



Ratification
Number 2024-007

A N O R D I N A N C E

TO AMEND SECTION 2-274 OF THE CODE OF THE CITY OF CHARLESTON TO DEFINE PRIORITY STATUS AFFORDABLE HOUSING PROJECTS AND ALLOW WAIVERS OF PERMITTING FEES FOR SAME.

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

Section 1. Section 2-274 of Chapter 2, Article VIII of the Code of the City of Charleston is hereby amended by adding thereto the following double-underlined words, to state as follows:

Sec. 2-274. - Waiver of permitting fees.

- (a) The City of Charleston Chief Financial Officer, or his or her designee, may authorize and issue a waiver letter for certain application, plan review, and permitting fees associated with city-owned projects or priority status affordable housing projects, as those terms are defined pursuant to this section, when the chief financial officer or his or her designee determines, in his or her sole discretion, that such waiver will improve the city's efficiency and effectiveness, is deemed to be fiscally responsible, and is in the best interest of the city and its citizens.
- (b) For purposes of this section, "city-owned project" means a project that is funded wholly or substantially by city funds, including city- administered grant funds, where the city contracts directly with the contractor and/or subcontractor for the work or utilizes city employees to do the work.
- (c) For purposes of this section, "priority status affordable housing projects" means projects, including new construction or rehabilitation, that meet the definition of Affordable Housing as that term is defined in Chapter 54 of the Code of the City of Charleston (Zoning Ordinance), that are certified as such by the City's Department of Housing and Community Development, and that meet one of the below criteria:
 - (1) The project designates fifty percent (50%) or more units "Affordable Housing;"
 - (2) The project receives funding from a public agency for affordable housing production;
 - (3) The city contracts directly with the contractor and/or subcontractor for project work; or

- (4) The city utilizes city employees to do project work.

The Priority Status Affordable Housing designation can only be certified by the Department of Housing and Community Development. The certification process may require that the recipient of the Priority Status Affordable Housing designation enter an agreement with the City of Charleston if no public funding is being provided for the project.

- (d) For purposes of this section, the term “contractor” shall include contractors, consultants, engineers, and architects who contract directly with the City on a City-owned project. “Subcontractors” shall include subcontractors, subconsultants, or other entities contracting directly with the City or the City's contractor for a portion of the work on a City-owned project.
- (e) Permitting fees for city-owned projects that may be waived in accordance with this section include, but are not limited to:
- (1) Fees for approvals related to the department of planning, preservation and sustainability, including, but not limited to, application and review fees for staff review and review by the board of zoning appeals, planning commission, technical review committee, board of architectural review, design review board, and/or plat review committee.
- (2) Fees for building permits issued by the building inspections division of the department of public service, including, but not limited to, initial application, initial plan review, and permit fees for new construction, alterations and repairs, and/or demolition projects.
- (3) Fees for trade permits and sub permits issued by the building inspections division of the department of public service, including, but not limited to, application and permit fees for electrical, plumbing, fuel gas, and/or mechanical permits.
- (4) Fees for permits issued by the fire marshal division of the fire department, including, but not limited to, initial application, initial plan review, and initial inspection fees for fire permits.
- (5) Fees for permits issued by the engineering division of the department of public service, including, but not limited to, application and permit fees associated with roadway inspections, encroachment permits, and utility permits.
- (6) Fees for permits issued by the department of traffic and transportation, including, but not limited to, application and permit fees associated with construction parking, meter bags, traffic management, street/sidewalk blocking, and dumpsters.
- (7) Other miscellaneous administrative and/or permitting fees may be waived as deemed necessary by the chief financial officer.
- (f) Permitting fees for priority status affordable housing projects that may be waived in accordance with this section may include, but are not limited to:
- (1) Fees for approvals related to the department of planning, preservation and sustainability, including, but not limited to, application and review fees for staff review and review by the board of zoning appeals, planning commission, technical review committee, board of architectural review, design review board, and/or plat review committee.

- (2) Fees for building permits issued by the building inspections division of the department of public service, including, but not limited to, initial application, initial plan review, and permit fees for new construction, alterations and repairs, and/or demolition projects.
- (3) Other miscellaneous administrative and/or permitting fees may be waived as deemed necessary by the chief financial officer.
- (g) The following fees shall not be waived, and shall be the sole responsibility of the applicant and/or permit holder:
- (1) Fees for permits or approvals related to the department of storm water management, including, but not limited to, Application, plan review, and inspection fees for construction activities.
- (2) Fees associated with additional plan reviews required as a result of incomplete submittals, failure to correct items previously noted during the initial plan review, plan revisions, or similar circumstances caused by the applicant and/or permit holder.
- (3) Fees associated with re-inspections required as a result of inspection requests made prematurely, failure to correct previously cited violations, failure to meet applicable requirements after the initial inspection, or similar circumstances caused by the applicant and/or permit holder.
- (4) Fines, fees, or citations that are issued for violation of any city ordinance.
- (5) Fines, fees, or penalties that are assessed for commencing work without appropriate permits or approvals.
- (h) City-owned projects and priority status affordable housing projects shall be subject to all applicable review, approval and permitting requirements referenced in the City Code and nothing herein shall be construed to waive, relieve, or otherwise exempt any contractor, subcontractor and/or city employee from applying for and obtaining such approvals and permits.

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this 10th day of January in the year of Our Lord, 2024, in the 248th Year of the Independence of the United States of America.

By: _____

William S. Cogswell, Jr., Mayor

ATTEST:

By: _____

Jennifer Cook
Clerk of Council