

AMENDED

City Hall
80 Broad Street
October 9, 2018
5:00 p.m.

CITY COUNCIL

A. Roll Call

B. Invocation – Councilmember Shahid

C. Pledge of Allegiance

D. Presentations and Recognitions

E. Public Hearings

F. Act on Public Hearing Matters

G. Approval of City Council Minutes:

1. September 18, 2018
2. September 25, 2018

H. Citizens Participation Period

I. Petitions and Communications:

- a. Appointment of Jerome Heyward to the Charleston County Aviation Authority
- b. Presentation regarding Forest Acres Drainage Improvement Project Award, Laura Cabiness
- c. Report on BAR Height Districts, Jacob Lindsey

J. Council Committee Reports:

1. **Committee on Public Works and Utilities: (Meeting was held on Monday, October 8, 2018 at 4:00 p.m.)**
 - a. **Miscellaneous or Other New Business
(Action may or may not be taken)**
 - (i) Update on Huger Street Drainage Issues
 - (ii) Drainage outfall at South Windermere

- (iii) Update on Church Creek Drainage Basin
- (iv) FEMA Buyout Status

2. Committee on Ways and Means:

- (Police and Fire Departments: Approval to accept the 2018 Port Security Grant in the amount of \$199,528 for travel, equipment and supplies. A cash match in the amount of \$66,508 will be budgeted for in 2019.
- (Fire Department: Approval to accept the 2018 State Homeland Security grant in the amount of \$80,759 for Charleston FD Collapse Search and Rescue Team. There is no financial impact with this grant in the FY18 or 19 Budget. There is no match for this grant.
- (Public Service: Approval of Calhoun West Design Contract Fee Amendment #2 with Davis & Floyd in the amount of \$394,837.40 for expansion of the study area to include the Hospital District and the Limehouse, Colonial Lake, and Rutledge drainage basins. This amendment increases the study area of the project from 325 acres to 812 acres. Approval of Fee Amendment #2 will increase the design contract by \$394,837.40 (from \$1,501,546.15 to \$1,896,383.55). The funding sources for this project are: 2012 Stormwater Revenue Bond (\$6,400,000) and Gateway TIF (\$1,500,000).
- (Public Service: Approval of Church Creek Drainage Basin Analysis Addendum #20 with Woolpert Inc., in the amount of \$100,000 to perform continued storm water management in the Church Creek Special Stormwater Management Area to include ICPR modeling, review of design/model calculations, design services and attendance at client/public meetings. Approval of Fee Addendum #20 will increase the Woolpert, Inc. contract by \$100,000 (from \$1,049,286.25 to \$1,149,286.25). Funding for this project is the Drainage Fund.
- (Parks-Capital Projects: Approval of a Construction Contract with Charles Blanchard Construction Corp. in the amount of \$139,122 to complete renovations of restrooms at the Aquarium Garage, Marion Square Garage and Majestic Square Garage. With approval of the project budget, staff is authorized to award and/or amend contracts less than \$40,000 to the extent contingency funds exist in the Council approved budget. Approval of this action will institute a \$200,000 project budget of which the \$139,122 Construction Contract will be funded. The funding source for this project is the 2018 Parking Facilities, Structural Repairs line item in the Parking Fund.
- (Budget Finance and Revenue Collections: Approval of the Blue Cross/Blue Shield Stop Loss Renewal in the amount of \$1,097,144. In August, the 2019 Healthcare budget was approved. The stop loss was budgeted at \$1.1 million.
- (Budget Finance and Revenue Collections: An ordinance to provide for the issuance and sale of \$15,000,000 General Obligation Bonds of 2018 of the City of Charleston, South Carolina, to prescribe the purposes for which the proceeds of the several series of bonds shall be expended, to provide for the payment thereof, and other matters relating thereto.
- (Request approval of a Temporary Access and Sand Disposal Agreement and Permanent Jetty Access Agreement with the South Carolina State Ports Authority. (TMS: 450-00-00-

013; a portion of Morris Island). The property is owned by the City of Charleston. (Request authorization for the Mayor, without further action by City Council, to execute all documents necessary to consent to release The City Marina Company (TMC) from all obligations and liabilities under the City Marina Lease and the related Parking Management Agreement (as previously amended and assigned), arising out of events occurring subsequent to the assignment of these agreements to Safe Harbor Marinas, LLC ("SHM"), provided that SHM expressly agrees to assume all obligations and liabilities of TMC under the agreements without regard to when the events giving rise to same occur.

(Consider the following annexation:

1621 Donnie Lane (TMS# 427-00-00-029) 0.54 acre, James Island (District 6)

The property is owned by Gregory Payton & Donna W. Payton

Give first reading to the following resolution and bill from Ways and Means:

Resolution authorizing the Mayor, without further action by City Council, to execute all documents necessary to consent to release The City Marina Company (TMC) from all obligations and liabilities under the City Marina Lease and the related Parking Management Agreement (as previously amended and assigned), arising out of events occurring subsequent to the assignment of these agreements to Safe Harbor Marinas, LLC ("SHM"), provided that SHM expressly agrees to assume all obligations and liabilities of TMC under the agreements without regard to when the events giving rise to same occur.

An ordinance to provide for the annexation of property known as 1621 Donnie Lane (0.54 acre) (TMS# 427-00-00-029), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 6. The property is owned by Gregory Payton & Donna W. Payton.

K. Bills up for Second Reading:

(City Council may give second reading, order to third reading, give third reading, and order engrossed for ratification any bill listed on the agenda as a second reading.)

- 1. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 47½ Line Street (Peninsula) (0.05 acre) (TMS #459-05-03-109) (Council District 4), be rezoned from Light Industrial (LI) classification to Mixed-Use/Workforce Housing (MU-2/WH) classification. The property is owned by East Line Partners LLC.*
- 2. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that a portion of Hayne Street Right-of-Way (Peninsula) (approximately 0.13 acre) (Unzoned Right-of-Way) (Council District 1), be rezoned from Unzoned Right-of-Way to General Business (GB) classification. The property is owned by SCM Charleston Market Investors LLC.*

3. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 182 Church Street and a portion of Hayne Street Right-of-Way (Peninsula) (1.20 acres) (TMS #458-05-03-005, 458-05-03-017 and a portion of Hayne Street Right-of-Way) (Council District 1), be rezoned to include a portion of Unzoned Right-of-Way in the Accommodations Overlay Zone (A-5: 150 room max.) and rezone property from Accommodations Overlay Zone (A-1: 50 Room Max.) to Accommodations Overlay Zone (A-5: 150 room max.). The property is owned by SCM Charleston Market Investors LLC.*
4. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 182 Church Street and a portion of Hayne Street Right-of-Way (Peninsula) (1.20 acres) (TMS #458-05-03-005, 458-05-03-017 and a portion of Hayne Street Right-of-Way) (Council District 1), be rezoned to include a portion of Unzoned Right-of-Way in the 4 Old City Height District, rezone a portion of property from the 3.5 Old City Height District to the 4 Old City Height District and rezone a portion of property from the 3 Old City Height District to the 3.5 Old City Height District. The property is owned by SCM Charleston Market Investors LLC.*
5. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that former Pryor Court Right-of-Way (West Ashley) (0.422 acre) (portions of TMS #349-01-00-005 and TMS #349-01-00-030) (Council District 7), be zoned General Business (GB) classification. The property is owned by the City of Charleston to be conveyed to adjacent property owners.*
6. *An ordinance amending Chapter 27 of the Code of the City of Charleston, by amending Flood Hazard Prevention and Control Requirements in Section 27-103, Section 27-105, Section 27-116, Section 27-119, Section 27-120, and Section 27-121*
7. *An ordinance to amend Section 54- 943(c) of the Code of the City of Charleston (Zoning Ordinance) to modify the vote required of City Council in the event a matter is disapproved by the Planning Commission or when a petition in opposition to a matter signed by owners of twenty percent of the area of lots subject to the matter, or of those immediately adjacent on the sides and rear or directly opposite thereto is presented to Council to a simple majority of a quorum of the City Council. **(City Council voted to send this ordinance back to the Planning Commission with a recommendation of a 60% override at the December 19, 2017 City Council meeting.)**(Councilmember Perry K. Waring)*
8. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1335 King Street Extension (Peninsula) (0.37 acre) (TMS #464-14-00-079) (Council District 4), be rezoned from Light Industrial (LI) classification to Upper Peninsula (UP) classification. The property is owned by Joe Singleton. (DEFERRED)*

9. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1335 King Street Extension (Peninsula) (0.37 acre) (TMS #464-14-00-079) (Council District 4), be rezoned from the 2.5 Old City Height District classification to the 4-12 Old City Height District classification. The property is owned by Joe Singleton. (DEFERRED)*
10. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located on King Street Extension and Montford Avenue (Peninsula) (0.10 acre) (TMS #464-14-00-080) (Council District 4), be rezoned from Single-Family Residential (SR-1) classification to Upper Peninsula (UP) classification. The property is owned by Horace A. Rooke. (DEFERRED)*
11. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located on King Street Extension and Montford Avenue (Peninsula) (0.10 acre) (TMS #464-14-00-080) (Council District 4), be rezoned from the 2.5 Old City Height District classification to the 4-12 Old City Height District classification. The property is owned by Horace A. Rooke. (DEFERRED)*
12. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that portions of three parcels on Hanover, Lee, Nassau, and Aiken Streets (East Side - Peninsula) (approximately 2.25 acres) (TMS #459-05-04-197, 459-05-04-208, and 459-05-04-209) (Council District 4), be rezoned from the Old City Height District 4 Classification to the Old City Height District 5 Classification. The property is owned by the City of Charleston. (DEFERRED FOR PUBLIC HEARING)*
13. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 141 Meeting Street and 174 King Street (Peninsula) (1.061 acres) (TMS #457-08-04-003) (Council District 1), be rezoned from General Business (GB) classification to Urban Commercial (UC) classification. The property is owned by SCE&G. (DEFERRED)*
14. *An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to remove residential uses, nursing and personal care uses, and school uses from the Light Industrial (LI) and Heavy Industrial (HI) Zone Districts. (DEFERRED)*
15. *An ordinance authorizing the Mayor to execute on behalf of the City a Memorandum of Agreement (“MOU”) with South Carolina Electric & Gas Company (“SCE&G”), under which the City will grant to SCE&G the following easements under or across Hampton Park (TMS No. 460-00-00-002): (a) a 70’ easement for the expansion of an overhead electrical transmission line; (b) a 12’ easement for the installation of a new underground electrical distribution line; and (c) a variable width easement memorializing an existing underground gas line; with SCE&G granting to the City, in exchange for the foregoing, the following lease, license, and easements on SCE&G’s property located to the northeast of Hampton Park (TMS No. 463-15-01-061) (the “SCE&G Property”): (a) a 10-*

year lease for parking, vehicular access, and pedestrian access to and from Hampton Park; (b) a permanent, thirty foot (30') access easement for vehicular access between Grove Street and Hampton Park; (c) a license to use a portion of the SCE&G Property for a dog park; (d) a permanent easement to use a portion of the SCE&G Property for parking and access to and from Hampton Park; (e) a permanent stormwater drainage easement for Hampton Park; and (f) a permanent sanitary sewer easement for Hampton Park. (DEFERRED)

16. *An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to incorporate provisions to allow subdivision and development of Single Family Detached Affordable Housing as a conditional use within multiple base zoning districts. (DEFERRED FOR PUBLIC HEARING)*

17. *An ordinance to close and abandon Kinlock Court, a City right-of-way, said right-of-way running westerly approximately 200 feet from meeting street to the Interstate 26 right-of-way; and to further authorize the Mayor to execute Quit Claim Deeds and any other necessary documents, approved as to form by the Office of Corporation Counsel, to the owners of those properties abutting each side of Kinlock Court, conveying to each owner one-half of the width of Kinlock Court as said Kinlock Court abuts each owner's property, subject to any and all easements or other matters of record. (DEFERRED)*

L. Bills up for First Reading

1. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to modify the existing regulations applicable to Short Term Rental uses in the City of Charleston by creating a new Short Term Rental Overlay Zone called the King Street Corridor, KSC Overlay Zone; by permitting Commercial Short Term Rentals as a conditional use on large lots in certain Residential Zoning Districts; by permitting nearby public parking lots and public garages to satisfy the additional off-street parking requirements applicable to Residential Short Term Rentals; by removing any maneuverability requirements for these additional off-street parking spaces; by eliminating the requirement that residents in Category 1, 2 and 3 Short Term Rentals remain on the property while guests are present; and by eliminating the requirement that Category 1 Short Term Rentals be located within an existing structure or accessory building that is individually listed on the National Register of Historic Places *(Requested by Councilmember Waring and Councilmember Mitchell)*

2. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located on Sheppard Street and Saint Philip Street (Peninsula) (approximately 0.69 acre) (TMS #460-04-04-078, 460-04-04-080 and 460-04-04-086) (Council District 4), be rezoned to include it in the Short Term Rental Overlay Zone (ST) classification. The property is owned by Lowcountry Marketing Group LLC. (DEFERRED)

3. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Section 54-220 Accommodations Overlay Zone, by inserting language to preserve Mixed-Use Districts; prohibit the displacement of housing by accommodations and consider the effects of housing units to be altered or replaced on the housing stock and whether requirements to protect the affordability of the housing units should be attached to an accommodations special exception approval; prohibit the displacement or reduction of office space by accommodations to be located within areas on the peninsula designated "A-1" on the Accommodations Overlay Zoning Map and on streets with office use as a predominant use; prohibit the displacement of more than 25 percent of ground floor, store front retail space by accommodations uses on streets with ground floor, store front retail as a dominant use; and prohibit an overconcentration of accommodations units within areas on the peninsula designated "A-1" on the Accommodations Overlay Zoning Map (*DEFERRED*)

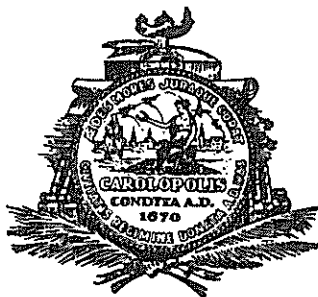
4. An ordinance to amend provisions of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Part 17 – Upper Peninsula District pertaining to incentive options and particularly strengthening Workforce Housing; and by amending Sec. 54-201 (V), Base Zoning Districts to correct Upper Peninsula District; and by amending Article 3, Part 2, Sec 54-305 (B) pertaining to Upper Peninsula District; and by amending Article 3, Part 1, Sec. 54-301, Table 3.1 Height, Area and Setback Regulations, footnote 24, pertaining to correcting the Section number; and by amending Article 4, Part 4, Sec. 54-420, Table 1.2 allowed sign types by Zoning District to add Upper Peninsula District; and by amending Article 1, Part 1, Sec. 54-102 (b), Base Zoning District Classifications to add Upper Peninsula District. (*DEFERRED*)

5. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by adding to Article 9 thereof a new part 8 providing for a Temporary Moratorium on the issuance of development permits for Residential (Single Family and Multi-Family) Development on John's Island (*DEFERRED*)

M. Miscellaneous Business:

1. The next regular meeting of City Council will be Tuesday, October 23, 2018 at 5:00 p.m. at City Hall, 80 Broad Street.

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to schumacherj@charleston-sc.gov three business days prior to the meeting.



Ratification
Number _____

AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO MODIFY THE EXISTING REGULATIONS APPLICABLE TO SHORT TERM RENTAL USES IN THE CITY OF CHARLESTON BY CREATING A NEW SHORT TERM RENTAL OVERLAY ZONE CALLED THE KING STREET CORRIDOR, KSC OVERLAY ZONE; BY PERMITTING COMMERCIAL SHORT TERM RENTALS AS A CONDITIONAL USE ON LARGE LOTS IN CERTAIN RESIDENTIAL ZONING DISTRICTS; BY PERMITTING NEARBY PUBLIC PARKING LOTS AND PUBLIC GARAGES TO SATISFY THE ADDITIONAL OFF-STREET PARKING REQUIREMENTS APPLICABLE TO RESIDENTIAL SHORT TERM RENTALS; BY REMOVING ANY MANEUVERABILITY REQUIREMENTS FOR THESE ADDITIONAL OFF-STREET PARKING SPACES; BY ELIMINATING THE REQUIREMENT THAT RESIDENTS IN CATEGORY 1, 2 AND 3 SHORT TERM RENTALS REMAIN ON THE PROPERTY WHILE GUESTS ARE PRESENT; AND BY ELIMINATING THE REQUIREMENT THAT CATEGORY 1 SHORT TERM RENTALS BE LOCATED WITHIN AN EXISTING STRUCTURE OR ACCESSORY BUILDING THAT IS INDIVIDUALLY LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES

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

Section 1. Section 54-102.c.1 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended to read as follows (new text in **bold and double underlined** and deleted text with ~~strikethrough~~):

- c. Special zoning districts.
 - 1. **Overlay Zones.** These include the Accommodations Overlay Zone, Tour Boat Overlay Zone, Johns Island Overlay Zone, Savannah Highway Overlay Zone, School Overlay Zone, Landmark Overlay Zone, Short Term Rental Overlay Zone, **King Street Corridor Overlay Zone**, General Business Late Night Overlay Zone, Light Industrial Late Night Overlay Zone, Tech Corridor Overlay Zone, Folly Road Overlay Zone, Gateway Overlay Zone, and Amusement and Recreation Services Overlay Zone, and are delineated on the zoning maps. In addition to the regulations and requirements of each overlaid zoning district,

properties within the Overlay Zones shall be subject to regulations of the applicable Overlay Zone.

Section 2. The definition of “Short Term Rental, Commercial” in section 54-120 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended to read as follows (new text in **bold and double underlined** and deleted text with ~~strikethrough~~):

Short Term Rental, Commercial. A commercial short term rental is a conditional use whereby a conforming or legal nonconforming dwelling unit is converted into a fully-functioning, private accommodations use, which includes cooking, living, sanitary and sleeping facilities within one dwelling unit, to be rented to one (1) family for a period of between one (1) and twenty-nine (29) consecutive days. Distinguishing characteristics of a **commercial** short term rental are: 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 (4) unrelated people pursuant to the definition for family, and 3) **except as set forth in section 54-207.y**, is located on a commercially zoned property with a limited number of short term rental units, if more than one such unit is provided. A commercial short term rental shall only be permitted as a conditional use when a conforming or legal nonconforming dwelling unit is converted to such use in compliance with the procedures and conditions in **section 54-207.y**, section 54-227, **or section 54-227.1** of the Zoning Ordinance and after a commercial STR permit is issued by the City.

Section 3. Section 54-202.a is hereby amended to read as follows (new text in **bold and double underlined** and deleted text with ~~strikethrough~~):

- a. **Accommodations, A Overlay Zone.** 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 **short term rentals and** bed and breakfasts approved in accordance with the provisions of **section 54-207.y**, section 54-208, **section 54-208.1, section 54-208.2, section 54-208.3, section 54-224.b.1, section 54-227, or section 54-227.1.**

Section 4. Section 54-202 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended to add the following section 54-202.n:

- n. **King Street Corridor, KSC Overlay Zone.** The King Street Corridor Overlay Zone is intended to permit commercial short term rentals as a conditional use in specific base zoning districts in the KSC Overlay Zone, as defined in this Chapter. The KSC Overlay Zone is intended to be geographically limited to specific areas along a portion of King Street to facilitate the rehabilitation of abandoned dwelling units lying above the ground floor of buildings fronting such portions of King Street, while protecting and preserving the affordability and supply of housing in the area and minimizing the impacts on residential neighborhoods.

Section 5. The following new section 54-207.y of the Code of the City of Charleston (Zoning Ordinance) is hereby added:

- y. **Commercial Short Term Rentals.**

1. Accommodations Use. Subject to the conditions in section 54-207.y.2, the operational requirements in section 54-207.y.3, and the other provisions of this section 54-207.y, no more than one (1) commercial short term rental shall be permitted as a conditional use on a lot in the RR-1, SR-1, SR-2, SR-3, SR-4, SR-5, SR-6, SR-7, and SR-8 zoning districts.
2. Conditions. Except as set forth in section 54-227 or section 54-227.1, a dwelling unit may be converted into a commercial short term rental only when the zoning administrator approves the conversion through the issuance of a commercial short term rental permit when the applicant satisfies each of the following conditions, as evidenced by an application in compliance with section 54-207.y.4:
 - (a) The lot is located entirely within one or more of the following base zoning districts: RR-1, SR-1, SR-2, SR-3, SR-4, SR-5, SR-6, SR-7, or SR-8.
 - (b) The area of the lot is at least 35,000 square feet.
 - (c) The dwelling unit being converted into a commercial short term rental is located within a one-family detached dwelling.
 - (d) There are no other buildings, structures or uses on the lot except those accessory buildings, structures and uses permitted under this Chapter for a one-family detached dwelling.
 - (e) The dwelling unit is not designated as an affordable housing unit or workforce housing unit.
 - (f) The maximum percent of the lot occupied by buildings is twenty-five percent (25%).
 - (g) The dwelling unit is a conforming or legal non-conforming dwelling unit.
 - (h) The commercial short term rental shall not be located in a dwelling unit which has been occupied as a dwelling unit within the one (1) year prior to the filing of the application.
3. Operational Requirements. A commercial short term rental permitted under this section 54-207.y shall adhere to the following minimum operational requirements:
 - (a) The commercial short term rental shall be operated by the record owner of the lot;
 - (b) The lot shall not contain signs advertising the commercial short term rental use;

- (c) The record owner of the lot must keep in full force and effect during all times the commercial short term rental is operated a general liability policy with a company authorized to do business in the State of South Carolina insuring against personal injury (including death) and property damage with combined limits of no less than \$1,000,000.00 per occurrence;
- (d) The record owner of the lot shall keep a current guest register, including names, addresses, telephone numbers and dates of occupancy of all guests;
- (e) The record owner of the lot shall comply with all business license and revenue collection laws of the City of Charleston, Berkeley County or Charleston County, whichever is applicable, and the State of South Carolina;
- (f) The record owner of the lot shall provide a rental packet containing applicable city rules and restrictions specified in the commercial short term rental permit application materials, as well as pertinent unit safety information and contact information to guests when they book the commercial short term rental and shall prominently display the commercial short term rental permit, rules, safety and contact information within the commercial short term rental;
- (g) The record owner of the lot shall provide the City with up-to-date contact information, including a telephone number, for the owner or an agent of the owner and ensure that the record owner or an agent of the owner is available to accept calls or communications from the City relating to issues arising at the property during times in which the dwelling unit is being used as a commercial short term rental. The record owner shall keep this contact information updated at all times.
- (h) The record owner of the lot and any agent of the record owner of the lot shall list the commercial short term rental permit number on all advertisements, listings with booking services, and marketing materials, including without limitation any online websites and listing or booking platforms or services.
- (i) The commercial short term rental shall not be expanded in any respect beyond the specific rooms which were designated as part of the commercial short term rental permit on plans provided to the City in approving a commercial short term rental permit or beyond the maximum number of guests listed on the commercial short term rental permit, 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.

4. Application Procedure.

- (a) New Applications. Applications for new commercial short term rental permits under this section 54-207.y shall be notarized and include the following:
- (1) The location and name of the record owner of the lot;
 - (2) The application fee;
 - (3) Floor plans drawn to scale of the habitable structures on the property that clearly designate all rooms to be used by guests, and the specific room or rooms to be used by guests for sleeping;
 - (4) A site plan of the lot showing the location of the existing dwelling and all accessory buildings and structures on the lot, as well as all required off-street parking spaces and driveways;
 - (5) A photograph or photographs of the current principal view or views of the structure where the commercial short term rental unit is to be located;
 - (6) A statement which the owner must sign acknowledging that he or she has reviewed and understands the requirements of this section; and
 - (7) The contact information required in section 54-207.y.3(g).

Upon receiving a complete application and prior to the issuance of a new commercial short term rental permit, the zoning administrator shall cause notice to be posted on the property upon which the proposed commercial short term rental use is to be located for fifteen (15) consecutive calendar days, advising that the record owner of the property has applied for a zoning permit to establish a commercial short term rental use at the location and supplying a phone number to call for further information. If, after the expiration of the fifteen (15) day posting period, the zoning administrator determines that the application meets the requirements for the commercial short term rental use requested, the zoning administrator shall notify the applicant that the application is approved and shall, after waiting an additional five (5) business days to allow for appeals, issue the commercial short term rental 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 (5) day period shall cause the issuance of the commercial short term rental permit to be stayed pending resolution of the appeal.

- (b) Renewal Applications.
- (1) For renewal of a commercial short term rental permit, the owner shall be required to recertify compliance with this section for the commercial short term rental use with the zoning administrator. An application for annual recertification of the commercial short term rental permit must include the application fee, an

affirmation by the applicant that the nature of the commercial short term rental use at the property has not changed, and must be notarized, filed with, and approved by the zoning administrator to continue the commercial short term rental 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 commercial short term rental use upon said property, the new property owner shall be required to recertify compliance with this section for the commercial short term rental use and submit plans reaffirming the specific room or rooms to be used for the commercial short term rental unit with the zoning administrator. An application for recertification of the commercial short term rental use must include the required plans and be notarized, filed with, and approved by the zoning administrator prior to the commercial short term rental use by the new property owner.
5. Except as expressly stated otherwise in this section 54-207.y, 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.
6. Impact on Non-Conforming Uses. For the purposes of applying section 54-110, concerning non-conforming uses, a commercial short term rental is considered a continuation of the non-conforming use of a legal non-conforming dwelling unit.
7. Prohibition on Construction of Commercial Short Term Rentals. Nothing in this Section 54-207.y shall be construed to permit a property owner to construct a commercial short term rental. A property owner seeking a conditional use permit 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.
8. Annual Review. On an annual basis, the zoning administrator shall determine whether each commercial short term rental use permitted under this section 54-207.y remains in compliance with all the terms of this Chapter, and shall initiate such enforcement procedures as may be appropriate. All operators of commercial short term rental uses permitted under this section 54-207.y 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 property which is used for the commercial short term rental use for reasonable site inspections.
9. Violations and Penalties.
 - (a) Violations. It shall be a violation of this Chapter for an owner, his agent or manager to:

- (1) Operate a commercial short term rental without complying with the requirements of this Chapter and the Code of the City of Charleston;
 - (2) Expand a commercial short term rental use without obtaining a new permit;
 - (3) Advertise a property as being available for a commercial short term rental use without first complying with the requirements of this Chapter;
 - (4) Represent or submit for advertising or marketing, or to otherwise hold out a commercial short term rental as being available for use or occupancy unless the commercial short term rental 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 commercial short term rental use;
- (b) Penalties. Without limiting the other methods of enforcement provided in this Chapter or the City's Code of Ordinances for a violation of this Chapter or any of its provisions generally, a violation of this section 54-207.y 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 section 54-207.y continues is considered a separate offense. Should a commercial short term rental 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 commercial short term rental permit issued pursuant to this section 54-207.y shall be revoked.

Section 6. Section 54-208.b.1 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended to read as follows (new text in **bold and double underlined** and deleted text with ~~strikethrough~~):

- b. **Operational Requirements.** In all cases, Category 1, 2 or 3 STR uses shall adhere to the following operational requirements:
1. The residential STR shall be operated by the record owner of the subject property who shall also be a Resident of the subject property ~~and who shall be residing overnight on the property while Residential STR guests are present~~; and

Section 7. Section 54-208.b of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding the following new section 54-208.b.11:

11. The additional off-street parking requirements applicable to residential short term rentals under sections 54-208.1.a.5, 54-208.2.a.5, and 54-208.3.a.5, shall not apply when the residential short term rental unit lies within 600 feet of a commercial parking lot or parking garage accessible by the general public;

provided, however, such commercial parking lot or parking garage shall not be accessory to any other use.

Section 8. Section 54-208.b of the Code of the City of Charleston (Zoning Ordinance) is hereby amended to add the following new section 54-208.b.12:

12. There shall be no maneuverability requirements applicable to the additional on-site, off-street parking requirements for residential short term rentals.

Section 9. Section 54-208.1.a of the Code of the City of Charleston (Zoning Ordinance) is hereby amended to read as follows (new text in **bold and double underlined** and deleted text with ~~strikethrough~~):

Sec. 54-208.1 – Requirements for a Category 1 short term rental, STR permit for properties within the Old and Historic District.

- a. An 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 STR Permit application, finds that the following requirements are met:
 1. The property shall not contain more than one (1) STR unit. Each unit shall consist of one or more rooms arranged for the purpose of providing sleeping accommodations for occupancy for one (1) to twenty-nine (29) consecutive days by up to four (4) adults. For the purposes of this Section, an adult shall include any person eighteen (18) years of age or older; and
 2. The subject property shall be located entirely within the Old and Historic District; and
 3. The STR shall be operated by the record owner of the subject property who is a Resident of the subject property; and
 4. The STR shall be subordinate and incidental to the principal residential use of the property; and
 5. The STR shall provide one (1) off street parking space on the subject property, in addition to providing, on the subject property, required off street parking for existing uses on the property. The parking space provided for the STR may be situated in tandem with the required spaces for other uses; and
 - ~~6. The STR unit shall be located within an existing structure or accessory building that is individually listed on the National Register of Historic Places; and~~
 76. 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
 87. The STR use shall not create the need for exterior alterations to any building for the purpose of maintaining such accessory use; and

- 98. The STR use shall be located on property which is in compliance with allowed uses for the zone district in which the property is located; and
- 109. The STR 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
- 110. The applicant for the STR use shall not be someone who has had an STR Permit revoked within the previous twenty-four (24) months.

Section 10. Article 2, Part 3, Table of Permitted Uses, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting “54-207, y.” immediately after “7043. Organizational hotels and lodging, not elsewhere classified” in the first column of the row for Principal Use Category 7043.

Section 11. Article 2, Part 3, Table of Permitted Uses, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting the symbol “†” in the column labeled “RR-1, SR-1, SR-2, SR-7, SR-8” and in the column labeled “SR-3, SR-4, SR-5, SR-6” in the row for Principal Use Category 7043.

Section 12. Article 2, Part 3, Table of Permitted Uses, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting “or 54-227.1, KSC Overlay Zone,” immediately after “54-227, ST Overlay Zone.”

Section 13. Section 54-220.a of the Code of the City of Charleston (Zoning Ordinance) is hereby amended to read as follows (new text in **bold and double underlined** and deleted text with ~~strikethrough~~):

- 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 **short term rentals and** bed and breakfasts that are approved in accordance with the provisions of **section 54-207.y, section 54-208, section 54-208.1, section 54-208.2, section 54-208.3, section 54-224.b.1, section 54-227, or section 54-227.1.** ~~Section 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 14. Section 54-227.a of the Code of the City of Charleston (Zoning Ordinance) is hereby amended to read as follows (new text in **bold and double underlined** and deleted text with ~~strikethrough~~):

- 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. **Except as set forth in section 54-207.y and section 54-227.1, c**Commercial short term rentals are prohibited except on commercially zoned 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 short term rentals shall be avoided or minimized to the greatest extent possible.

Section 15. The following section 54-227.1 of the Code of the City of Charleston (Zoning Ordinance) is hereby added:

Sec. 54-227.1 – King Street Corridor, KSC Overlay Zone.

- a. Intent. The King Street Corridor Overlay Zone is intended to permit commercial short term rentals as a conditional use in specific base zoning districts in the KSC overlay zone, as defined in this Chapter. The KSC overlay zone is intended to be geographically limited to specific areas along a portion of King Street to facilitate the rehabilitation of abandoned multi-family dwelling units lying above the first finished floor of buildings fronting such portions of King Street, while protecting and preserving the affordability and supply of housing in the area and minimizing the impacts on residential neighborhoods. Commercial short term rentals are prohibited except in accordance with section 54-207.y, section 54-227, or this section 54-227.1. 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. Accommodations Use. Subject to the conditions in section 54-227.1.c, a dwelling unit converted into a commercial short term rental within the KSC overlay zone may be rented to not more than one (1) family (as defined in section 54-120) 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.
- c. Conditions. A conforming or legal nonconforming multi-family dwelling unit lying within the KSC overlay zone may be converted into a commercial short term rental only when the zoning administrator approves the conversion through the issuance of a commercial short term rental permit after the applicant satisfies each of the following conditions, as evidenced by an application in compliance with section 54-227.1.d:
 - (1) The dwelling unit and the lot on which the dwelling unit lies are 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.
 - (2) The dwelling unit is located above the first finished floor of the building in which it is located.
 - (3) The lot is located entirely within the KSC overlay zone, as shown on the Zoning Map.
 - (4) The dwelling unit being converted to a commercial short term rental is not designated as an affordable housing unit or a workforce housing unit.

- (5) The dwelling unit being converted to a commercial short term rental is a multi-family dwelling unit.
 - (6) 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, Berkeley County or Charleston County, whichever is applicable, and the State of South Carolina.
 - (7) Any commercial uses in the building must be completely separate and independent operations, unrelated to the commercial short term rental.
 - (8) There are no exterior signs for the commercial short term rental use of the dwelling unit on the lot or on the building.
 - (9) 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 commercial 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 commercial short term rentals.
 - (10) No more than nine (9) dwelling units may be converted to commercial 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. 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.
 - (11) The commercial short term rental unit shall not displace an existing dwelling unit which has been occupied within one (1) year prior to the filing date of the application.
- d. Except as expressly stated otherwise in this section 54-227.1, 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.
 - e. Impact on Non-Conforming Uses. For the purposes of applying Section 54-110 concerning non-conforming uses, a commercial short term rental is considered a continuation of the non-conforming use of a legal non-conforming dwelling unit.
 - f. Prohibition on Construction of Commercial Short Term Rentals. Nothing in this section 54-227.1 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.

- g. Approved Short Term Rentals Within the KSC Overlay Zone. All commercial short term rental uses within the KSC overlay zone that have City approval to operate on the effective date of this ordinance shall be issued a commercial short-term rental 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.
- h. New Short Term Rentals Within the KSC Overlay Zone, Permit. New commercial short term rental uses within the KSC overlay zone that receive City approval to operate shall be issued a commercial short term rental 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.
- i. Annual Renewal. For renewal of a commercial short term rental 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 short term rental permit must include the application fee, an affirmation by the applicant that the nature of the commercial short term rental use at the property has not changed, and must be notarized, filed with, and approved by the zoning administrator to continue the commercial short-term rental use.
- j. Violations and Penalties.
- (1) Violations. It shall be a violation of this Chapter for an owner, his agent or manager to:
- (a) Operate a commercial short term rental without complying with the requirements of this Chapter and the Code of the City of Charleston;
 - (b) Expand a commercial short term rental use without obtaining a new permit;
 - (c) Advertise a property as being available for a commercial short term rental use without first complying with the requirements of this Chapter;
 - (d) Represent or submit for advertising or marketing, or to otherwise hold out a commercial short term rental as being available for use or occupancy unless the commercial short term rental 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 commercial short term rental use;
- (2) Penalties. Without limiting the other methods of enforcement provided in this Chapter or the City's Code of Ordinances for a violation of this Chapter or any of its provisions generally, a violation of this section 54-

227.1 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 section 54-227.1 continues is considered a separate offense. Should a commercial short term rental 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 commercial short term rental permit issued pursuant to this section 54-227.1 shall be revoked.

Section 16. Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by changing the zoning map to include all properties with frontage on King Street, between the northern right-of-way line of George Street and the southern right-of-way line of Mount Pleasant Street in the King Street Corridor, KSC overlay zone.

Section 17. Severability. It is hereby declared to be the intent of City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid by a judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases in the ordinance since the same would have been enacted without the incorporation in this ordinance of the unconstitutional or invalid section, paragraph, sentence, clause, or phrase.

Section 18. This ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of _____ in the year of Our Lord, 2018, in the ____ Year of the Independence of the United States of America.

By: _____
John J. Tecklenburg, Mayor
City of Charleston

ATTEST:

By: _____
Vanessa Turner Maybank,
Clerk of Council