



AN EMERGENCY ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING DESIGN REVIEW DISTRICT SECTION 54-268.c TO ALLOW AFFORDABLE HOUSING DEVELOPMENTS TO BE APPROVED BY THE ADMINISTRATIVE OFFICER.

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

Section 1. City Council finds as follows:

WHEREAS, to meet public emergencies affecting life, health, safety or the property of the people, City Council may adopt emergency ordinances by the affirmative vote of at least two-thirds of the members of City Council present;

WHEREAS, an emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements, or public notice requirements;

WHEREAS, emergency ordinances shall expire automatically as of the sixty-first day following the date of enactment;

WHEREAS, on March 13, 2020, the Governor of the State of South Carolina (the “Governor”) issued Executive Order 2020-08, declaring a State of Emergency based on a determination that COVID-19 posed an actual or imminent public health emergency for the State of South Carolina;

WHEREAS, on March 16, 2020, Mayor John J. Tecklenburg declared a State of Emergency in the City of Charleston;

WHEREAS, on March 28, 2020, the Governor issued Executive Order 2020-15, declaring an additional State of Emergency based on the increased threat of COVID-19 to the public health, safety, and welfare;

WHEREAS, on April 12, 2020, the Governor issued Executive Order 2020-23, determining that “that the accelerated spread of COVID-19 throughout the State poses an actual, ongoing, and evolving public health threat to the State of South Carolina, which now represents a new and distinct emergency and requires additional proactive action by the [State] and the implementation and enforcement of further extraordinary measures to slow the spread of COVID-19, minimize the strain on healthcare providers, and otherwise respond to and mitigate the expanding public health threat imposed by [the] emergency”;

WHEREAS, on April 27, 2020, the Governor issued Executive Order 2020-29, recognizing that, “based on recent developments, new facts, changing conditions, and the previously unforeseen occurrence of a combination of extraordinary circumstances, to include the continued spread of COVID-19 and the significant economic consequences for individuals and businesses in this State, after consulting with numerous state and federal agencies, officials, and experts, the undersigned has determined that it is necessary and prudent to declare that a separate and distinct emergency exists in the State of South Carolina”;

WHEREAS, the COVID-19 pandemic has created a state of emergency in the City of Charleston, the State of South Carolina, the nation, and the world, which has drastically impacted the life, health, safety, and property of the people;

WHEREAS, while the impact to the life, health, and safety of the people is of paramount concern, City Council finds it necessary to blunt, as much as reasonably feasible, the economic impact to the property of the people, especially the impact of the pandemic on the City’s pre-existing affordable housing crisis; and

WHEREAS, the COVID-19 has had a significant negative impact on development within the City, including but not limited to existing developments planned to provide additional affordable housing opportunities within the City.

Section 2. Section 54-268.c of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended to insert a new paragraph “2.” in numeric order as stated below and to renumber existing paragraphs “2.” through “11.” to “3.” through “12.”:

- “2. Affordable housing developments, satisfying the requirements below, shall require approval by the administrative officer:
- a. A minimum of fifty percent (50%) of the total dwelling units shall be identified as affordable housing; and
 - b. The development must be verified as affordable housing by the City of Charleston Department of Housing and Community Development or its successor; and
 - c. This provision does not apply to developments that opt to pay a fee in lieu of affordable housing.

Section 3. This Ordinance only shall apply to any affordable housing developments that have made application to the Design Review Board on or before April 28, 2020.

Section 4. This Ordinance shall become effective immediately upon enactment and shall automatically terminate on May 16, 2020, unless otherwise extended. Upon termination, the amendments set forth herein shall be automatically repealed.

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