



Ratification  
Number 2022-069

# AN ORDINANCE

TO AMEND PART 4 (ACCESSORY USES) OF ARTICLE 2 (LAND USE REGULATIONS) OF THE ZONING ORDINANCE OF THE CITY OF CHARLESTON, BY MODIFYING SEC. 54-214 (ACCESSORY DWELLING UNIT) TO LIMIT THE AFFORDABILITY REQUIREMENT ON ACCESSORY DWELLING UNITS TO ONLY THOSE OWNERS RECEIVING A SUBSIDY TO BUILD THE STRUCTURE AND TO CLARIFY THE EXISTING PROCEDURES AND REQUIREMENTS FOR APPROVAL OF ACCESSORY DWELLING UNITS.

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

Section 1. That section 54-214 (Accessory Dwelling Unit) of the Code of the City of Charleston, South Carolina, is hereby amended to read as follows:

## **Sec. 54-214. – Accessory Dwelling Unit.**

In all base zoning districts, an accessory dwelling unit (ADU) may be approved by the Zoning Administrator as an accessory use to a principal single-family dwelling unit, if the Zoning Administrator finds the following conditions have been met:

a. The Department of Planning, Preservation, and Sustainability (“Planning”) shall prepare a site plan checklist and application for use by applicants. The application shall include, without limitation, a statement, signed by the applicant, certifying that no covenants exist prohibiting the construction or use of an ADU on the lot. In addition to other items required by the application, the applicant shall submit the following to Planning with the signed application:


1. A scaled site plan showing all information required in the site plan checklist; and
2. A draft Declaration of Covenants and Restrictions (“DCR”), which must be approved by the Department of Planning (“Planning”) and the Office of Corporation Counsel (“Legal”), including the terms, conditions, and provisions set forth in Sec. 54-214.g. The DCR must be executed by the owner(s) of the lot, in a form sufficient for recording with the applicable Register of Deeds Office. A certificate of occupancy/completion shall not be issued for the ADU until the applicant provides a recorded copy of the DCR that is approved by Planning and Legal. If the ADU receives financial subsidy from the City of Charleston under the provisions set forth in Sec.

54-214.g(3), the Department of Housing and Community Development (“Housing”) must provide approval prior to review by Planning and Legal.

- c. There shall be a limit of one (1) ADU per lot.
- d. The total number of dwelling units, including the ADU, shall not exceed two (2) dwelling units per lot. The ADU may be separately metered for electricity, gas, and water.
- e. The ADU may include no more than 850 square feet of conditioned floor area; provided, however, for ADU’s within an accessory building approved utilizing the setback exceptions in Sec. 54-506.f, the maximum building footprint shall be 600 square feet.
- f. One (1) off street parking space shall be provided for the ADU on the lot, in addition to providing, on the lot, required off street parking for existing uses thereon. The off street parking space provided for the ADU may be situated in tandem with the required spaces for other uses on the lot.
- g. The DCR shall include the following terms, conditions, and provisions:
  - 1. Either the principal dwelling unit or the ADU must be owner-occupied and serve as the primary dwelling unit for the owner of the lot. If neither dwelling unit is owner-occupied, the ADU may not be rented separately from the principal dwelling unit.
  - 2. No subleases of the ADU shall be permitted.
  - 3. If the applicant 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 applicants 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 an ADU shall be limited to no more than two (2) adults, with “adult” defined as any person eighteen years of age or older.
  - 6. Under no circumstances shall the property be converted to a horizontal property regime.
  - 7. Neither the principal dwelling unit nor the ADU shall be utilized for a short-term rental.
  - 8. The covenants shall accord the City, or its assignee, rights to enforcement by any legal and/or equitable means, including the revocation of a certificate of occupancy.

Section 2. That this Ordinance shall become effective immediately upon ratification.

Ratified in City Council this 10<sup>th</sup> day of  
May in the Year of Our Lord, 2022,  
and in the 246<sup>th</sup> Year of the Independence of  
the United States of America

  
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John J. Tecklenburg, Mayor

ATTEST:

  
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Jennifer Cook  
Clerk of Council