
1 **2018-57 (1ST READING): AN ORDINANCE TO AMEND THE MARKET COMMON**
2 **MASTER PLAN ADDITIONAL PERMITTED USES SUBSECTION OF THE SITE ZONING**
3 **SUMMARY SECTION TO ADD “KENNELS AND ANIMAL BOARDING FACILITIES**
4 **INDOOR” AS A CONDITIONAL USE.**

5 **Applicant/Purpose:** BEI Beach, LLC/to amend The Market Common Master Plan & add kennels &
6 indoor animal boarding facilities as conditional uses.

7
8 **Brief:**

- 9
- 10 • Applicant manages the commercial center of Market Common.
 - 11 • The Market Common Master Plan does not allow commercial kennels of any type.
 - 12 • Council approved ordinance 2017-24 (5/23/17) allowing Veterinary Day Clinics as a permitted use in the Market Common Master Plan.
 - 13 • Conditions for indoor animal boarding include:
 - 14 ○ Facilities are only included in the Phase 1 area (bounded by Hackler, Johnson, Phillis, & Farrow).
 - 15 ○ Boarding is for dogs & cats only.
 - 16 ○ Space shall be sound proofed by an architect or engineer.
 - 17 ○ Pet waste shall go into an indoor animal relief system.
 - 18 • 8/21/18: Planning Commission recommended approval (5-2, Commissioners Sivertsen & Shanks opposing).
- 19
20

21 **Issues:**

- 22
- 23 • Potential for noise issues, particularly for nearby residents.
 - 24 • Residential buildings in Phase 1 (above the commercial units), are separate from the commercial buildings below. The commercial units do not share a ceiling/floor w/ the residential units.
- 25
26

27 **Public Notification:**

- 28
- 29 • Legal ad ran.
 - 30 • Social media poll by local resident summarized & attached.
- 31

32 **Alternatives:**

- 33
- 34 • Modify the request.
 - 35 • Deny the proposed ordinance.
- 36

37 **Financial Impact:** The City could see a nominal increase in business license revenue if this service is added.

38 **Manager’s Recommendation:** I recommend 1st reading.

39
40 **Attachment(s):** Proposed ordinance, staff report, referenced Phase 1 Area Map, Next Door post synopsis.
41

CITY OF MYRTLE BEACH
COUNTY OF HORRY
STATE OF SOUTH CAROLINA

ORDINANCE TO AMEND ARTICLE 18
OVERLAY ZONES OF THE ZONING
ORDINANCE TO ADD NEW SECTION 1807
BED & BREAKFAST OVERLAY ZONE, TO
AMEND SECTION 2 DEFINITIONS TO DELETE
THE CURRENT DEFINITION OF BED AND
BREAKFAST, AND TO AMEND SECTION
1407.C TO DELETE BED AND BREAKFASTS
AS A PERMITTED USE.

IT IS HEREBY ORDAINED that Appendix A, Zoning, Article 18, Overlay Zones, is amended to add new Section 1807 Bed & Breakfast Overlay Zone, as follows:

Section 1807. Bed & Breakfast Overlay Zone

1807.A. Purpose and Intent: Bed & Breakfast homes are intended to provide a unique lodging experience in predominantly residential environs. As a result, care will be taken to protect the environment that contributes to the experience of such lodging while promoting their use. The Bed & Breakfast Overlay Zone may be applied by City Council to any Single Family Residential (R) Zoning District.

1807.B. The use of year-round dwellings for overnight accommodations is permitted in the Bed & Breakfast Overlay Zone under the following conditions:

1. The primary purpose of the dwelling is for use as a personal residence currently occupied by the owner as his or her home. The Bed & Breakfast shall be operated by the record owner of the subject property who shall also be a resident of the subject property; for the purpose of this Section of the Zoning Ordinance, to qualify as a resident of a property, the person shall use that property as his or her legal voting address, driver’s license address, and four percent homeowners assessment ratio address.
2. Accessory buildings may be used as guestrooms provided each room meets, at a minimum, the definition of and regulations pertaining to a habitable bedroom per the International Building Code.
3. On-street parking for a bed and breakfast home is prohibited. All resident and guest parking shall be accommodated in designated on-site parking areas. No vehicles shall park or stand or be otherwise stored on the front lawn or within the required front, side or rear setback areas.
4. No regularly scheduled meals other than breakfast may be served to the paying guests. An afternoon social or tea service may also be served to guests if included in the room rate.
5. No cooking facilities shall be permitted in any of the rented rooms.

6. The bed and breakfast home shall not be used for any party, gathering, meeting, reception or other similar event for a fee or consideration of any kind.
7. No on-site advertising shall be permitted other than one sign stating the name of the bed and breakfast home. The permitted sign may have a maximum of two sides and no side shall exceed four (4) square feet in total sign face area.
8. Retail sales are prohibited.
9. The residence cannot be occupied as a bed and breakfast home until it has a city business license, passed an inspection by the Fire Marshal, and received a Certificate of Occupancy.

IT IS FURTHER ORDAINED that Appendix A, Zoning, Section 202 Defined Terms, is amended to delete the definition of Bed & Breakfast as follows:

Section 202. Defined Terms

~~**Bed and Breakfast:** A building or a portion thereof where, for compensation, rooms are rented for overnight stay for less than 30 consecutive nights together with meals to boarders who generally do not directly utilize kitchen facilities.~~

IT IS FURTHER ORDAINED that Appendix A, Zoning, Section 1407.C. Table of Uses, is amended to delete the use of Bed & Breakfast as follows:

Use Category and Type	P-permitted use C-conditional use S-special exception Blank Cell-use type not allowed																				Additional Regulations								
	Residential																												
	R5	R7	R8	R10	R15	RMM	RMH	RMH-MH	RMV	MU-M	MU-H	C6	C7	C8	A	CG	E	HC1	HC2	MP	IN	AP	BP	LM	WM	CS	IR	PRC	
Bed & breakfast establishments									P		P	P			P		P	P	P									S	1503-A

This ordinance will take effect upon second reading.

BRENDA BETHUNE, MAYOR

ATTEST:

JENNIFER STANFORD, INTERIM CITY CLERK

1st Reading:
2nd Reading:

1 **APPLICANT** Susan B. Lynch
2
3 **REQUESTED ACTION** To create a Bed & Breakfast Overlay Zone
4
5 **REASON FOR REQUEST** “We love our home, our neighborhood and the history it
6 is steeped in and love to share it with others.” See
7 *expanded reason attached.*
8
9 **SITE LOCATION** None yet. Passage of this overlay zone would provide an
10 opportunity for City Council to apply the zone in select
11 single family residential areas as they see fit to do so.
12
13 **PUBLIC NOTICE** **LEGAL AD RAN** Yes
14
15
16 **ALTERNATIVES TO APPROVAL** Recommend denial.
17 Recommend amendments.
18
19 **FINANCIAL ANALYSIS:** Potential development, business license fees, hospitality fees (1% on
20 transient accommodations), accommodations taxes (0.5% tax on short-term or transient
21 accommodations).
22

23 **ANALYSIS**
24

25 *Section 403 of the Zoning Ordinance lists the following factors, which should be part of the*
26 *information considered when evaluating requests to change the Zoning Ordinance Text or Map.*

27 **Section 403.A.** Whether or not the requested zoning change is [1] consistent with the
28 Comprehensive Plan or [2] is justified by an error in the original ordinance.

- 29 • **[1] Neutral.**
 - 30 ○ **Economic Development Goal:** To become a sustainable community, economic
31 development will concentrate on increasing and diversifying the area’s
32 economic base and strengthening existing businesses. Objectives: Create a
33 sound business retention strategy; Continue to strengthen and grow the travel
34 and tourism industry; Continue to work with existing components of the travel
35 and tourism industry that have helped to diversify the tourism market; Continue
36 to diversify the travel and tourism industry by increasing the role of ... cultural
37 tourism in Myrtle Beach.
 - 38 ○ **Tourism Goal:** The goal of sustainable tourism is to retain the economic and
39 social advantages of tourism development while reducing or mitigating any
40 undesirable impacts on the natural, historic, cultural or social environment. This
41 is achieved by balancing the needs of tourists with those of the local
42 community. Objectives: Continue to make tourism in the Myrtle Beach area
43 socially sustainable; Continue to define and maintain Myrtle Beach as a family
44 beach; Continue to value tourists and treat them as guests; Continue to create
45 new markets (The Myrtle Beach Area Chamber of Commerce and the Myrtle
46 Beach Area Hospitality Association develop a program to create new diverse
47 markets, including cultural tourism, sports tourism and eco-tourism, while
48 maintaining Myrtle Beach’s special identity); Continue to make tourism in the
49 Myrtle Beach area economically sustainable; Continue to eliminate visual
50 clutter with compatible contiguous zoning that will accent the area’s beauty.

- Historical Preservation Goal: Lands, sites and structures that have historical or archaeological significance will be identified, preserved, and protected. Objectives: Use historic preservation to meet potential and existing needs experienced by the community such as affordable housing, business diversification, walk ability and/or bikes; Enhance neighborhoods by preservation of historic houses;
- Neighborhoods Goal: To become a sustainable community, neighborhoods will be protected, preserved, and kept safe, secure, and aesthetically pleasing, with well-maintained supporting facilities and with convenient connections to nearby, supporting land uses. Objectives: Continue to protect and preserve neighborhoods from disruptive intrusions so that they remain vital parts of the neighborhood planning area; Continue to enhance neighborhoods by appropriate expansion and intensification; Continue to support and provide opportunities for the continuation of mixed-uses in the residential areas; Continue to encourage quality development that helps to increase the value of property in the city; Educate residents about home occupation laws and enforce zoning regulations regarding businesses being conducted in homes; Better regulate the occupancy (number of dwellers) regulations for single family and multi-family units; Plan accordingly for traffic generated by multi-family dwellings; Continue to work with residents to improve or eliminate dilapidated housing and commercial buildings.
- Land Use Goal: all land uses will be based on best available sustainable practices. Land uses will also balance the socio-economic needs of residents, business owners, and visitors and will create an environment where all can live, work, and play with pride and pleasure. Objectives: Provide for a full range of sustainable land uses including a variety of residential uses in existing and future neighborhoods, which are strengthened through definition (by means of centers, gateways, and other streetscape aspects), expansion (to provide sufficient acreage to create viable neighborhoods), appropriate intensification (by development of vacant lots and accessory residential uses, such as “granny flats”), and protection of their edges against intrusive land uses and their impacts. Opportunities for business and employment are provided for, recognizing both the importance of tourism and the need to accommodate other industries; Strengthen and enhance neighborhoods and encourage new ones of similar viability; Foster distinctive, attractive communities with a strong sense of place which reflects the values and the cultures of the people who reside there, and fosters the type of physical environments which support a more cohesive community fabric.

- [2] No. There is no discernable error in the original ordinance.

Section 403.B. – The precedents, and the possible effects of such precedents, which might result from approval or denial of the petition.

- The City has historically taken a hard stance against visitor accommodations encroaching into residential neighborhoods. A Bed & Breakfast Overlay *could* be the “camel’s nose under the tent” that leads to other, less restrictive types of visitor accommodations establishments being allowed in the future.

Section 403.C. – The capability of the city or other government agencies to provide any services, facilities or programs that might be required if the petition were approved.

- The City and other government agencies are able to provide services including utilities, business licenses, and site plan review to any potential bed & breakfast.

Section 403.D. Effect of approval of the petition on the condition or value of property in the city.

- Adding a possible commercial use to an otherwise residential property will likely result in a value increase to that property. The effect to surrounding property values will depend on the level of maintenance and operation.

Section 403.E. Effect of approval of the petition on adopted development plans and policies of the City.

- Petition is in compliance with some sections of the comprehensive plan and in conflict with others.
- Deed restrictions will have to be reviewed in each case to determine if any restrictions prevent such a use from being applied. (Source: SC state code SECTION 6-29-1145. *Determining existence of restrictive covenant; effect.*)

DISCUSSION:

Applicant’s assertion that “large homes in neighborhoods built in the first half of the 20th Century have fallen into disrepair due to the value of the land in close proximity to the beach” was not backed up with data.

Staff researched vacancy rates in the Myrtle Beach area for the past three years, as discussion during the workshop had included a perceived need for additional lodging in the area.

3 Year Occupancy			
	2017	2016	2015
Jan	25.6	27.8	27.7
Feb	40.2	38.0	36.2
Mar	55.2	62.2	50.9
Apr	68.7	57.4	59.5
May	58.3	56.5	58.3
Jun	78.0	79.4	81.1
Jul	84.0	89.6	89.8
Aug	74.9	78.2	74.0
Sep	57.5	67.3	63.6
Oct	53.1	36.3	42.8
Nov	36.3	34.4	34.1
Dec	26.6	28.8	26.7
	658.4	655.9	644.7
Avg	54.87	54.66	53.73

Source: Grand Strander, February 2018 from Brittain Center, Chamber research

Other Policies

1 **City Manager's Strategic Objectives Citations:**
2 Objective: An Unparalleled Quality of Life for our Residents:
3 Strategy 1: Continue to provide excellent recreational & cultural opportunities & amenities.
4 Strategy 4: Continue providing an unequalled beach experience.
5 Strategy 7: Build a sustainable City.

6
7 Objective: Neighborhood Enrichment

8
9 Objective: Economic Development
10 Strategy 4: Continue to Strengthen, Grow & Diversify Tourism.

11
12 **STAFF COMMENTS**

13
14 **Planning:** See report.
15 **Public Works, Fire, Police:** No concerns.
16

Reason for this amendment:

My name is Susan Lynch and my husband and I live at 402 Calhoun Road on the ocean side one lot off of Kings Highway directly beside the Jewish Synagogue. Our home is a large historical home built in the 1920's by one of the brothers that originally built the Ocean Forrest Hotel. We have occupied our home going on 7 years but previously our home served as a boarding house "Pine Whispers", run by the Vickers in the late 1930's, 1940's and early 1950's. Its style is very similar to that of the club house at Pine Lakes Golf Course. There has been a number of famous people that have stayed in our house including the Academy Award Winning film star Bette Davis. We love our home, our neighborhood and the history it is steeped in and love to share it with others. It is for this reason that I am requesting permission to open a "Bed and Breakfast" in my home. I fully understand the need to protect the older neighborhoods of Myrtle Beach and this is one of my main goals. A Bed and Breakfast encourages and enhances the original architecture and preserves the original lifestyles experienced in these beautiful homes. Instead of tearing down the old and replacing it with new as I so often am seeing in my neighborhood this will encourage the preservation and renewal instead of the steady deterioration and destruction of large, expensive, old houses. At the same time it creates a certain style of revenue that enhances and ensures the survival and even growth of our beautiful, historic neighborhoods and the people that live in them. In Charleston the Bed and Breakfasts have proven themselves to be invaluable in the preservation the larger, older homes of a bygone era. The idea offers a controlled, monitored, noninvasive form of hospitality. The owner will be on property at all times and the number of guests will be very limited and parking is contained only on the property. Guests will be thoroughly background checked at the time of reservation as they are staying in my home. Neighborhood restaurants and activities will be encouraged for use and perhaps even golf packages offered. At present there are quite a number of large, empty, deteriorating houses in our neighborhood that are sitting for sale with not much success. One in particular had been sitting empty for sale for five or more years. I understand that in our residential zone there is no option for any short term weekly or nightly rental so these houses will most likely remain empty and for sale and the houses that are renting short term at present are doing it outside of the regulations. I would like to request a "Bed and Breakfast Overlay Zone" for my house or neighborhood and I have spoken to a number of my neighbors and they have no problem with the idea of a Bed and Breakfast. I do not want to expand the commercial zone on Kings Highway or the short-term rental zone on the beachfront but only ask for an overlay zone strictly for Bed and Breakfasts. This has been my dream since I bought this wonderful house and it will allow us to continue to live in and love our home through our retirement years. Thank you for your consideration of this matter.

Bed & Breakfast Regulations Research

Charleston, SC:

Sec. 54-208. - Bed and breakfasts located within the Old and Historic District.

a. A bed and breakfast 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 a bed and breakfast application, finds that the following requirements are met:

1. The property shall not contain more than one (1) bed and breakfast unit. Each unit shall consist of one (1) or more rooms arranged for the purpose of providing sleeping accommodations for transient occupancy by one (1) family; and
2. The subject property shall be located within the Old and Historic District; and
3. The bed and breakfast shall be operated by the record owner of the subject property who shall also be a resident of the subject property; for the purpose of this Section of the Zoning Ordinance, to qualify as a resident of a property, the person shall use that property as their legal voting address, drivers license address, and four percent homeowners assessment ratio address, and shall actually reside on the property at least 183 days each year; and
4. The bed and breakfast shall be subordinate and incidental to the principal residential use of the property; and
5. The bed and breakfast shall provide one (1) off street, maneuverable parking space on the subject property, in addition to providing, on the subject property, required off street parking for existing uses on the property; and
6. The bed and breakfast unit shall be located within an existing structure or accessory building constructed prior to 1860; and
7. The bed and breakfast unit shall not displace an existing dwelling unit which has been occupied within one (1) year prior to the filing date of the application; and
8. The property shall not contain signs advertising the bed and breakfast; and
9. The bed and breakfast shall not create the need for exterior alterations to any building for the purpose of maintaining such accessory use; and
10. The bed and breakfast shall be located on property which is in compliance with allowed uses for the zone district in which the property is located; and
11. The bed and breakfast shall be located on a lot which complies with the required minimum lot area for existing uses as specified under Table 3.1: Height, Area and Setback Regulations (applicable to SR and STR residential districts only); and
12. The bed and breakfast shall be located on a lot which has at least 40 feet of frontage on a public right-of-way (applicable to SR and STR residential districts only); and
13. The bed and breakfast shall be operated by someone who has not had a bed and breakfast permit revoked within the previous twelve (12) months.

b. Operational requirements. In all cases, bed and breakfast uses shall meet the following operational requirements:

- 1 1. No meals other than **breakfast** may be served by the resident owner to the paying
2 guests.
- 3 2. The resident owner shall keep a current guest register including names, addresses and
4 dates of occupancy of all guests.
- 5 3. The resident owner shall comply with all business license and revenue collection laws
6 of the City of Charleston, Charleston County and State of South Carolina.

7 c. Application process. Applications for bed and **breakfast** uses shall be notarized and
8 include the location and owner of the property, a site plan of the lot showing the proposed
9 location of the bed and **breakfast** use and the location of the required off-street parking
10 space, and a photograph or photographs of the current principal view or views of the
11 structure where the proposed bed and **breakfast** use is to be located. The application shall
12 also include a statement which the resident-owner must sign acknowledging that he or she
13 has reviewed and understands the requirements of this section.

14 Upon receiving a complete application and prior to the issuance of a zoning permit, the zoning
15 administrator shall cause the lot upon which the proposed use is to be located to be posted for
16 ten (10) consecutive days, advising that the resident-owner of the property has applied for a
17 zoning permit to establish a bed and **breakfast** use at the location and supplying a phone
18 number to call for further information. During this ten (10) calendar day period, the zoning
19 administrator shall determine if the application meets the requirements as set forth above. If,
20 at the end of the ten (10) day posting period, the zoning administrator determines that the
21 application meets the requirements, the zoning administrator shall notify the applicant that the
22 application is approved and shall, after waiting an additional five business days to allow for
23 appeals, issue the zoning permit. Any appeals filed within the five-day period shall cause the
24 issuance of the zoning permit to be stayed pending resolution of the appeal.

25 The bed and **breakfast** use shall not be expanded in any respect throughout the structure or
26 structures, nor shall the use be changed to any other use not permitted by the Zoning
27 Ordinance without reapplication to and approval by the zoning administrator.

28 Upon a change in ownership of a property, and prior to the issuance of a new business
29 license to allow continuation of an existing, permitted bed and **breakfast** use upon said
30 property, the new property owner shall be required to recertify compliance of the bed
31 and **breakfast** use with the zoning administrator by having an application for recertification of
32 the bed and **breakfast** use notarized, filed with, and approved by the zoning administrator.

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

36 On an annual basis, the zoning administrator shall determine whether each bed
37 and **breakfast** use permitted under this section remains in compliance with all the terms of this
38 ordinance, and shall initiate such enforcement procedures as may be appropriate. All
39 operators of bed and **breakfast** uses permitted under this section shall cooperate fully with the
40 zoning administrator and his designees, including, but not limited to, providing pertinent
41 information upon request and affording access to that portion of the premises which is used
42 for the bed and **breakfast** use for reasonable site inspections.

43 d.

44 Violations. It shall be a violation of this Chapter to operate a bed and **breakfast** use or other
45 similar accommodations use without complying with the requirements of this Chapter, to
46 advertise a property as being available for a bed and **breakfast** use or other similar

1 accommodations use without first complying with the requirements of this Chapter, or to
2 advertise more bed and breakfast units or other similar accommodations type units on a
3 property than have permitted pursuant to this Chapter.

4 (Ord. No. 2009-204, § 1, 10-13-09; Ord. No. 2011-11, § 2, 2-8-11)

5 **Sec. 54-208.1. - Bed and breakfasts not located within the Old and Historic District.**

6 a. A bed and breakfast may be established in a dwelling unit as an accessory to the principal
7 residential use, on any property located on the Charleston peninsula in the Old City District or
8 south of the Highway 17 Septima Clark Expressway right-of-way, and not located within the
9 Old and Historic District, where the zoning administrator, after reviewing a bed
10 and breakfast application, finds that the following requirements are met:

- 11 1. The number of bed and breakfast units shall not exceed four (4) units; except that a
12 property may have between four (4) and ten (10) bed and breakfast units if the building(s)
13 used for the bed and breakfast units contain at least 560 square feet of conditioned floor
14 area per bed and breakfast unit and all other requirements of this section are met. Each
15 unit shall consist of one (1) or more rooms arranged for the purpose of providing sleeping
16 accommodations for transient occupancy by one (1) family; and
- 17 2. The subject property shall be located within the Old City District or south of the Highway
18 17 Septima Clark Expressway right-of-way, and not within the Old and Historic District;
19 and
- 20 3. The bed and breakfast shall be operated by the record owner of the subject property who
21 also resides at the subject property at least 183 days each year; and
- 22 4. The principal building on the property on which the bed and breakfast use will be located
23 shall have been constructed 50 or more years ago although the bed and breakfast unit(s)
24 may be located in a building that was not constructed 50 or more years ago; and
- 25 5. Bed and breakfast unit(s) located in buildings constructed 50 or more years ago shall
26 provide one (1) off street, maneuverable parking space on the subject property for each
27 two (2) bed and breakfast units, or fraction thereof. Bed and breakfast unit(s) located in
28 buildings not constructed 50 or more years ago shall provide one (1) off street,
29 maneuverable parking space on the subject property for each bed and breakfast unit.
30 Spaces required for the bed and breakfast unit(s) shall be in addition to providing, on the
31 subject property, required off street parking for existing uses on the property; and
- 32 6. The property shall be permitted to have one sign advertising the bed and breakfast. The
33 permitted sign may have a maximum of two sides and no side shall exceed four (4)
34 square feet in total sign face area; and
- 35 7. The bed and breakfast shall be located on property which is in compliance with allowed
36 uses for the zone district in which the property is located; and
- 37 8. The bed and breakfast shall be operated by someone who has not had a bed
38 and breakfast permit revoked within the previous twelve (12) months.

39
40 b. Operational requirements. In all cases, bed and breakfast uses shall meet the following
41 operational requirements:

- 1 1. No meals other than **breakfast** may be served by the resident owner to the paying guests.
- 2 2. The resident owner shall keep a current guest register including names, addresses and
- 3 dates of occupancy of all guests.
- 4 3. The resident owner shall comply with all business license and revenue collection laws of
- 5 the City of Charleston, Charleston County and State of South Carolina.

6
7 c. Application process. Applications for bed and **breakfast** uses shall be notarized and
8 include the location and owner of the property, a site plan of the lot showing the proposed
9 location of the bed and **breakfast** use and the location of the required off-street parking
10 space, and a photograph or photographs of the current principal view or views of the
11 structure where the proposed bed and **breakfast** use is to be located. The application shall
12 also include a statement which the resident-owner must sign acknowledging that he or she
13 has reviewed and understands the requirements of this section.

14 Upon receiving a complete application and prior to the issuance of a zoning permit, the zoning
15 administrator shall cause the lot upon which the proposed use is to be located to be posted for
16 ten (10) consecutive days, advising that the resident-owner of the property has applied for a
17 zoning permit to establish a bed and **breakfast** use at the location and supplying a phone
18 number to call for further information. During this ten (10) calendar day period, the zoning
19 administrator shall determine if the application meets the requirements as set forth above. If,
20 at the end of the ten (10) day posting period, the zoning administrator determines that the
21 application meets the requirements, the zoning administrator shall notify the applicant that the
22 application is approved and shall, after waiting an additional five business days to allow for
23 appeals, issue the zoning permit. Any appeals filed within the five-day period shall cause the
24 issuance of the zoning permit to be stayed pending resolution of the appeal.

25 The bed and **breakfast** use shall not be expanded in any respect throughout the structure or
26 structures, nor shall the use be changed to any other use not permitted by the Zoning
27 Ordinance without reapplication to and approval by the zoning administrator.

28 Upon a change in ownership of a property, and prior to the issuance of a new business
29 license to allow continuation of an existing, permitted bed and **breakfast** use upon said
30 property, the new property owner shall be required to recertify compliance of the bed
31 and **breakfast** use with the zoning administrator by having an application for recertification of
32 the bed and **breakfast** use notarized, filed with, and approved by the zoning administrator.

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

36 On an annual basis, the zoning administrator shall determine whether each bed
37 and **breakfast** use permitted under this section remains in compliance with all the terms of this
38 ordinance, and shall initiate such enforcement procedures as may be appropriate. All
39 operators of bed and **breakfast** uses permitted under this section shall cooperate fully with the
40 zoning administrator and his designees, including, but not limited to, providing pertinent
41 information upon request and affording access to that portion of the premises which is used
42 for the bed and **breakfast** use for reasonable site inspections.

43 d. Violations. It shall be a violation of this Chapter to operate a bed and **breakfast** use or
44 other similar accommodations use without complying with the requirements of this Chapter,
45 to advertise a property as being available for a bed and **breakfast** use or other similar
46 accommodations use without first complying with the requirements of this Chapter, or to

1 advertise more bed and **breakfast** units or other similar accommodations type units on a
2 property than have permitted pursuant to this Chapter.
3 (Ord. No. 2011-11, § 3, 2-8-11)

4 **Sec. 54-224. - Savannah Highway, SH Overlay Zone.**

5 b. Permitted conditional uses.

6 1. Owner-occupied, single-family residential properties shall be permitted to have one of the
7 following accessory uses if the building requirements listed in Section 54-224.c., are met:

8 a. one bed and **breakfast** unit utilizing only one bedroom within the principal structure with
9 one parking space in addition to the parking spaces required for the residential use. The
10 Bed and **Breakfast** parking space must be accessible without affecting the accessibility of
11 the other required spaces.

12 Camden, SC:

13

14 **157.044. BED AND BREAKFAST HOMES (NAICS 721191)**

15 Bed and breakfast homes are intended to provide a unique lodging experience in predominantly
16 residential environs. As a result, care should be taken to protect the environment that
17 contributes to the experience of such lodging while promoting their use. The use of year-round
18 dwellings for overnight accommodations is permitted under the following conditions:

- 19 **A.** The primary purpose of the dwelling is for use as a personal residence currently occupied
20 by the owner as his or her home.
- 21 **B.** No more than seven guestrooms may be rented for overnight use. Accessory buildings
22 may be used as guestrooms provided each accessory building is limited to one guestroom
23 and each such guestroom in accessory buildings is included within the seven total
24 guestrooms permitted for the property.
- 25 **C.** Off-street parking requirements shall be provided in § 157.123 – *Parking*
26 *Requirements*. Parking areas must not be located within the front, side or rear setback
27 areas. If surfaced, parking areas must be surfaced with a pervious material. On-street
28 parking for a bed and breakfast home is prohibited.
- 29 **D.** No regularly scheduled meals may be served other than breakfast. An afternoon social or
30 tea service may also be served to guests if included in the room rate.
- 31 **E.** The bed and breakfast home shall not be used for any party, gathering, meeting,
32 reception or other similar event for a fee or consideration of any kind.
- 33 **F.** No on-site advertising shall be permitted other than one sign stating the name of the bed
34 and breakfast home. The sign must not be larger than four square feet in area, and must
35 be placed flush-mounted on the building or a fence.
- 36 **G.** Retail sales shall be limited to postcards, shirts and other small items directly associated
37 with the use for purchase by registered guests only.
- 38 **H.** An application for a bed and breakfast inn must be filed with the Zoning Administrator.
- 39 **I.** The residence cannot be occupied as a bed and breakfast home until it has a city
40 business license, passed an inspection by the Fire Marshal, and received a Certificate of
41 Occupancy.
- 42 **J.** A notice of the application shall be mailed to all contiguous property owners. The
43 existence of a road or right-of-way will not be considered to determine contiguity.

44

45 Beaufort, SC:

46 Regulates bed & breakfast establishments as just another transient accommodation.

47

48

1 Georgetown, SC:

2 Regulates bed & breakfast establishments as just another transient accommodation.

3
4 St. Augustine, FL:

5 **Sec. 28-164. - Residential, general-two: RG-2.**

6 *Intent.* This district is intended to apply to those neighborhoods designated for multiple-
7 family dwellings and uses, as well as those nonresidential uses compatible and
8 complementary with medium density residential uses, so as to create and maintain a diverse
9 medium intensity residential character.

10 (1) *Permitted uses and structures:*

- 11 a. Multifamily dwellings.
- 12 b. Accessory apartments.
- 13 c. Single-family dwellings.
- 14 d. Tourist homes and bed and breakfast inns.
- 15 e. Rooming and boarding houses.
- 16 f. Hotel or motel, thirty (30) units maximum.
- 17 g. Housing for the elderly.
- 18 h. Home office, private.
- 19 i. Neighborhood recreation facility.

20
21 **Sec. 28-166. - Residential, low-one: RL-1.**

22 *Intent.* This district is intended to apply to those neighborhoods designated for single and
23 multiple-family dwellings and uses, as well as those nonresidential uses compatible with and
24 complementary to low density residential uses, so as to create and maintain a mixed low
25 density residential character.

26 (3) *Permitted uses by exception:*

- 27 a. Tourist homes and bed and breakfasts.
- 28 b. Rooming and boarding houses.
- 29 c. Housing for the elderly.
- 30 d. Neighborhood recreation facility.
- 31 e. Hotels and motels, thirty (30) units maximum.
- 32 f. Restaurants and/or bars in connection with hotels or motels.
- 33 g. Intermediate care facilities.
- 34 h. See [section 28-347](#).

35 **Sec. 28-184. - Historic preservation district: HP-2.**

36 *Intent.* This district is intended to provide a mix of commercial and residential uses that
37 will encourage the restoration and reproduction of historic structures and maintain the historic
38 and pedestrian scale of the neighborhood.

39 (2) *Permitted uses and structures:*

- 40 a. Single-family.
- 41 b. Multifamily.

- 1 c. Tourist homes and bed and breakfast inns.
- 2 d. Professional and business offices.
- 3 e. Rooming and boarding houses.
- 4 f. Banks and other financial institutions.
- 5 g. Retail sales (excluding rental of motorized vehicles):
 - 6 1. New.
 - 7 2. Antique.
 - 8 3. Souvenir.
 - 9 4. Gift.
 - 10 5. Craft, such as specialty food stores (including beer and wine but not supermarkets),
 - 11 clothing, toy and hobby shops, bookstore and newsstand, stationery and card shops,
 - 12 leather goods and luggage, jewelry (including repair but not pawn shops), art and
 - 13 photographic supplies, cameras, florist or gift shop, sundries and notions, business office
 - 14 supplies, records and tapes, furniture, art supplies and similar uses.
- 15 h. Service:
 - 16 1. Barbershop or beauty shop.
 - 17 2. Shoe repair.
 - 18 3. Restaurant (but not drive-in).
 - 19 4. Interior decorator.
 - 20 5. Photographic, art, craft, dance or music studios, indoor theatres, tailoring, catering and
 - 21 clothing rental.
- 22 i. Museums.
- 23 j. Housing for the elderly.
- 24 k. Home office, private.

25 **Sec. 28-185. - Historic preservation district: HP-3.**

26 *Intent.* This district is intended to provide a mix of commercial and residential uses that
 27 will encourage the restoration and reproduction of historic structures and maintain the historic
 28 and pedestrian scale of the neighborhood.

29 (2) *Permitted uses and structures:*

- 30 a. Single-family.
- 31 b. Multifamily.
- 32 c. Tourist homes and bed and breakfast inns.
- 33 d. Retail sales (excluding rental of motorized vehicles):
 - 34 1. New.
 - 35 2. Antique.
 - 36 3. Souvenir.
 - 37 4. Gift.
 - 38 5. Craft such as specialty food stores (including beer and wine but not supermarkets),
 - 39 clothing and toy and hobby shops, bookstore and newsstand, stationery and card
 - 40 shops, leather goods and luggage, jewelry (including repair but not pawn shops), art
 - 41 and photographic supplies, cameras, florist or gift shop, sundries and notions,
 - 42 business office supplies, records and tapes, furniture, art supplies and similar uses.
- 43 e. Service. Restaurants with lounges; interior decorator; hair salon; photographic, art,
- 44 craft, dance or music studios; tailoring; catering and clothing rental.

- 1 f. Museums.
- 2 g. Professional and business offices.
- 3 h. Rooming and boarding houses.
- 4 i. Housing for the elderly.
- 5 j. Home office, private.
- 6

7 Washington, DC:

8 **250 ACCESSORY USES (R) 250.1** The following accessory uses shall be permitted as a matter
9 of right in all R zones subject to the associated conditions: (a) Two (2) boarders within the
10 principal dwelling;

11 **251 HOME OCCUPATION USES (R) 251.1** The following uses shall be permitted as home
12 occupations. The uses listed under this subsection shall include similar uses in each category
13 subject to the same conditions and requirements of this chapter:

14 (j) Lodging subject to the following conditions:

- 15 (1) The dwelling shall be owned and occupied as the principal residence of the
16 operator(s);
- 17 (2) The use shall not be permitted in a multiple dwelling building;
- 18 (3) Breakfast shall be the only meal served, and served only to overnight guests;
- 19 (4) The maximum number of sleeping rooms shall be two (2), except:
 - 20 (A) Pursuant to Subtitle U § 251.6(b), the maximum number of sleeping rooms may
21 be increased to four (4); or, in a dwelling that is an historic landmark, or that is
22 located in a historic district and certified by the Historic Preservation Office as
23 contributing to the character of that historic district, the number of sleeping rooms
24 may be increased to six (6); and
 - 25 (B) The number of sleeping rooms permitted as a matter of right or as a special
26 exception as set forth in this paragraph shall be reduced by one (1) for each person
27 who rooms or boards in the dwelling for thirty (30) days or longer;
- 28 (5) No cooking facilities shall be permitted in any of the rented rooms; and
- 29 (6) In addition to the required parking for the dwelling unit, one (1) parking space shall be
30 provided for each two (2) sleeping rooms devoted to guest use.
- 31