

## 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 (AS AMENDED)

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 ~~striketrough~~ 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 ~~striketrough~~ 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. A copy of the application shall be forwarded to the Department of Housing and Community Development;
- 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. Prior to the issuance of a building permit, the owner shall provide a copy of the recorded covenants to the Department of Planning, Preservation and Sustainability.
    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. If rented for remuneration, the ADU must meet Affordable Housing income and rental thresholds, as defined in Sec. 54-120 of the City of Charleston Zoning Ordinance, where the occupants have, in the aggregate, a household income of less than or equal to eighty percent (80%) of median area income, and the owner shall provide proof of affordability to the City of Charleston Department of Housing and Community Development, or its successor, on an annual basis thereafter.
    3. 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;
    4. Under no circumstances shall the property be converted to a horizontal ownership regime;
    5. Neither the principal dwelling unit nor ADU shall be utilized for a Short Term Rental;
    6. The covenants shall accord the City of Charleston, or its assignee, rights to enforcement by any legal and/or equitable means, including the revocation of a certificate of occupancy."

Section 5. This Ordinance shall become effective upon ratification.

Ratified in City Council this 8<sup>th</sup> day of  
September in the Year of Our Lord, 2020,  
and in the 245<sup>th</sup> Year of the Independence of  
the United States of America

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

ATTEST:

  
\_\_\_\_\_  
Vanessa Luvina Maybank  
Clerk of Council