

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
TOWN OF ATLANTIC BEACH)

AN ORDINANCE TO AMEND THE LAND MANAGEMENT ORDINANCE AS IT PERTAINS TO SHORT TERM RENTALS

WHEREAS, The Town of Atlantic Beach is empowered to amend its Land Management Ordinance to be consistent with the Comprehensive Plan and the changing needs of the Town, in its best interests, after review by the Town Planning Commission, public notice, and public hearing; and

WHEREAS, South Carolina Code § 6-29-310 empowers an appointed municipal planning commission to hear and make recommendations on zoning ordinance changes; and,

WHEREAS, short-term rentals provide valuable lodging options that support local tourism and economic development; and,

WHEREAS, providing a clear definition of a short-term rental helps ensure consistent understanding and enforcement; and,

WHEREAS, non-conforming short-term rentals already exist in the R-2 district; and,

WHEREAS, permitting short-term rentals as a permitted use in the R-2 district provide the town with a valuable source of revenue; and,

WHEREAS, allowing short-term rental as a permitted use in applicable districts removes unnecessary zoning conditions already governed by deed restrictions or state law.

NOW, THEREFORE, be it enacted and ordained by the Town Council of the Town of Atlantic Beach by the power and authority granted by the State of South Carolina that the Town of Atlantic Beach Land Management Ordinance is hereby amended as follows:

- 1) **Amendment to Article I. Introductory Provisions, Division 3. Definitions of the Town of Atlantic Beach Land Management Ordinance.** The Land Management Ordinance is hereby amended with all text shown in ~~striketrough~~ deleted and all text shown **underlined and bolded** shall be added.

SECTION 5.3.32 Defined Terms

Short-Term Rentals: The rental of all or part of a dwelling unit for a duration of occupancy of less than 30 days at a time.

- 2) **Amendment to Article V. Zoning Districts, Division 1. Use Classification and District Uses of the Town of Atlantic Beach Land Management Ordinance.** The Land Management Ordinance is hereby amended with all text shown in ~~strikethrough~~ deleted and all text shown **underlined and bolded** shall be added.

SECTION 5.3.502 Use Table

Uses shall be allowed or are prohibited within the zoning districts of this Chapter in accordance with Table 5.3.502 “Schedule of Uses”.

Table 5.3.502 Schedule of Uses											
P = Permitted by Right			C = Conditional Use			S = Special Exception			Blank Cell = Use Not Allowed		
Use Classifications	Districts									Special Standards	Parking Code
	CP	R-2	MS1	MS1R	MS2	G	HWY	WF1	WF2		
Resort Accommodation Uses											
Bed and Breakfast		S		C						§5.3.511	C
Central Reception or Check-In Facility			P	P	C		P	C	C	§5.3.506 §5.3.507 §5.3.516	E
Hotel and Motel			P	P	P		P	S	C	§5.3.506 §5.3.549	G
Inn			P	P	P		P	S	C	§5.3.506 §5.3.549	G
Interval Occupancy and Short-Term Rental Residential Dwelling Units		<u>P</u>	<u>P-C</u>	<u>P-C</u>	<u>P-C</u>			<u>P-C</u>	<u>P-C</u>	§5.3.506 §5.3.507 §5.3.550	A
RV Park											

- 3) **Amendment to Article V. Zoning Districts, Division 2. Specific Use Standards of the Town of Atlantic Beach Land Management Ordinance.** The Land Management Ordinance is hereby amended with all text shown in ~~strikethrough~~ deleted and all text shown **underlined and bolded** shall be added.

SECTION 5.3.550 ~~RESERVED~~ Interval Occupancy and Short-Term Rental Residential Dwelling Units

~~Interval occupancy and short-term rental residential dwelling units are subject to the following standards:~~

- A. ~~No single family residence on an individual lot, and no two family dwelling (duplex), may be converted to a vacation time sharing plan use as defined by this Chapter or pursuant to Chapter 32 of Title 27 of the South Carolina Code of Laws, as amended, if the residence or duplex is located on an individual lot and conveyed subject to land use covenants restricting the use of the property to single family or duplex residences, and such original covenants do not expressly authorize timeshare or interval ownership in the initial recorded covenants;~~

- ~~B. No apartment, townhouse, or villa forming a part of a horizontal property regime (condominium) under South Carolina law now in “whole unit” ownership may be converted to a vacation timesharing plan use as defined by this Chapter or pursuant to Chapter 32 of Title 27 of the South Carolina Code of Laws, as amended, unless the covenant or regime master deed documents explicitly authorize subdivision into timeshare or interval forms of ownership, or as otherwise authorized by amendment to the master deed;~~
- ~~C. No unit which is subdivided by timesharing or other forms of interval occupancy may be sold or subjected to use or occupancy for more than fifty one (51) weeks per year. The remaining week of time shall be reserved by all of the owners of said unit for maintenance and repair. This subsection shall apply to any applicable new unit created after the effective date of this Chapter. This provision shall not apply to quarter sharing or other applicable programs as defined by state law, provided that adequate maintenance provisions are included in the covenant;~~
- ~~D. No existing multi family, hotel, motel, or inn use which exceeds the permitted by right density for that district in which it is located and which is deemed a nonconforming use based on the existing density shall be converted or permitted to be converted to interval occupancy or short term rental use; and~~
- ~~E. The conversion of a single family, two family, or multi family dwelling to interval occupancy or short term rental shall not occur in any district in which a single family, two family, or multi family dwelling is a use not allowed pursuant to Table 5.3.502.~~

SEVERABILITY. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this ordinance, which can be given effect without the invalid provision or application, and any such provisions are declared to be severable. All ordinances or parts thereof inconsistent with this ordinance are repealed to the extent of such inconsistency.

EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption at second reading.

BE IT ORDERED AND ORDAINED by the Mayor and Town Council of the Town of Atlantic Beach, South Carolina, in assembly and by the authority thereof, this 3rd day of February, 2025.

Ordinance No. 2-2025
First Reading: 2-3-2025
Second Reading: _____

Atlantic Beach Town Council

Jake Evans, Mayor

John David, Jr., Mayor ProTem

Edward Campbell, Councilmember

Jacqueline Gore, Councilmember

Carla Y. Taylor, Councilmember

Attest:

Town Clerk

Town Manager