



Retification
Number 2012-41

AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY ADDING A DEFINITION FOR A NEW LAND USE CLASSIFICATION, SHORT TERM RENTALS, CREATING THE SHORT TERM RENTAL OVERLAY ZONE, AND ADDING REGULATIONS TO ALLOW SHORT TERM RENTALS AS A CONDITIONAL USE IN THE COMMERCIAL TRANSITIONAL (CT), LIMITED BUSINESS (LB), GENERAL BUSINESS (GB), URBAN COMMERCIAL (UC), MIXED USE-1 (MU-1), MIXED USE-1/WORKFORCE HOUSING (MU-1/WH) MIXED USE-2 (MU-2), AND MIXED USE-2/WORKFORCE HOUSING (MU-2/WH) ZONE DISTRICTS WITHIN THE SHORT TERM RENTAL OVERLAY ZONE (AS AMENDED).

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

Section 1. Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting in the first sentence of Section 54-102(c)(1) immediately after "Landmark Overlay Zone" the text ", Short Term Rental Overlay Zone" and inserting the following new subsection at the end of Section 54-202 to read as follows:

"h. **Short Term Rental, ST Overlay Zone.** The Short Term Overlay Zone is intended to permit short term rentals, as defined herein, in specific base zoning districts within the ST Overlay Zone."

Section 2. Article 1, Part 3: Definitions of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding in alphabetical order the following definition:

Short Term Rental- Short term rentals are a distinct type of accommodations use consisting of a limited number of fully functioning private dwelling units that are rented to families for periods of between one day and 29 days. Distinguishing characteristics of a short term rental is: 1) it has all the attributes of a typical dwelling unit including cooking, living, sanitary and sleeping facilities, 2) is occupied by not more than four unrelated people pursuant to the definition for family, and 3) is located on a commercially zoned property with a limited number of short term rental units, if more than one such unit is provided.

Section 3. Article 1, Part 3: Definitions of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding text shown below with a double-underline:

Accommodations Uses. Commercial uses to provide living or sleeping units, for remuneration, to one or more individuals where the intended and/or usual occupancy would not exceed twenty-nine

(29) consecutive days, including hotels, motels, inns, bed and breakfasts, short term rental units, rooming and boarding houses, hostels, lodging units, resort units, condominiums, cooperatives, apartments, units that are included in a "Vacation Timesharing Plan" as defined in S.C. Code Ann. § 27-32-10(7), and/or in a "Vacation Timesharing Lease Plan" as defined in S.C. Code Ann. § 27-32-10(8), as each may be amended from time to time, as well as any and all similar uses where the intended and/or usual occupancy is for periods not to exceed twenty-nine (29) consecutive days, and residence club uses. For purposes hereof, individual(s) mean a person, one who owns or receives an undivided interest in a premises, a partner in a partnership that owns a premises, a beneficiary in a trust that owns a premises, a shareholder in or member of a corporation that owns a premises, a beneficiary in a trust that owns a premises, a holder of a leasehold interest in a premises or a member of a residence club or other organization that owns a premises.

Section 4. Article 2, Part 5: Permitted Uses For Overlay Zones of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting the following new section:

"Sec. 54-227. Short Term Rental, ST Overlay Zone.

a. Short term rentals may be permitted in the CT, LB, GB, UC, MU-1, MU-1/WH, MU-2, and the MU-2/WH zone districts within the Short Term Rental, ST Overlay Zone as a conditional use if the use satisfies, as evidenced by an application, a site plan and floor plans of the property, the following conditions:

1. Each dwelling unit is a conforming or legal non-conforming dwelling unit not designated as an affordable housing unit or workforce housing unit and containing cooking, living, sanitary and sleeping facilities.
2. There are no commercial uses or common areas for renters, such as breakfast rooms, associated with the residential occupation of the property. Commercial enterprises on the property must be completely separate and independent operations.
3. There are no exterior signs for the short term rental use on the property.
4. The owner must comply with all business license and revenue collections laws of the City of Charleston, Charleston County and State of South Carolina.
5. Existing parking spaces on the property, if any, that satisfy the off-street parking requirements of this Chapter for the dwelling units being converted to short term rental units shall be shown on the site plan submitted with the application and shall be retained and used for the short term rental units and no additional parking spaces shall be required.
6. No more than nine short term rental units shall be permitted on one lot. Ten or more short term rental units on one lot shall require approval as an accommodations use pursuant to the requirements of the accommodations overlay zone.

For the purposes of applying Section 54-110 concerning non-conforming uses, a short term rental unit shall be seen as a continuation of use for a legal non-conforming dwelling unit.

Section 5. Article 2, Part 5, Sec. 54-220 - Accommodations overlay is hereby amended by adding text shown below with a double-underline:

- 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 Sections 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. Potential negative impacts affecting residential neighborhoods shall be avoided or minimized to the greatest extent possible.

Section 6. Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by changing the zoning map thereof, and adopting the Short Term Rental, SH, Overlay Zone for the property described below:

All areas of the Cannonborough/Elliottborough neighborhood within the City of Charleston bounded by Meeting Street on the east, Mary Street, Morris Street and Bee Street on the south, President Street on the west, and Highway 17 Septima Clark Parkway and one block of Sheppard Street just west of Meeting Street on the north.

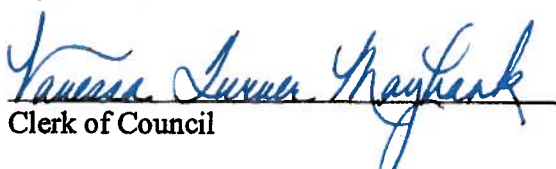
Section 7. This Ordinance shall become effective upon ratification.

Ratified in City Council this 24th day of January in the Year of Our Lord, 2012, and in the 236th Year of the Independence of the United States of America

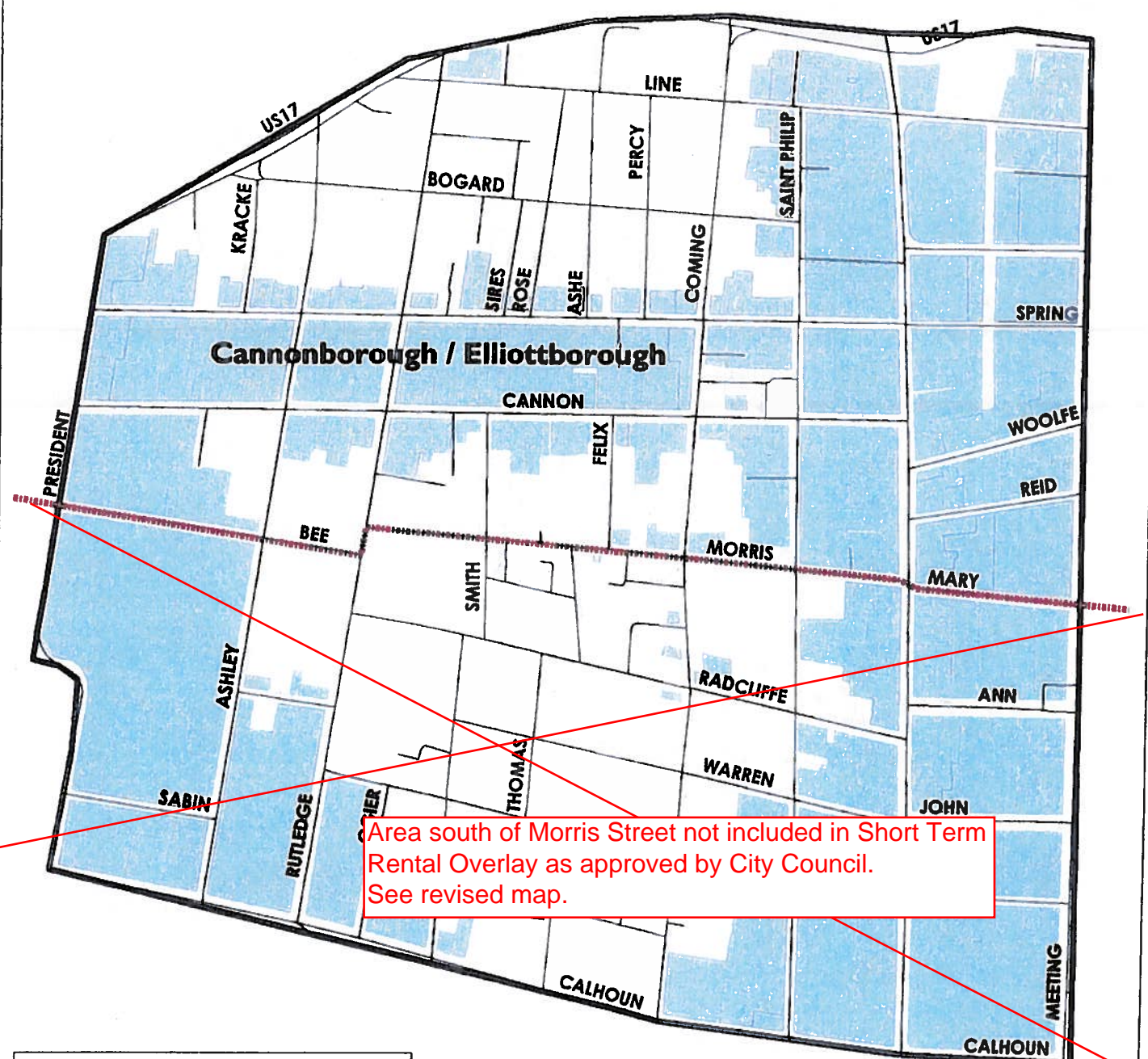


Joseph P. Riley, Jr., Mayor

ATTEST:



Vanessa Turner Raybank
Clerk of Council



Cannonborough / Elliottborough

Area south of Morris Street not included in Short Term Rental Overlay as approved by City Council. See revised map.

Legend

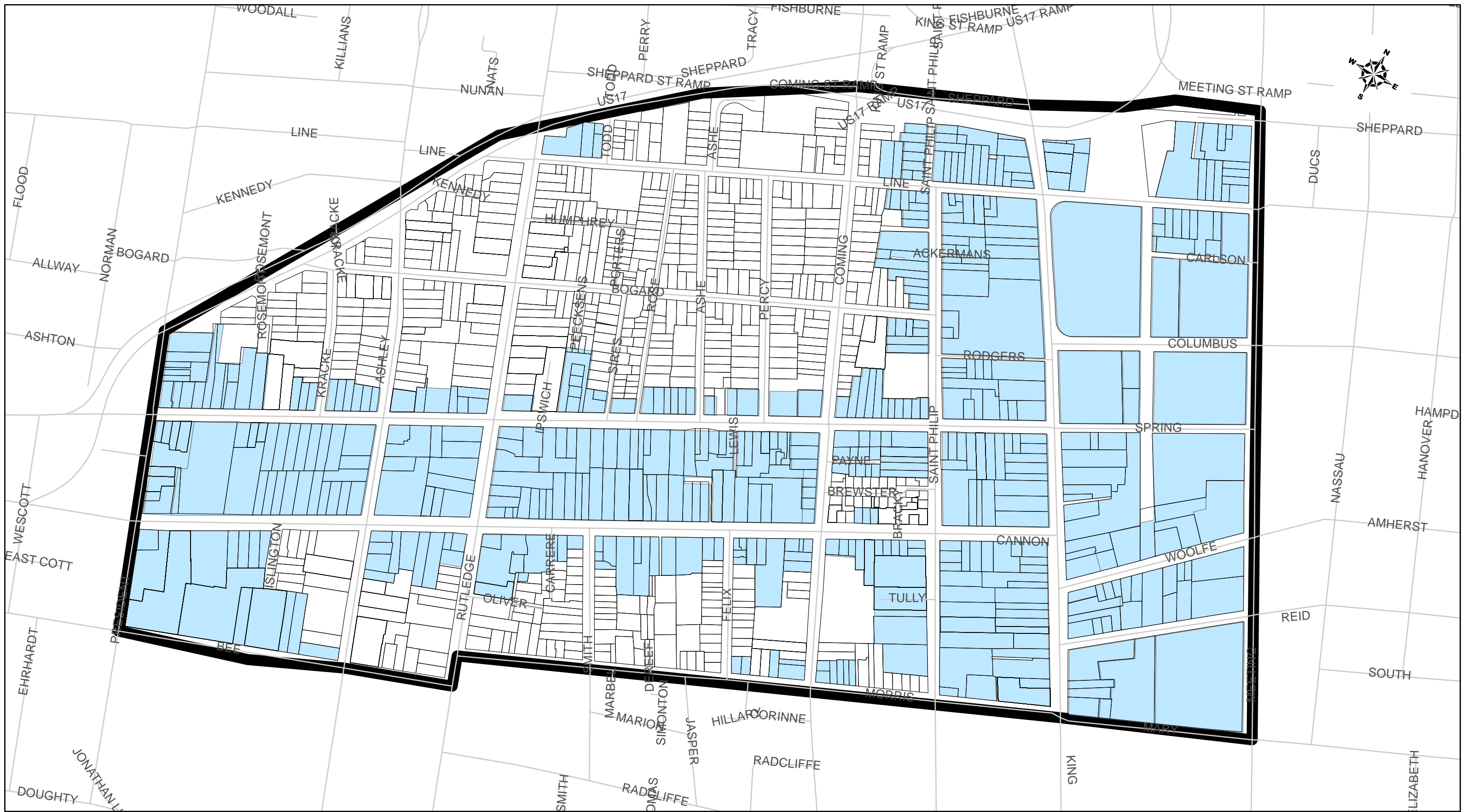
- Streets
- Property Lines within Overlay District
- Boundary of Short Term Rental Overlay
- Commercial Zoning within Short Term Rental Boundary

Short Term Rental Overlay



City of Charleston
Department of Planning, Preservation and Sustainability

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Legend

-  Short Term Rental, ST Overlay Zone Boundary
-  Commercially zoned properties in the ST Overlay Zone

Short Term Rental, ST Overlay

City of Charleston
 Department of Planning, Preservation and Sustainability

Print Date January 31, 2012

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