

Existing definitions for bed and breakfasts in Sec. 54-120 will be amended to match the new terminology.

Existing Short Term Rental Overlay Zone Sec. 54-227 will be amended in a separate ordinance to make this type of STR a Class 4 STR permit with the provision that the right to obtain a new permit will expire on January 1, 2019.

Amend existing B&B sections as follows and add a new section to read as follows:

Sec. 54-208. - ~~Bed and breakfasts located~~ Requirements for a Class 1 Short Term Rental, STR Permit for properties within the Old and Historic District.

- a. An ~~bed and breakfast~~STR use may be established in a dwelling unit as an accessory to the principal residential use, on any property located within the Old and Historic District, where the zoning administrator, after reviewing an bed and breakfastSTR permit application, finds that the following requirements are met and issues a City of Charleston Class 1 STR Permit:
1. The property shall not contain more than one (1) bed and breakfastSTR unit. Each unit shall consist of one (1) or more rooms arranged for the purpose of providing sleeping accommodations for transient occupancy by ~~one (1) family up to four (4) adults.~~ For the purposes of this Section, an adult shall include any person 18 years of age or older; and
 2. The subject property shall be located within the Old and Historic District; and
 3. The bed and breakfastSTR shall be operated by the record owner of the subject property who shall also be a resident of the subject property and shall be residing overnight on the property while STR guests are present; for the purpose of this Section of the Zoning Ordinance, to qualify as a resident of a property, the person shall use that property as their legal voting address, driver's license address, and four percent homeowners assessment ratio address, and shall ~~actually~~physically reside on the property at least 183 days each year. For purposes of this section, a single member limited liability company (LLC) may qualify as a resident of the subject property provided the member provides to the zoning administrator a sworn statement attesting that (s)he is the sole member of the LLC; and
 4. The bed and breakfastSTR use shall be subordinate and incidental to the principal residential use of the property; and
 5. The bed and breakfastSTR use shall provide one (1) off street, maneuverable parking space on the subject property that is not parked in tandem with other required spaces, in addition to providing, on the subject property, required off street parking for existing uses on the property; and
 6. The bed and breakfastSTR unit shall be located within an existing structure or accessory building constructed ~~prior to 1860~~50 or more years ago and shall be individually listed on the National Register of Historic Places; and
 7. The bed and breakfastSTR unit shall not displace an existing dwelling unit which has been occupied within one (1) year prior to the filing date of the application; and
 8. The property shall not contain signs advertising the bed and breakfastSTR use; and
 9. The bed and breakfastSTR use shall not create the need for exterior alterations to any building for the purpose of maintaining such accessory use; and
 10. The bed and breakfastSTR use shall be located on property which is in compliance with allowed uses for the zone district in which the property is located; and
 11. The bed and breakfastSTR use shall be located on a lot which complies with the required minimum lot area for existing uses as specified under Table 3.1: Height, Area and Setback Regulations (applicable to SR and STR residential districts only); and

12. The ~~bed and breakfast~~STR use shall be located on a lot which has at least 40 feet of frontage on a public right-of-way (applicable to SR and STR residential districts only); and
 13. The ~~bed and breakfast~~STR use shall be operated by someone who has not had a bed and breakfast permit revoked within the previous ~~twelve~~twenty-four (~~12~~24) months.
- b. Operational requirements. In all cases, ~~bed and breakfast~~STR uses shall meet the following operational requirements:
1. No meals ~~other than breakfast~~ may be served by the resident owner to the paying guests.
 2. The resident owner shall keep a current guest register including names, addresses and dates of occupancy of all guests.
 3. 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. The resident owner shall provide a rental packet with applicable city rules and restrictions, as well as pertinent unit safety information to guests upon each booking and shall post the rules within the STR.
 5. The resident owner shall list the STR Permit number on all advertisements, including Airbnb, VRBO, and all other online listings.
- c. Application process. Applications for ~~bed and breakfast~~STR uses shall be notarized and include the location and owner of the property, application fee, floor plans drawn to scale noting the rooms for the STR unit, a site plan of the lot showing the proposed location of the ~~bed and breakfast use~~STR unit and the location of the required off-street parking spaces and driveways, and a photograph or photographs of the current principal view or views of the structure where the proposed ~~bed and breakfast use~~STR unit is to be located. 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 an ~~zoning~~STR permit, the zoning administrator shall cause the lot upon which the proposed use is to be located to be posted for ~~ten~~fifteen (~~10~~15) consecutive days, advising that the resident-owner of the property has applied for a zoning permit to establish a ~~bed and breakfast~~STR use at the location and supplying a phone number to call for further information. During this ~~ten~~fifteen (~~10~~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 ~~ten~~fifteen (~~10~~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. Any appeals filed within the five-day period shall cause the issuance of the zoning permit to be stayed pending resolution of the appeal.

The ~~bed and breakfast~~STR use shall not be expanded in any respect throughout the structure or structures, 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.

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

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

On an annual basis, the zoning administrator shall determine whether each ~~bed and breakfast~~STR use permitted under this section remains in compliance with all the terms of this ordinance, and shall initiate such enforcement procedures as may be appropriate. All operators of ~~bed and breakfast~~STR 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~~STR use for reasonable site inspections.

d. Violations and penalties.

Violations. It shall be a violation of this Chapter to operate an ~~bed and breakfast~~STR use or other ~~similar~~ accommodations use without complying with the requirements of this Chapter and the Code of the City of Charleston, to advertise a property as being available for an ~~bed and breakfast~~STR use or other ~~similar~~ accommodations use without first complying with the requirements of this Chapter, to advertise an STR unit or other accommodations unit as being available for more occupants than have been permitted pursuant to this Chapter, or to advertise more ~~bed and breakfast~~STR units or other ~~similar~~ accommodations type units on a property than have permitted pursuant to this Chapter.

Penalties. It shall be unlawful to construct, reconstruct, alter, demolish, change the use of or occupy any land, building, or other structure without first obtaining the appropriate permit or permit approval. No permit may be issued or approved unless the requirements of this chapter or any ordinance adopted pursuant to it are complied with. 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, or use continues is considered a separate offense. A violation entitles the zoning administrator to revoke the STR permit.

Sec. 54-208.1. - ~~Bed and breakfasts located not~~ Requirements for a Class 2 Short Term Rental, STR Permit for properties located within the Old and Historic City District or located south of the Highway 17 Septima Clark Expressway and not within the Old and Historic District.

- a. ~~An bed and breakfast~~STR use may be established in a dwelling unit as an accessory to the principal residential use, on any property located on the Charleston peninsula in the Old City District or south of the Highway 17 Septima Clark Expressway right-of-way; and not ~~located~~ within the Old and Historic District, where the zoning administrator, after reviewing an ~~bed and breakfast~~STR application, finds that the following requirements are met and issues a City of Charleston Class 2 STR Permit:
 - 1. The number of ~~bed and breakfast~~STR units shall not exceed four (4) units; except that a property may have between four (4) and ten (10) ~~bed and breakfast~~STR units if the building(s) used for the ~~bed and breakfast~~STR units contain at least 560 square feet of conditioned floor area per ~~bed and breakfast~~STR unit 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 transient occupancy by one (1) family up to four (4) adults. For the purposes of this Section, an adult shall include any person 18 years of age or older; and
 - 2. The subject property shall be located within the Old City District or south of the Highway 17 Septima Clark Expressway right-of-way; and not within the Old and Historic District; and
 - 3. The ~~bed and breakfast~~STR use shall be operated by the record owner of the subject property who also physically resides at the subject property at least 183 days each year and shall be residing overnight on the property while STR guests are present. For purposes of this section, a single member limited liability company (LLC) may qualify as a resident of the subject property

provided the member provides to the zoning administrator a sworn statement attesting that (s)he is the sole member of the LLC; and

4. ~~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~~The STR unit(s) shall be located within an existing structure or accessory building constructed 50 or more years ago; and
 5. ~~Bed and breakfastSTR unit(s)uses 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 breakfastSTR 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 breakfastSTR unit(s) shall be in addition to providing, on the subject property, required off street parking for existing uses on the property and shall not be parked in tandem with spaces required for existing uses; and
 6. The property shall be permitted to have one sign advertising the bed and breakfastSTR use. 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
 7. The bed and breakfastSTR shall be located on property which is in compliance with allowed uses for the zone district in which the property is located; and
 8. All rooms to be used by STR guests and all STR units shall be clearly noted on floor plans submitted with the bed and breakfast application; and
 9. The bed and breakfastSTR use shall be operated by someone who has not had an bed and breakfastSTR permit revoked within the previous ~~twelv~~twenty-four (24) months.
- b. Operational requirements. In all cases, bed and breakfastSTR uses shall meet the following operational requirements:
1. No meals ~~other than breakfast~~ may be served by the resident owner to the paying guests.
 2. The resident owner shall keep a current guest register including names, addresses and dates of occupancy of all guests.
 3. 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. The resident owner shall provide a rental packet with applicable city rules and restrictions, as well as pertinent unit safety information to guests upon each booking and shall post the rules within the STR.
 5. The resident owner shall list the STR Permit number on all advertisements, including Airbnb, VRBO, and all other online listings.
- c. Application process. Applications for bed and breakfastSTR uses shall be notarized and include the location and owner of the property, application fee, floor plans, a site plan of the lot showing the proposed location of the bed and breakfast useSTR units and the location of the required off-street parking spaces, and a photograph or photographs of the current principal view or views of the structure where the proposed bed and breakfastSTR use is to be located. 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 an zoningSTR permit, the zoning administrator shall cause the lot upon which the proposed use is to be located to be posted for ~~ten~~fifteen (15) consecutive days, advising that the resident-owner of the property has applied for a zoning permit to establish a bed and breakfastSTR use at the location and supplying a phone

number to call for further information. During this ~~tenfifteen~~ (4015) calendar day period, the zoning administrator shall determine if the application meets the requirements as set forth above. If, at the end of the ~~tenfifteen~~ (4015) 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. Any appeals filed within the five-day period shall cause the issuance of the zoning permit to be stayed pending resolution of the appeal.

The ~~bed and breakfast~~STR use shall not be expanded in any respect throughout the structure or structures, 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.

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

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

On an annual basis, the zoning administrator shall determine whether each ~~bed and breakfast~~STR use permitted under this section remains in compliance with all the terms of this ordinance, and shall initiate such enforcement procedures as may be appropriate. All operators of ~~bed and breakfast~~STR 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~~STR use for reasonable site inspections.

d. Violations and penalties.

Violations. It shall be a violation of this Chapter to operate a bed and breakfast use or other similar accommodations use without complying with the requirements of this Chapter and the Code of the City of Charleston, to advertise a property as being available for a bed and breakfast use or other similar accommodations use without first complying with the requirements of this Chapter, or to advertise more bed and breakfast units or other similar accommodations type units on a property than have permitted pursuant to this Chapter.

Penalties. It shall be unlawful to construct, reconstruct, alter, demolish, change the use of or occupy any land, building, or other structure without first obtaining the appropriate permit or permit approval. No permit may be issued or approved unless the requirements of this chapter or any ordinance adopted pursuant to it are complied with. 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, or use continues is considered a separate offense. A violation entitles the zoning administrator to revoke the B&B permit.

Sec. 54-208.2. – Requirements for a Class 3 Short Term Rental, STR Permit for properties in all areas of the City except the areas listed in Sec. 54-208 or Sec. 54-208.1.

a. An STR use may be established in a dwelling unit as an accessory to the principal residential use, on any property located outside the historic districts and outside the area on the peninsula immediately south of the Highway 17 Septima Clark Expressway right-of-way, as more fully described below, where the zoning administrator, after reviewing an STR application, finds that the following requirements are met and issues a City of Charleston Class 3 STR Permit:

1. The subject property shall be located outside the Old and Historic District, outside the Old City District and not within the area of the peninsula south of the Highway 17 Septima Clark Expressway right-of-way that is outside the historic districts; and
 2. The number of STR guests on the property shall not exceed four (4) adults. For the purposes of this Section, an adult shall include any person 18 years of age or older; and
 3. All rooms to be used by STR guests and the room or rooms to be used by guests for sleeping shall be clearly noted on floor plans submitted with the STR application; the size and character of the STR use must be subordinate and incidental to the principal residential use of the property; and
 4. The STR use shall be operated by the record owner of the subject property who shall also be a resident of the subject property and shall be residing overnight on the property while STR guests are present; for the purpose of this Section of the Zoning Ordinance, to qualify as a resident of a property, the person shall use that property as their legal voting address, driver's license address, and four percent homeowners assessment ratio address, and shall physically reside on the property at least 183 days each year; and
 5. The property shall provide the required number of maneuverable, off-street parking spaces for existing uses. Additional off-street parking is not required for an STR use that does not include more than one (1) room to be used by STR guests for sleeping. If the STR use includes more than one (1) room for sleeping, the STR use shall provide one (1) off street, maneuverable parking space on the subject property per additional room for sleeping, in addition to providing, on the subject property, required off street parking spaces for existing uses on the property; and
 6. The STR unit shall not displace an existing dwelling unit which has been occupied within one (1) year prior to the filing date of the application; and
 7. The property shall not contain signs advertising the STR use; and
 8. The STR use shall not create the need for exterior alterations to any building for the purpose of maintaining such accessory use; and
 9. The STR use shall be operated by someone who has not had an STR permit revoked within the previous twenty-four (24) months.
- b. Operational requirements. In all cases, STR uses shall meet the following operational requirements:
1. No meals may be served by the resident owner to the paying guests.
 2. The resident owner shall keep a current guest register including names, addresses and dates of occupancy of all guests.
 3. 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. The resident owner shall provide a rental packet with applicable city rules and restrictions, as well as pertinent unit safety information to guests upon each booking and shall post the rules within the STR.
 5. The resident owner shall list the STR Permit number on all advertisements, including Airbnb, VRBO, and all other online listings.
- c. Application process. Applications for STR uses shall be notarized and include the location and owner of the property, application fee, floor plans drawn to scale noting the rooms for the STR unit, a site plan of the lot showing the proposed location of the STR unit and the location of the required off-street parking spaces and driveways, and a photograph or photographs of the current principal view or views of the structure where the proposed STR unit is to be located. 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 and further acknowledging that the property is not subject to covenants that prohibit an STR use.

Upon receiving a complete application and prior to the issuance of an STR permit, the zoning administrator shall cause the lot upon which the proposed use is to be located to be posted for fifteen (15) consecutive days, advising that the resident-owner of the property has applied for a zoning permit to establish a STR 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. Any appeals filed within the five-day period shall cause the issuance of the zoning permit to be stayed pending resolution of the appeal.

The STR use shall not be expanded in any respect throughout the structure or structures, 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.

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

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

On an annual basis, the zoning administrator shall determine whether each STR use permitted under this section remains in compliance with all the terms of this ordinance, and shall initiate such enforcement procedures as may be appropriate. All operators of STR 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 STR use for reasonable site inspections.

d. Violations and penalties.

Violations. It shall be a violation of this Chapter to operate a bed and breakfast use or other similar accommodations use without complying with the requirements of this Chapter and the Code of the City of Charleston, to advertise a property as being available for a bed and breakfast use or other similar accommodations use without first complying with the requirements of this Chapter, or to advertise more bed and breakfast units or other similar accommodations type units on a property than have permitted pursuant to this Chapter.

Penalties. It shall be unlawful to construct, reconstruct, alter, demolish, change the use of or occupy any land, building, or other structure without first obtaining the appropriate permit or permit approval. No permit may be issued or approved unless the requirements of this chapter or any ordinance adopted pursuant to it are complied with. 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, or use continues is considered a separate offense. A violation entitles the zoning administrator to revoke the B&B permit.