Front 25', Rear 15', Sides 6'SW, 6'NE	50%
SR-3	40'	4,400	Front NR', Rear 3', Sides 9'SW, 3'NE	50%
SR-4	40'	3,200	Front NR', Rear 3', Sides 9'SW, 3'NE	50%

<b>SR-5</b>	35'	2,500	Front-NR', Rear-3', Sides-7'SW, 3'NE	50%
<b>SR-6</b>	35'	4,000	Front 18', Rear 10', Sides 4'SW, 4'NE	50%
<b>STR</b>	40' or no frontage required	4,800	Front 25', Rear 15', Sides 5'SW, 5'NE	50%
<b>DR-1</b>	32' or no frontage required	2,800	Front NR', Rear 3', Sides 7'SW, 3'NE	50%
<b>DR-1F</b>	32' or no frontage required	2,800	Front 25', Rear 3', Sides 7'SW, 3'NE	65%
<b>DR-2</b>	32' or no frontage required	2,200	Front NR', Rear 3', Sides 7'SW, 3'NE	50%
<b>DR-2F</b>	32' or no frontage required	2,200	Front 25', Rear 3', Sides 7'SW, 3'NE	65%

Footnotes

<sup>1</sup>. Requirement for averaging surrounding lot frontages per Section 54-824(c)(1) shall not apply.

<sup>2</sup>. Lots in STR, DR-1, DR-1F, DR-2, or DR-2F zoning districts that front on a street may be subdivided to create one lot with no lot frontage provided that both lots meet all requirements in this subsection, both lots are used for Affordable Housing in accordance with the requirements of this Sec. 54-207, z., and a platted and recorded shared ingress/egress easement utilizing an approved driveway is furnished to the newly created lot without frontage.

<sup>3</sup>. See lot frontage exception noted below in this section 54-207, z.

4. Lot frontage exception for Maryville Ashleyville: Due to the unique history of the former town of Maryville and corresponding historic platting, parcels abutting the following rights-of-way, and any extensions thereof, shall have a minimum lot frontage of 50 feet:

5th Avenue  
 Armstrong Avenue  
 Battery Avenue  
 Benada Street  
 Bender Street  
 Brody Avenue  
 Brookfield Street  
 Burger Street  
 Carnegie Avenue  
 Channing Street

Chickadee Avenue  
Davidson Avenue  
Diana Street  
East Street  
Fiall Street  
Forbes Avenue  
Gunn Avenue  
High Street  
Hillsboro Dr  
Hillside Dr  
Hobart Avenue  
Justin Avenue  
Lula Street  
Magnolia Road  
Main Street  
Mamie Street  
Mazyck Street  
Minnie Street  
N Hillside Drive  
San Juan Avenue  
Sycamore Avenue  
Tripe Street

5. Affordable Housing Conditional Use Lot Dimensional Standards for One-family Attached Dwellings: Property within the STR, DR-1, DR-1F, DR-2, or DR-2F zoning districts may be approved for subdivision and development of one-family attached dwellings, in accordance with the conditional use standards in this section and pursuant to the requirements in Article 3, Part 11 One-family Attached Dwellings, as modified herein. Modifications to the requirements in Sec. 54-353, are as follows:
  - (a) The minimum side setback for the principal building listed in subsection d. shall be reduced to five (5) feet except when the conditions listed in Sec. 54-353, d. subsections 1, 2, 3 or 4 exist;
  - (b) The minimum rear setback for the principal building listed in subsection e. shall be reduced to ten (10) feet except when the conditions listed in Sec. 54-353, e. subsections 1 or 2 exist exist;
  - (c) The maximum percent lot occupancy of buildings listed in subsection g. shall be increased to sixty (60) percent; and
  - (d) Subsection j. shall include an additional special requirement that allows lots for one-family attached dwellings to be platted without any lot frontage on a street, if the lot or lots is provided with a suitable driveway access easement, the title to which runs with or is appurtenant to such lot(s).

6. Affordable Housing Conditional Use Court Standards: Notwithstanding the standards in subsection 3. above, lots in the DR-2 or DR-2F zoning districts with a minimum lot frontage of 56 feet and minimum lot area of 6,700 square feet may be developed to create a traditional “Charleston Court”, with a new street or “court” extending into the lot to provide access to lots, if all lots are restricted to affordable housing pursuant to this Sec. 54-207, z. and the development satisfies the following requirements:
- (a) The new street shall be constructed to meet City of Charleston road construction standards with a minimum right-of-way width of 24 feet, minimum pavement width of 20 feet and maximum length of 150 feet.
  - (b) All lots shall have lot frontage and all lots accessed exclusively from the new street shall have a minimum lot frontage of 15 feet and average lot frontage of 25 feet.
  - (c) All lots shall meet the lot dimensional standards in subsection 3., except that the minimum high ground lot area for each lot shall be 1,024 square feet and there shall be no minimum front building setback for lots accessed exclusively from the new street.
  - (d) The dwelling on each lot with frontage on the primary street shall front on the primary street.
7. Affordable Housing Conditional Use Off-Street Parking Requirements: Each lot used for Affordable Housing in accordance with the requirements of this Sec. 54-207, z. shall provide two off-street parking spaces.”

Section 2. Article 2, Part 3, Table of Permitted Uses, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding “or 54-207, z.” to principal use category 888. Affordable Housing 54-207, p. and by inserting the conditional use symbol “‡” in the columns for zoning districts, SR-1, SR-2, SR-3, SR-4, SR-5, SR-6, and STR, which denotes this principal use is allowed as a conditional use in said zoning districts.

Section 3. Article 3, Part 1, Section 54-301, Table 3.1: Height, Area and Setback Regulations, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting the number “21” as a superscript after the zone district designation listings for SR-1, SR-2, SR-3, SR-4, SR-5, SR-6, and STR.

Section 4. Article 3, Part 1, Section 54-301, Table 3.1: Height, Area and Setback Regulations, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended to revise footnote 21 to read as follows with new text shown in double underline:

“21. Minimum lot area, setbacks, frontage and maximum lot occupancy for Affordable Housing are set forth in Sec. 54-207, p. or 54-207, z.”

Section 5. Article 8, Part 3, Sec. 54-824, Design Standards for New Lots, subsection c. paragraph 1, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended to read as follows with new text shown in double underline:

“Lot frontage for single-family and two-family residential. The following lot frontage requirements in Table 8.2.3 shall apply to all new single and two-family residential lots, except that residential lots within existing residential subdivisions may not be subdivided with lot frontages less than the average lot frontage of all abutting residential lots, residential lots across the street(s), and residential lots within five (5) lots on either side of the frontage of the subject lot, or the minimum lot frontage for that zoning district, whichever is greater. Lots subdivided and developed for one-family detached Affordable Housing per section 54-207, z. shall be subject to the frontage requirements of that section.”

Lot frontage for multi-family. Multi-family residential lots shall have a minimum lot frontage of fifty (50) feet on a street and parking shall be prohibited within the required setback within the district. Multi-family zoned lots subdivided and developed for one-family detached Affordable Housing per section 54-207, z. shall be subject to the frontage requirements of that section.”

Section 6. Article 2, Part 2, Sec. 54-207, Conditional Uses, subsection p. Affordable Housing, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting new text “on existing lots of record platted prior to August 21, 2018” after “Affordable Housing shall be permitted” to read as follows with new text shown in double underline:

“p. Affordable Housing shall be permitted on existing lots of record platted prior to August 21, 2018 within the DR-1, DR-1F, DR-2, DR-2F, LB, GB, LI, MU-1, MU-1/WH, MU-2 and MU-2/WH districts if the proposal satisfies the following conditions, except that there are no density limits in the MU-1, MU-1/WH, MU-2 and MU-2/WH districts:”

Section 7. Article 2, Part 2, Sec. 54-207, Conditional Uses, subsection p. Affordable Housing, paragraph (d.) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting “forty-seven percent” and replacing in its place and stead “fifty (50) percent.

Section 8. Article 1, Part 3, Sec. 54-120, Definitions, is hereby amended by inserting the words “used exclusively for residential uses” after the words “dwelling units” in the first sentence and correcting a scrivener’s error so that the definition shall read as follows:

**Affordable Housing.** Single-family, two-family or multi-family dwelling units, used exclusively for residential uses, where occupants have, in the aggregate, household income of less than or equal to one hundred twenty (120) percent of median area income for owner occupied units, or eighty (80) percent of median area income for rental units. Median area income shall be determined annually by the U.S. Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or its successor. Household income shall include all sources of financial support, both cash and in kind, of adult members of the household, to include wages, salaries,

tips, commissions, all forms of self-employment income, interest, dividends, net rental income, income from estates or trusts, Social Security benefits, railroad retirement benefits, Supplemental Security income, Aid to Families with Dependent Children or other public assistance or public welfare programs, other sources of income regularly received, including Veterans' (VA) payments, unemployment compensation and alimony, awards, prizes, government or institutional or eleemosynary loans, grants or subsidies and contributions made by the members' families for medical, personal or educational needs.

Section 9. This Ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_ day of \_\_\_\_\_ in the Year of Our Lord 2020, in the \_\_\_ Year of Independence of the United States of America.

By: \_\_\_\_\_  
John Tecklenburg  
Mayor, City of Charleston

Attest: \_\_\_\_\_  
Vanessa Turner-Maybank  
Clerk of Council

COMPARISON TABLE: **NEW/REVISED STANDARDS** & (EXISTING STANDARDS) ONE-FAMILY ATTACHED DWELLINGS

ZONING DISTRICT	MINIMUM LOT FRONTAGE <sup>1, 2,3</sup>	MINIMUM LOT AREA IN SQ FT	MINIMUM SETBACKS	MAXIMUM LOT OCCUPANCY
SR-1	45' (50')	7,000 (9,000)	Front 25', Rear 20', Sides 7'SW, 7'NE (F-25', R-25', Sides-9'SW, 9'NE)	35% (35%) no change
SR-2	40' (50')	4,400 (6,000)	Front 25', Rear 15', Sides 6'SW, 6'NE (F-25', R-25', Sides-9'SW, 9'NE)	50% (50%) no change
SR-3	40' (50')	4,400 (6,000)	Front NR', Rear 3', Sides 9'SW, 3'NE (F-NR', R-3', Sides-12'SW, 6'NE)	50% (35%)
SR-4	40' (50')	3,200 (4,000)	Front NR', Rear 3', Sides 9'SW, 3'NE (F-NR', R-3', Sides-9'SW, 6'NE (15'total))	50% (35%)
SR-5	35' (50')	2,500 (2,500)	Front-NR', Rear-3', Sides-7'SW, 3'NE (F-NR', R-3', Sides-7'SW, 3'NE) no change	50% (35%)
SR-6	35' (50')	4,000 (5,000)	Front 18', Rear 10', Sides 4'SW, 4'NE (F-18', R-10', Sides-5'SW, 5'NE)	50% (50%) no change
STR	40' or no frontage required (50')	4,800 (6,000)	Front 25', Rear 15', Sides 5', 5' (F-25', R-25', Sides- 12'SW, 6'NE)	50% (50%) no change
DR-1	32' or no frontage required (40')	2,800 (4,000)	Front NR', Rear 3', Sides 7'SW, 3'NE (F-NR', R-3', Sides-9'SW, 3'NE (15'Total))	50% (35%)
DR-1F	32' or no frontage required (40')	2,800 (4,000)	Front 25', Rear 3', Sides 7'SW, 3'NE (F-25', R-3', Sides-9'SW, 3'NE (15'Total))	65% (50%)
DR-2	32' or no frontage required (40')	2,200 (2,500)	Front NR', Rear 3', Sides 7'SW, 3'NE (F-NR', R-7', Sides-7' SW, 3'NE)	50% (35%)
DR-2F	32' or no frontage required (40')	2,200 (2,500)	Front 25', Rear 3', Sides 7'SW, 3'NE (F-25', R-3', Sides-7'SW, 3'NE) no change	65% (50%)