



CITY OF FOLLY BEACH

1st Reading: December 12, 2017
2nd Reading: January 9, 2018

Introduced by: Mayor Tim Goodwin
Date: August 8, 2017

ORDINANCE 26-17

AN ORDINANCE AMENDING CHAPTER 110 (GENERAL LICENSING PROVISIONS), CHAPTER 117 (SHORT TERM RENTALS), CHAPTER 163 (ZONING DISTRICTS), CHAPTER 164 (USE STANDARDS), OF THE FOLLY BEACH CODE OF ORDINANCES BY AMENDING LICENSING AND REGISTRATION REQUIREMENTS FOR SHORT TERM RENTALS, CREATING STANDARDS FOR EVENTS HELD ON PROPERTIES USED AS SHORT TERM RENTALS, DEFINING SHORT TERM RENTALS AS AN ALLOWABLE USE AND ALLOWING PENALTIES TO BE ASSESSED TO THE OWNERS OF SHORT TERM RENTALS FOR NUISANCE VIOLATIONS.

The City Council of Folly Beach, South Carolina, duly assembled, hereby ordains that the Folly Beach Code of Ordinance be amended as follows:

NOTE: Deleted material struck through; new material in red.

CHAPTER 110, GENERAL LICENSING PROVISIONS

SECTION 110.05 REGISTRATION REQUIRED.

(A) The owner, agent or legal representative of every business subject to this chapter, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year. A new business shall be required to have a business license prior to operation within the city.

(B) Application shall be on a form provided by the License Official which shall contain the Social Security Number and/or the Federal Employer's Identification Number, the South Carolina Retail License Number (if applicable), the business name as reported on the South Carolina income tax return, and all information about the applicant and the business deemed appropriate to carry out the purpose of this chapter by the License Official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross income figures.

(C) The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported, or estimated for a new business, without any unauthorized deductions, and that all assessments and personal property taxes on business property due and payable to the city have been paid.

(D) No business license shall be issued until the applicant first submits documents necessary to establish compliance with the Zoning Ordinance, Building Code, Electrical Code, Mechanical

Code, Plumbing Code, Roofing Code and other regulatory Codes as adopted by City Council and, if applicable, the Short Term Rental Ordinance, Chapter 117.

(E) Insurance agents and brokers shall report the name of each insurance company for which a policy was issued and the total premiums collected for each company for each type of insurance coverage on a form approved by the License Official. An insurance agent not employed by an insurance company or employed by more than one insurance company shall be licensed as a broker.

(Ord. 34-06, passed 9-26-06)

SECTION 110.16 DENIAL OF LICENSE.

(A) The License Official shall deny a license to an applicant when the License Official determines:

- (1) The application is incomplete, contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact;
- (2) The activity for which a license is sought is unlawful or constitutes a public nuisance;
- (3) The applicant, licensee or prior licensee or the person in control of the business has been convicted of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude, or an unlawful sale of merchandise or prohibited goods;
- (4) The applicant, licensee or prior licensee or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the municipality or in another jurisdiction;
- (5) The applicant, licensee or prior licensee or the person in control of the business is delinquent in the payment to the municipality of any tax or fee; or
- (6) The license for the business or for a similar business of the licensee in the municipality or another jurisdiction has been denied, suspended or revoked in the previous license year-, or
- (7) The applicant, licensee, or a prior licensee for a Short Term Rental has failed to comply with the requirements of Chapter 117 or has received four or more notifications that an occupant or guest has received a written warning or citation for noise, trash, turtle lighting, requirements for special events, or exceeding maximum occupancy during any rolling six month period. The number of allowable notices and violations shall be reset upon a change of ownership where there is no overlap with previous ownership.

(B) A decision of the License Official shall be subject to appeal to City Council as herein provided. The Denial shall be written with reasons stated.

(C) Licensees or businesses that begin or continue operations after the denial of a business license will be immediately subject to prosecution for doing business without a license. An appeal will not stay any prosecution.

SECTION 110.17 SUSPENSION OR REVOCATION OF LICENSE.

(A) ~~When the License Official determines that~~ A business license may be suspended or revoked when:

- (1) A license has been mistakenly or improperly issued or issued contrary to law; or

- (2) A licensee has breached any condition upon which the license was issued or has failed to comply with the provision of this chapter; or
- (3) A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application, including any communications made by the licensee or its agent in the application process; or
- (4) A licensee has been convicted of an offense under a law or ordinance regulating business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods; or
- (5) A licensee has engaged in an unlawful **business** activity, including but not limited to a violation of City, County, State or Federal law, ordinance or regulation; or
- (6) The licensee's operation of the business constitutes a public nuisance; or
- (7) **The applicant, licensee, or a prior licensee for a Short Term Rental has failed to comply with the requirements of Chapter 117 or has received four or more notifications that an occupant or guest has received a written warning or citation for noise, trash, turtle lighting, requirements for special events, or exceeding maximum occupancy during any rolling six month period. The number of allowable notices and violations shall be reset upon a change of ownership which results in no overlap with prior common ownership;** or
- (8) A licensee is delinquent in the payment to the City of any tax or fee.

(B) When the License Official determines that a violation of Section 110.17(A) has occurred, ~~The~~ **the** License Official shall give written notice to the licensee or the person in control of the business within the City by personal service or certified mail that the license is suspended pending a hearing before City Council for the purpose of determining whether the license should be revoked. **In the case of Short Term Rental businesses, notice shall be given to the person listed as agent on the City of Folly Beach Rental Registration Form.** The notice shall state the time and place at which the hearing is to be held, which shall be within 30 days from the date of service of the notice. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this chapter. A licensee may surrender the business license and cease doing business prior to the revocation hearing date. The License Official has the discretion to cancel the hearing after surrender of the business license.

(C) Licensees or businesses that continue operations after the revocation of a business license shall be subject to prosecution for doing business without a license the earlier of: (1) 45 days after notice of suspension; (2) ten days after issuance of the City Council's written decision after revocation hearing; or (3) immediately following the surrender of a license.
(Ord. 34-06, passed 9-26-06; Am. Ord. 18-16, passed 7-12-16)

CHAPTER 117, SHORT TERM RENTALS

~~117.01 REGISTRATION OF SHORT TERM RENTALS REQUIRED.~~

~~—In order to receive a business license for the rental of residential property all owners of rental dwellings shall register the rental property with the city on an application in a form provided by the city. At the time an application is filed a registration fee in an amount established from time to time by City Council shall be paid in full.~~

~~—(A) Annual registration. The annual registration date shall be January 1 of each year and all fees required by this chapter shall be paid on or before February 15 of each year.~~

~~—(B) *Registry of new rental dwellings.* The owner of a new rental dwelling or of any dwelling newly converted to a rental dwelling shall register the rental dwelling prior to obtaining a business license to rent the property.~~

~~—(C) *Change in registered information.* The owner of a rental dwellings already registered with the city shall re-register within 60 days after any change occurs in the registration information. A new owner of a registered dwelling shall re-register the dwelling within 60 days of assuming ownership.~~

~~—(D) *Information required.* Application for rental registration shall contain the following information:~~

~~—(1) The address of the rental dwelling;~~

~~—(2) The number or rental dwelling units;~~

~~—(3) The name, residence address, business phone, personal phone, and business address or the owner and local agent;~~

~~—(4) The address where the owner and/or local agent will accept notices and orders from the city;~~

~~—(5) Acknowledgment that the owner has read applicable Folly Beach Codes including, but not limited to, regulations regarding trash, parking, alcohol, animal, litter, surfing, dune protection, sea turtle and golf carts;~~

~~—(6) Acknowledgment that the owner has prominently posted within the property a summary of applicable Folly Beach Codes including, but not limited to, regulations regarding trash, parking, alcohol, animal, litter, surfing, dune protection, sea turtle and golf carts;~~

~~—(7) Acknowledgment that tenants listed on any rental agreements will receive a summary of Folly Beach Codes including, but not limited to, regulations regarding trash, parking, alcohol, animal, litter, surfing, dune protection, sea turtle and golf carts.~~

~~—(a) The summary of applicable codes shall be in a form determined by the city and made available to all owners of rental property.~~

~~—(E) *Inaccurate or incomplete register information.* It shall be a violation of this article for an owner to provide inaccurate information for the register of rental dwellings or to fail to provide information required by the application.~~

~~—(F) *Designation of local agent.* The owner of a rental dwelling shall designate a responsible agent who shall be legally responsible for operating such rental dwelling in compliance with the law. Official notices may be served on the responsible local agent and/or the owner and any notice served on the agent shall be deemed to have been served upon the owner of record.~~

~~—(1) Nothing shall prevent the owner of rental property from designating himself or herself as the agent.~~

~~—(2) The agent shall be required to be able to physically respond to the site within 30 minutes in case of emergency or need by the city for entry into the property.~~

~~—(G) *More than one owner or ownership by entity.* Where more than one person has an ownership interest, the required information shall be provided for each owner. In those cases in which the owner is not a person, the information required for the register shall be provided for the organization owning the rental dwelling and for the president, general manager, or other chief executive officer of the organization.~~

~~(Ord. 19-10, passed 9-28-10)~~

~~SECTION 117.02 RECORDS REQUIRED FOR SHORT TERM RENTALS.~~

~~—(A) All owners and/or agents responsible for the leasing of short term rentals shall be required to keep for the purpose of city inspection and copying for a period of one year the following:~~

- ~~—(1) The name, address, and other contact information of each signatory on the rental agreement;~~
- ~~—(2) A document signed by the person responsible for renting the dwelling certifying the number of persons intended to occupy the dwelling.~~
- ~~—(B) The information required by this section shall be updated by the owner and/or agent for each rental to different tenants or occupants.~~
- ~~—(C) Compliance with this section may be achieved through the inclusion of the required information into a rental agreement or lease signed by each occupant.~~

~~(Ord. 19-10, passed 9-28-10)~~

~~SECTION 117.03 DEFINITIONS.~~

- ~~—For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~
 - ~~—**OCCUPANT.** Any person, other than a legal or equitable title holder, occupying or possessing all or part of a short term rental property.~~
 - ~~—**RENTAL DWELLING or RENTAL PROPERTY.** Any residential dwelling which is in whole or in part occupied by one or more person(s) pursuant to an oral or written agreement for monetary or any other consideration, but which person(s) is not acquiring an ownership interest in the dwelling. This shall include single family, two family, and multi family properties and short term rentals.~~
 - ~~—**SHORT TERM RENTALS.** Any residential property providing transient accommodations for periods of less than one month.~~
 - ~~—**TENANT.** Any person, other than a legal or equitable title holder, occupying or possessing all or part of a rental dwelling.~~
- ~~(Ord. 19-10, passed 9-28-10)~~

SECTION 117.01 PURPOSE, APPLICABILITY AND DEFINITIONS

(A) The purpose of this Chapter is to regulate the use of residential units as short term rentals in order to:

- 1. Protect the integrity of the City’s neighborhoods and the quality of life of its citizens;**
- 2. Establish a system to track the short term rental inventory in the City;**
- 3. To protect the health and safety of occupants of short term rental units;**
- 4. To ensure a level playing field for individuals in the short term rental market; and**
- 5. To protect the residential character of the Residential Districts of the City.**

(B) The following definitions apply:

- 1. Short Term Rentals are residential dwellings rented for less than 30 days, used in a manner consistent with the residential character of the dwelling. Tourist Accommodations including hotels, motels, inns, and bed and breakfasts are not considered Short Term Rentals.**
- 2. Rental Occupant shall mean any person who, in exchange for compensation paid, occupies a dwelling unit for less than 30 days.**

SECTION 117.02 LICENSE, REGISTRATION, AND TAX REQUIREMENTS

Any owner wishing to operate a Short Term Rental must maintain a current business license, comply with rental registration requirements, and make proper payment of local, county, and state taxes.

(A) *Business License.* Business licenses must be renewed annually by the submittal of a form and fee as established by the City. The business license account number and the maximum occupancy for each short term rental must be prominently displayed in the rental unit as well as in any advertisement for the rental of the unit excluding signs posted on the rental property.

(B) *Rental Registration.* Each new Short Term Rental license application must be accompanied by a rental registration application form provided by the City and must be renewed on an annual basis. At the time an application is filed or renewed a registration fee in an amount established from time to time by City Council shall be paid in full.

(1) *Annual registration.* The registration fee shall be paid prior to February 1st of each year. Any registration fee paid after this date as a renewal from the previous year shall be doubled.

(2) *Change in registered information.* The owner of a rental dwellings already registered with the City shall re-register within 60 days after any change occurs in the registration information. A new owner of a registered dwelling shall re-register the dwelling within 60 days of assuming ownership.

(3) *Information required.* Application for rental registration shall contain the following information:

- (a) The address of the rental dwelling;
- (b) The number of rental dwelling units;
- (c) The number of bedrooms in each rental dwelling;
- (d) The number of parking spaces provided on site for each rental dwelling;
- (e) The maximum overnight occupancy of each rental dwelling which shall not exceed 2 persons per bedroom plus 2 additional people per rental dwelling except as allowed under an exception under Section 164.03-01(C);
- (f) The type of wastewater system (septic or sewer);
- (g) The names, mailing addresses, business phone numbers, personal phone numbers, and business addresses of the owner and local agent;
- (h) The address where the owner and/or local agent will accept notices and orders from the City;
- (i) Certification that the owner has read applicable Folly Beach Ordinances including (but not limited to) regulations regarding noise, trash, parking, alcohol, animal, litter, surfing, dune protection, sea turtles and golf carts;
- (j) Certification that the owner has prominently posted within the property a summary of applicable Folly Beach Ordinances including (but not limited to) regulations regarding noise, trash, parking, alcohol, animal, litter, surfing, dune protection, sea turtles and golf carts;
- (k) Certifications that tenants listed on any rental agreement shall receive a summary of Folly Beach Ordinances including (but not limited to) regulations regarding noise, trash, parking, alcohol, animal, litter, surfing, dune protection, sea turtles and golf carts. The summary of applicable ordinances shall be in a form determined by the City and made available to all owners of rental property.

(1) Certification that the owner is aware that, upon receiving four or more notifications that occupants or guests have received a written warning or citation for noise, trash, turtle lighting, requirements for special events, or exceeding maximum occupancy during any rolling six month period, penalties may be assessed including business license revocation or nonrenewal.

(4) *Inaccurate or incomplete registration information.* It shall be a violation of this article for an owner to provide inaccurate information for the registration of rental dwellings or to fail to provide information required by the application form.

(5) *Designation of local agent.* The owner of a rental dwelling shall designate a responsible agent who shall be responsible for operating such rental dwelling in compliance with the law. Official notices may be served on the responsible local agent and/or the owner and any notice served on the agent shall be deemed to have been served upon the owner of record.

(a) Nothing shall prevent the owner of rental property from designating himself or herself as the agent.

(b) The agent shall be required to be able to physically respond to the site within 30 minutes in case of emergency or need by the City for entry into the property.

(6) *More than one owner or ownership by entity.* Where more than one person has an ownership interest in a **Short Term Rental** the required information shall be provided for each owner. In those cases in which the owner is not a person, the information required for the register shall be provided for the organization owning the rental dwelling and for the president, general manager, or other chief executive officer of the organization.

(Ord. 19-10, passed 9-28-10)

(C) *Taxes.* Owners of Short Term Rentals are subject to local, county, and state taxes including but not limited to sales, use, and accommodations taxes and are liable for the payment thereof as established by state law and the Folly Beach Code of Ordinances.

(D) *Violations and penalties.*

(1) *Violations.* It shall be a violation of this Chapter:

(a) to operate a Short Term Rental without complying with the requirements of this Chapter and the Code of the City of Folly Beach,

(b) to expand the allowable occupancy of a Short Term Rental without obtaining a new permit,

(c) to advertise a property as being available as a Short Term Rental without first complying with the requirements of this Chapter,

(d) to advertise a Short Term Rental as being available for more overnight occupants than have been permitted pursuant to this Chapter,

(e) to advertise more Short Term Rental units on a property than have permitted pursuant to this Chapter,

(f) to advertise a property as a Short Term Rental or “event house” for events or parties with more than 49 people in attendance, or

(g) to operate a Short Term Rental that has received four or more notifications of occupant or guest violations of noise, trash, turtle lighting, requirements for special events, or exceeding maximum occupancy during any rolling six month period.

(i) The number of allowable notices and violations shall be reset upon a change of ownership which results in no overlap with prior common ownership

(ii) For the purpose of determining the total number of notifications to the owner, all written warnings and violations occurring within a single rental contract period shall be considered one instance. In no case shall notifications to the owner exceed one per rental contract period.

(2) *Penalties.* 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 can result in a civil penalty pursuant to Section 110.99, revocation or suspension of a business license pursuant to Section 110.17, or the non-renewal of the license.

Short Term Rental licensees shall be subject to graduated penalties as the licensee receives notifications that an occupant or guest has received a written warning or citation for noise, trash, turtle lighting, requirements for special events, or exceeding maximum occupancy during any rolling six month period. For the purpose of determining the total number of notifications to the owner, all written warnings and violations occurring within a single rental contract period shall be considered one instance. In no case shall notifications to the owner exceed one per rental contract period. The licensee may respond within 10 days of receiving the certified notice with evidence that demonstrates that the notice was issued in error. The graduated penalties are:

(a) First violation- a description of the violation committed by the tenant and a warning that progressive action shall be taken by the City in the case of further violations.

(b) Second violation- a description of the violation committed by the tenant and a second warning that progressive action shall be taken by the City in the case of further violations.

(c) Third violation- a description of the violation committed by the tenant, a civil penalty of \$500.00 dollars, and a third warning that progressive action shall be taken by the City in the case of further violations.

(d) Fourth violation- a description of the violation committed by the tenant and initiation by the City of business license revocation procedures pursuant to Section 110.17 or notice that the license will not be renewed.

SECTION 117.03 ADDITIONAL REQUIREMENTS FOR SHORT TERM RENTALS.

(A) All owners and/or agents responsible for the leasing of short term rentals shall be required to keep for the purpose of City inspection and copying for a period of one year the following:

(1) The name, address, and other contact information of each signatory on the rental agreement;

(2) A document signed by **the owner and/or agent** responsible for renting the dwelling certifying the number of persons intended to occupy the dwelling.

(3) The information required by this section shall be updated by the owner and/or agent for each rental to different tenants or occupants.

(B) The owner and/or agent shall provide each person signing a rental agreement as a responsible party for a Short Term Rental the following:

- (1) The address of the Short Term Rental and emergency contact numbers;
- (2) The name and contact information for the owner or designated agent; and
- (3) A copy of the City's rules and regarding noise, trash, parking, alcohol on the beach, litter, dune protection, sea turtles, requirements for special events, maximum occupancy, and golf carts.

(C) Individual rooms in Short Term Rentals may not be rented under separate contracts at the same time.

(D) Any events held on the premises of a Short Term Rental shall meet the following requirements:

- (1) Must follow any applicable special event notification rules established by the City in Section 153.05 of the Folly Beach Code of Ordinances for events on private property;
- (2) Shall be subject to all applicable provisions of the noise regulations in Sections 131.30 through 131.35 ; and
- (3) May not feature mobile food trucks, carts, or other outdoor retailers offering products for sale or in exchange for donations. Caterers are allowed at events on the premises of Short Term Rentals.

(E) All Special Events held after August 1, 2018 on the premises of a Short Term Rental shall meet the following requirements:

- (1) May not exceed 49 people; and
- (2) May not include outdoor amplified music to include bands, deejays, music broadcast through speakers and electronic musical instruments.
- (3) These requirements do not apply to events hosted by the owner of the property for which the owner is on site for the duration the event, the owner has completed the required special event notification, and for which no compensation has been paid for the event or the use of the house.

CHAPTER 163 ZONING DISTRICTS

SECTION 163.02-02 RESIDENTIAL DISTRICTS AND SPECIFIC PURPOSES

(A) *Single-Family Residential (RSF)*. The RSF District is established as a district in which the principal use of land is single-family detached residential development at moderate densities. The regulations of this district are intended to prohibit any use that substantially interferes with the development of single-family detached dwellings and that is detrimental to the quiet residential nature of the district. Complementary uses customarily found in residential zoning districts, such as community centers, religious institutions under 3,500 square feet in area, private docks, parks, and playgrounds are permitted. **Short Term Rentals are allowed subject to the requirements of Chapter 117 of the Folly Beach Code of Ordinances.** Accessory dwelling units are not permitted. The minimum lot area for development is 10,500 square feet and the maximum density allowed is four dwelling units per acre. Maximum lot coverage in the district is 35% of a lots high ground area.

(B) *Two-Family Residential (RTF)*. The RTF District is established as a district in which the principal use of land is single-family detached and two-family residential development at moderate densities. The regulations of this district are intended to prohibit any use that interferes with the quiet residential nature of the district. Complementary uses customarily found in residential zoning districts, including religious institutions under 3,500 square feet in area, civic institutions less than 5,000 square feet in area, community centers, private docks, parks, and playgrounds are permitted. **Short Term Rentals are allowed subject to the requirements of Chapter 117 of the Folly Beach Code of Ordinances.** Accessory dwelling units are not permitted. The minimum lot area for development is 10,500 square feet and the maximum density allowed is eight units per acre. Duplex dwellings located upon a single lot may be detached structures. Maximum lot coverage in the district is 35% of a lots high ground area.

(C) *Multi-Family Residential (RMF)*. The RMF district is established and intended to encourage a wide range of medium and high density housing types, especially multiple family development, although single-family dwellings and two-family dwellings are also allowed. In addition to the range of complementary uses typically found in residential zoning districts, limited neighborhood-serving nonresidential uses (e.g., day cares, parking lots, and Type I retail uses) are permitted as special exception uses (See [Table 164.01](#), Table of Allowed Uses), but accessory dwelling units are prohibited. **Short Term Rentals are allowed subject to the requirements of Chapter 117 of the Folly Beach Code of Ordinances.** The minimum lot area for all permitted uses (except townhouses) is 10,500 square feet. Individual townhouse units may be located on 3,500 square foot lots, provided the townhouse development includes the minimum open space set-aside required in § [166.03](#), Open Space Standards. Multi-family development shall include at least 3,500 square feet of lot area per dwelling unit, but in no instance shall multi-family development exceed 12 units per acre. Maximum lot coverage in the district is 35% of a sites total high ground.

SECTION 163.03-02 NONRESIDENTIAL DISTRICTS AND SPECIFIC PURPOSES.

(A) *Downtown Commercial (DC)*.

(1) *Purpose and intent*. The DC District is established as a commercial focal point for Folly Beach characterized by a vibrant mix of retail, service, restaurant, entertainment, cultural, governmental, civic, residential, and visitor-service uses unique to the City. The district is intended to:

- (a) Protect and enhance the unique aesthetic and architectural character of Folly Beach's downtown;
- (b) Allow for a diverse mix of business, office, institutional, recreational, and residential uses above street-level;
- (c) Encourage pedestrian-friendly development;
- (d) Require new development that is consistent with the existing template of downtown development; and
- (e) Promote the economic and development potential of Folly Beach while also protecting its unique character.

(2) *District-specific standards*. In addition to the other standards in this ZDO, development in the DC District shall comply with the following:

- (a) Mixed-use structures in the DC District shall not include residential uses on the ground floor of the structure.

- (b) Commercial uses on ground floor shall not be converted to a residential use.
- (c) Nonconforming lots of record lawfully established on or before April 13, 1999 may be developed in accordance with the standards in § [168.04-01](#)(C), Lots in the DC and IC Districts.
- (d) Residential uses located above a nonresidential use in the DC District shall not exceed two stories or 35 feet above base flood elevation.
- (e) Lot coverage is limited to a maximum of 50% of the lots high ground area.
- (f) Except where exempted by the Design Review Board, new development on lots in the DC district fronting Center Street shall be built to the edge of the sidewalk or right-of-way edge.
- (g) New development in the "A" Flood Zone shall be:
 1. Elevated and enclose the entire perimeter of the structure below the base flood elevation with solid walls which are hydrostatically vented and aesthetically incorporated into the overall design of the structure; or
 2. Floodproofed in lieu of elevating.
- (h) New development on lots fronting Center Street located in the "V" Flood Zone shall be elevated and shall enclose the entire perimeter of the structure below the base flood elevation with solid breakaway walls which are aesthetically incorporated into the overall design of the structure.
- (i) **Short Term Rentals are allowed subject to the requirements of Chapter 117 of the Folly Beach Code of Ordinances.**

(B) *Island Commercial (IC).*

(1) *Purpose and intent.* The IC district is established to provide for a "resort center" within the City that provides a variety of visitor-oriented business services, including visitor lodging, visitor attractions, and support facilities. The district is intended to accommodate visitor-oriented structures such as hotels, bed and breakfast inns, and time share units. Indoor and outdoor recreational facilities, parking, and low-intensity retail uses are also appropriate. This district is intended to foster pedestrian access particularly along the beachfront, in order to minimize traffic impacts to surrounding residential areas. **Short Term Rentals are allowed subject to the requirements of Chapter 117 of the Folly Beach Code of Ordinances.** Multi-family dwellings, accessory dwelling units, and intense commercial uses are prohibited. The minimum lot area for residential uses is 10,500 square feet and 5,250 square feet for all other uses. Duplex dwellings located upon a single lot may be detached structures. Lot coverage is limited to 35% of the lots high ground area.

(2) *District-specific standards.*

- (a) Mixed-use structures in the IC District shall not include residential uses on the ground floor of the structure.
- (b) Commercial uses on ground floor shall not be converted to a residential use.
- (c) Nonconforming lots of record lawfully established on or before April 13, 1999 may be developed in accordance with the standards in § [168.04-01](#)(C), Lots in the DC and IC Districts.
- (d) All development in the IC District shall not exceed two stories or 40 feet above base flood elevation.

(C) *Marine Commercial (MC).* The MC District is established to recognize areas within the City where, due to proximity to navigable waterways, commercial marine related-activity takes place. A full range of marine-related uses (e.g., docks and marinas), major and minor utilities, and outdoor storage facilities are appropriate uses in addition to limited residential uses,

institutional uses, and limited retail uses. **Short Term Rentals are allowed subject to the requirements of Chapter 117 of the Folly Beach Code of Ordinances.** Applications to amend the official zoning map to establish or expand the MC District are prohibited.

(D) *Corridor Commercial (CC)*. The CC District is established and intended to provide for a wide variety of general retail and high intensity residential and nonresidential uses located along the Folly Road corridor north of the Folly Creek Bridge, and to maintain scenic vistas along this corridor. The CC District is intended to accommodate the largest and most intense form of retail in the City (those uses greater than 10,000 square feet). Visitor-oriented services including hotels and indoor and outdoor recreational facilities are also permitted. **Short Term Rentals are allowed subject to the requirements of Chapter 117 of the Folly Beach Code of Ordinances.** Maximum lot coverage is limited to 35% of a lots high ground, and maximum building heights are limited to 35 feet above base flood elevation. Detached units may be located on individual lots, provided the newly created lots extend no more than five feet from the building envelope and the development includes the minimum open space set-aside required in § [166.03](#), Open Space Standards.

CHAPTER 164 USE STANDARDS

SECTION 164.01 TABLE OF USES

TABLE 164.01: TABLE OF ALLOWED USES													
P = Permitted S = Special Exception A = Allowed in PD District Blank Cell = Prohibited													
Use Category	Use Type	Zoning District									PD (1)	Additional Standards	
		Residential			Nonresidential								
		RSF	RTF	RMF	DC	IC	MC	CC	CN				
RESIDENTIAL USE CLASSIFICATION													
Household Living	Multi-family dwelling					P	P				P	A	§ 164.03-01(A)(1)
	Single-family dwelling	P	P	P	P	P	P	P	P			A	§ 166.05-02
	Two-family dwelling			P	P	P	P	P	P			A	§ 164.03-01(A)(2)
	Townhouse					P					P	A	§ 166.05-03
	Residential unit over nonresidential use					P	P	P	P	P		A	
Group Living	Family day care home	P	P	P	P	P	P	P	P			A	§ 164.03-01(B)(1)

	Group day care home	P	P	P	P	P	P	P	P	A	§ 164.03-01(B)(2)
	Rooming house									A	§ 164.03-01(B)(3)
Short Term Rentals		P	P	P	P	P	P	P	P	A	164.03-01(C)

SECTION 164.02-02 Residential Use Categories.

(A) *Household living.*

(1) *Characteristics.* Household living is characterized by the residential occupancy of a dwelling unit by a household. Accessory uses commonly associated with household living are recreational activities, raising of pets, hobbies, and parking of the occupants vehicles. Home occupations are accessory uses that are subject to additional regulations. (See § 164.04-05(C))

Owner occupied dwelling units in which the owner rents individual rooms to transient guests shall be subject to the use standards for Short Term Rentals.

(2) *Examples.* Examples include occupancy of single-family houses, two-family houses, and other multi-dwelling structures; some group home facilities, if the individual units meet the definition of "dwelling unit"; manufactured homes; and other structures with self-contained dwelling units. Mobile homes are prohibited.

~~(3) *Exceptions.* Lodging in a dwelling unit or where units are rented on a less than monthly basis is classified in the visitor accommodations category.~~

(B) *Group living.*

(1) *Characteristics.* Group living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of "household". The size of the group may be larger than the average size of a household. Generally, group living structures have a common eating area for residents. The residents may receive care, training, or treatment, as long as the caregivers also reside at the site. Common accessory uses include recreational facilities, dining facilities, and parking of vehicles for occupants and staff.

(2) *Examples.* Examples include group day care homes or rooming houses.

(3) *Exceptions.*

(a) Lodging where tenancy may be arranged for periods of less than 30 days **and no care, training, or treatment is provided** is classified as ~~visitor~~ **Short Term Rentals**.

(b) Lodging where the residents meet the definition of "household" and where tenancy is arranged on a month-to-month basis or for a longer period is classified as household living.

(c) Most group home facilities are classified as institutions. However, group home facilities where individual units meet the definition of a "dwelling unit" in Chapter 161, Definitions, are classified as household living.

(4) *Exemptions.* In accordance with S.C. Code § 6-29-770(E), as amended, homes licensed by the state to provide 24-hour care to nine or fewer mentally or physically handicapped persons are exempt from the provisions of this ZDO. Such uses serving ten or more persons shall be considered as group home, nursing home, or assisted living facilities uses, as appropriate.

(Ord. 05-10, passed 3-23-10)

(C) Short Term Rentals.

(1) *Characteristics.* Short Term Rentals are residential dwellings rented for less than 30 days, used in a manner consistent with the residential character of the dwelling. Tourist Accommodations including hotels, motels, inns, and bed and breakfasts are not considered Short Term Rentals.

() *Examples.* Rental facilities where the owner does not live on site and no services are provided, non owner occupied units rented to either families or unrelated persons for any amount of time that is less than 30 consecutive days, or owner occupied units where individual rooms are rented to transient guests.

SECTION 164.02-04 Commercial Use Categories.

(J) *Tourist accommodations.*

(1) *Characteristics.* This category includes ~~dwelling units~~ buildings other than Short Term Rentals arranged for short-term stays of less than 30 days for rent, lease, or interval occupancy. This category also includes ~~convention~~ facilities primarily oriented for visitor use. Accessory uses may include pools and other recreational facilities, limited storage, restaurants, bars, meeting facilities, and offices.

(2) *Examples.* Examples include ~~vacation rentals, bed and breakfast inns, hotels, and~~ hotels, motels, inns, bed and breakfasts and convention centers.

SECTION 164.03-01 Residential Uses.

(A) *Household living.*

(1) *Multi-family dwelling.* Multi-family dwellings shall comply with the following standards:

(a) Parking structures may be permitted as an accessory use to serve any multi-family development provided the structure does not exceed 35 feet in height (from base flood elevation) and provided its visual impact on adjacent lands is mitigated through building placement, screening, or architectural treatment.

(b) Multi-family structures shall be subject to the maximum height of the district where located, and shall not exceed two stories of heated floor area.

(2) *Two-family dwelling.*

(a) Two-family dwellings shall comply with the standards in § 166.05-03, Single- and Two-Family Design Standards.

(b) Nothing in this ZDO shall prevent a two-family dwelling on a lot in the RTF District from consisting of two detached structures.

(B) *Group living.*

(1) *Group day care home.* The number of children shall be limited to a maximum of eight children, including residents.

(2) *Family day care home.* The number of children shall be limited to a maximum of five children, including the residents.

(Ord. 05-10, passed 3-23-10)

(C) *Short Term Rentals.* Short Term Rentals shall have a maximum overnight occupancy of 2 persons per bedroom plus 2 persons per rental dwelling. The maximum occupancy may be

increased by the Building Official upon demonstration by the owner of DHEC compliance with allowable septic capacity.

CHAPTER 131 OFFENSES AGAINST PUBLIC PEACE

SECTION 131.31 ~~NOTICE TO RENTERS ABOUT NOISE ORDINANCE REQUIRED.~~
NOISE FROM SHORT TERM RENTAL PROPERTIES

A) Owners of ~~rental houses~~ **Short Term Rentals** shall ensure that a City-prepared notice about the noise ordinance is posted in houses that are rented for 30 days or less and is included in all ~~short and long term~~ rental contracts.

ADOPTED this 9th day of January 2018, at Folly Beach, South Carolina.

Ayes: 4

Nays: 3

Abstains: _____

Signature Attest

Tim Goodwin, Mayor