

## **General Information about Zoning Regulations for Short-Term Rental (Building and Fire Codes also apply)**

### **Why has the City of Charleston adopted new short term rental regulations?**

Since 2012, the City of Charleston has experienced increases in tourism, changes in the short term rental industry, growth of illegal short term rentals and difficulties in enforcing past regulations.

### **How were these regulations developed?**

The Mayor and City Council appointed a 16-member Short Term Rental Task Force in 2016. After more than a year of work, with monthly public meetings, this group analyzed all aspects of short term renting in Charleston. The Task Force concluded their work by recommending policy changes to the City's regulations.

These regulations then came to Planning Commission. Over several months, they made specific changes to the ordinances, and then recommended them to City Council, where Councilmembers also studied the issue in detail, made changes, and adopted the Ordinance. This document reflects the Ordinance adopted by City Council on April 10<sup>th</sup>, 2018.

### **What do the new regulations say?**

These regulations legalize short term renting throughout the City in a very limited form that protects existing neighborhoods. Most importantly, to qualify for legal short term renting, the property must be the owner's full time primary residence, as verified by receiving the County's 4% tax exemption for owner-occupied property. This means that investment properties are not be eligible for short term renting. However, portions of existing dwellings or accessory dwellings on a property are eligible.

### **How are these regulations different than the previous ordinances?**

1. Unlike the existing regulations, these new ordinances were developed under a years-long collaborative process involving multiple public input opportunities and representatives of all areas of the city. There are now more stringent eligibility, licensing, and owner-occupation requirements.
2. Outdated regulations have been removed and a wider variety of enforcement tools are available to the City under the proposal.
3. Short-Term Rental regulations now have three Residential Short-Term Rental Permit Categories based on location.
  - a. **Category I** refers to all properties located within the City's Old and Historic District. Within that area, the property must be individually listed on the National Register of Historic Places to be eligible for short term renting.
  - b. **Category II** refers to all other properties located on the Charleston peninsula, as long as they are outside the Short Term Rental Overlay Zone.
  - c. **Category III** refers to all other properties in the City of Charleston. This includes incorporated areas of West Ashley, James Island, Johns Island, Cainhoy and Daniel Island. Under the past regulations, these areas are not eligible for any legal short term rentals, but the ordinance allows short term renting in these areas, subject to specific requirements.
  - d. **The STR Overlay Zone** refers to a pre-existing area in Cannonborough-Elliotborough. Commercially-zoned properties within the existing Short-Term Rental Overlay District are eligible for the new Commercial Short-Term Rental Permit, which follows the same rules as the past ordinances. Properties within the Short Term Rental Overlay are still eligible for a Bed & Breakfast Permit as defined under past ordinances. No changes to this area have been made, except that an annual Permit renewal will be required.

### **How is enforcement addressed in the regulations?**

The regulations have been carefully crafted to allow the City multiple avenues of enforcement for short-term renters, property owners, and listing companies. They broaden what qualifies as a violation and allow for effectively-targeted enforcement via specific categories. In addition, the City has three new staff members dedicated to short term rental enforcement and ultra-modern enforcement technology.

### **If I currently operate an existing, legal short term rental or bed and breakfast, will I be allowed to continue?**

Currently operating legal Bed and Breakfasts will be protected from any changes in the ordinance and may continue as a "non-conforming use." Such a use is transferrable to a new owner of the property, but any changes would require the approval of the Board of Zoning Appeals-Zoning under section 54-110 of the zoning ordinance.

### **If I am operating an illegal Short-Term Rental now, will I be allowed to continue?**

Not all currently operating illegal short term rentals will be eligible based on criteria such as location, parking, and emergency access requirements. If your property is eligible for a permit under the new ordinances, you will have the opportunity to apply. If your property is not eligible, you must stop under penalty of law.

### **Regulation Details under the new Ordinance**

#### **Is my property eligible for Short-Term Rental?**

There is a three-part test to determine whether your property is eligible for Short-Term Rental.

1. Is it your primary residence, with a 4% rate of property tax?
2. Does it meet the basic eligibility requirements for its Category?
  - a. **Category I:** Property is in the Old and Historic District and is Individually Listed on the National Register of Historic Places
  - b. **Category II:** Outside of existing Short Term Rental Overlay on the Charleston Peninsula. Principal building must be at least 50 years old.
  - c. **Category III:** Property is in a non-peninsula area of the City of Charleston.
3. Does it meet the parking requirements?
  - a. Along with the two required parking places for the residential use under the City of Charleston Zoning Ordinance, the property has a third parking space available for the additional Short-Term Rental use. While three spaces are required, they need not be individually maneuverable.

#### **How many guests are allowed to stay in an STR?**

Up to four adults, regardless of relationship, can stay overnight in an STR.

#### **Can a duplex or carriage house be used for an STR?**

As long as the property meets the eligibility criteria, the type of building in which the STR takes place does not matter.

#### **Does a host have to be present during a rental?**

A host does not have to be present for the complete duration of their guests' stay. However, a host must be "generally available." A host must sleep overnight at the property whenever it is being rented.

#### **How will the City verify owner occupancy?**

The City of Charleston verifies owner occupancy through the 4% rate of property tax, a variety of application requirements like drivers' licenses and voter registration cards, and through the Business License process.

### **After I Have a License**

#### **How often do I need to renew my business license and permit?**

Business licenses need to be renewed annually. The STR permit also expires annually and will need to be renewed in the month of issuance. After the first year, City Council may make changes to this ordinance as part of their review process. A newly-issued permit is valid for only one year and may or may not be renewed.

#### **How can I lose my STR permit?**

Three findings of guilt by the City of Charleston's Livability Court will result in a revocation of the STR permit. Listing additional units, an ineligible property, or other violations as determined by the Zoning Administrator will lead to immediate revocation of the STR permit. A revoked STR permit cannot be reestablished for 24 months.

### **Additional Questions**

Additional documents related to Short Term Renting are available on the City of Charleston's website. Additional questions may also be answered by contacting Dexter O'Connell at [oconnell@charleston-sc.gov](mailto:oconnell@charleston-sc.gov) or 843-724-3779, or by visiting our website at [charleston-sc.gov/shorttermrentals](http://charleston-sc.gov/shorttermrentals) for additional information.