



## 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 AFFORDABLE HOUSING AS A CONDITIONAL USE WITHIN MULTIPLE BASE ZONING DISTRICTS (AS AMENDED).

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	MINIMUM BUILDING SETBACKS	MAXIMUM LOT OCCUPANCY OF

		IN SQ FT		BUILDINGS
<b>SR-1</b>	45'	7,000	Front 25', Rear 20', Sides 7'SW, 7'NE	35%
<b>SR-2</b>	40'	4,400	Front 25', Rear 15', Sides 6'SW, 6'NE	50%
<b>SR-3</b>	40'	4,400	Front NR', Rear 3', Sides 9'SW, 3'NE	50%
<b>SR-4</b>	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;
  - (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 one-family detached 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, there shall be no minimum front building setback for lots accessed exclusively from the new street, and the minimum side setback for all side property lines adjacent to another lot accessed exclusively from the new street shall be three (3) feet.
  - (d) The dwelling on each lot with frontage on the existing street the new street connects to shall front on the existing 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..”

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 (47) percent” and replacing in its place and stead “fifty (50) percent.”

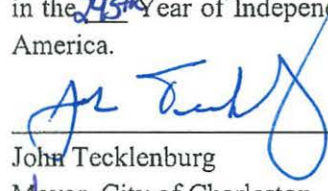
Section 8. Article 1, Part 3, Sec. 54-120, Definitions, is hereby amended by inserting the words “used exclusively for residential uses” after the words “dwelling units” in the first sentence and correcting a scrivener’s error so that the definition shall read as follows:

**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.

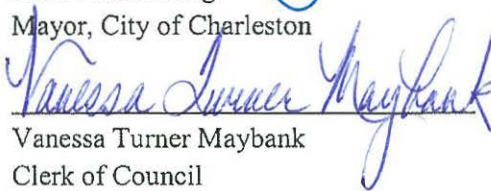
Section 9. This Ordinance shall become effective upon ratification.

Ratified in City Council this 18<sup>th</sup> day of  
August in the Year of Our Lord 2020,  
in the 245<sup>th</sup> Year of Independence of the United States of  
America.

By:

  
John Tecklenburg  
Mayor, City of Charleston

Attest:

  
Vanessa Turner Maybank  
Clerk of Council