

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____) DECLARATION OF COVENANT

RECITALS

- A. The undersigned is the owner (“Owner” and “Declarant”) of the property located at **(insert legal address of property)**, in the County of **(insert County name)**, City of Charleston (“City”), South Carolina (“the “Property”) which is more fully described on Exhibit A which is attached hereto and incorporated herein by reference.
- B. Owner desires to construct one (1) Accessory Dwelling Unit (“ADU”) upon the Property and to that end desires to covenant and restrict the Property according to the requirements of Section 54-214 of the City of Charleston Zoning Ordinance as more fully set forth below.

NOW THEREFORE, in consideration of the granting of a permit to construct an ADU upon the Property, and in compliance with Section 54-214 of the City of Charleston Zoning Ordinance, and the mutual benefit of Owner and City of the covenants set forth herein, Owner hereby imposes the following covenants, restrictions, terms and conditions on the Property and such covenants, restrictions terms and conditions shall be binding upon Owner and her heirs and assigns:

- 1. The principal residential dwelling unit (the “Dwelling Unit”) located upon the Property or the ADU to be constructed upon the Property must be owner-occupied and serve as the primary dwelling unit for the owner of the Property. In the event neither the Dwelling Unit nor the ADU is owner-occupied, the ADU shall not be rented separately from the Dwelling Unit.
- 2. No subleases of the ADU shall be permitted.
- 3. If the Owner receives financial subsidy from the City of Charleston and the ADU is rented for remuneration, the ADU must meet affordable housing income and rental thresholds, as defined in Sec. 54-120, where the occupants have, in the aggregate, a household income of less than or equal to eighty percent (80%) of AMI, 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 during the affordability period.
- 4. For Owners receiving financial subsidy under Sec. 54-214.g(3), the affordability period shall be at least thirty (30) years, beginning upon receipt of a certificate of occupancy/completion for the ADU.
- 5. Occupancy of the ADU shall be limited to no more than two (2) adults. The term “adult” shall mean any person eighteen (18) years of age or older.
- 6. The Property shall not be converted to a horizontal property regime.
- 7. Neither the Dwelling Unit nor the ADU shall be offered for or utilized as a short-term rental.
- 8. The covenants, restrictions terms and conditions set forth herein shall be for the benefit of and accord the City, its successors and assigns, the right to enforce the same by any means permitted in law or equity and shall include the right to revoke any existing certificate of occupancy for the Property or any portion thereof.

-signatures on following page-

WITNESSES:

Witness #1
Name: _____

Witness #2
Name: _____

OWNER AND DECLARANT

(signature of owner)
(type name of owner)
Date: _____

STATE OF SOUTH CAROLINA)
) ACKNOWLEDGMENT
COUNTY OF CHARLESTON)

The foregoing instrument was acknowledged before me this ____ day of _____,
202_, by (type name of owner, same as above).

_____ (SEAL)
Notary Public for South Carolina
Print Name:
My Commission Expires:

EXHIBIT A
LEGAL DESCRIPTION

ALL that lot, piece, parcel of land with the buildings thereon, in the City of Charleston, County of _____, State of South Carolina, known as(insert legal description of the Property)

This being the same property conveyed unto _____ by deed from _____ and dated (insert date of deed) and recorded with (insert name of County) County Register of Deeds on (insert recording date on deed) in Book _____, Page _____.

TMS #: _____
Property Address: (insert address)