

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

- a. Intent. The Short Term Rental, ST Overlay Zone is intended to identify those areas within the City limits where Commercial short term rental uses and bed and breakfast uses, as herein defined, are allowed as a conditional use. **Commercial short term rentals are prohibited except on commercially zoned properties within the ST Overlay Zone. Bed and breakfast uses are prohibited except on properties within the ST Overlay Zone.** 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.
- b. Commercial Short Term Rental Use.
 1. Accommodations Use. Subject to the conditions in Section 54-227, b. 2, a dwelling unit converted into a commercial short term rental may be rented to not more than four (4) unrelated people pursuant to the definition for family for a period of between one (1) and twenty-nine (29) days; provided, however, only one (1) family at a time may occupy and use a dwelling unit converted into a commercial short term rental.
 2. Conditions. A conforming or legal nonconforming dwelling unit may be converted into a commercial short term rental only when all of the following conditions are satisfied, as evidenced by an application, a site plan, and floor plans:
 - (a) **The lot is located entirely within one or more of the following base zoning districts: CT, LB, GB, UC, MU-1, MU-1/WH, MU-2, or MU-2/WH; and**
 - (b) **The lot is commercially zoned and located entirely within the Short Term, ST Overlay Zone, as shown on the Zoning Map; and**
 - (c) The dwelling unit being converted to a commercial short term rental is not designated as an affordable housing unit or a workforce housing unit; and
 - (d) The owner of the dwelling unit being converted into a commercial short term rental complies with all business license and revenue collections laws of the City of Charleston, Charleston County and the State of South Carolina; and
 - (e) Any commercial uses on the lot must be completely separate and independent operations, unrelated to the Commercial Short Term Rental; and
 - (f) There are no common areas or other areas serving more than one dwelling unit and/or commercial short term rental on the lot, except driveways; and
 - (g) There are no exterior signs for the commercial short term Rental use of the lot; and
 - (h) Existing parking spaces on the lot, if any, that satisfy the off-street parking requirements of this Chapter for the existing dwelling units being converted to short term rentals and all other uses on the lot shall be shown on the site plan submitted with the application. No additional parking spaces shall be required for the dwelling units being converted to short term rentals; and
 - (i) No more than nine (9) dwelling units may be converted to short term rentals on any one (1) lot. Ten (10) or more short term rental units on one (1) lot shall require approval as an accommodations use pursuant to Section 54-220 of the Zoning Ordinance. This provision shall not be interpreted to permit an increase in the maximum density permitted under the base zoning district for dwelling units on the lot; and
 3. Except as expressly stated otherwise in this Section 54-227, a dwelling unit converted into a commercial short term rental shall continue to be subject to the regulations for such a dwelling unit in the base zoning district, including without limitation the site regulations in Article 3 of the Zoning Ordinance.

4. Impact on Nonconforming Uses. For the purposes of applying Section 54-110 concerning nonconforming uses, a commercial short term rental is considered a continuation of the nonconforming use of a legal nonconforming dwelling unit.
5. Prohibition on Construction of Commercial Short Term Rentals. Nothing in this Section 54-227 shall be construed to permit a property owner to construct a commercial short term rental. A property owner seeking a conditional use for a commercial short term rental must construct a dwelling unit in accordance with applicable standards for the dwelling unit under the base zoning district for the subject property and then apply for the conversion of the conforming dwelling unit to a commercial short term rental use.
6. Approved Short Term Rentals Within the ST Overlay Zone. All STR uses within the ST Overlay Zone that have City approval to operate on the effective date of this ordinance shall be issued a commercial STR permit, which shall be valid for one (1) year from the date of issuance and shall be renewable annually unless revoked. Permit holders shall adhere to the requirements of this Chapter.
7. New Short Term Rentals Within the ST Overlay Zone, Permit. New STR uses within the ST Overlay Zone that receive City approval to operate shall be issued a commercial STR permit, which shall be valid for one (1) year from the date of issuance, and shall be renewable annually unless revoked. Permit holders shall adhere to the requirements of this Chapter.
8. Annual Renewal. For renewal of a commercial STR permit, a property owner shall be required to recertify compliance with this section with the zoning administrator. An application for annual recertification of the commercial STR permit must include the application fee, an affirmation by the applicant that the nature of the STR use at the property has not changed, and must be notarized, filed with, and approved by the zoning administrator to continue the STR use.

c. Bed and Breakfast Use

1. Accessory Use. Subject to the conditions in Section 54-227, c., 2, a bed and breakfast use may be established in a dwelling unit as an accessory to the principal residential use, on any property located within the ST Overlay Zone, and each approved bed and breakfast unit may be rented to one (1) family for a period of between one (1) and twenty-nine (29) consecutive days.
2. Conditions: A bed and breakfast may be approved only when all of the following conditions are satisfied, as evidenced by an application, a site plan, and floor plans:
 - (a) The number of bed and breakfast units shall not exceed four (4) units; except that a lot may have between four (4) and ten (10) bed and breakfast units if the total square footage of conditioned floor area in the building or buildings containing the bed and breakfast units is equal to or greater than the sum of the number of bed and breakfast units multiplied by 560, and all other requirements of this section are met. Each unit shall consist of one (1) or more rooms arranged for the purpose of providing sleeping accommodations for one (1) family for a period of between one (1) and twenty-nine (29) consecutive days; and
 - (b) **The subject property is located entirely within the ST Overlay Zone; and**
 - (c) **The bed and breakfast shall be operated by the record owner of the subject property who also resides at the subject property at least 183 days each year; and**
 - (d) The principal building on the property on which the bed and breakfast use will be located shall have been constructed 50 or more years ago although the bed and breakfast unit(s) may be located in a building that was not constructed 50 or more years ago; and
 - (e) Bed and breakfast unit(s) located in buildings constructed 50 or more years ago shall provide one (1) off street, maneuverable parking space on the subject property for each two (2) bed and breakfast units, or fraction thereof. **Bed and breakfast unit(s) located in buildings not constructed 50 or more years ago shall provide one (1) off street, maneuverable parking space on the subject property for each bed and breakfast unit. Spaces required for the bed and breakfast unit(s) shall be in addition to providing, on the subject property, required off street parking for existing uses on the property; and**

- (f) The property shall be permitted to have one sign advertising the Bed and Breakfast. The permitted sign may have a maximum of two sides and no side shall exceed four (4) square feet in total sign face area; and
 - (g) The bed and breakfast shall be located on property which is in compliance with allowed uses for the zone district in which the property is located; and
 - (h) The bed and breakfast shall be operated by someone who has not had a bed and breakfast permit revoked within the previous twelve (12) months.
3. Operational Requirements . In all cases, bed and breakfast use shall meet the following operational requirements:
- (a) No meals other than breakfast may be served by the resident owner to the paying guests.
 - (b) The resident owner shall keep a guest register including names, addresses, telephone numbers and dates of occupancy of all guests for three (3) years and shall make this available to the City upon request.
 - (c) The resident owner shall comply with all business license and revenue collection laws of the City of Charleston, Charleston County and State of South Carolina.
4. Application Process .

- (a) New applications for bed and breakfast uses shall be notarized and include the location of the property and resident owner of record of the property, an application fee, floor plans drawn to scale of the habitable structures on the property, a site plan of the lot showing the location of the proposed bed and breakfast units, the location of any existing bed and breakfast units, and the location of the required off-street parking spaces and driveways, and photographs of the current principal views of the structure where the proposed bed and breakfast units are to be located. The floor plans shall clearly note all rooms to be used by bed and breakfast guests, with the room or rooms to be used by bed and breakfast guests for sleeping designated. The application shall also include a statement which the resident-owner must sign acknowledging that he or she has reviewed and understands the requirements of this section.

Upon receiving a complete application and prior to the issuance of a zoning permit, the lot upon which the proposed use is to be located shall be posted for fifteen (15) consecutive days, advising that the resident-owner of the property has applied for a zoning permit to establish a bed and breakfast use at the location and supplying a phone number to call for further information. During this fifteen (15) calendar day period, the zoning administrator shall determine if the application meets the requirements as set forth above. If, at the end of the fifteen (15) day posting period, the zoning administrator determines that the application meets the requirements, the zoning administrator shall notify the applicant that the application is approved and shall, after waiting an additional five business days to allow for appeals, issue the zoning permit, which shall be valid for one (1) year from the date of issuance and shall be renewable annually unless revoked. Any appeals filed within the five-day period shall cause the issuance of the zoning permit to be stayed pending resolution of the appeal.

- (b) Renewal application .
 - (1) For renewal of a bed and breakfast permit, a property owner shall be required to recertify compliance with this section with the zoning administrator. An application for annual recertification of the bed and breakfast permit must include the application fee, an affirmation by the applicant that the nature of the bed and breakfast use at the property has not changed, and must be notarized, filed with, and approved by the zoning administrator to continue the bed and breakfast use.
 - (2) Upon a change in ownership of a property, and prior to the issuance of a new business license to allow continuation of an existing, permitted bed and breakfast use

upon said property, the new property owner shall be required to recertify compliance of the bed and breakfast use with the zoning administrator by having an application for recertification of the bed and breakfast use notarized, filed with, and approved by the zoning administrator.

5. The bed and breakfast use shall not be expanded in any respect throughout the structure or structures, or elsewhere on the property nor shall the use be changed to any other use not permitted by the Zoning Ordinance without reapplication to and approval by the zoning administrator.
6. All operators of bed and breakfast uses permitted under this section shall cooperate fully with the zoning administrator and his designees, including, but not limited to, providing pertinent information upon request and affording access to that portion of the premises which is used for the bed and breakfast use for reasonable site inspections.
7. Existing Approved and Bed and Breakfast Uses . All approved, legal bed and breakfast uses that are operating on the effective date of the ordinance from which this section derives or that are entitled to be in operation on the effective date of this ordinance shall be issued a bed and breakfast permit which shall be valid for one (1) year of issuance and shall be renewable annually unless revoked and shall adhere to the requirements of this Chapter.

d. Violations and Penalties .

1. Violations . It shall be a violation of this Chapter for an owner, his agent or manager to:
 - (a) Operate an STR use, a bed and breakfast use or other accommodations use without complying with the requirements of this Chapter and the Code of the City of Charleston; or
 - (b) Expand an STR use or bed and breakfast use without obtaining a new permit; or
 - (c) Advertise a property as being available for an STR use, bed and breakfast use or other accommodations use without first complying with the requirements of this Chapter; or
 - (d) Represent or submit for advertising or marketing, or to otherwise hold out an STR unit, bed and breakfast unit or other accommodations unit as being available for use or occupancy unless the STR or bed and breakfast has been permitted pursuant to this Chapter and the permit number is displayed in the materials used to represent, advertise, market or otherwise hold out the property as available for STR or bed and breakfast use or occupancy; or
 - (e) Represent or submit for advertising or marketing, or otherwise to hold out the availability of an STR or bed and breakfast for use or occupancy by more than the number of occupants that are permitted pursuant to this Chapter; or
 - (f) Represent or submit for advertising, or marketing, or to otherwise hold out more STR or bed and breakfast units or other accommodations type units on a property than are permitted pursuant to this Chapter.
2. Penalties . A violation of this Chapter is a misdemeanor punishable by a fine and/or incarceration. Each day the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, use, or other violation under this Chapter continues is considered a separate offense.

Should the STR or bed and breakfast use fail to continue to meet the requirements under which it was authorized or be discontinued for a period of twelve (12) months or more, the operating permit issued pursuant to this Chapter shall be revoked.

(Ord. No. 2012-41, § 4, 1-24-12; [Ord. No. 2018-043](#), § 13, 4-10-18)