

AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING SECTION 54-220 ACCOMMODATIONS OVERLAY ZONE, BY INSERTING LANGUAGE TO PRESERVE MIXED-USE DISTRICTS; PROHIBIT THE DISPLACEMENT OF HOUSING BY ACCOMMODATIONS AND CONSIDER THE EFFECTS OF HOUSING UNITS TO BE ALTERED OR REPLACED ON THE HOUSING STOCK AND WHETHER REQUIREMENTS TO PROTECT THE AFFORDABILITY OF THE HOUSING UNITS SHOULD BE ATTACHED TO AN ACCOMMODATIONS SPECIAL EXCEPTION APPROVAL; PROHIBIT THE DISPLACEMENT OR REDUCTION OF OFFICE SPACE BY ACCOMMODATIONS TO BE LOCATED WITHIN AREAS ON THE PENINSULA DESIGNATED "A-1" ON THE ACCOMMODATIONS OVERLAY ZONING MAP AND ON STREETS WITH OFFICE USE AS A PREDOMINANT USE; PROHIBIT THE DISPLACEMENT OF MORE THAN 25 PERCENT OF GROUND FLOOR, STORE FRONT RETAIL SPACE BY ACCOMMODATIONS USES ON STREETS WITH GROUND FLOOR, STORE FRONT RETAIL AS A DOMINANT USE; PROHIBIT AN OVERCONCENTRATION OF ACCOMMODATIONS UNITS WITHIN AREAS ON THE PENINSULA DESIGNATED "A-1" ON THE ACCOMMODATIONS OVERLAY ZONING MAP; AMEND REVISED SUBSECTION B. 1. (G) BY DELETING WORDING REGARDING PEDESTRIAN ACTIVITY AND TRANSIT SYSTEM USAGE AND INSERTING LANGUAGE REGARDING THE LOCATION AND DESIGN OF GUEST DROP OFF AND PICK UP AREAS; AND AMEND REVISED SUBSECTION B. 1. (H) 15 TO REQUIRE ADDITIONAL INFORMATION ON PARKING AND PUBLIC TRANSIT PROVISIONS FOR EMPLOYEES

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

Section 1. That Section 54-220 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting text shown below with a ~~strikethrough~~ and adding text shown below with a double-underline:

“Sec. 54-220. - Accommodations overlay zone.

a. Intent. The A Overlay Zone is intended to identify those areas within the City limits where accommodation uses are allowed. Accommodation uses are prohibited except within the A Overlay Zone, with the exception of bed and breakfasts that are approved in accordance with the provisions of Section 54-208 or 54-208.1, and short term rentals that are approved in accordance with the provisions of Section 54-227. The City places a high value on the preservation of the character of its residential neighborhoods and its mixed-use districts. Potential negative impacts affecting residential neighborhoods shall be avoided or minimized to the greatest extent possible.

b. Permitted uses. In any Accommodation overlay zoning district, land may be used and buildings or structures may be erected, altered or used for any purpose allowed by the underlying zoning district as listed in Article 2: Part 3, and the following uses subject to the approval of the Board of Zoning Appeals:

1. Accommodation uses. The Board of Zoning Appeals may permit accommodation uses as an exception where it finds that:

(a) the facility will not displace-elimination of housing units by the proposed facility from the property and, if existing housing are to be altered or

replaced on the property, will not adversely affect the existing housing stock;

(b) the facility, if located on the peninsula within areas designated “A-1” on the Accommodations Overlay zoning map on a commercial street where the predominate use on the commercial street within 500 feet of the facility is offices, will not reduce or displace office space;

(c) the facility will not displace more than 25% of the linear frontage of existing ground floor storefront retail space on streets with retail store fronts as a dominant use;

(d) the location of the facility will not significantly increase automobile traffic on streets within residential neighborhoods;

(e) the total square footage of interior and exterior floor area for restaurant and bar space in the proposed facility, including restaurant/bar patron use areas, bar areas, kitchen, storage, and bathroom facilities, shall not exceed 12 percent of the total interior, conditioned floor area in the facility, except that each facility shall be permitted to exempt from the calculation of total restaurant floor area one interior, ground floor restaurant tenant space if the total tenant space does not exceed 2,000 square feet, the restaurant tenant

does not serve alcoholic beverages, and the exempt restaurant tenant space is clearly labeled with these restrictions on the floor plans submitted with the application for this zoning special exception;

(f) the proposed use is otherwise in character with the immediate neighborhood and, if located within the area designated “A-1” on the Accommodations Overlay zoning map, will not be located on a property that adjoins another property with an existing accommodations use or a vested approval for an accommodations use and will not share any facilities with any other accommodations use;

(g) the location and design of the proposed ~~facility~~ guest drop off and pick up area(s) ~~will facilitate pedestrian activity and encourage transit system usage within the peninsula~~ is safe and appropriate; and

(h) in making these findings, the Board of Zoning Appeals shall consider the following information to be provided by the applicant in site plans, floor plans, building elevations, and a detailed written assessment report to be submitted with the application:

(1) the number of existing housing units on the property, including units on the property that were occupied as housing units within the last 5

years, to be displaced by the type of unit (rental or owner-occupied; single-family, duplex or multi-family; occupied or unoccupied), by income range, the rental price for rental units and market price for owner occupied units relative to the median area income figures that are determined annually by the U.S. Department of Housing and Community Development and adjusted by the City of Charleston Department of Housing and Community Development, or its successor, the and by physical condition of the units (sound, deficient, deteriorated or dilapidated), and whether units are to be displaced, physically altered or replaced on the property;

- (2) the effect of the displacement physical alteration or replacement on the total available housing stock and on the housing stock of a particular type and income range in the service area and whether a condition should be attached to a special exception approval for the accommodations use requiring a minimum percentage of the housing units on the property to remain affordable based on the annually updated median area income values;

- (3) the presence of office space on the property or the presence of spaces on the property that were occupied as office spaces within the last 5 years;
- (4) the linear frontage of existing groundfloor storefront retail space on the property on streets with groundfloor retail storefront spaces as a dominant use;
- (5) the location and design of guest drop off and pick up areas for the facility.
- (6) the number of vehicle trips generated by the facility and the traffic circulation pattern serving the facility and efforts made to minimize traffic impacts;
- (7) the distance of the main entrance and parking entrance of the facility from a road classified as an arterial or collector road;
- (8) the development pattern and predominant land uses within five hundred feet (500') of the facility and, for a facility to be located on a property within the area designated "A-1" on the Accommodations Overlay zoning map, the presence of existing or vested accommodations uses on an adjoining property;

- (9) the proximity of residential neighborhoods to the facility;
- (10) the accessory uses proposed for the facility in terms of the size, impact on parking, and impact on traffic generation;
- (11) the demonstrated provision of off-street parking at the rate of two spaces that meet the design requirements of Sec. 54-318 for each three sleeping units;
- (12) the presence of industrial uses and uses which use, store, or produce toxic or hazardous materials in quantities in excess of those specified by the EPA listing of toxic and hazardous materials, within five hundred feet (500') of the facility;
- (13) the commitment to environmental sustainability and recycling;
- (14) the distance of the facility from major tourist attractions;
- (15) the distance of the facility from existing or planned transit facilities;
- (16) the long term provision of on- or off-site parking for employees who drive vehicles to work, including an estimate of the number of employees that will drive to work during the maximum shift and the location of parking spaces to be provided; and the demonstrated

provision of free transit passes or other incentives to encourage employee use of public transportation;

(17) the location of the proposed facility will contribute to the creation of a diverse mixed-use community;

(18) the number of rooms in the facility; provided however that the number of rooms in a facility shall not exceed 50 in areas designated "A-1" on the zoning map; 180 in areas designated "A-2" on the zoning map; 225 in areas designated "A-3" on the zoning map; 100 in areas designated "A-4" on the zoning map; 150 in areas designated "A-5" on the zoning map; and 69 in areas designated "A-6" on the zoning map; ~~and further provided that within the portion of the area designated "A-1" bounded by King Street on the west, Meeting Street on the east, Mary Street on the south and Line Street on the north, the number of rooms in a facility may exceed 50 if the facility is a full-service hotel that provides 20,000 or more square feet of meeting and conference space, and an on-site restaurant that serves breakfast, lunch and dinner seven days a week;~~

(19) the provision of shuttle bus services to and from the historic district by facilities with more than 50 rooms located outside the area designated

"A-1" through "A-6" on the zoning map- ~~and not served by public transit;~~

(20) the commitment to make affirmative, good faith efforts to see that construction and procurement opportunities are available to DBEs (disadvantaged business enterprise) and WBEs (women business enterprise) as outlined in Section 2-267 (D)(1), (2), and (3) of the Code of the City of Charleston;

(21) the commitment to make affirmative, good faith efforts to hire personnel, representative of the population of the Charleston community, at all employment levels. “

Section 2. This Ordinance shall become effective upon ratification.

day of
Lord, 2016,
Independence of

Ratified in City Council this _____
_____ in the Year of Our
and in the _____ Year of the
the United States of America

John J. Tecklenburg, Mayor

ATTEST:

Clerk of Council