

AGENDA

PLANNING/ PUBLIC WORKS COMMITTEE

9/03/2020

Teddie E. Pryor, Chairman
Henry E. Darby
Jenny Costa Honeycutt
Anna B. Johnson
Brantley Moody
Vic Rawl
Herb Sass
Dickie Schweers
Elliott Summey

**AGENDA
PLANNING/PUBLIC WORKS COMMITTEE
SEPTEMBER 3, 2020
5:00 PM**

1. MINUTES OF AUGUST 6, 2020 - Request to Consider
2. ZLDR-05-20-00123, 273 OLD HOUSE LANE (Huyler House/Deweese Island) - Request to Consider
Tuten/Evans
3. PROPOSED TEXT AMENDMENTS TO ARTICLE 6.8, SHORT-TERM RENTALS - Request to Consider
AND RELATED SECTIONS OF THE ZLDR Tuten/Evans

1.

MINUTES

CHARLESTON COUNTY COUNCIL

MEMORANDUM

TO: Members of Planning/Public Works Committee

FROM: Kristen Salisbury, Clerk of Council

DATE: August 28, 2020

SUBJECT: Planning/Public Works Committee Minutes

At the Planning/Public Works Committee meeting of September 3, 2020, the draft minutes of the August 6, 2020, Planning/Public Works Committee meeting will be presented for approval.

2.

**ZLDR-05-20-00123,
273 Old House Lane
(Huyler
House/Deweese
Island)**

**ZONING AND LAND
DEVELOPMENT
REGULATIONS TEXT
AMENDMENT REQUEST:
ZLDR-05-20-00123**

- Case History**
- Amendments**
- Presentation**
- Application**
- Letters of Coordination**
- Public Input**

Charleston County ZLDR Text Amendment Request
ZLDR-05-20-00123 Case History

Planning Commission Workshop and Meeting: July 13, 2020

Public Hearing: August 11, 2020

PPW Committee: September 3, 2020

1st Reading: September 8, 2020

2nd Reading: September 22, 2020

3rd Reading: October 6, 2020

CASE INFORMATION

Owner and Applicant: Dewees Island Property Owners Association (Wendell Reilly, President, and David Dew, General Manager)

Application: The applicant is requesting to amend ZLDR Sec. 5.2.3, Natural Resource Management District, Exceptions, Dewees Island, to allow the short-term rental use of the Huyler House (273 Old House Lane, PID# 608-09-00-005). The proposed amendments are attached.

History: The original zoning permit for both the Huyler House and the community building was issued in February 1997, and building permits for each were issued in March 1997. The building permit for each structure was finalized in March 1998. The zoning permit to “Establish Huyler House-Guest House” was issued in October 1998. The original purpose of the Huyler House was to accommodate guests of the Property Owners Association (POA) and property owners and their guests. It contains four guest suites. Over time, it started being rented out to the general public, which violates the Department of Natural Resources (DNR) Conservation Easement that exists on the island.

On July 24, 2018, Charleston County adopted a Short-Term Rental (STR) Ordinance, regulating short-term rentals for the first time. The STR Ordinance prohibits short-term rentals in the NRM, Natural Resource Management, Zoning District, in which the Huyler House is located, effectively ending all short-term rental use of the Huyler House.

On August 9, 2019, the POA submitted ZLDR Text Amendment application number ZLDR-08-19-00117, requesting to amend the same section of the ZLDR that is the subject of the current application to clarify the zoning district regulations and land uses applicable to all Dewees Island including the applicability of the County’s STR Ordinance.

On August 14, 2019, the Zoning and Planning Department Director sent a letter to the POA informing them that the application was incomplete due to potential conflicts with the DNR Conservation Easement that exists on the island. The applicant was advised to resolve the conflicts and resubmit the application. The letter also stated that should the application be resubmitted more than six months after the date of the letter, repayment of applicable fees would be required. The application was resubmitted on May 29, 2020; therefore, Case number ZLDR-08-19-00117 was deemed to have expired and the applicant was required to submit a new application with a new application number (ZLDR-05-20-00123), and pay all required fees.

On May 29, 2020, the POA submitted ZLDR Text Amendment application number ZLDR-05-20-00123, requesting to amend the ZLDR to allow the Huyler House to be short-term rented to POA guests and property owners and their guests, as originally intended. This request complies with the DNR Conservation Easement, and the applicant has submitted a letter from DNR to that effect.

APPROVAL CRITERIA AND APPLICANT'S RESPONSE

Pursuant to Article 3.3.6 of the Charleston County Zoning and Land Development Regulations Ordinance, text amendments to the ordinance may be approved if the following approval criteria have been met:

- A. The proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition.

Applicant's Response: "The Association believes the prohibition of the operation of the Huyler House under the Short-Term Rental Ordinance ("STRO") under Article 6.8 of the ZLDR, or otherwise, represents an inconsistent outcome as to the intent behind the STRO.

- *The Huyler House has been a core component of the Dewees Island Land Plan since that Plan's creation in 1976 and adoption by DNR and Charleston County and has provided accommodations for Owners' guests and prospective owners for decades.*
- *There has never been any issue concerning the authorized operation of the Huyler House on Dewees Island until the advent of the County's STRO.*
- *Inconsistency of applying RM development standards to Dewees Island.*
 - *The County previously adopted a text amendment to rely on compliance with the Dewees Island Architectural and Environmental Design Guidelines for development standards instead of RM development standards.*
 - *Just as with respect to the existing standards adopted by the County for development on Dewees Island, the incompatibility of the RM zoning district standards carry over to land use and the longstanding operation of the Huyler House, in that this facility has been in place for at least 30 years and would not otherwise be permitted under the current RM designation."*

- B. The proposed amendment is consistent with the adopted Charleston County Comprehensive Plan and goals as stated in Article 1.5;

Applicant's Response:

- *"First, it should be emphasized that the Text Amendment does not authorize a new or unusual use, but one that has been in place for an extended period of time pursuant to a Land Plan approved by County Council.*
- *Second, it is due to the adoption of the STRO that the Huyler House became a non-conforming use and its continued operation placed in question. As stated in § 6.8.1 of the Ordinance, the purpose behind the STRO is, "to protect the traditional quality of life and character of residential neighborhoods." The STRO is said to be the product of "balancing the interests of owner-occupied dwellings with properties that are frequently used in whole or in part by Short-Term Rental Tenants." §6.8.1(A)(2).*
- *Third, Dewees Island is not a traditional neighborhood, but a unique planned development compromised of residential properties and amenities, one of which is the Huyler House. Dewees Island is governed by covenants and bylaws and its unique nature is overseen by the S.C. Department of Natural Resources ("DNR").*
- *Fourth, the Huyler House is not now, nor has it ever been, a residential property converted to periodic rentals for Short-Term Rental Tenants. Indeed, under the Text Amendment, the Huyler House is only to be occupied by the guests of owners on Dewees Island and the Association.*
 - *Although willing to abide by the restrictions provided in the Text Amendment, many of which track provisions of the STRO, it is respectfully submitted that administering the Huyler House under the STRO is akin to trying to fit a square peg in a round hole. Accordingly, the Text Amendment provides that operation of the Huyler House would take place outside the STRO and its license renewal would not be subject to the BZA review."*

C. The proposed amendment is to further the public welfare in any other regard specified by County Council;

Applicant's Response: "While Dewees Island is private, the ongoing operation of the Huyler House under the restrictive terms provided in the Text Amendment will further the quality of life on Dewees Island and certainly do nothing to detrimentally affect the public welfare."

Staff believes the approval criteria have been met, and therefore, recommends approval of the proposed amendments.

JULY 13, 2020 PLANNING COMMISSION WORKSHOP AND MEETING

Recommendation: Approval (vote: 8 to 0)

Notifications: 888 emails/letters were sent on June 26, 2020. All Dewees Island property owners and individuals on the ZLDR/Comp Plan Interested Parties list were notified. Additionally, this request was noticed in the *Post & Courier* on June 26, 2020.

Public Input: As of July 13, 2020, 31 letters in support had been received. No letters in opposition were received.

Speakers: Wendell Reilly, President, Dewees Island Property Owners Association was the only speaker. He spoke in support of the request.

AUGUST 11, 2020 PUBLIC HEARING

Notifications: 888 emails/letters were sent on July 24, 2020. All Dewees Island property owners and individuals on the ZLDR/Comp Plan Interested Parties list were notified. Additionally, this request was noticed in the *Post & Courier* on July 24, 2020.

Public Input: As of August 11, 2020, 41 letters in support have been received. No letters in opposition were received.

Speakers: David Wheeler, representative, Dewees Island Property Owners Association, spoke in support of the request and made himself available for any questions.

SEPTEMBER 3, 2020 PLANNING AND PUBLIC WORKS COMMITTEE

Proposed ZLDR Amendments: Huyler House (6/23/20)

Chapter 5, Overlay and Special Purpose Zoning Districts

Article 5.2, NRM, Natural Resource Management District

Sec. 5.2.3 Exceptions

A. RM District Standards...

B. Dewees Island

For residential property located on Dewees Island, the Planning Director shall be expressly authorized to issue permits for development that complies with the Dewees Island Architectural and Environmental Design Guidelines (date October 25, 1996) instead of the Planned Development procedures and standards of this Ordinance.

Short-term rental use of the Huyler House shall be allowed as described below. The requirements of Art. 6.8, Short-Term Rentals, of this Ordinance shall not apply; however, the use shall comply with all other applicable sections of this Ordinance and other County Ordinances.

For the purposes of this Section, short-term rental use shall mean rentals for intervals of 29 days or less regardless of: (1) the occupancy status of the property; and (2) whether rental fees are charged or other forms of compensation are offered or required.

- 1. The Huyler House shall only be rented to Dewees Island property owners and their guests and guests of the Dewees Island Property Owners Association (POA);***
- 2. Rental of the Huyler House shall only be advertised through the POA intranet site and shall not be marketed or advertised through any other means including, but not limited to, online advertisements or advertisements through rental agencies, realtors, brokers or other third party entities;***
- 3. There is no cap on the number of days the Huyler House can be rented per calendar year;***
- 4. A STRP Zoning Permit shall be required to establish the short-term rental use of the property. Administrative review shall be required to establish the use and the following requirements apply:***
 - a. The Building Inspections Services Department may require a building safety inspection and/or Building Permit;***
 - b. A minimum of four parking spaces are required. The location of the required parking shall be indicated and parking agreements necessary to facilitate off-site parking shall be submitted with the STRP Zoning Permit application; and***
 - c. Each room where tenants may lodge shall contain a notice providing the following information:***
 - i. Contact information for the owner of the property;***
 - ii. Zoning Permit Number and Business License Number for the short-term rental use of the property for the current year;***
 - iii. Trash collection location and schedule; and***

iv. Fire and Emergency evacuation routes.

- 5. Once the STRP Zoning Permit is issued, a Business License must be obtained;**
- 6. The STRP Zoning Permit must be renewed by December 31st of each year or the existing STRP Zoning Permit will expire. The STRP Zoning Permit will terminate on December 31st of each year regardless of whether or not the applicant receives notice from the Zoning and Planning Director. The STRP Zoning Permit annual renewal application must include:
 - a. The STRP Zoning Permit renewal application fee; and**
 - b. A notarized affidavit signed by the property owner stating that the STRP use and the information submitted as part of the application for the previous year's STRP Zoning Permit has not changed in any manner whatsoever and that the STRP use complies with the requirements of this Section.****

A new STRP Zoning Permit application must be filed if the aforementioned requirements are not met.

- 7. Notwithstanding the provisions of Chapter 11 of this Ordinance, the STRP Zoning Permit may be administratively revoked by the Zoning and Planning Director or his designee if the STRP has violated the provisions of this Article on three or more occasions within a 12-month period. Provided however, the STRP Zoning Permit may be immediately revoked if the Zoning and Planning Director determines the STRP has Building Code violations, there is no Business License for the property, the STRP is being advertised or marketed on the POA intranet site in a manner not consistent with this Section, the advertisement for the STRP does not include the County issued Zoning Permit Number and Business License Number, the STRP is being advertised on a platform other than the POA intranet site, or the property is being used in a manner not consistent with the Zoning Permit issued for the STRP use.**
- 8. If the STRP Zoning Permit is administratively revoked, the STRP owner (or authorized agent) may appeal the Zoning and Planning Department Director's administrative decision revoking the STRP Zoning Permit to the Board of Zoning Appeals within 30 calendar days from the date of the denial or revocation. All appeals shall be addressed in accordance with the appeal procedures of CHAPTER 3, Article 3.13, of this Ordinance.**
- 9. Subsequent Application. Once the STRP Zoning Permit and/or Business License has been revoked, no new STRP Zoning Permit and/or Business License shall be issued to the applicant for the same property for a period of one year from the date of revocation. Upon expiration of the revocation period, a new STRP Zoning Permit application must be submitted in accordance with this Section.**

C. Goat Island...



Charleston County ZLDR Text Amendment Request

Planning Commission Workshop and Meeting: July 13, 2020

Public Hearing: August 11, 2020

PPW Committee: September 3, 2020

1st Reading: September 8, 2020

2nd Reading: September 22, 2020

3rd Reading: October 6, 2020

ZLDR-05-20-00123

- Request to amend ZLDR Sec. 5.2.3, Natural Resource Management District, Exceptions, Dewees Island, to allow the short-term rental use of the Huyler House (273 Old House Lane, PID# 608-09-00-005).
- Applicant: Dewees Island Property Owners Association (Wendell Reilly, President, and David Dew, General Manager).

History

- February 1997: The original zoning permit for both the Huyler House and the community building was issued.
- March 1997: Building permits for the Huyler House and the community building were issued.
- March 1998: The building permits were finalized in March 1998.
- October 1998: The zoning permit to “Establish Huyler House-Guest House” was issued. The original purpose of the Huyler House was to accommodate guests of the Property Owners Association (POA) and property owners and their guests. Over time, it started being rented out to the general public, which violates the Department of Natural Resources (DNR) Conservation Easement that exists on the island.
- July 24, 2018: Charleston County adopted a Short-Term Rental (STR) Ordinance, regulating short-term rentals for the first time. The STR Ordinance prohibits short-term rentals in the NRM, Natural Resource Management, Zoning District, in which the Huyler House is located, effectively ending all short-term rental use of the Huyler House.
- August 9, 2019: The POA submitted ZLDR Text Amendment application number ZLDR-08-19-00117, requesting to amend the same section of the ZLDR that is the subject of the current application to clarify the zoning district regulations and land uses applicable to all Dewees Island including the applicability of the County’s STR Ordinance.
- August 14, 2019: The Zoning and Planning Department Director sent a letter to the POA informing them that the application was incomplete due to potential conflicts with the DNR Conservation Easement that exists on the island. The applicant was advised to resolve the conflicts and resubmit the application. The letter also stated that should the application be resubmitted more than six months after the date of the letter, repayment of applicable fees would be required.
- May 29, 2019: The POA submitted ZLDR Text Amendment application number ZLDR-05-20-00123, requesting to amend the ZLDR to allow the Huyler House to be rented as originally intended. This request is in compliance with the DNR Conservation Easement, and the applicant has submitted a letter from DNR to that effect.

TOWN OF MT PLEASANT

CASE# ZLDR-05-20-00123
FUTURE LAND USE RECOMMENDATION

PD

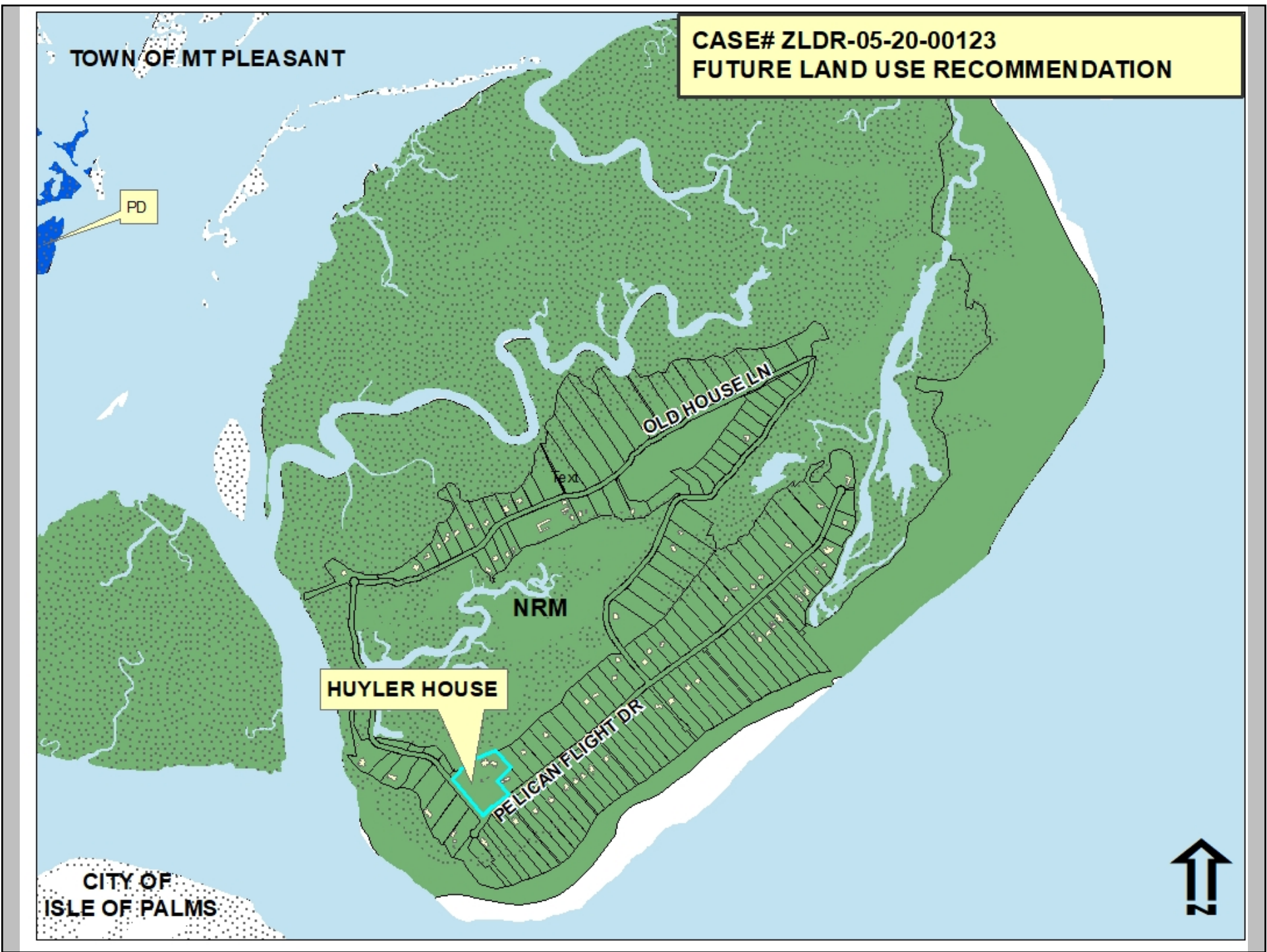
OLD HOUSE LN

NRM

HUYLER HOUSE

PELICAN FLIGHT DR

CITY OF ISLE OF PALMS



TOWN OF MT PLEASANT

Request to amend the Zoning and Land Development Regulations Sec. 5.2, NRM, Natural Resource Management, to allow Short-Term Rentals in the Huyler House on Dewees Island.

PD

N R M

OLD HOUSE LN

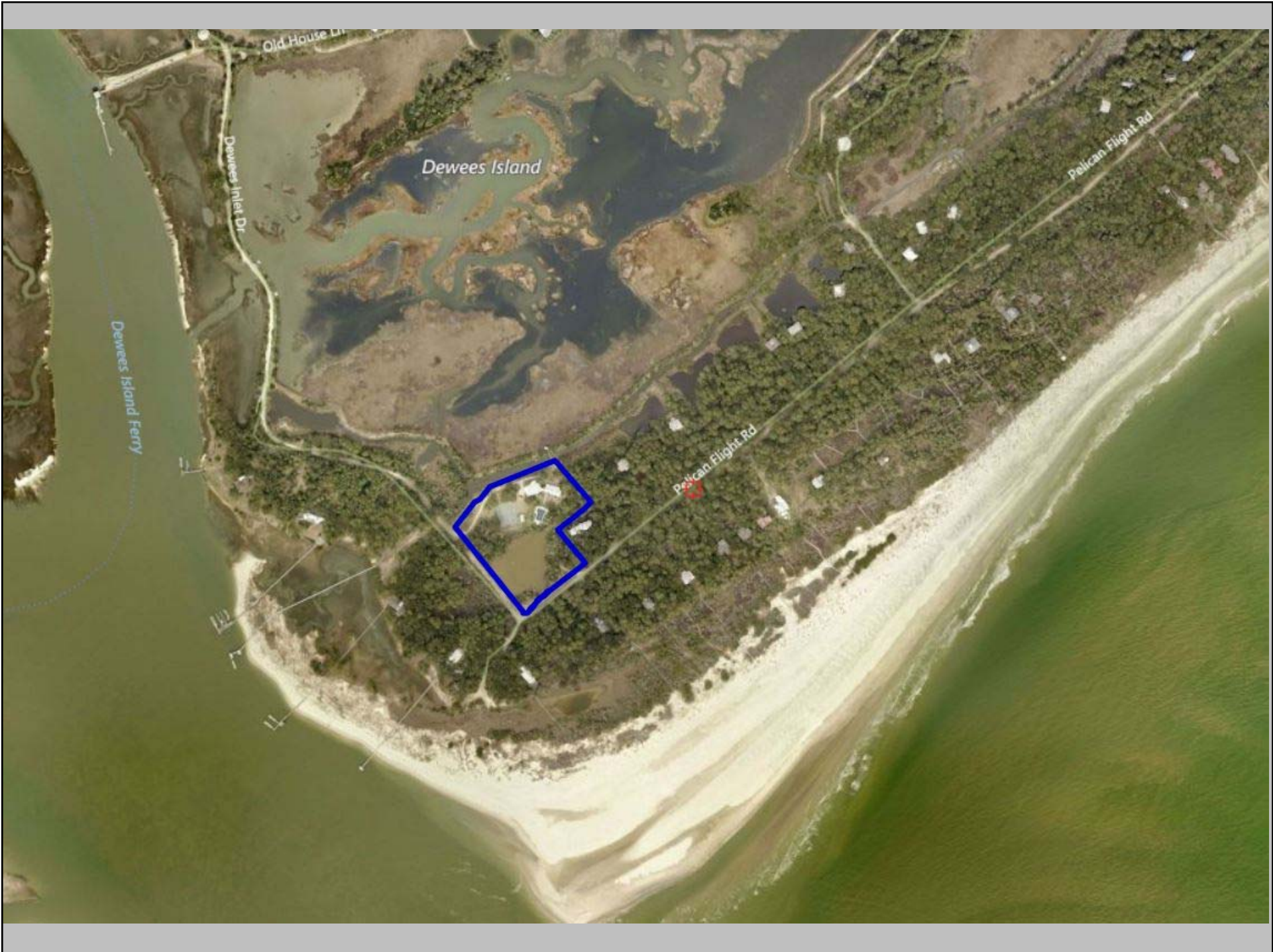
HUYLER HOUSE

PELICAN FLIGHT DR

CITY OF ISLE OF PALMS

CASE# ZLDR-05-20-00123





Huyler House



Proposed Amendments

- Can only be rented to Dewees Island property owners and their guests, and to guests of the POA.
- Rentals shall not be marketed or advertised except on the POA intranet site.
- No cap on the number of rental days.
- STRP Zoning Permit and annual permit renewals required.
- Business license required.
- Zoning Permit may be administratively revoked if there are three or more violations within a 3-year period or when: Building Code violations exist, there is no business license, the STRP is advertised on a platform other than the intranet site, or the property is being used in a manner not consistent with the permit.

Approval Criteria—Section 3.3.6

Pursuant to Article 3.3.6 of the *Zoning and Land Development Regulations Ordinance (ZLDR)*, text amendments may be approved by County Council only if the proposed amendment meet the following criteria:

A. The proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition;

Applicant's Response: "The Association believes the prohibition of the operation of the Huyler House under the Short-Term Rental Ordinance ("STRO") under Article 6.8 of the ZLDR, or otherwise, represents an inconsistent outcome as to the intent behind the STRO.

- *The Huyler House has been a core component of the Dewees Island Land Plan since that Plan's creation in 1976 and adoption by DNR and Charleston County and has provided accommodations for Owners' guests and prospective owners for decades.*
- *There has never been any issue concerning the authorized operation of the Huyler House on Dewees Island until the advent of the County's STRO.*
- *Inconsistency of applying RM development standards to Dewees Island.*
 - *The County previously adopted a text amendment to rely on compliance with the Dewees Island Architectural and Environmental Design Guidelines for development standards instead of RM development standards.*
 - *Just as with respect to the existing standards adopted by the County for development on Dewees Island, the incompatibility of the RM zoning district standards carry over to land use and the longstanding operation of the Huyler House, in that this facility has been in place for at least 30 years and would not otherwise be permitted under the current RM designation."*

Approval Criteria—Section 3.3.6 (cont.)

B. The proposed amendment is consistent with the adopted Charleston County Comprehensive Plan and goals as stated in Article 1.5;

Applicant's Response:

- *“First, it should be emphasized that the Text Amendment does not authorize a new or unusual use, but one that has been in place for an extended period of time pursuant to a Land Plan approved by County Council.*
- *Second, it is due to the adoption of the STRO that the Huyler House became a non-conforming use and its continued operation placed in question. As stated in § 6.8.1 of the Ordinance, the purpose behind the STRO is, “to protect the traditional quality of life and character of residential neighborhoods.” The STRO is said to be the product of “balancing the interests of owner-occupied dwellings with properties that are frequently used in whole or in part by Short-Term Rental Tenants.” §6.8.1(A)(2).*
- *Third, Dewees Island is not a traditional neighborhood, but a unique planned development comprised of residential properties and amenities, one of which is the Huyler House. Dewees Island is governed by covenants and bylaws and its unique nature is overseen by the S.C. Department of Natural Resources (“DNR”).*
- *Fourth, the Huyler House is not now, nor has it ever been, a residential property converted to periodic rentals for Short-Term Rental Tenants. Indeed, under the Text Amendment, the Huyler House is only to be occupied by the guests of owners on Dewees Island and the Association.*
 - *Although willing to abide by the restrictions provided in the Text Amendment, many of which track provisions of the STRO, it is respectfully submitted that administering the Huyler House under the STRO is akin to trying to fit a square peg in a round hole. Accordingly, the Text Amendment provides that operation of the Huyler House would take place outside the STRO and its license renewal would not be subject to the BZA review.”*

Approval Criteria—Section 3.3.6 (cont.)

C. The proposed amendment is to further the public welfare in any other regard specified by County Council;

- Applicant's Response: *“While Dewees Island is private, the ongoing operation of the Huyler House under the restrictive terms provided in the Text Amendment will further the quality of life on Dewees Island and certainly do nothing to detrimentally affect the public welfare.”*

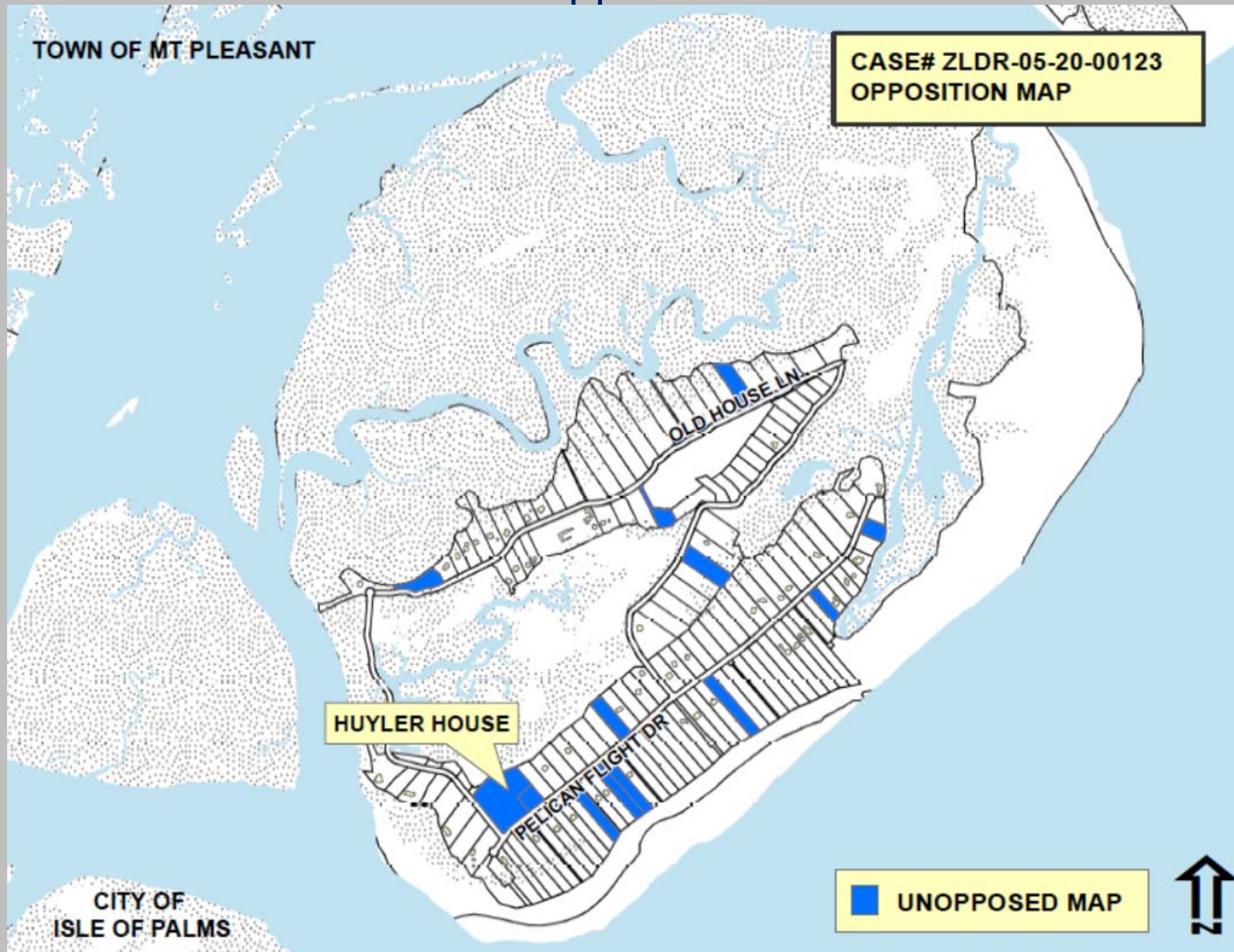
Recommendation

The ZLDR text amendment meets the approval criteria.

**STAFF & PLANNING COMMISSION
RECOMMENDATION:
APPROVAL**

Planning Commission vote: 8 to 0

Public Input: 41 letters in support have been received from property owners on Dewees Island.
0 letters in opposition received.



Notifications

- July 13, 2020 Planning Commission meeting: On June 26, 2020:
 - 888 notifications were sent to individuals on the ZLDR/Comp Plan Interested Parties List and all Dewees Island property owners.
 - Ad ran in the *Post & Courier*.
- August 11, 2020 Public Hearing: On July 24, 2020:
 - 888 notifications were sent to individuals on the ZLDR/Comp Plan Interested Parties List and all Dewees Island property owners.
 - Ad ran in the *Post & Courier*.



Charleston County ZLDR Text Amendment Request

Planning Commission Workshop and Meeting: July 13, 2020

Public Hearing: August 11, 2020

PPW Committee: September 3, 2020

1st Reading: September 8, 2020

2nd Reading: September 22, 2020

3rd Reading: October 6, 2020



Charleston County Planning Department
Lonnie Hamilton III, Public Services
Building 4045 Bridge View Drive
North Charleston, SC 29405
Phone (843) 202-7200 Fax (843) 202-7218

Joel H. Evans, PLA, AICP, Director

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

APPLICATION INFORMATION

Application Number: ZLDR -05-20-00123

Date Submitted: May 29, 2020

Applicant Name: Dewees Island Property Owners Association

Address: 114 Dewees Inlet Drive

City: Dewees Island

State: SC

ZIP Code: 29451

Telephone: (843) 568-3991 Fax: (800) 693-4876 E-mail:

TEXT/MAP LOCATION OF REQUESTED AMENDMENT

Section No. and Title: §5.2.3 (B)

Page: Page: 5-2

Please provide further indicators below to locate the subject text (subsection, item, paragraph, figure/exhibit)

Dewees Island

REQUESTED AMENDMENT

PROVIDE PRECISE WORDING FOR THE PROPOSED AMENDMENT

(documentation may be attached to the application in lieu of completing this section)

Please see attached

608-09-00-005
273 Old House Ln

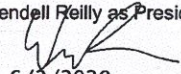
SIGNATURES

APPLICANT(S)

PLANNING DEPARTMENT OFFICIAL

PRINTED NAME: Wendell Reilly as President of Applicant

PRINTED NAME: Andrew D. Melton

SIGNATURE: 

SIGNATURE: 

DATE: 6/2/2020

DATE: 5/29/2020

PRINTED NAME: David Dew as General Mgr./Applicant

SIGNATURE: 

DATE: 5-29-2020

FOR OFFICE USE ONLY

Application Number

Date Submitted

Amount Received

\$250.00

Cash

Check Number:

Receipt Number



June 19, 2020

VIA E-MAIL (c/o amelocik@charlestoncounty.org)

Joel H. Evans, PLA, AICP
Director, Charleston County Zoning & Planning Dept.
4045 Bridge View Drive
North Charleston, SC 29405-7464

**Re: Proposed Text Amendment to §5.2.3(B), Charleston County Zoning Ordinance
Application No. ZLDR-05-20-00123**

Dear Mr. Evans:

As president of the Applicant herein, Dewees Island Property Owners Association (“Association”), please allow this letter to serve as the letter of intent requirement called for under §3.3.1(B)(2) of the ZLDR Ordinance (“Ordinance”).

Section 3.3.6 of the Ordinance describes the criteria for approval of a text amendment, as follows:

- A. The proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition;
- B. The proposed amendment is consistent with the adopted Charleston County Comprehensive Plan and goals as stated in Article 1.5;
- C. The proposed amendment is to further the public welfare in any other regard specified by County Council.

I believe the Text Amendment the Association has submitted (“Text Amendment”) satisfies the criteria of this provision.

The proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition;

The Association believes the prohibition of the operation of the Huyler House under the Short-Term Rental Ordinance (“STRO”) under Article 6.8 of the ZLDR, or otherwise, represents an inconsistent outcome as to the intent behind the STRO.

- The Huyler House has been a core component of the Dewees Island Land Plan since that Plan’s creation in 1976 and adoption by DNR and Charleston County and has provided accommodations for Owners’ guests and prospective owners for decades.

- There has never been any issue concerning the authorized operation of the Huyler House on Dewees Island until the advent of the County’s STRO.
- Inconsistency of applying RM development standards to Dewees Island.
 - The County previously adopted a text amendment to rely on compliance with the Dewees Island Architectural and Environmental Design Guidelines for development standards instead of RM development standards.
 - Just as with respect to the existing standards adopted by the County for development on Dewees Island, the incompatibility of the RM zoning district standards carry over to land use and the longstanding operation of the Huyler House, in that this facility has been in place for at least 30 years and would not otherwise be permitted under the current RM designation.

The proposed amendment is consistent with the adopted Charleston County Comprehensive Plan and goals as stated in Article 1.5;

- First, it should be emphasized that the Text Amendment does not authorize a new or unusual use, but one that has been in place for an extended period of time pursuant to a Land Plan approved by County Council.
- Second, it is due to the adoption of the STRO that the Huyler House became a non-conforming use and its continued operation placed in question. As stated in § 6.8.1 of the Ordinance, the purpose behind the STRO is, “to protect the traditional quality of life and character of residential neighborhoods.” The STRO is said to be the product of “balancing the interests of owner-occupied dwellings with properties that are frequently used in whole or in part by Short-Term Rental Tenants.” §6.8.1(A)(2).
- Third, Dewees Island is not a traditional neighborhood, but a unique planned development comprised of residential properties and amenities, one of which is the Huyler House. Dewees Island is governed by covenants and bylaws and its unique nature is overseen by the S.C. Department of Natural Resources (“DNR”).
- Fourth, the Huyler House is not now, nor has it ever been, a residential property converted to periodic rentals for Short-Term Rental Tenants. Indeed, under the Text Amendment, the Huyler House is only to be occupied by the guests of owners on Dewees Island and the Association.
 - Although willing to abide by the restrictions provided in the Text Amendment, many of which track provisions of the STRO, it is respectfully submitted that administering the Huyler House under the STRO is akin to trying to fit a square peg in a round hole. Accordingly, the Text Amendment provides that operation of the Huyler House would

take place outside the STRO and its license renewal would not be subject to the BZA review.

- Many of the goals stated in Article §1.5 are preserved or enhanced through this Text Amendment.
 - The ongoing operation of the Huyler House will enhance the maintenance of this ecologically sensitive island and facilitate the maintenance of this attractive and harmonious community.
 - The Huyler House will be consistent with the Comprehensive Plan, in that the presence and operation of the Huyler House has been a part of the development plan for Dewees Island since its inception and approval by DNR and the County.
 - Moreover, the restrictions limiting occupants of the Huyler House to Owner and Association guests and prospective investors and elimination of outside marketing will work to prevent any further congestion or concentration of population.

The proposed amendment is to further the public welfare in any other regard specified by County Council.

- While Dewees Island is private, the ongoing operation of the Huyler House under the restrictive terms provided in the Text Amendment will further the quality of life on Dewees Island and certainly do nothing to detrimentally affect the public welfare.

In summary, the Association believes that the Amendment is consistent with the intent of the County's Comprehensive Plan and the longstanding development goals for Dewees Island. That, combined with the endorsement of the DNR, justifies the Commission's recommendation of approval of the Text Amendment.

Very truly yours,



Wendell Reilly
President, Dewees Island Property Owners Association

cc: S.C. Department of Natural Resources

South Carolina Department of
Natural Resources



Robert H. Boyles,
Director

April 17 2020

Bernard E. Ferrara, Jr.
Chief Deputy County Attorney
Charleston County Attorney's Office
Lonnie Hamilton, III Public Services Building
4045 Bridge View Drive
North Charleston, South Carolina 29405

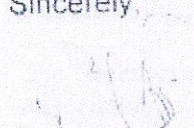
Dear Mr. Ferrara:

In its 1992 Land Plan, Dewees Island contemplated a 15-room lodge for owners and their guests stating that "A lodge with recreation, eating and guest lodging facilities will be built when demand warrants it."

In 1994, the Huyler House was completed, including its four guest suites, and we understand it has operated as a lodge for owners and guests of owners since that time. DNR does not object to the Island's continued restricted operation of the Huyler House as a lodge for owners and guests of owners in accordance with the 1992 Land Plan.

Please allow this statement to serve as confirmation that for purposes of SC Code Section 6-29-1145, DNR would not view such a use on Dewees Island to conflict with, or be prohibited by, the Conservation Easement or the related Land Use Plan approved by DNR.

Sincerely,


Robert H. Boyles, Jr.
Director

C: Wendell Reilly POA President
Elizabeth Applegate Dieck

3.

PROPOSED TEXT AMENDMENTS TO ARTICLE 6.8, SHORT-TERM RENTALS

PROPOSED TEXT AMENDMENTS TO ARTICLE 6.8, SHORT-TERM RENTALS, AND RELATED SECTIONS, OF THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE (ZLDR): CASE HISTORY

Planning Commission Workshop and Meeting #1: July 13, 2020
Planning Commission Workshop and Meeting #2: August 10, 2020
Public Hearing: August 11, 2020
PPW Committee: September 3, 2020
1st Reading: September 8, 2020
2nd Reading: September 22, 2020
3rd Reading: October 6, 2020

Background

On July 24, 2018, County Council adopted ZLDR Article 6.8, Short-Term Rentals, which regulated short-term rentals for the first time. These regulations took almost 3 years to draft, beginning in the fall of 2015 when it was determined that short-term rentals were not regulated by the ZLDR and the only way to regulate them was to adopt regulations specific to the use. The process of developing short-term rental regulations began on February 8, 2016 when the Planning Commission established a Short-Term Rental Committee (STRC) to work with staff to develop a short-term rental ordinance.

The Short-Term Rental Committee established by the Planning Commission worked with the County's consultant and staff from February 8, 2016 to March 12, 2018 to develop the draft Short-Term Rental Ordinance that was eventually adopted by County Council. The Planning Commission recommended approval of the Ordinance at their March 12, 2018 meeting, and it was adopted by County Council at the July 24, 2018 meeting. Amendments to related sections of the ZLDR were also adopted at that time, as were amendments to the County's Fee Ordinance to incorporate fees for short-term rental zoning permits.

Since the adoption of the Short-Term Rental Regulations (STR) Ordinance, the County has hired a code enforcement officer dedicated solely to enforcing it and has purchased software that tracks short-term rental advertisements and identifies their addresses, which allows staff to identify whether or not they are operating in violation of the STR Ordinance. After almost two years of implementing and enforcing the STR Ordinance, staff has identified several matters that need to be clarified or changed. In addition, the cost of administering and enforcing the STR Ordinance is far higher than envisioned when the Fee Ordinance was amended to include short-term rental zoning permit fees in 2018; therefore, increases in those fees are being proposed. The proposed amendments to the ZLDR and Fee Ordinance are attached and a summary of the proposed amendments recommended by the Planning Commission at their July 13 meeting is included below. The Planning Commission unanimously recommended approval of the amendments below at their July 13, 2020 meeting (vote: 8 to 0) with the exception of the Nonconforming Use provisions, which are not being presented until the August 10 meeting. The proposed amendments are back for ratification of the changes recommended at the July 13 Planning Commission meeting and to review and make a recommendation regarding nonconforming uses.

Summary of amendments:

- Clarify that a building safety inspection or Building Permit may be required for Short-Term Rental Properties (STRPs), as determined by the Building Inspection Services Department.
- Propose amendments to the three types of STRPs as detailed below:
 - Limited Home Rentals (amend ZLDR Table 6.1-1, Use Table, accordingly) – no changes:
 - Must still be owner-occupied;
 - Are still limited to 72 days per calendar year; and
 - Are still a by-right use in the RM, AG-15, AG-10, AG-8, AGR, RR-3, R-4, MHS, M-8, and M-12 Zoning Districts.
 - Extended Home Rentals:
 - Are still allowed in the S-3, R-4, and MHS Zoning Districts subject to Special Exception approval;

- Can still be owner or non-owner occupied;
 - Can still rent up to 144 days per calendar year; ***BUT***
 - *Amendments prohibit EHRs in the M-8 and M-12 Zoning District and clarify that Short-Term Rental, Limited Site Plan Review is required prior to submitting an application for Special Exception approval.*
- Commercial Guest House:
 - Is still a by-right use in the OR, OG, CN, CR, CT, and CC Zoning Districts;
 - Can still be non-owner occupied;
 - There is still no limit on number of rental days per calendar year; ***BUT***
 - *Amendments propose that when a short-term rental is located in an office or commercial zoning district and contains a residential use, Short-Term Rental, Limited Site Plan Review is required instead of Short-Term Rental, Full Site Plan Review.*
- Clarify and tailor the Site Plan Review requirements for STRPs:
 - STRP, Administrative Site Plan Review: Requires a Zoning Permit application, fee, aerial photographs, and photographs of the property. At the discretion of the Zoning and Planning Director, a site plan drawn to engineer's scale depicting existing and proposed conditions, including required parking, shall be submitted, and site visits by Zoning and Planning Staff may be required.
 - STRP, Limited Site Plan Review: Requires a Limited Site Plan Review application and fee and must include a site plan drawn to engineer's scale depicting existing and proposed conditions, including required parking.
 - STRP, Full Site Plan Review: Requires compliance with the requirements of Art. 3.7, Site Plan Review, of this Ordinance.
- Propose the addition of Special Exception criteria specific to STRPs:
 - Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community; and
 - Adequate provision is made and/or exists for such items as: setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed STRP use, such as noise, traffic congestion, trash, parking, and similar factors; and
 - Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, and applicable STRP Site Plan Review requirements of this Ordinance.
- Clarify that Planned Development Zoning Districts that do not specify STRPs as an allowed use must be amended to allow STRPs.
- Prohibit Dwellings located in Dwelling Groups to be used as STRPs.
- Prohibit variances from the STRP use limitations and standards (also amend ZLDR Sec. 3.10.1, Zoning Variances, Applicability; Limitations, accordingly):
 - Legally permitted Principal Dwelling Units and Accessory Dwelling Units may be used as STRPs, even when they are located on the same property; however, Accessory Structures shall not be used as STRPs.
 - Parking for Short-Term Rental Tenants shall be in compliance with Sec. 9.3.2, Off-Street Parking Schedule A, of this Ordinance.
 - Signage advertising STRPs is prohibited in Residential Zoning Districts.
 - Dwellings located in Dwelling Groups shall not be used as Short-Term Rental Properties, regardless of the zoning district in which the subject property is located.
- Clarify Annual Zoning Permit renewal requirements:
 - Owners of all registered STRPs must renew the Zoning Permit for the STRP use by December 31st of each year or their existing Zoning Permit will expire. The Zoning Permit for the STRP use will terminate on December 31st of each year regardless of whether or not the applicant receives notice from the Zoning and Planning Director.
 - Allows the Zoning and Planning Director to request STRP records including days the STRP was rented, STRP advertising records, STRP rental income, and STRP rental receipts, which must be provided within 10 working days from the date requested; otherwise, the STRP Zoning Permit will be denied.

- Add Sec. 6.8.5, Amortization of Nonconforming STRPs, to allow for nonconforming short-term rental properties (STRPs legally used prior to July 24, 2018).
- Propose amendments to existing definitions and new definitions:
 - Clarify that compensation for STRPs can include, but is not limited to, an exchange or interaction between people conducting business, such as a rental contract, or agreement, cash or credit transaction, and/or bartering (exchanging goods or services for other goods or services without using money).
 - Incorporate a definition for “Owner-Occupied Short-Term Rental Property: A property with a Dwelling where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for individual rental terms not exceeding 29 consecutive days for a fee or any form of compensation, and which is occupied by the record owner of the subject property who has designated the subject property as his/her legal residence subject to the legal assessment ratio according to the records of the County Assessor’s Office and who:
 - (1) Has designated the subject property as his/her legal voting address; or
 - (2) Has designated the subject property as the address on his/her driver’s license or other government issued identification.”

Corresponding Proposed Amendments to the ZLDR and Fee Ordinance

- ZLDR Sec. 3.10.1, Zoning Variances, Applicability, Limitations: Prohibit variances from the STRP use limitations and standards contained in ZLDR Sec. 6.8.3.A.
- ZLDR Sec. 5.9.14.A, University Boulevard Overlay Zoning District, Permitted Uses: Allow Limited Home Rentals and Extended Home Rentals pursuant to the requirements of ZLDR Art. 6.8, Short-Term Rentals.
- ZLDR Table 5.13-1, DuPont-Wappoo Area Overlay Zoning District Use Table: Move Limited Home Rental and Extended Home Rental uses from the Accommodations Use section to the Residential Use Section.
- ZLDR Table 5.14-1, Parkers Ferry Community Overlay Zoning District Table:
 - Allow Limited Home Rentals in the Residential and Business Nodes/Commercial Properties subject to the requirements of ZLDR Art. 6.8, Short-Term Rentals;
 - Allow Extended Home Rentals in the Business Nodes/Commercial Properties by Special Exception approval and subject to the requirements of ZLDR Art. 6.8, Short-Term Rentals; and
 - Allow Commercial Guest Houses in the Business Nodes/Commercial Properties subject to the requirements of ZLDR Art. 6.8, Short-Term Rentals and replace Bed and Breakfast Inns and Rooming or Boarding House Uses with Commercial Guest House uses.
- Table 5.15-1, Sol Legare Community Overlay Use Table:
 - Replace Vacation Home Rentals with Limited Home Rentals and Extended Home Rentals and allow them by Special Exception approval and subject to the requirements of ZLDR Art. 6.8, Short-Term Rentals; and
 - Replace the term “Commercial Home Rental” with “Commercial Guest House.”
- Table 6.1-1, Use Table: Amendments as described above.
- Sec. 11.2.1, Violations: Clarify the potential repercussions for violations to include civil penalties and/or fines not to exceed \$500.00 per violation, disgorgement of funds or fees collected or received in furtherance of the violation, restitution, or any other equitable remedy to correct or remove any financial benefit attributable to the violation.
- STRP Zoning Permit Fees:
 - Delete the allowance for reduced permit fees when applications are submitted between July 1st and December 31st;
 - Increase the Limited Home Rental Zoning Permit fee from \$50 to \$100;
 - Increase the Extended Home Rental Zoning Permit fee from \$100 to \$200; and
 - Increase the Commercial Guest House Fee from \$200 to \$300.

Note: The fees listed above do not include Site Plan Review or Special Exception application fees.

APPROVAL CRITERIA

Pursuant to Article 3.3.6 of the Charleston County Zoning and Land Development Regulations Ordinance, text amendments to the ordinance may be approved if the following approval criteria have been met:

- A. The proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition.

Response: The proposed amendments meet the challenge of the changing conditions of STRPs since the ordinance was first adopted in 2018. They clarify the administration and enforcement of the Ordinance in response to the way STRP uses have evolved over time.

- B. The proposed amendment is consistent with the adopted Charleston County Comprehensive Plan and goals as stated in Article 1.5;

Response: The proposed amendments are consistent with the adopted Charleston County Comprehensive Plan and goals as stated in Article 1.5.

- C. The proposed amendment is to further the public welfare in any other regard specified by County Council;

Response: The proposed amendments further the public welfare by: clarifying and streamlining the requirements for STRP Zoning Permits; and better protecting the County's neighborhoods from the potential adverse impacts (trash, noise, traffic, etc.) that may be caused by STRPs.

Public Input: 46 letters in support and 16 letters in opposition have been received.

Staff Recommendation:

The proposed amendments meet the criteria of ZLDR Art. 3.3.6; therefore, staff recommends approval of the STR Ordinance, ZLDR, and Fee Ordinance amendments.

Planning Commission Workshop and Meeting: July 13, 2020

Recommendation:

- STR Ordinance Amendments: Approval of the staff recommendation with the following exceptions (vote: 8 to 0):
 - Continue to allow Limited Home Rentals as uses subject to conditions in the RM, AG-15, and AG-10 Zoning Districts; and
 - Continue to allow Limited Home Rentals as uses subject to conditions in the M-8 and M-12 Zoning Districts, but prohibit Extended Home Rentals in these Zoning Districts.
- Related ZLDR Amendments: Approval of the staff recommendation (vote: 8 to 0).
- Fee Ordinance Amendments: Approval of the staff recommendation (vote: 8 to 0).

Notifications: On June 26, 2020, 1,017 notifications were sent to individuals on the Short-Term Rental Committee and ZLDR/Comprehensive Plan Interested Parties' Lists, as well as to owners of unincorporated properties being advertised as short-term rentals. Additionally, notice was published in the Post & Courier on June 26, 2020.

Public Input: As of the date of the July 13 Planning Commission meeting, 46 letters in support and 16 letters in opposition had been received.

Speakers: Three people spoke in support of the amendments and one person spoke in opposition.

Planning Commission Workshop and Meeting: August 10, 2020

The proposed amendments were taken back to the Planning Commission at their August 10 meeting to ratify the language changes recommended at their the July meeting and to review and make a recommendation on inclusion of provisions for nonconforming uses.

Recommendation:

- STR Ordinance Amendments: Approval of the staff recommendation, which included the Planning Commission recommendations from the July 13 workshop/meeting (vote: 6 to 3; Miller, Chavis, and Bowman dissented).
- Related ZLDR Amendments: Approval of the staff recommendation (vote: 6 to 3; Miller, Chavis, and Bowman dissented).
- Fee Ordinance Amendments: Approval of the staff recommendation (vote: 9 to 0).

Notifications: On July 24, 2020, 1,017 notifications were sent to individuals on the Short-Term Rental Committee and ZLDR/Comprehensive Plan Interested Parties' Lists, as well as to owners of unincorporated properties being advertised as short-term rentals. Additionally, notice was published in the Post & Courier on July 24, 2020.

Public Input: As of 5:30 pm on August 11, 2020, 110 letters/emails had been received:

- Fifty are in support; and
- Sixty are opposed to the rental limitations and STRP permit fees in the Agricultural Zoning Districts, which were adopted July 24, 2018 and are not proposed to be amended.

Below is a summary of the suggestions included in the letters:

- Include more explicit Special Exception criteria;
- Require Special Exception approval for LHRs in the AG-15 Zoning District;
- Delete all limits on numbers of rental days;
- Allow Extended Home Rentals in the AGR Zoning District; and
- Allow Extended Home Rentals (144 rental days/year) on all agriculturally zoned properties without requiring Special Exception approval or fees to support agri-tourism (majority of the letters received).

Speakers:

- Three people requested deleting the 72-day limit on agriculturally zoned properties and allowing Extended Home Rentals on all agriculturally zoned properties without requiring Special Exception approval or fees (to support agri-tourism).
- One person requested allowing Extended Home Rentals in the AG-8 and AGR Zoning Districts subject to Special Exception approval.
- One person spoke in support of the staff recommendations.

Public Hearing: August 11, 2020

Notifications: On July 24, 2020, 1,017 notifications were sent to individuals on the Short-Term Rental Committee and ZLDR/Comprehensive Plan Interested Parties' Lists, as well as to owners of unincorporated properties being advertised as short-term rentals. Additionally, notice was published in the Post & Courier on July 24, 2020.



Proposed ZLDR Amendments: Short-Term Rental Regulations

Planning Commission Workshop and Meeting #1: July 13, 2020
Planning Commission Workshop and Meeting #2: August 10, 2020
Public Hearing: August 11, 2020
PPW Committee: September 3, 2020
1st Reading: September 8, 2020
2nd Reading: September 22, 2020
3rd Reading: October 6, 2020

History

- Fall 2015: The County determined that short-term rentals were not regulated by the ZLDR.
- February 8, 2016: The Planning Commission (PC) established a Short-Term Rental Committee to work with staff to develop a short-term rental (STR) ordinance.
- March 12, 2018: The PC recommended approval of the STR Ordinance.
- July 24, 2018: County Council adopted ZLDR Art. 6.8, Short-Term Rentals, regulating short-term rentals for the first time.
 - Since that time, the County:
 - Hired a code enforcement officer dedicated solely to enforcing the STR Ordinance; and
 - Purchased software that tracks short-term rental advertisements and identifies their addresses for use by the code enforcement officer.

History

- After almost two years of implementing and enforcing the STR Ordinance, staff has identified several matters that need to be clarified or changed in Art. 6.8, Short-Term Rentals.
 - The proposed amendments affect other areas of the ZLDR, which are proposed to be amended accordingly.
 - In addition, the cost of administering and enforcing the STR Ordinance is far higher than envisioned when the Fee Ordinance was amended to include short-term rental zoning permit fees in 2018; therefore, increases in those fees are being proposed.
- July 13, 2020: The PC recommended approval of the proposed amendments to the STR ordinance (staff recommendation except no changes to the Use Table other than prohibiting EHRs in M-8 and M-12), related ZLDR amendments, and Fee Ordinance amendments.
- August 10, 2020: The proposed amendments were taken back to the PC for ratification of the changes recommended at the July PC meeting and to review and make a recommendation regarding the addition of Sec. 6.8.5, Amortization of Nonconforming STRPs. The Planning Commission recommended approval of all three sets of amendments.

2020 STR Permits

- 85 Limited Home Rentals
 - R-4: 45
 - AGR: 23
 - AG-8: 4
 - MHS: 4
 - S-3: 3
 - OD-SL: 2
 - AG-10: 1
 - OD-PF: 1
 - PD:1
 - RR-3: 1
- 18 Extended Home Rentals
 - R-4: 14
 - MHS: 4
- 1 Commercial Guest House
 - OD-STA

Proposed STR Amendments

	Limited Home Rental (LHR)	Extended Home Rental (EHR)	Commercial Guest House (CGH)
Applicable Zoning Districts	RM, AG-15, AG-10, AG-8, AGR, RR-3, S-3, R-4, MHS, M-8, M-12 (including Goat Island)	S-3, R-4, MHS (including Goat Island)	OR, OG, CN, CR, CT, and CC
Owner-Occupancy Requirements	Must comply with the Owner-Occupied Short-Term Rental Property definition contained in this Ordinance.	None	None
Maximum Number of Days STRPs May be Rented	72 days in the aggregate per calendar year	73 to 144 days in the aggregate per calendar year	No limit
Zoning Review Type	RM, AG-15, AG-10, AG-8, AGR, RR-3, S-3, R-4, MHS (including Goat Island): STRP, Administrative Site Plan Review	STRP, Limited Site Plan Review, and Special Exception	STRP, Full Site Plan Review (When a STRP is located in an office or commercial zoning district and contains a residential use, Short-Term Rental, Limited Site Plan Review is required instead of Short-Term Rental, Full Site Plan Review.)

Proposed STR Amendments

- Clarify and tailor the Site Plan Review requirements for STRPs:
 - STRP, Administrative Site Plan Review: Requires a Zoning Permit application, fee, aerial photographs, and photographs of the property. At the discretion of the Zoning and Planning Director, a site plan drawn to engineer's scale depicting existing and proposed conditions, including required parking, shall be submitted, and site visits by Zoning and Planning Staff may be required.
 - STRP, Limited Site Plan Review: Requires a Limited Site Plan Review application and fee and must include a site plan drawn to engineer's scale depicting existing and proposed conditions, including required parking.
 - STRP, Full Site Plan Review: Requires compliance with the requirements of Art. 3.7, Site Plan Review, of this Ordinance.
- Propose the addition of Special Exception criteria specific to STRPs:
 - Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community; and
 - Adequate provision is made and/or exists for such items as: setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed STRP use, such as noise, traffic congestion, trash, parking, and similar factors; and
 - Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, and applicable STRP Site Plan Review requirements of this Ordinance.

Proposed STR Amendments

- Clarify that a building safety inspection or Building Permit may be required for Short-Term Rental Properties (STRPs), as determined by the Building Inspection Services Department.
- Clarify that Planned Development Zoning Districts that do not specify STRPs as an allowed use must be amended to allow STRPs.
- Prohibit Dwellings located in Dwelling Groups to be used as STRPs.
- Clarify that compliance with all applicable local, state, and federal rules and regulations is required.

Proposed STR Amendments

- Prohibit variances from the STRP use limitations and standards (also amend ZLDR Sec. 3.10.1, Zoning Variances, Applicability; Limitations, accordingly):
 - Legally permitted Principal Dwelling Units and Accessory Dwelling Units may be used as STRPs, even when they are located on the same property; however, Accessory Structures shall not be used as STRPs.
 - Parking for Short-Term Rental Tenants shall be in compliance with Sec. 9.3.2, Off-Street Parking Schedule A, of this Ordinance.
 - Signage advertising STRPs is prohibited in Residential Zoning Districts.
 - Dwellings located in Dwelling Groups shall not be used as Short-Term Rental Properties, regardless of the zoning district in which the subject property is located.
- Clarify Annual Zoning Permit renewal requirements:
 - Owners of all registered STRPs must renew the Zoning Permit for the STRP use by December 31st of each year or their existing Zoning Permit will expire. The Zoning Permit for the STRP use will terminate on December 31st of each year regardless of whether or not the applicant receives notice from the Zoning and Planning Director.
 - Allows the Zoning and Planning Director to request STRP records including days the STRP was rented, STRP advertising records, STRP rental income, and STRP rental receipts, which must be provided within 10 working days from the date requested; otherwise, the STRP Zoning Permit will be denied.

Sec. 6.8.5, Amortization of Nonconforming STRPs

- If legally used as a STRP prior to July 24, 2018, may continue to be used until July 24, 2023 to allow for the recovery or amortization of the investment in the Nonconforming Use (must terminate or come into complete compliance on or before July 24, 2023):
 - During this period, must comply with all other requirements of Art. 6.8 as reasonably possible (exceptions may include max. number of rental days, owner occupancy, etc.).
 - Must obtain a zoning permit and business license, and renew annually.
- May request a Special Exception to extend the length of time the Nonconforming Use may exist:
 - Must submit the request at least 60 days before the end of the amortization period.
 - The BZA may grant the requested extension if the owner of the Nonconforming STRP proves he/she is unable to recoup the investment in the property by the conclusion of the amortization period.

Sec. 6.8.5, Amortization of Nonconforming STRPs

- In determining whether to grant the requested extension of the amortization period and in determining the appropriate length of such an extension, the BZA shall consider:
 - The gross income and expenses from the Nonconforming STRP since the use began;
 - The amount of the property owner's investment in the Nonconforming STRP prior to July 24, 2018;
 - The amount of such investment that has been or will have been realized at the conclusion of the five-year amortization period;
 - The present actual and depreciated value of the property and improvements;
 - The applicable Internal Revenue Service depreciation schedule;
 - The total length of time the Nonconforming Use has existed;
 - The existence or nonexistence of lease obligations, as well as any contingency clauses permitting termination of such lease;
 - The remaining value and allowed uses of the property after discontinuing the Nonconforming Use;
 - The ability of the property owner to change the use to a conforming use;
 - The effects of the Nonconforming Use on the surrounding area;
 - The extent to which the Nonconforming Use is incompatible with surrounding uses and properties;
 - The interference with or threat to the public health, safety, and welfare of the community; and
 - Any other factor the Board of Zoning Appeals reasonably determines is related to determining whether the investment in the Nonconforming Use has been recovered.

Proposed STR Amendments

- Propose amendments to existing definitions and new definitions:
 - Clarify that compensation for STRPs can include, but is not limited to, an exchange or interaction between people conducting business, such as a rental contract, or agreement, cash or credit transaction, and/or bartering (exchanging goods or services for other goods or services without using money).
 - Incorporate a definition for “Owner-Occupied Short-Term Rental Property: A property with a Dwelling where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for individual rental terms not exceeding 29 consecutive days for a fee or any form of compensation, and which is occupied by the record owner of the subject property who has designated the subject property as his/her legal residence subject to the legal assessment ratio according to the records of the County Assessor’s Office and who:
 - Has designated the subject property as his/her legal voting address; or
 - Has designated the subject property as the address on his/her driver’s license or other government issued identification.”

Other Proposed Amendments

- ZLDR Sec. 3.10.1, Zoning Variances, Applicability, Limitations: Prohibit variances from the STRP use limitations and standards contained in ZLDR Sec. 6.8.3.A.
- ZLDR Sec. 5.9.14.A, University Boulevard Overlay Zoning District, Permitted Uses: Allow Limited Home Rentals and Extended Home Rentals pursuant to the requirements of ZLDR Art. 6.8, Short-Term Rentals.
- ZLDR Table 5.13-1, DuPont-Wappoo Area Overlay Zoning District Use Table: Move Limited Home Rental and Extended Home Rental uses from the Accommodations Use section to the Residential Use Section.

Other Proposed Amendments

- ZLDR Table 5.14-1, Parkers Ferry Community Overlay Zoning District Table:
 - Allow Limited Home Rentals in the Residential and Business Nodes/Commercial Properties subject to the requirements of ZLDR Art. 6.8, Short-Term Rentals;
 - Allow Extended Home Rentals in the Business Nodes/Commercial Properties by Special Exception approval and subject to the requirements of ZLDR Art. 6.8, Short-Term Rentals; and
 - Allow Commercial Guest Houses in the Business Nodes/Commercial Properties subject to the requirements of ZLDR Art. 6.8, Short-Term Rentals and replace Bed and Breakfast Inns and Rooming or Boarding House Uses with Commercial Guest House uses.
- Table 5.15-1, Sol Legare Community Overlay Use Table:
 - Replace Vacation Home Rentals with Limited Home Rentals and Extended Home Rentals and allow them by Special Exception approval and subject to the requirements of ZLDR Art. 6.8, Short-Term Rentals; and
 - Replace the term “Commercial Home Rental” with “Commercial Guest House.”
- Sec. 11.2.1, Violations: Clarify the potential repercussions for violations include civil penalties and/or fines not to exceed \$500.00 per violation, disgorgement of funds or fees collected or received in furtherance of the violation, restitution, or any other equitable remedy to correct or remove any financial benefit attributable to the violation.

Proposed Amendments – Fee Ordinance

Service	Fee
SHORT-TERM RENTAL ZONING PERMITS	
<p>a. Short-Term Rental Permit: <i>Limited Home Rental (LHR)</i> Note that additional applications, processes, and fees may apply pursuant to the requirements for Short-Term Rentals contained in the Charleston County ZLDR.</p>	<p>\$100.00 \$50.00, provided, however, that the fee for the initial Zoning Permit for a Limited Home Rental Short-Term Rental use shall be \$25.00 if the Zoning Permit application is submitted between July 1st and December 31st.</p>
<p>b. Short-Term Rental Permit: <i>Extended Home Rental (EHR)</i> Note that in addition to the EHR Zoning Permit application and fee, Site Plan Review and Special Exception applications and required fees must be submitted pursuant to the requirements and processes contained in the ZLDR. Zoning Permits for EHRs will not be issued until/unless the Site Plan Review application is approved and the Board of Zoning Appeals approves the Special Exception application.</p>	<p>\$200.00 \$100.00, provided, however, that the fee for the initial Zoning Permit for an Extended Home Rental Short-Term Rental use shall be \$50.00 if the Zoning Permit application is submitted between July 1st and December 31st.</p>
<p>c. Short-Term Rental Permit: <i>Commercial Guest House (CGH)</i> Note that in addition to the CGH Zoning Permit application and fee, a Site Plan Review application (with the required fee) must be submitted pursuant to the requirements and processes contained in the ZLDR. Zoning Permits for CHRs will not be issued until/unless the Site Plan Review application is approved.</p>	<p>\$300.00 \$150.00, provided, however, that the fee for the initial Zoning Permit for a Commercial Guest House Short-Term Rental use shall be \$75.00 if the Zoning Permit application is submitted between July 1st and December 31st.</p>

Notes (for general information – not to be included in the Fee Ordinance):

- When all zoning related application and permit fees are included, the EHR Short-Term Rental Permit zoning permit fees total \$700 (\$200 zoning permit fee + \$250 Site Plan Review application fee + \$250 Special Exception application fee).
- When all zoning related application and permit fees are included, the CGH Short-Term Rental zoning permit fees total \$550 - \$800 (\$300 zoning permit fee + \$250 - \$500 Site Plan Review application fee). In addition, commercial assessment would apply.

Approval Criteria—Section 3.3.6

Pursuant to Article 3.3.6 of the *Zoning and Land Development Regulations Ordinance (ZLDR)*, text amendments may be approved by County Council only if the proposed amendment meet the following criteria:

A. The proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition;

Response: The proposed amendments meet the challenge of the changing conditions of STRPs since the ordinance was first adopted in 2018. They clarify the administration and enforcement of the Ordinance in response to the way STRP uses have evolved over time.

B. The proposed amendment is consistent with the adopted Charleston County Comprehensive Plan and goals as stated in Article 1.5;

Response: The proposed amendments are consistent with the adopted Charleston County Comprehensive Plan and goals as stated in Article 1.5.

C. The proposed amendment is to further the public welfare in any other regard specified by County Council;

Response: The proposed amendments further the public welfare by: clarifying and streamlining the requirements for STRP Zoning Permits; and better protecting the County's neighborhoods from the potential adverse impacts (trash, noise, traffic, etc.) that may be caused by STRPs.

Staff Recommendations

APPROVAL OF THE STR ORDINANCE, ZLDR AND FEE ORDINANCE AMENDMENTS

The ZLDR text amendments meet the approval
criteria.

Planning Commission Recommendations

July 13, 2020 Meeting

- STR Ordinance Amendments: Approval of the staff recommendation with the following exceptions (vote: 8 to 0):
 - Continue to allow Limited Home Rentals as uses subject to conditions in the RM, AG-15, and AG-10 Zoning Districts; and
 - Continue to allow Limited Home Rentals as uses subject to conditions in the M-8 and M-12 Zoning Districts, but prohibit Extended Home Rentals in these Zoning Districts.
- Related ZLDR Amendments: Approval of the staff recommendations (vote: 8 to 0).
- Fee Ordinance Amendments: Approval of the staff recommendation (vote: 8 to 0).

Planning Commission Recommendations

August 10, 2020 Meeting

- STR Ordinance Amendments: Approval of the staff recommendation, which included the Planning Commission recommendations from the July 13 workshop/meeting (vote: 6 to 3; Miller, Chavis, and Bowman dissented).
- Related ZLDR Amendments: Approval of the staff recommendation (vote: 6 to 3; Miller, Chavis, and Bowman dissented).
- Fee Ordinance Amendments: Approval of the staff recommendation (vote: 9 to 0).

Public Input

- Public Input: As of 5:30 pm on August 11, 2020, 110 letters/emails had been received:
 - Fifty are in support; and
 - Sixty are opposed to the rental limitations and STRP permit fees in the Agricultural Zoning Districts, which were adopted July 24, 2018 and are not proposed to be amended.
- Below is a summary of the suggestions included in the letters:
 - Include more explicit Special Exception criteria;
 - Require Special Exception approval for LHRs in the AG-15 Zoning District;
 - Delete all limits on numbers of rental days;
 - Allow Extended Home Rentals in the AGR Zoning District; and
 - Allow Extended Home Rentals (144 rental days/year) on all agriculturally zoned properties without requiring Special Exception approval or fees to support agri-tourism (majority of the letters received).

Notifications

- June 26, 2020 (for the July 13 PC Workshop & Meeting)
 - 1,017 notifications were sent to individuals on the Short-Term Rental Committee and ZLDR/Comprehensive Plan Interested Parties' Lists, as well as to owners of unincorporated properties being advertised as short-term rentals.
 - Ad ran in the *Post & Courier*.
- July 24, 2020 (for the August 10 PC Workshop & Meeting and the August 11 Council Public Hearing)
 - 1,017 notifications were sent to individuals on the Short-Term Rental Committee and ZLDR/Comprehensive Plan Interested Parties' Lists, as well as to owners of unincorporated properties being advertised as short-term rentals.
 - Ad ran in the *Post & Courier*.



Charleston County ZLDR Text Amendment Request

Planning Commission Workshop and Meeting #1: July 13, 2020
Planning Commission Workshop and Meeting #2: August 10, 2020
Public Hearing: August 11, 2020
PPW Committee: September 3, 2020
1st Reading: September 8, 2020
2nd Reading: September 22, 2020
3rd Reading: October 6, 2020

Currently Adopted Short-
Term Rental Regulations
Ordinance



ZONING AND LAND DEVELOPMENT REGULATIONS



CHAPTER 6 | USE REGULATIONS

ARTICLE 6.8 SHORT-TERM RENTALS

6.8.1 Purpose and Applicability

A. **Purpose.** The County is committed to working to protect the traditional quality of life and character of its residential neighborhoods. The County has concerns about permitted short-term rentals resulting in increased traffic, noise, trash, parking needs, safety and possible adverse impacts and other undesirable changes to the nature of the County's neighborhoods. Therefore, after providing many opportunities for public input and following careful study and consideration, County Council finds it appropriate and in the best interests of its residents, property owners, and visitors to regulate Short-Term Rental Properties (STRPs) within unincorporated County of Charleston.

This Article sets out standards for establishing and operating Short-Term Rental Properties. These regulations are intended to provide for an efficient use of residential dwellings as STRPs by:

1. Providing for an annual permitting process to regulate STRP's;
2. Balancing the interests of owner-occupied dwellings with properties that are frequently used in whole or in part by Short-Term Rental Tenants;
3. Allowing homeowners to continue to utilize their residences in the manner permitted by this Ordinance for the Zoning District in which a particular home is located;
4. Providing alternative accommodation options for lodging in residential dwellings; and
5. Complementing the accommodation options in environments that are desirable and suitable as a means for growing tourism.

B. **Applicability.**

1. Short-Term Rental Types. The following Short-Term Rentals shall be authorized pursuant to this Article:
 - a. Limited Home Rental (LHR) - a property with an owner-occupied residential dwelling, located in the RM, AG-15, AG-10, AG-8, AG-7, RR-3, S-3, R-4, M-8, M-12, or MHS Zoning Districts, where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation, not to exceed 72 days in the aggregate during any calendar year, with individual rental terms not exceeding 29 consecutive days.
 - b. Extended Home Rental (EHR) - a property with an owner- or non-owner occupied residential dwelling, located in the S-3, R-4, M-8, M-12, or MHS Zoning Districts, where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation, for more than 72 days but not to exceed 144-days in the aggregate during any calendar year, with individual rental terms not exceeding 29 consecutive days. To establish a EHR, a property owner must obtain a Special Exception from the Board of Zoning Appeals (BZA) pursuant to the requirements of [ARTICLE 3.6](#) of this Ordinance.
 - c. Commercial Guest House (CGH) - a property located in the OR, OG, CN, CR, CT, or CC Zoning Districts, where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation, for intervals of 29 days or less during a calendar year.
2. Applicable Zoning Districts. STRPs shall be allowed within the Zoning Districts of this Ordinance in accordance with Table 6.1.1, Use Table, applicable overlay zoning district regulations, and as approved in Planned Development Zoning Districts.
3. Application. Applications for STRPs shall be made in compliance with this Article.

C. **Registration.** All STRPs require a Zoning Permit and Business License. Upon adoption of this Ordinance, STRPs will have 30 calendar days to submit applications to comply with the provisions of this Article and an additional 90 calendar days to obtain all required Zoning Permits for the STRP use.

Effective on: 7/24/2018, as amended

§6.8.2 Operating Standards and Requirements

A. Permits and Renewals



1. After a LHR or CGH STRP use has been authorized through the applicable zoning process(es), a Zoning Permit for a STRP use and a Business License must be obtained prior to offering, advertising, or providing Short-Term Rental Properties for lodging as provided for in this Article.
2. After an EHR STRP use has been authorized by the Board of Zoning Appeals, a Zoning Permit for a STRP use and a Business License must be obtained prior to offering, advertising, or providing Short-Term Rental Properties for lodging as provided for in this Article.
3. Zoning Permits for all STRP uses must be renewed annually in compliance with this Article.

B. Short-Term Rental Property Tenant Notices

1. Each STRP must contain a Short-Term Rental Tenant notice posted in each room where Short-Term Rental Tenants may lodge. The notice must provide the following information:
 - a. Contact information for the owner of the STRP;
 - b. Zoning Permit Number for the STRP use;
 - c. Trash collection location and schedules, if applicable; and
 - d. Fire and Emergency evacuation routes.

Effective on: 7/24/2018, as amended

§6.8.3 General Standards

A. Use Limitations and Standards.

1. Legally permitted Principal Dwelling Units and Accessory Dwelling Units may be used as STRPs, even when they are located on the same property; however, Accessory Structures shall not be used as STRPs.
2. Parking for Short-Term Rental Tenants shall be in compliance with Sec. 9.3.2, Off-Street Parking Schedule A, of this Ordinance.
3. Signage advertising STRPs is prohibited in Residential Zoning Districts.

B. Advertising. Whether by a hosting platform, via Internet or paid advertising, or other postings, advertisements, or announcements, the availability of a STRP shall include the County issued Zoning Permit Number and Business License Number.

C. Annual Zoning Permit Renewal.

1. Zoning Permits for all STRPs must be renewed annually. An application for annual renewal of the Zoning Permit must include:
 - a. The application fee;
 - b. A notarized affidavit signed by the property owner stating that the type of STRP use and the information submitted as part of the application for the previous year's Zoning Permit for the STRP use has not changed in any manner whatsoever and that the STRP use complies with the most recently adopted version of this Article (form of Affidavit Provided by the County); and
 - c. The applicant shall file an application for a new Zoning Permit for a STRP use if the aforementioned requirements are not met.
2. If the Director of the Zoning and Planning Department determines that the STRP use is not consistent with the Special Exception that authorizes the use and/or Site Plan Review approval that authorizes the use, the applicant shall file an application for a new Zoning Permit for the STRP use, including applicable Special Exception and/or Site Plan Review applications and fees.
3. By the end of January of each calendar year, the owners of all registered STRPs will be mailed an annual renewal notice informing them that they must renew the Zoning Permit for the STRP use on or before April 1st of the same calendar year or their existing Zoning Permit will expire. The Zoning Permit for the STRP use will terminate on April 1st of each year regardless of whether or not the applicant receives notice from the Zoning and Planning Department Director.

Effective on: 7/24/2018, as amended



6.8.4 Use Limitations and Requirements

- A. **Applicability.** The limitations and requirements of this Section apply to all types of Short-Term Rental Properties (STRPs).
- B. **Standards.** See Table 6.8.4, STRP Standards.

Table 6.8.4 Short-Term Rental Property (STRP) Standards			
Standard or Requirement	Limited Home Rental (LHR)	Extended Home Rental (EHR)	Commercial Guest House (CGH)
Zoning Districts (pursuant to Table 6.1.1, Use Table)	Use Subject to Conditions of Art. 6.8: RM, AG-15, AG-10, AG-8, AGR, RR-3, S-3, R-4, M-8, M-12, MHS	Special Exception Use (subject to conditions of Art. 6.8): S-3, R-4, M-8, M-12, MHS	Use subject to Conditions of Art. 6.8: OR, OG, CN, CR, CT, CC
Occupancy Type	Property must be owner-occupied	Property must be owner or non owner-occupied	Not Applicable
Special Events	See ZLDR Article 6.7, Special Event Use		
Maximum Number of Rental Days	72	144	No Limit
Zoning Permit Process	See ZLDR Table 6.1.1, Use Table		
Review Type	Administrative Review	Full Site Plan Review and Special Exception	Full Site Plan Review

Effective on: 7/24/2018, as amended

§6.8.5 Application Submittal Requirements

- No application for a STRP shall be accepted as complete unless it includes the required fee and the information listed below.
- A. The name, address, email, and telephone number of all property owners of the Short-Term Rental Property (STRP).
 - B. Completed Short-Term Rental Property application signed by all current property owner(s). For properties owned by corporations or partnerships, the applicant must submit a resolution of the corporation or partnership authorizing and granting the applicant signing and authority to act and conduct business on behalf of and bind the corporation or partnership.
 - C. Restricted Covenants Affidavit(s) signed by the applicant or current property owner(s) in compliance with state law.
 - D. Address and Property Identification Number of the property on which the STRP is located.
 - E. The type of STRP that is the subject of the application, which may be a:
 1. Limited Home Rental (LHR);
 2. Extended Home Rental (EHR); or
 3. Commercial Guest House (CGH).
 - F. The type of Dwelling Unit(s) that is proposed to be used as a STRP including, but not limited to, Principal Dwelling Unit, Accessory Dwelling Unit, Single Family Detached, Single Family Attached, Manufactured Housing Unit, and/or Multi Family, and documentation of Zoning Permit and Building Permit approvals for the structures, as applicable.
 - G. The maximum number of bedrooms in the Dwelling Unit(s) proposed to be used as a STRP.

Effective on: 7/24/2018, as amended

§6.8.6 Enforcement and Violations

- A. Notwithstanding the provisions of Chapter 11 of this Ordinance, a STRP Zoning Permit may be administratively revoked by the Zoning and Planning Department Director or his designee if the STRP has violated the provisions of this Article on three or more occasions within a 12-month period. Provided however, a STRP Zoning Permit may be immediately revoked if the Zoning and Planning Department Director determines the STRP has Building Code violations, there is no Business License for the property, the property is being used in a manner not consistent with the Zoning Permit issued for the STRP use, or the advertisement for the STRP does not include the County issued Zoning Permit Number and Business License Number.



- B. If a STRP Zoning Permit is administratively revoked or an application for a STRP Zoning Permit is administratively denied, a STRP owner (or authorized agent) may appeal the Zoning and Planning Department Director's administrative decision revoking or denying the STRP Zoning Permit to the Board of Zoning Appeals within 30 calendar days from the date of the denial or revocation. All appeals shall be addressed in accordance with the appeal procedures of [CHAPTER 3](#), Article [3.13](#), of this Ordinance.
- C. Subsequent Application. Once a County-issued Zoning Permit and/or a Business License for a STRP use has been revoked, no new Zoning Permit and/or Business License for a STRP use shall be issued to the applicant for the same property for a period of one year from the date of revocation. Upon expiration of the revocation period, a new Zoning Permit application for a STRP use must be submitted in accordance with this Article.

Effective on: 7/24/2018, as amended

**Proposed Short-Term Rental
Regulations Ordinance**

***Recommended for approval
by the Planning Commission
on August 10, 2020
(vote 6 to 3)***

CHAPTER 6 | USE REGULATIONS

ARTICLE 6.8 SHORT-TERM RENTALS

Sec. 6.8.1 Purpose and Applicability

A. Purpose. The County is committed to working to protect the traditional quality of life and character of its residential neighborhoods. The County has concerns about permitted short-term rentals resulting in increased traffic, noise, trash, parking needs, safety and possible adverse impacts and other undesirable changes to the nature of the County's neighborhoods. Therefore, after providing many opportunities for public input and following careful study and consideration, County Council finds it appropriate and in the best interests of its residents, property owners, and visitors to regulate Short-Term Rental Properties (STRPs) within unincorporated Charleston County.

This Article sets out standards for establishing and operating Short-Term Rental Properties. These regulations are intended to provide for an efficient use of Dwellings as STRPs by:

1. Providing for an annual permitting process to regulate STRPs;
2. Balancing the interests of properties that are frequently used in whole or in part by Short-Term Rental Tenants with properties that are not;
3. Allowing homeowners to continue to utilize their residences in the manner permitted by this Ordinance for the Zoning District in which a particular Dwelling is located;
4. Providing alternative accommodation options for lodging; and
5. Complementing the accommodation options in environments that are desirable and suitable as a means for growing tourism.

B. Applicability.

1. **Short-Term Rental Types.** The following Short-Term Rentals shall be authorized pursuant to this Article:
 - a. STRP, Limited Home Rental (LHR);
 - b. STRP, Extended Home Rental (EHR); and
 - c. STRP, Commercial Guest House (CGH).
2. **Applicable Zoning Districts.** STRPs shall be allowed within the Zoning Districts of this Ordinance in accordance with Table 6.1.1, *Use Table*, applicable overlay zoning district regulations, and as approved in Planned Development Zoning Districts. Planned Development Zoning Districts that do not specify STRPs as an allowed use must be amended to allow STRPs.
3. **Application.** Applications for STRPs shall be made in compliance with this Article.
4. **Variations.** Variations from the requirements of Sec. 6.8.3.A, Use Limitations and Standards, are prohibited.

C. Registration. All STRPs require a Zoning Permit and Business License, which must be renewed annually pursuant to this Article.

D. Compliance with Other Regulations. All STRPs, including Nonconforming Uses as allowed for in this Article, shall comply with all applicable local, state, and federal rules and regulations.

Sec. 6.8.2 Permitting Processes

A. Zoning Permit Application. No application for a STRP shall be accepted as complete unless it includes the required fee and the information listed below.

1. The name, address, email, and telephone number of all property owners of the Short-

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Term Rental Property (STRP).

2. Completed STRP application signed by all current property owner(s). For properties owned by corporations or partnerships, the applicant must submit a resolution of the corporation or partnership authorizing and granting the applicant signing and authority to act and conduct business on behalf of and bind the corporation or partnership.
3. Restricted Covenants Affidavit(s) signed by the applicant or current property owner(s) in compliance with state law.
4. Address and Property Identification Number of the property on which the STRP is located.
5. The type of STRP that is the subject of the application (LHR, EHR, or CGH);
6. Owner-Occupied STRP affidavit, as applicable;
7. The type of Dwelling(s) that is proposed to be used as a STRP including, but not limited to, Principal Dwelling Unit, Accessory Dwelling Unit, Single Family Detached, Duplex, Single Family Attached, Manufactured Housing Unit not located in a Manufactured Housing Park, Triplex, and/or Fourplex, and documentation of Zoning Permit and Building Permit approvals for the structures, as applicable. Tents, RVs, boats, sheds, garages, and similar structures shall not be used as STRPs; and
8. The maximum number of bedrooms available at the STRP.

B. Short-Term Rental Property Site Plan Review Categories. Notwithstanding the provisions of Art. 3.7, Site Plan Review, or this Ordinance, STRPs must complete Site Plan Review as proscribed in this Section based on the Permitting Process provided in Table 6.8.2 prior to obtaining a STRP Zoning Permit. The Building Inspection Services Department may require a building safety inspection and/or Building Permit as a condition of the STRP Site Plan Review approval.

1. STRP, Administrative Site Plan Review: Requires a Zoning Permit application, fee, aerial photographs, and photographs of the property. At the discretion of the Zoning and Planning Director, a site plan drawn to engineer's scale depicting existing and proposed conditions, including required parking, shall be submitted, and site visits by Zoning and Planning Staff may be required.
2. STRP, Limited Site Plan Review: Requires a Limited Site Plan Review application and fee and must include a site plan drawn to engineer's scale depicting existing and proposed conditions, including required parking.
3. STRP, Full Site Plan Review: Requires compliance with the requirements of Art. 3.7, *Site Plan Review*, of this Ordinance.

C. Special Exception. Notwithstanding the provisions of Art. 3.6, Special Exceptions, of this Ordinance, the following approval criteria shall apply to STRPs if a Special Exception is required to obtain a STRP Zoning Permit based on the Permitting Process provided in Table 6.8.2 of this Article:

1. Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community; and
2. Adequate provision is made and/or exists for such items as: setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed STRP use, such as noise, traffic congestion, trash, parking, and similar factors; and
3. Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, and applicable STRP Site Plan Review requirements of this Ordinance.

All other provisions and requirements of Art. 3.6, Special Exceptions, shall apply.

D. Zoning Permit Issuance and Business Licenses. After a STRP Application has been approved, a STRP Zoning Permit and a Business License must be obtained prior to a property owner offering, advertising, or providing Short-Term Rental Properties for lodging as provided for in this Article.

E. Annual Zoning Permit Renewal.

1. All STRP Zoning Permits must be renewed annually in compliance with this Article. An application for annual renewal of the Zoning Permit must include:
 - a. The application fee;
 - b. A notarized affidavit signed by the property owner stating that the type of STRP use and the information submitted as part of the application for the previous year's STRP Zoning Permit has not changed in any manner whatsoever and that the STRP use complies with the most recently adopted version of this Article (form of Affidavit provided by the County). and
 - c. Owner-Occupied STRP affidavit, as applicable.
2. The Zoning and Planning Director may request STRP records including days the STRP was rented, STRP advertising records, STRP rental income, and STRP rental receipts. The records shall be provided to the Zoning and Planning Director within 10 working days from the date requested; otherwise, the STRP Zoning Permit will be denied.
3. The applicant shall file an application for a new STRP Zoning Permit if the aforementioned requirements are not met.
4. If the Zoning and Planning Director determines that the STRP use is not consistent with the Special Exception approval that authorizes the use and/or Site Plan Review approval that authorizes the use, the applicant shall file an application for a new STRP Zoning Permit, including applicable Special Exception and/or Site Plan Review applications and fees, and all requirements in effect at the time of STRP Zoning Permit application submittal shall apply.
5. The owners of all registered STRPs must renew the Zoning Permit for the STRP use by December 31st of each year or their existing Zoning Permit will expire. The Zoning Permit for the STRP use will terminate on December 31st of each year regardless of whether or not the applicant receives notice from the Zoning and Planning Director.

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Table 6.8.2, Permitting Process for STRPs [1]

	Limited Home Rental (LHR)[1]	Extended Home Rental (EHR)[1]	Commercial Guest House (CGH) [1][2]
Applicable Zoning Districts	RM, AG-15, AG-10, AG-8, AGR, RR-3, S-3, R-4, MHS, M-8, M-12 (including Goat Island)	S-3, R-4, MHS (including Goat Island)	OR, OG, CN, CR, CT, and CC
Owner-Occupancy Requirements	Must comply with the Owner-Occupied Short-Term Rental Property definition contained in this Ordinance.	None	None
Maximum Number of Days STRPs May be Rented	72 days in the aggregate per calendar year	144 days in the aggregate per calendar year	No limit
Zoning Review Type	STRP, Administrative Site Plan Review	STRP, Limited Site Plan Review, and Special Exception	STRP, Full Site Plan Review [2]

Table Notes:

1. The following shall apply to all STRP types:
 - a. A STRP Zoning Permit is required and the STRP Zoning Permit Number for the current year must be visible on all advertisements. Zoning Permits must be renewed annually pursuant to this Article.
 - b. A Business License is required and the Business License Number for the current year must be visible on all advertisements. Business Licenses must be renewed annually.
 - c. Building safety inspection or Building Permit may be required, as determined by the Charleston County Building Inspection Services Department.
2. If a proposed STRP is located in an Office or Commercial Zoning District and contains a Residential use, STRP, Limited Site Plan Review shall apply instead of STRP, Full Site Plan Review.

Sec. 6.8.3 General Standards

A. Use Limitations and Standards.

1. Legally permitted Principal Dwelling Units and Accessory Dwelling Units may be used as STRPs, even when they are located on the same property; however, Accessory Structures shall not be used as STRPs.
2. Parking for Short-Term Rental Tenants shall be in compliance with Sec. 9.3.2, *Off-Street Parking Schedule A*, of this Ordinance.
3. Signage advertising STRPs is prohibited in Residential Zoning Districts.
4. Dwellings located in Dwelling Groups shall not be used as Short-Term Rental Properties, regardless of the zoning district in which the subject property is located.

B. Advertising. Whether by a hosting platform, via Internet or paid advertising, or other postings, advertisements, or announcements, the availability of a STRP shall include the County issued STRP Zoning Permit Number and Business License Number for the current year.

C. Special Events. The applicable requirements of Article 6.7, *Special Event Use*, of this Ordinance apply.

D. Short-Term Rental Property Tenant Notices. Each STRP must contain a Short-Term Rental Tenant notice posted in each room where Short-Term Rental Tenants may lodge. The notice must provide the following information:

1. Contact information for the owner of the STRP;
2. STRP Zoning Permit and Business License Numbers for the current year;
3. Trash collection location and schedules, if applicable; and
4. Fire and Emergency evacuation routes.

Sec. 6.8.4 Enforcement and Violations

- A. Notwithstanding the provisions of Chapter 11, *Violations, Penalties, and Enforcement*, of this Ordinance, a STRP Zoning Permit may be administratively revoked by the Zoning and Planning Director or his designee if the STRP has violated the provisions of this Article on three or more occasions within a 12-month period. However, a STRP Zoning Permit may be immediately revoked if the Zoning and Planning Director determines the STRP has Building Code violations, there is no current Business License for the property, the property is being used in a manner not consistent with the Zoning Permit issued for the STRP use, or the advertisement for the STRP does not include the County issued STRP Zoning Permit Number and Business License Number for the current year.
- B. If a STRP Zoning Permit is administratively revoked or an application for a STRP Zoning Permit is administratively denied, a STRP owner (or authorized agent) may appeal the Zoning and Planning Director's administrative decision revoking or denying the STRP Zoning Permit to the Board of Zoning Appeals within 30 calendar days from the date of the denial or revocation. All appeals shall be addressed in accordance with the appeal procedures of CHAPTER 3, Article 3.13, of this Ordinance.
- C. Once a County-issued STRP Zoning Permit and/or a Business License has been revoked, no new STRP Zoning Permit and/or Business License shall be issued to the applicant for the same property for a period of one year from the date of revocation. Upon expiration of the revocation period, a new STRP Zoning Permit application may be filed and all requirements, processes, and fees in effect at the time of the STRP Zoning Permit application submittal shall apply.

Sec. 6.8.5 Amortization of Nonconforming STRPs

The South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended (Planning Act) authorizes local governments to terminate a nonconformity by specifying the period or periods in which the nonconformity is required to cease or be brought into compliance pursuant to S.C. Code Ann. Section 6-29-730 (2007).

Therefore, if a Dwelling was legally used as a STRP prior to July 24, 2018, the Dwelling may continue as a Nonconforming Use pursuant to Chapter 10, Nonconformities, of this Ordinance until July 24, 2023 to allow for the recovery or amortization of the investment in the Nonconforming Use, after which the Nonconforming Use as a STRP shall terminate.

During the amortization period, all Nonconforming STRPs must comply with all other requirements of this Article as is reasonably possible, including but not limited to, making an application for a Short Term Rental Permit. Exceptions will be

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made for restrictions on maximum number of rental days, special exceptions use conditions, owner occupancy status, or use subject to conditions.

Not less than 60 days before the end of the amortization period, the owner of the Dwelling may request a special exception to the amortization period. All requests shall be made to Board of Zoning Appeals in writing, and all decisions shall be subject to the provisions of Article 3.6 of the ZLDR except for Art. 3.6.1 and Art. 3.6.5.

The Board of Zoning Appeals may grant an extension of the time of the amortization period if the owner of the Nonconforming STRP proves that he is unable to recoup his investment in such property by the conclusion of the amortization period.

Criteria and Findings. In determining whether to grant an extension of the amortization period for a Nonconforming STRP, and in determining the appropriate length of such an extension, the Board of Zoning Appeals shall consider the following factors:

- A. The gross income and expenses from the Nonconforming STRP since the use began;
- B. The amount of the property owner's investment in the Nonconforming STRP prior to July 24, 2018;
- C. The amount of such investment that has been or will have been realized at the conclusion of the five-year amortization period;
- D. The present actual and depreciated value of the property and improvements;
- E. The applicable Internal Revenue Service depreciation schedule;
- F. The total length of time the Nonconforming Use has existed;
- G. The existence or nonexistence of lease obligations, as well as any contingency clauses permitting termination of such lease;
- H. The remaining value and allowed uses of the property after discontinuing the Nonconforming Use;
- I. The ability of the property owner to change the use to a conforming use;
- J. The effects of the Nonconforming Use on the surrounding area;
- K. The extent to which the Nonconforming Use is incompatible with surrounding uses and properties;
- L. The interference with or threat to the public health, safety, and welfare of the community; and
- M. Any other factor the Board of Zoning Appeals reasonably determines is related to determining whether the investment in the Nonconforming Use has been recovered.

The Board of Zoning Appeals shall receive and consider evidence presented by the applicant, and shall make findings that the amortization period it establishes is reasonable in view of the evidence and the criteria set forth above.

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CHAPTER 6 | USE REGULATIONS

ARTICLE 6.1 USE TABLE

Principal uses shall be allowed within the zoning districts of this Ordinance in accordance with Table 6.1.1, Use Table.

Table 6.1.1, Use Table																				
Land Uses	ZONING DISTRICTS																	Condition		
	RM	AG 15	AG 10	AG 8	AGR	RR-3	S3	R4	M8	M12	MHS	MH P	OR	OG	CN	CR	CT		CC	I
Short-Term Rental Property, Limited Home Rental (LHR)	C	C	C	C	C	C	C	C	C	C	C									Art. 6.8
Short-Term Rental Property, Extended Home Rental (EHR)							S	S			S									Art. 6.8
Short-Term Rental Property, Commercial Guest House (CGH)													C	C	C	C	C	C		Art. 6.8

CHAPTER 12 | DEFINITIONS

ARTICLE 12.1 TERMS AND USES DEFINED

TERM DEFINITION

Short-Term Rental Property (STRP). A Dwelling or any part thereof that is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for individual rental terms not exceeding 29 consecutive days for a fee or any form of compensation. Compensation may include, but is not limited to, an exchange or interaction between people conducting business, such as a rental contract, or agreement, cash or credit transaction, and/or bartering (exchanging goods or services for other goods or services without using money).

Owner-Occupied Short-Term Rental Property. A property with a Dwelling where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for individual rental terms not exceeding 29 consecutive days for a fee or any form of compensation, and which is occupied by the record owner of the subject property who has designated the subject property as his/her legal residence subject to the legal assessment ratio according to the records of the County Assessor's Office and who:

- (1) Has designated the subject property as his/her legal voting address; or
- (2) Has designated the subject property as the address on his/her driver's license or other government issued identification.

Short-Term Rental Tenant (STRT). Any person (excluding family members) who rents a Dwelling or part thereof, for individual rental terms not exceeding 29 consecutive days for a fee or any form of compensation.

Proposed Amendments to
Chapters 3, 5, and 11

CHAPTER 3 | DEVELOPMENT REVIEW PROCEDURES

ARTICLE 3.10 ZONING VARIANCES

§3.10.1 Applicability; Limitations

The Board of Zoning Appeals shall be authorized to approve Zoning Variances to any zoning-related dimensional, design or performance standard set forth in this Ordinance, provided that the Approval Criteria of Section 3.10.6 are met and provided that such Zoning Variance does not have the effect of:

- A. Permitting a use, activity, business or operation that is not otherwise allowed by the Use Regulations of the underlying zoning district;
- B. Allowing the physical extension of a Nonconforming Use, except as expressly allowed in CHAPTER 10;
- C. Increasing the density of a residential use above that permitted by the underlying district;
- D. Varying the sign regulations of this Ordinance;
- E. Varying or waiving the Subdivision Regulations contained in CHAPTER 8; ~~or~~
- F. Varying or waiving any other standard of this Ordinance that is expressly stated as being ineligible for a Zoning Variance; ~~or~~
or
- G. *Varying from the requirements of Sec. 6.8.3.A, Use Limitations and Standards.*

CHAPTER 5 | OVERLAY AND SPECIAL PURPOSE ZONING DISTRICTS

ARTICLE 5.9 UB-O, UNIVERSITY BOULEVARD OVERLAY ZONING DISTRICT

§5.9.14 Residential Uses

A. Permitted uses

The following list of permitted uses are the only uses that shall be ~~allowed~~ permitted in the R-4 Zoning District:

1. Single-family dwellings excluding manufactured homes or (mobile homes).

2. Short-Term Rentals, Limited Home Rental (LHR) subject to the conditions contained in Art. 6.8, Short-Term Rentals.

3. Short-Term Rentals, Extended Home Rental (EHR) subject to conditions and Special Exception approval pursuant to Art. 6.8, Short-Term Rentals.

~~2-4~~ 4. All development in the R-4 Zoning District shall meet the density/intensity and dimensional standards of ARTICLE 4.10 of this Ordinance.

ARTICLE 5.13 DUPONT-WAPPOO AREA OVERLAY ZONING DISTRICT (DuWap-O)

§5.13.6 Use Regulations

Table 5.13-1, DuPont-Wappoo Area Overlay Zoning District Use Table

“A” indicates uses allowed by right.

“C” indicates uses subject to conditions. A cross-reference to the applicable conditions can be found in the column entitled “Conditions.” “S” indicates uses allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance, subject to compliance with use-specific conditions. A cross-reference to the applicable conditions can be found in the column entitled “Conditions.”

Blank cells indicate uses that are not permitted.

USES	Job Center District	Community Commercial District	Light Commercial District			Residential Areas			Conditions
			OR	OG	CT	R4	M8	M12	
RESIDENTIAL									
Short-Term Rentals, Limited Home Rental (LHR)						C	C	C	Art. 6.8
Short-Term Rentals, Extended Home Rental (EHR)						S	S	S	Art. 6.8
COMMERCIAL									
ACCOMMODATIONS									
Short-Term Rentals, Commercial Guest House (CGH)		C	C	C	C				Art. 6.8
Short-Term Rentals, Limited Home Rental (LHR)						€	€	€	Art. 6.8
Short-Term Rentals, Extended Home Rental (EHR)						S	S	S	Art. 6.8

ARTICLE 5.14 PARKERS FERRY COMMUNITY OVERLAY ZONING DISTRICT (PF-O)

Sec. 5.14.5 Use Regulations

TABLE 5.14-1: PARKERS FERRY COMMUNITY OVERLAY ZONING DISTRICT USE TABLE				
		RESIDENTIAL AREA	BUSINESS/SERVICE NODES AND COMMERCIAL PROPERTIES	CONDITION
RESIDENTIAL				
	<i>Short-Term Rentals, Limited Home Rental (LHR)</i>	<i>C</i>	<i>C</i>	<i>Art. 6.8</i>
	<i>Short-Term Rentals, Extended Home Rental (EHR)</i>		<i>S</i>	<i>Art. 6.8</i>
COMMERCIAL				
ACCOMMODATIONS				
	Bed and Breakfast Inns <i>Short-Term Rentals, Commercial Guest House (CGH)</i>	€	€ <i>A</i>	Sec. 6.4.4 <i>Art. 6.8</i>
	Rooming or Boarding Houses		S	

ARTICLE 5.15 SOL LEGARE COMMUNITY OVERLAY ZONING DISTRICT (SL-O)

Sec. 5.15.5 Use Regulations

TABLE 5.15-1: Sol Legare Community Overlay Use Table				Residential Area	Commercial Area	Condition
RESIDENTIAL						
	Short Term Rental: Vacation Home Rental (VHR)			S	S	Art. 6.8
	<i>Short-Term Rentals, Limited Home Rental (LHR)</i>			<i>S</i>	<i>S</i>	<i>Art. 6.8</i>
	<i>Short-Term Rentals, Extended Home Rental (EHR)</i>			<i>S</i>	<i>S</i>	<i>Art. 6.8</i>
COMMERCIAL						
ACCOMMODATIONS						
	Short-Term Rentals, Commercial Guest House Home Rental (CGHR)				<i>C</i>	<i>Art. 6.8</i>

CHAPTER 11, VIOLATIONS, PENALTIES, AND ENFORCEMENT

§11.2.1 Violations

All of the following constitute violations of this Ordinance:

- A. To use or attempt to use land or a building in any way not consistent with the requirements of this Ordinance;
- B. To erect or attempt to erect a building or other structure in any way not consistent with the requirements of this Ordinance;
- C. To engage or attempt to engage in the development or subdivision of land in any way not consistent with the requirements of this Ordinance;
- D. To transfer title to any lots or parts of a development unless the subdivision has received all approvals required under this Ordinance and an approved plan or plat, if required, has been filed in the appropriate County office;
- E. To submit for recording with a County office any subdivision plat that has not been approved in accordance with the requirements of this Ordinance;
- F. To install or use a sign in any way not consistent with the requirements of this Ordinance;
- G. To engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land or any other activity; requiring one or more approvals or permits under this Ordinance without obtaining all such required approvals or permits;
- H. To engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land or any other activity requiring one or more approvals or permits under this Ordinance in any way inconsistent with any such approval or permit and any conditions imposed;
- I. To violate the terms of any approval or permit granted under this Ordinance or any condition imposed on such approval or permit;
- J. To obscure or obstruct any notice required to be posted or otherwise given under this Ordinance; **or**
- K. To violate any lawful order issued by any person or entity under this Ordinance.;
- ~~L. To continue any violation as defined above, with each day of continued violation to be considered a separate violation for purposes of computing cumulative civil or criminal penalties.~~

In addition to the Remedies and Enforcement Powers contained in this Article, if a court of competent jurisdiction finds that a violation has occurred, the court may impose a civil penalty and/or fine not to exceed \$500.00 per violation, disgorgement of funds or fees collected or received in furtherance of the violation, restitution, or any other equitable remedy to correct or remove any financial benefit attributable to the violation. To continue any violation as defined above, shall be a separate violation for purposes of computing cumulative civil or criminal penalties.

Proposed Amendments to
the Fee Ordinance

COMMITTEE AGENDA ITEM

TO: BILL TUTEN, CHIEF OF STAFF/ACTING COUNTY ADMINISTRATOR
THROUGH: WALT SMALLS, CHIEF DEPUTY ADMINISTRATOR
FROM: JOEL EVANS **DEPT.** PLANNING
SUBJECT: SHORT-TERM RENTAL ZONING PERMIT FEE AMENDMENTS
REQUEST: AMEND THE ZONING PERMIT FEES FOR SHORT-TERM RENTALS
COMMITTEE OF COUNCIL: FINANCE **DATE:** SEPT. 3, 2020

COORDINATION: This request has been coordinated with: (attach all recommendations/reviews)

	Yes	N/A	Signature of Individual Contacted
Legal Department	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
Procurement/Contracts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Zoning Regulations / Comp. Plan Compliance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
Community Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Grants Auditor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
Other:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Other:	<input type="checkbox"/>	<input type="checkbox"/>	_____

FUNDING: Was funding previously approved? yes no n/a

If yes, provide the following:	Org.	Object	Balance in Account	Amount needed for item
				\$0.00

NEED: Identify any critical time constraint.

BUDGET OFFICER SIGNATURE: _____
Fiscal impact:

**CHIEF OF STAFF/
ACTING COUNTY ADMINISTRATOR'S SIGNATURE:** _____

ORIGINATING OFFICE PLEASE NOTE:

DUE DATE TO ADMINISTRATOR'S OFFICE IS 5:00 P.M. ON TUESDAY OF THE WEEK PRECEDING THE COMMITTEE MEETING.

SITUATION

On July 24, 2018, County Council adopted ZLDR Article 6.8, Short-Term Rentals, which regulated short-term rentals for the first time, and amended the County Fee Ordinance to incorporate fees for Short-Term Rental Zoning Permits. Since the adoption of the Short-Term Rental Regulations (STR) Ordinance, the County has hired a code enforcement officer dedicated solely to enforcing it and has purchased software that tracks short-term rental advertisements and identifies their addresses, which allows staff to identify whether or not they are operating in violation of the STR Ordinance. After almost two years of implementing and enforcing the STR Ordinance, staff has identified several matters that need to be clarified or changed, which are being addressed through amendments to the STR Ordinance. In addition, the cost of administering and enforcing the STR Ordinance is far higher than envisioned when the Fee Ordinance was amended to include Short-Term Rental Zoning Permit Fees in 2018; therefore, increases in those fees are being proposed.

ACTION REQUESTED OF COUNCIL

Approve the proposed amendments to the Fee Ordinance recommended by the Planning Commission (see attached).

DEPARTMENT HEAD'S RECOMMENDATION

Amend the Fee Ordinance to increase Short-Term Rental Zoning Permit fees as recommended by the Planning Commission.

Proposed Amendments to the Charleston County Fee Ordinance for Short-Term Rental Zoning Permit Fees

Service	Fee
SHORT-TERM RENTAL ZONING PERMITS	
<p>a. Short-Term Rental Permit: <i>Limited Home Rental (LHR)</i> Note that additional applications, processes, and fees may apply pursuant to the requirements for Short-Term Rentals contained in the Charleston County ZLDR.</p>	<p>\$100.00 \$50.00, provided, however, that the fee for the initial Zoning Permit for a Limited Home Rental Short Term Rental use shall be \$25.00 if the Zoning Permit application is submitted between July 1st and December 31st.</p>
<p>b. Short-Term Rental Permit: <i>Extended Home Rental (EHR)</i> Note that in addition to the EHR Zoning Permit application and fee, Site Plan Review and Special Exception applications and required fees must be submitted pursuant to the requirements and processes contained in the ZLDR. Zoning Permits for EHRs will not be issued until/unless the Site Plan Review application is approved and the Board of Zoning Appeals approves the Special Exception application.</p>	<p>\$200.00 \$100.00, provided, however, that the fee for the initial Zoning Permit for an Extended Home Rental Short Term Rental use shall be \$50.00 if the Zoning Permit application is submitted between July 1st and December 31st.</p>
<p>c. Short-Term Rental Permit: <i>Commercial Guest House (CGH)</i> Note that in addition to the CGH Zoning Permit application and fee, a Site Plan Review application (with the required fee) must be submitted pursuant to the requirements and processes contained in the ZLDR. Zoning Permits for CHRs will not be issued until/unless the Site Plan Review application is approved.</p>	<p>\$300.00 \$150.00, provided, however, that the fee for the initial Zoning Permit for a Commercial Guest House Short Term Rental use shall be \$75.00 if the Zoning Permit application is submitted between July 1st and December 31st.</p>

Notes (for general information – not to be included in the Fee Ordinance):

- When all zoning related application and permit fees are included, the EHR Short-Term Rental Permit zoning permit fees total \$700 (\$200 zoning permit fee + \$250 Site Plan Review application fee + \$250 Special Exception application fee).
- When all zoning related application and permit fees are included, the CGH Short-Term Rental zoning permit fees total \$550 - \$800 (\$300 zoning permit fee + \$250 - \$500 Site Plan Review application fee). In addition, commercial assessment would apply.

Public Input

From: [Sean Cushing](#)
To: [CCPC](#); [Joel Evans](#); [Andrea Melocik](#)
Subject: Bolt Family Treehouses
Date: Thursday, July 09, 2020 9:12:03 PM

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

To whom it may concern,

My name is Sean Cushing and I have been a resident of Wadmalaw island all of my twenty three years of life. I am emailing you to support proposed measures to strengthen and clarify the Short Term Rental Ordinance (STRO). Improved measures are necessary to protect designated preservation areas like Wadmalaw Island. Numerous short term rentals pose a threat to the rural nature of the community. I encourage you to support and enact measures to strengthen the STRO in Charleston County.

Thank you for your time

--

Sean Cushing

July 10, 2020

Dear Members of the Charleston County Planning Committee:

I am writing **in support of** allowing the Huyler House and community owner's the ability to rent short term. I have been a primary resident for 19 years. As most residents, I was active in the island's governance. I held the SC permit from DNR for the protection of loggerhead sea turtles for 12 years. I served for years on the Environmental Program Board and also headed up the committee. Now that I am 80 years old, I need to simplify my lifestyle and sell my home on Dewees.

Like most owners, when I looked at the island, I stayed on the island before purchasing in order to see if this unique lifestyle could work for my family. This is the case for most of the residents! Most wonder: how do I get groceries? Is it difficult? Will I like riding a ferry? What are the people like on this small island? All of us would agree...this is a unique lifestyle making it a more challenging market which appeals to a smaller percentage of the population.

We believe the financial future of Dewees depends upon the ability to experience Dewees first hand to expose other environmentally conscious families to live here.

When my wife and I decided to build on Dewees, my Goldman Sachs advisors believed it was an excellent investment. I have now tried to sell my home for the past two years. We have had an average of ONE potential buyer per year. Our realtor told us recently that there are 6 interested buyers for properties on Dewees who "are on hold" until the STR issue is resolved. We are told they do not necessarily want to rent, as is clear most owners do not and have not. Only 10 owners out of over 65 have rented. The ferry survey shows renters are 11 % of those who use the island with owners and their guests 89%. BUT, people want a fall-back plan in the event their circumstances go south.

This summer Charleston County has had historically the highest home sales ever yet the market values on Dewees have now plummeted to an all time low. At present, approximately 17% of home owners have put their homes up for sale at distressingly depressed prices. This number is unprecedented! A 4,500 square foot oceanfront home sold last summer for half its value at \$900,000.00. Another has gone to foreclosure. Others face the same dilemma.

For Dewees to continue as an environmentally protected island, I hope your committee will allow short time rentals by the few owners who so choose and of course, the Huyler House was built for the very purpose of allowing more people to experience this lifestyle. These are our prospective future owners!

Respectfully submitted,

Gary E. McGraw, Sr.
331 Pelican Flight
Dewees Island, SC 29451

From: [Moore, Eva](#)
To: [CCPC](#)
Subject: Comments regarding proposed amendments to Short-Term Rental ordinance
Date: Thursday, July 09, 2020 12:34:33 PM

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Dear Planning Commissioners:

Farming is a rewarding business, but it can be an uncertain one, too. Agritourism is a way for South Carolina's family farms to supplement their farming income and teach visitors about agriculture.

The proposed changes to Charleston County's short-term rental ordinance would place serious administrative and financial burdens on farms that welcome guests for overnight farm stays. These include higher fees, an annual permitting process, and additional requirements like aerial photos.

Charleston County and the state Legislature have both showed their support for agritourism in the past, and we know the region benefits from the rich, diverse experiences offered by agritourism farms. I ask the Planning Commission to consider the impact these revisions would have on hardworking farmers, and exempt agricultural zoning from these proposed new restrictions.

Sincerely,
Eva Moore

Eva Moore

Communications Director

South Carolina Department of Agriculture

1200 Senate Street | Wade Hampton Building, 5th Floor

Columbia, South Carolina 29201

Office: 803-734-2196 | Cell: 803-683-1989

emoore@sca.sc.gov | agriculture.sc.gov | [SCDA Facebook](#)



From: [Linda Folk](#)
To: [CCPC](#); [Joel Evans](#); [Andrea Melocik](#)
Subject: Commission's Meeting 7/13/20
Date: Friday, July 10, 2020 9:06:33 AM

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Dear Planning Commission Member,

As a resident and property owner on Wadmalaw Island, I am keenly aware of the importance of a strong and clear ordinance related to vacation rentals and the short term ordinance.

In preparation of your commission's meeting scheduled for July 13, 2020, I am writing in strong support of the Planning Department and Staff's initial proposals to strengthen and clarify the short term ordinance particularly as it relates to protections of designated preservation areas such as Wadmalaw Island and others in Charleston County.

Proposed changes in the STR ordinance would bring clarity and much-needed enforcement resources as well as some strength to discourage unintended uses and violations.

Sincerely,

Linda B. Folk

From: [Niki R. Grimball](#)
To: [CCPC](#)
Subject: FW: Proposed amendments to the STRP Ordinance
Date: Friday, July 10, 2020 8:33:26 AM

Niki R. Grimball, CFM
Planner II
Charleston County Zoning & Planning Department
843.202.7203

From: Joel Evans <JEvans@charlestoncounty.org>
Sent: Thursday, July 09, 2020 8:42 PM
To: Andrea Melocik <AMelocik@CharlestonCounty.org>; Niki R. Grimball <NGrimball@charlestoncounty.org>
Subject: Fwd: Proposed amendments to the STRP Ordinance

Sent from my iPhone

Begin forwarded message:

From: Steve Marler <smarler@bellsouth.net>
Date: July 9, 2020 at 7:42:41 PM EDT
To: Joel Evans <JEvans@charlestoncounty.org>
Subject: Proposed amendments to the STRP Ordinance

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Dear Planning Commission Member,

I am writing in support and appreciation of the proposed amendments to Article 6.8 of Short Term Rental Ordinance.

I reside on Wadmalaw and, as recent history has taught, an ordinance needs specificity and teeth to be fully applicable. These amendments provide both.

Moreover, the proposed amendments are consistent with the intent and stated purpose of the original ordinance and merely elaborate on foreseeable and actual attempts to circumvent that ordinance.

Respectfully,

Stephen Marler
Bears Bluff Road
Wadmalaw Island, SC

From: [Niki R. Grimball](#)
To: [CCPC](#)
Subject: FW: Proposed changes to STR
Date: Friday, July 10, 2020 8:34:17 AM

Niki R. Grimball, CFM
Planner II
Charleston County Zoning & Planning Department
843.202.7203

From: Joel Evans <JEvans@charlestoncounty.org>
Sent: Thursday, July 09, 2020 4:35 PM
To: Andrea Melocik <AMelocik@CharlestonCounty.org>; Niki R. Grimball <NGrimball@charlestoncounty.org>
Subject: FW: Proposed changes to STR

From: Lisa Hawkins <sahh114@gmail.com>
Sent: Thursday, July 09, 2020 4:34 PM
To: Joel Evans <JEvans@charlestoncounty.org>
Subject: Proposed changes to STR

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Dear Planning Commission Members,

As residents and property owners on Wadmalaw Island, we are keenly aware of the importance of a strong and clear ordinance related to vacation rentals and the short term ordinance.

In preparation of your commission's meeting scheduled for July 13th, 2020, I am writing in strong support of the planning department and staff's initial proposals to strengthen and clarify the short term ordinance particularly as it relates to protections of designated preservation areas such as Wadmalaw Island and others in Charleston County. Proposed changes in the STR ordinance would bring clarity and much-needed enforcement resources, as well as some teeth to discourage unintended uses and violations.

Thank you for your time
Lisa A Hawkins

From: [Niki R. Grimball](#)
To: [CCPC](#)
Subject: FW: STR Ordinance
Date: Friday, July 10, 2020 8:33:37 AM

Niki R. Grimball, CFM

Planner II
Charleston County Zoning & Planning Department
843.202.7203

From: Joel Evans <JEvans@charlestoncounty.org>
Sent: Thursday, July 09, 2020 7:05 PM
To: Andrea Melocik <AMelocik@CharlestonCounty.org>; Niki R. Grimball <NGrimball@charlestoncounty.org>
Subject: Fwd: STR Ordinance

Sent from my iPhone

Begin forwarded message:

From: Deidre Menefee <dpmenefee@gmail.com>
Date: July 9, 2020 at 6:35:02 PM EDT
To: Joel Evans <JEvans@charlestoncounty.org>
Subject: STR Ordinance

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Dear Planning Commission Members,

As residents and property owners on Wadmalaw Island, we are keenly aware of the importance of a strong and clear ordinance related to vacation rentals and the short term ordinance.

In preparation of your commission's meeting scheduled for [July 13th, 2020](#); we are writing in strong support of the planning department and staff's initial proposals to strengthen and clarify the short term ordinance particularly as it relates to protections of designated preservation areas such as Wadmalaw Island and others in Charleston County.

Proposed changes in the STR ordinance would bring clarity and much-needed enforcement resources, as well as some teeth to discourage unintended uses and violations.

From: [Niki R. Grimball](#)
To: [CCPC](#)
Subject: FW: Stro
Date: Friday, July 10, 2020 8:33:18 AM

Niki R. Grimball, CFM

Planner II
Charleston County Zoning & Planning Department
843.202.7203

From: Joel Evans <JEvans@charlestoncounty.org>
Sent: Thursday, July 09, 2020 8:41 PM
To: Andrea Melocik <AMelocik@CharlestonCounty.org>; Niki R. Grimball <NGrimball@charlestoncounty.org>
Subject: Fwd: Stro

Sent from my iPhone

Begin forwarded message:

From: Sandra Link <rnlink@hotmail.com>
Date: July 9, 2020 at 7:59:20 PM EDT
To: Joel Evans <JEvans@charlestoncounty.org>
Subject: Stro

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Dear Planning Commission Members,

As residents and property owners on Wadmalaw Island, we are keenly aware of the importance of a strong and clear ordinance related to vacation rentals and the short term ordinance.

In preparation of your commission's meeting scheduled for July 13th, 2020; we are writing in strong support of the planning department and staff's initial proposals to strengthen and clarify the short term ordinance particularly as it relates to protections of designated preservation areas such as Wadmalaw Island and others in Charleston County.

Proposed changes in the STR ordinance would bring clarity and much-needed enforcement resources, as well as some teeth to discourage unintended uses and violations."

From: [Niki R. Grimball](#)
To: [CCPC](#)
Subject: FW: zoning
Date: Friday, July 10, 2020 8:33:48 AM

Niki R. Grimball, CFM

Planner II
Charleston County Zoning & Planning Department
843.202.7203

From: Joel Evans <JEvans@charlestoncounty.org>
Sent: Thursday, July 09, 2020 7:05 PM
To: Andrea Melocik <AMelocik@CharlestonCounty.org>; Niki R. Grimball <NGrimball@charlestoncounty.org>
Subject: Fwd: zoning

Sent from my iPhone

Begin forwarded message:

From: Dana Dawson <stormgoddess713@yahoo.com>
Date: July 9, 2020 at 6:24:41 PM EDT
To: Joel Evans <JEvans@charlestoncounty.org>
Subject: zoning
Reply-To: "stormgoddess713@yahoo.com" <stormgoddess713@yahoo.com>

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Good afternoon,

As a resident and property owner on Wadmalaw Island, my family and I are keenly aware of the importance of a strong and clear ordinance related to vacation rentals and the short term ordinance. In preparation of your commission's meeting scheduled for July 13th, 2020; I am writing in strong support of the planning department and staff's initial proposals to strengthen and clarify the short term ordinance particularly as it relates to protections of designated preservation areas such as Wadmalaw Island and others in Charleston County. Proposed changes in the STR ordinance would bring clarity and much-needed enforcement resources, as well as discouraging unintended uses and violations. Thank you.

From: [MLucka Kelley](#)
To: [CCPC](#)
Cc: [MLucka Kelley](#)
Subject: Fwd: Letter to Planning Commission Requesting Vote to Support Staff's STR Recommendations (Joe and Melinda Kelley)
Date: Friday, July 10, 2020 11:30:45 AM

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Please include with correspondence to the Planning Commission for their July 13, 2020 Meeting:

> July 9, 2020

>

> Dear Charleston County Planning Commission Members:

>

> My husband and I live on Allandale Plantation Road, Wadmalaw Island. We are writing to ask that you support the Planning Staff's proposed changes to the County's Short Term Rental Ordinances.

>

> Living in a rural area as we do, we have seen firsthand how important it is to maintain safeguards for the agricultural and low density residential character of our community. County Council adopted the Wadmalaw Plan over 30 years ago, and though the name and structure of the Plan has changed, the intent and the basic restrictions that have preserved our island have stayed intact.

>

> We've contested zoning challenges over the years, with the most recent challenge involving the Short Term Rental Ordinance. Zoning proposals and challenges probably will occur in the future, possibly some involving STRPs. Because of this, it is reasonable to expect that there will be a continued need for review and revisions made to the STR Ordinance. We thank the Planning Staff for proposing these changes.

>

> All of the proposed revisions will be important; however, we'd like to list some that stand out that will be particularly significant for our area:

> 1. Requiring "Limited Home Rental (LHR)" requests to be handled as "Special Exceptions" in the Wadmalaw Preservation (AG-15) District, (and other districts), with BZA approval and added STRP approval criteria;

> 2. Adding the "Limited Site Plan Review" process for applications in AG-15 Districts;

> 3. Requiring Planned Developments to go through an amendment process if STRPs are requested to be added;

> 4. Prohibiting Dwelling Group residences from converting to STRPs;

> 5. Requiring rental records (dates rented, advertising records, income/receipt records) to be provided to the County upon request;

> 6. Requiring Barter goods and services to count as "compensation";

> 7. Having a clear definition of what constitutes being "owner-occupied"; and

> 8. Clarifying violation and enforcement provisions.

>

> Thanks so much for your consideration.

>

> Best regards,

> Melinda and Joe Kelley

Melinda Lucka Kelley
Finkel Law Firm, LLC
4000 Faber Pl. Suite 450
N. Chas., SC 29405
MKelley@FinkelLaw.com
MLuckaKelley@gmail.com
(843) 214-8266

Begin forwarded message:

From: [Elizabeth Wenner](#)
To: [Andrea Melocik](#); [CCPC](#); [Joel Evans](#)
Subject: In support of amendments to the STR ordinance
Date: Friday, July 10, 2020 8:28:22 AM

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Dear Planning Commission Members:

As long-term residents and property owners on Wadmalaw Island, we have been quite aware of the importance of strong and clear building and zoning ordinances and appreciate efforts to maintain them. Given the last several years, we are now also all too familiar with the ordinance related to vacation rentals and short term rentals.

The recent attempts to circumvent the existing STR ordinance by those who seek to detract from the rural nature of Wadmalaw indicate that it is necessary to amend the STR to protect affected communities. The proposed changes in the STR ordinance would bring needed clarity, much-needed enforcement resources, and the legal teeth (financial penalties) to discourage unintended uses and violations by ordinance offenders.

In preparation for your commission's meeting scheduled for July 13th, 2020, please know we are in strong support of the Planning Department and staff's proposals to clarify and strengthen the short term ordinances to provide protections of designated fragile preservation areas such as Wadmalaw Island and others in Charleston County.

We will also wholeheartedly support an eventual recommendation from the Commission to County Council enabling provisions and resources necessary to empower staff to enforce the updated ordinance.

Thank you for providing the opportunity to share our input for consideration. We greatly appreciate the Planning, Zoning, Code Enforcement Department teams who've work tirelessly to protect Wadmalaw Island and Charleston County.

Respectfully Yours,

Elizabeth Wenner, Ph. D.

Charles Wenner, Ph.D.

--

Elizabeth Lewis Wenner, Ph.D.

July 10, 2020

Charleston County Planning Commission:

This letter is in reference to proposed changes to Charleston County Short Term Rental zoning regulations.

I am a resident of Charleston County, specifically Meggett, where I own and operate a farm. I am also the Lowcountry Director and serve on the Board of Directors of the SC Agritourism Association (SCAA.) As the Lowcountry Director I represent and serve those farms that belong to our organization and offer agritourism as supplemental and incidental to their agricultural income.

One of our member farms from Charleston County brought to our attention the regulations under which she has been required to comply in order to offer "Farm Stays" as part of her agritourism offerings. She was also concerned that changes to the county STR policies would further increase fees, documentation and regulation of her farm stays, creating an undue burden on her farm.

It appears that the county has been regulating her "farm Stays" and has been classifying them as Short Term Rental. I would like to bring to your attention SC Code of Laws Section 12-43-233:

From SC Legislature 2007:

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-43-233 SO AS TO PROVIDE ADDITIONAL "AGRITOURISM" USES FOR REAL PROPERTY THAT DO NOT AFFECT THE ELIGIBILITY OF THE PROPERTY FOR THE AGRICULTURAL USE CLASSIFICATION FOR PURPOSES OF PROPERTY TAX.

Be it enacted by the General Assembly of the State of South Carolina:

Agritourism uses

SECTION 1. Article 3, Chapter 43, Title 12 of the 1976 Code is amended by adding:

*"Section 12-43-233. (A) In addition to and incidental to the uses required for real property to be classified as agricultural real property pursuant to Sections 12-43-220(d), 12-43-230(a), and 12-43-232, and applicable regulations, uses of tracts of agricultural real property for 'agritourism' purposes is deemed an agricultural use of the property to the extent agritourism is not the primary reason any tract is classified as agricultural real property but is supplemental and incidental to the primary purposes of the tract's use for agriculture, grazing, horticulture, forestry, dairying, and mariculture. **These supplemental and incidental agritourism uses are not an 'other business for profit' for purposes of Section 12-43-230(a). For purposes of this section, agritourism uses include, but are not limited to: wineries, educational tours, education barns, on-farm historical reenactments, farm schools, farm stores, living history farms, on-farm heirloom plants and animals, roadside stands, agricultural processing demonstrations, on-farm collections of old farm machinery, agricultural festivals, on-farm theme playgrounds for children, on-farm fee fishing and hunting, pick your own, farm vacations, on-farm pumpkin patches, farm tours, horseback riding, horseback sporting events and training for horseback sporting events, cross-country trails, on-farm food sales, agricultural regional themes, hayrides, mazes, crop art, harvest theme productions, native ecology preservations, on-farm picnic grounds, dude ranches, trail rides, Indian mounds, earthworks art, farm animal exhibits, bird-watching, stargazing, nature-based attractions, and ecological-based attractions.***

(B) The Department of Revenue by regulation may further define those uses qualifying as agritourism and appropriate definitions for 'supplemental and incidental' as used in this section."

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 8th day of June, 2007.

Approved the 13th day of June, 2007.

It is the opinion of the SCAA that classifying "agritourism" income as anything other than agricultural income is in violation of the intent of the Code of Laws of South Carolina, Section 12-43-233, referenced above. The law is designed to address agritourism activities that diversify an existing farm – where the activities occur on land that is otherwise engaged in agricultural production.

We contend that any farm that qualifies as "agriculture use" in compliance with SC Law, that also engages in agritourism activity, should be exempt from regulations specific to Short Term Rentals, as this activity is considered agriculture income and not rental income.

Therefore we are recommending that in updated the zoning regulations specific to STR, that the county include exclusions for farms that provide "farm Stays" as part of their agritourism offerings.

Respectfully,

Gale Smith
Lowcountry Director
Board of Directors –South Carolina Agritourism Association

Winsome Winn Farm
Meggett, SC 29449
843-851-0205

From: [Kristi Nelson](#)
To: [CCPC](#); [Joel Evans](#); [Andrea Melocik](#)
Subject: July 13th meeting-strengthening of STRO
Date: Thursday, July 09, 2020 5:54:50 PM

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July 9, 2020

Dear Planning Commission Members,

My husband and I have been residents and property owners of Wadmalaw Island for the past 20 plus years. Over the years many things have changed but the one constant remains, the residents of Wadmalaw are united to protect and preserve our Island. That is why we believe it so important to have a strong and clear ordinance related to vacation rentals and the short term ordinance.

In preparation of your commission's meeting scheduled for July 13th, 2020; we are writing in strong support of the planning department and staff's initial proposals to strengthen and clarify the short term ordinance particularly as it relates to protections of designated preservation areas such as Wadmalaw Island and others in Charleston County.

Proposed changes in the STR ordinance would bring clarity and much-needed enforcement resources, as well as some teeth to discourage unintended uses and violations.

Thank you for all your hard work and continued support,

Zach and Kristi Nelson
6964 Maybank Highway
Wadmalaw Island, SC. 29487

Sent from my iPhone

To Whom it May Concern:

My name is Brandon Bowers. I am a Farm Owner (in Newberry County), the Director of another farm (in Laurens County), a SC Agritourism Association (SCAA) Member, and an Upstate Representative for the SCAA Board. I am also a traveler and an Air BnB, HipCamp, Tentter Host on our Farm.

I am writing to you to respectfully oppose the motion to restrict/eliminate Short Term Rentals (STR) in the Charleston Area. In my opinion there is so much that the Charleston area would miss out on without STR.

First, the types of STR I am referring to are the Air BnB stays, the VRBO stays, as well as on Farm Stays. These are the types of ventures I think of most when thinking of STR. I think that at first glance all these types of stays could be swept into one band and said to be taking away from the Charleston area Tourism industry. However, some key aspects of these types of rentals would be missing in that statement. One key thing is LOCAL. To explain this more I would like to share a story about my family.

When my wife and I travel we are not your typical tourist. In fact, on many accounts we literally head in the opposite direction. For instance, when we went on a cruise to the Bahamas for our Honeymoon, we wanted to see the culture and the history of the places we were visiting. Not the touristy, dolled up areas. When we got off the boat at Nassau, we literally took a hard right while the majority of others from our boat went off to the left to see Atlantis. We wanted to see the island for its beauty as a culture and a home to so many. We were able to ride a bus with working folks from the island, talk to locals about what to see, visited churches, a small zoo, a beach that locals go to, and a hole in the wall local restaurant that had the most amazing conch fritters ever! That day in Nassau will be something that my wife and I will never forget! And it is not because we saw something glittery and fancy!

I tell this story to say, people like my wife and I, and our generation plan their trips differently than generations in the past. We want to feel like we are home while we are on vacation. Staying at an Air Bnb, VRBO, or on Farm Stay can provide that home away from home feeling. Quite frankly, the people who are looking for these kinds of stays will not just "revert back" to staying in Hotels. They will just find another town, or another place to vacation to that does have the options! I think that the STR market is a way to show people what your county and area are really all about. Sure, people will still come and stay in the Hotels, but people who stay in STR may be the next Charleston resident because they just loved the area so much when visiting.

Other benefits of STR is that it puts money directly in the pocket of the Charleston residents. These communities of people can make some additional income which will likely be spent with other local establishments, because these people work and live here in the area. It may make it possible for regular families to own real estate in the Charleston area that they might not otherwise afford. Real Estate is a major component to any economy and is something that Charleston has been built on over the years. Rising Real-Estate prices may end up pushing people out or away, but the potential for STR income on the side could be the breaking point.

That is also true for the On-Farm stays! This type of venture is a part of Agritourism, and it has proven to be a way to supplement farm incomes. A way for them to keep the farm afloat in many ways.

It is a key part of our push for agricultural education as well. The farms must be producing an agricultural product to be a part of the SCAA. Therefore, these stays can be very educational and possibly life changing for the children and families that stay there. Children now days especially, but even adults also, need to know more about agriculture and its deep roots!

As a farm owner, it can be hard to get folks out to the farm long enough for them to see the beauty of agriculture and its importance to our daily lives. On Farm stays have really helped us with that. We have tent and rv campers come out with families and they love to see all the animals we raise. One of our long-term goals on the farm, is to build a few cabins and have a small retreat area where folks can come to the farm as groups or teams and forget about the fast-paced life of normal! These might be corporate retreats, family reunions, or marriage retreats. The opportunities could be endless. We would sure hate to see that dream disappear on our farm, because we know how much that kind of thing could help people. We know that if laws like this that restrict/eliminate STR in larger counties like Charleston, Richland, Greenville, and the like then it will only be a matter of time until they are restricted/eliminated throughout the state of SC. Do we really want that to happen? Do we really want to say you can only visit SC if you are willing to stay in a high-rise hotel?

I appreciate your time in reading this letter and my thoughts. I am not the authority on this topic, but I am a big user as well as a business owner in the middle of this debate. I hope that my thoughts and words in this letter were helpful to see a different view on this topic. If you have any questions about what I have written in this letter I would be more than happy to talk them through. Just email me or call me anytime.

Respectfully Submitted,

Brandon Bowers

Bowers Farm

(Owner/Operator/Farmer)

BowersFarmSC@gmail.com

(803)924-8502

July 10, 2020

Charleston County Planning Commission:

This letter is in reference to proposed changes to Charleston County Short Term Rental zoning regulations.

I am a resident of Johns Island, Charleston County. I own and operate a goat dairy and educational farm.

We have been exploring the idea of offering farm stays as a way to supplement our farm income. We are concerned changes to the county STR policies would further increase fees, documentation and regulation of farm stays, creating an undue burden on us to be able to pursue this venture.

It seems that the county currently requires farm stays to comply with short term rental regulations which should be an exemption as outlined in SC Code of Laws Section 12-43-233:

From SC Legislature 2007:

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-43-233 SO AS TO PROVIDE ADDITIONAL "AGRITOURISM" USES FOR REAL PROPERTY THAT DO NOT AFFECT THE ELIGIBILITY OF THE PROPERTY FOR THE AGRICULTURAL USE CLASSIFICATION FOR PURPOSES OF PROPERTY TAX.

Be it enacted by the General Assembly of the State of South Carolina:

Agritourism uses

SECTION 1. Article 3, Chapter 43, Title 12 of the 1976 Code is amended by adding:

"Section 12-43-233. (A) In addition to and incidental to the uses required for real property to be classified as agricultural real property pursuant to Sections 12-43-220(d), 12-43-230(a), and 12-43-232, and applicable regulations, uses of tracts of agricultural real property for 'agritourism' purposes is deemed an agricultural use of the property to the extent agritourism is not the primary reason any tract is classified as agricultural real property but is supplemental and incidental to the primary purposes of the tract's use for agriculture, grazing, horticulture, forestry, dairying, and mariculture. These supplemental and incidental agritourism uses are not an 'other business for profit' for purposes of Section 12-43-230(a). For purposes of this section, agritourism uses include, but are not limited to: wineries, educational tours, education barns, on-farm historical reenactments, farm schools, farm stores, living history farms, on-farm heirloom plants and animals, roadside stands, agricultural processing demonstrations, on-farm collections of old farm machinery, agricultural festivals, on-farm theme playgrounds for children, on-farm fee fishing and hunting, pick your own, farm vacations, on-farm pumpkin patches, farm tours, horseback riding, horseback sporting events and training for horseback sporting events, cross-country trails, on-farm food sales, agricultural regional themes, hayrides, mazes, crop art, harvest theme productions, native ecology preservations, on-farm picnic grounds, dude ranches, trail rides, Indian mounds, earthworks art, farm animal exhibits, bird-watching, stargazing, nature-based attractions, and ecological-based attractions.

(B) The Department of Revenue by regulation may further define those uses qualifying as agritourism and appropriate definitions for 'supplemental and incidental' as used in this section."

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 8th day of June, 2007.

Approved the 13th day of June, 2007.

It is my opinion that classifying "agritourism" income as anything other than agricultural income is in violation of the intent of the Code of Laws of South Carolina, Section 12-43-233, referenced above. The law is designed to address agritourism activities that diversify an existing farm – where the activities occur on land that is otherwise engaged in agricultural production.

My farm qualifies as "agriculture use" in compliance with SC Law, and I also engage in agritourism activities, and should therefore be exempt from regulations specific to Short Term Rentals, as this activity is considered agriculture income and not rental income.

I am asking that in updating the zoning regulations specific to STR, that the county include exclusions for farms that provide "Farm Stays" as part of their agritourism offerings.

Respectfully,

From: [Loop Electric](#)
To: [CCPC](#)
Date: Thursday, July 09, 2020 8:56:38 PM

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Dear Planning Commission Members,

As residents and property owners on Wadmalaw Island, we are keenly aware of the importance of a strong and clear ordinance related to vacation rentals and the short term ordinance.

In preparation of your commission's meeting scheduled for July 13th, 2020; we are writing in strong support of the planning department and staff's initial proposals to strengthen and clarify the short term ordinance particularly as it relates to protections of designated preservation areas such as Wadmalaw Island and others in Charleston County.

Proposed changes in the STR ordinance would bring clarity and much-needed enforcement resources, as well as some teeth to discourage unintended uses and violations.

Thanks,
Horace Helms
1623 Yellow House Rd, Wadmalaw Island, SC 29487

From: [Tatiana klimenko](#)
To: [CCPC](#)
Cc: [Joel Evans](#); [Andrea Melocik](#)
Subject: Planning Commission Workshop and Meeting: July 13, 2020
Date: Friday, July 10, 2020 10:48:59 AM

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Dear Planning Commission Members,

As residents and property owners on Wadmalaw Island, we are keenly aware of the importance of a strong and clear ordinance related to vacation rentals and the short term ordinance.

In preparation of your commission's meeting scheduled for July 13th, 2020; we are writing in support of the planning department and staff's initial proposals to strengthen and clarify the short term ordinance particularly as it relates to protections of designated preservation areas such as Wadmalaw Island and others in Charleston County.

Furthermore, we support an eventual recommendation from the Commission to County Council enabling provisions and resources necessary to empower staff to enforce the updated ordinance.

As is, this ordinance has provided some parties to the ability to circumvent ordinance intentions through the exploitation of language and process, technology-centric business models, or outright deception and bad faith while leaving Charleston County limited resources to protect affected communities once exposed.

Proposed changes in the STR ordinance would bring clarity and much-needed enforcement resources, as well as some teeth needed (in the form of penalties) to discourage unintended uses and violations.

Tatiana Thomas
Southmount Road,
Wadmalaw Island, SC

From: [Frances Gunter](#)
To: [CCPC](#)
Cc: [Andrea Melocik](#)
Subject: Planning Commission Workshop and Meeting: July 13, 2020
Date: Thursday, July 09, 2020 5:09:18 PM

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Dear Planning Commission Members,

As residents and property owners on Wadmalaw Island, we are keenly aware of the importance of a strong and clear ordinance related to vacation rentals and the short term ordinance.

In preparation of your commission's meeting scheduled for July 13th, 2020; we are writing in strong support of the planning department and staff's initial proposals to strengthen and clarify the short term ordinance particularly as it relates to protections of the designated preservation areas such as Wadmalaw Island and others in Charleston County.

Proposed changes in the STR ordinance would bring clarity and much-needed enforcement resources, as well as some teeth to discourage unintended uses and violations.

Best Regards,
Fran and Fred Gunter
Wadmalaw Island, SC
Sent from my iPad

From: [Pam Skinner](#)
To: [CCPC](#)
Cc: [Joel Evans](#); [Andrea Melocik](#); [Kelly Skinner](#)
Subject: Planning Commission Workshop and Meeting: July 13, 2020
Date: Thursday, July 09, 2020 3:36:04 PM

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Dear Planning Commission Members,

As residents and property owners on Wadmalaw Island, we are keenly aware of the importance of a strong and clear ordinance related to vacation rentals and the short term ordinance.

In preparation of your commission's meeting scheduled for July 13th, 2020; we are writing in support of the planning department and staff's initial proposals to strengthen and clarify the short term ordinance particularly as it relates to protections of designated preservation areas such as Wadmalaw Island and others in Charleston County.

Furthermore, we support an eventual recommendation from the Commission to County Council enabling provisions and resources necessary to empower staff to enforce the updated ordinance.

As is, this ordinance has provided some parties to the ability to circumvent ordinance intentions through the exploitation of language and process, technology-centric business models, or outright deception and bad faith while leaving Charleston County limited resources to protect affected communities once exposed.

Proposed changes in the STR ordinance would bring clarity and much-needed enforcement resources, as well as some teeth needed (in the form of penalties) to discourage unintended uses and violations.

Best regards,
Pam & Kelly Skinner
Wadmalaw Island, SC

From: [Tatiana Klimenko](#)
To: [CCPC](#)
Cc: [Joel Evans](#); [Andrea Melocik](#)
Subject: Planning Commission Workshop and Meeting: July 13, 2020
Date: Friday, July 10, 2020 11:05:50 AM

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Dear Planning Commission Members,

As residents and property owners on Wadmalaw Island, we are keenly aware of the importance of a strong and clear ordinance related to vacation rentals and the short term ordinance.

In preparation of your commission's meeting scheduled for [July 13th, 2020](#); we are writing in support of the planning department and staff's initial proposals to strengthen and clarify the short term ordinance particularly as it relates to protections of designated preservation areas such as Wadmalaw Island and others in Charleston County.

Furthermore, we support an eventual recommendation from the Commission to County Council enabling provisions and resources necessary to empower staff to enforce the updated ordinance.

As is, this ordinance has provided some parties to the ability to circumvent ordinance intentions through the exploitation of language and process, technology-centric business models, or outright deception and bad faith while leaving Charleston County limited resources to protect affected communities once exposed.

Proposed changes in the STR ordinance would bring clarity and much-needed enforcement resources, as well as some teeth needed (in the form of penalties) to discourage unintended uses and violations.

Artur Pacult
Kathryn Pacult
Mark Pacult
3456 Southmout Road
Wadmalaw Island,SC

Sent from my iPhone

From: [Hughes, Chris](#)
To: [CCPC](#)
Subject: Planning/Zoning for Wadmalaw Island
Date: Thursday, July 09, 2020 6:32:20 PM

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Dear Planning Commission Members,

As residents and property owners on Wadmalaw Island, we are keenly aware of the importance of a strong and clear ordinance related to vacation rentals and the short term ordinance.

In preparation of your commission's meeting scheduled for July 13th, 2020; we are writing in strong support of the planning department and staff's initial proposals to strengthen and clarify the short term ordinance particularly as it relates to protections of designated preservation areas such as Wadmalaw Island and others in Charleston County.

Proposed changes in the STR ordinance would bring clarity and much-needed enforcement resources, as well as some teeth to discourage unintended uses and violations.

Appreciation,
Chris Hughes

Chris Hughes
Assistant Director of Upper School
English Faculty
hughesc@ashleyhall.org
843.720.2873
Ashley Hall School
172 Rutledge Ave | Charleston | SC | 29403

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From: [Elizabeth Bailey](#)
To: [CCPC](#); [Joel Evans](#); [Andrea Melocik](#)
Subject: PROPOSED AMENDMENTS TO ART. 6.8, STRO
Date: Thursday, July 09, 2020 3:54:19 PM

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Dear Planning Commission Members,

As a resident and property owner on Wadmalaw Island, SC, I strongly support every effort given to strengthen and bring more clarity to the short term ordinance - particularly as it relates to protections of designated preservation areas such as this community that I love. I am grateful for the actions you have taken thus far and thank you for any future action you take to further protect this rural area.

Liz Bailey
6908 Maybank Hwy

From: [Holly S.](#)
To: [CCPC](#)
Cc: [A. Vic Rawl](#); [J. Elliott Summey](#); [Herb R. Sass](#); dickieschweers@tds.net; henrydarby@msn.com; [Teddie Pryor](#); [Brantley Moody](#); [Anna B. Johnson](#); [Jenny C. Honeycutt](#)
Subject: Proposed Art. 6.8, Short-Term Rentals, of the Zoning and Land Development Regulations Ordinance
Date: Friday, July 10, 2020 11:12:57 AM

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Good morning,

I am writing to voice my opposition to the proposed amendments to Art. 6.8, Short-Term Rentals, of the Zoning and Land Development Regulations Ordinance, which is currently on the agenda for the July 13, 2020 meeting.

As a STR host myself, the restrictions put in place by Charleston County are already difficult to meet. It would seem to me that having short-term renters in my home would be no different than if I were to invite friends to visit on a regular basis. The only exception is that with my renters, the County receives a portion of the proceeds. Otherwise, there is absolutely ZERO disruption to my neighbors, my neighborhood, or to the County.

Please consider that some homeowners, like me, depend on the additional income provided by short-term rentals to make their monthly mortgage payments. Please don't deny us the use of our own property - that we pay hefty property taxes on - to enhance our quality of living.

Thank you for your consideration,
Holly D. Sellers
2145 Fort Pemberton Drive
Charleston, SC 29412
(843) 817-7547

From: [Keleigh Porter](#)
To: [CCPC](#); [Joel Evans](#); [Andrea Melocik](#)
Subject: Proposed STRO Changes
Date: Thursday, July 09, 2020 9:06:47 PM

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Dear Planning Commission Members,

As a former resident of Wadmalaw Island and property owner in Charleston County, I am aware of the importance of a strong and clear ordinance related to vacation rentals and the short term rental ordinance.

In preparation of your commission's meeting scheduled for July 13th, 2020; **I am writing in strong support of the planning department and staff's initial proposals to strengthen and clarify the short term ordinance particularly as it relates to protections of designated preservation areas such as Wadmalaw Island (zoned AG-15) and others in Charleston County.**

Proposed changes in the STR ordinance would bring clarity and much-needed enforcement resources, as well as some teeth to discourage unintended uses and violations.

Thank you for providing the opportunity to share our input for consideration. And a huge thanks to the Planning, Zoning, Code Enforcement Department teams who have worked tirelessly to protect Wadmalaw Island and Charleston County.

Sincerely,
Keleigh Porter

From: carolayer@aol.com
To: [CCPC](#)
Subject: Public Comment about short term renting for 7/13 Meeting
Date: Friday, July 10, 2020 10:58:44 AM

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Dear Council Members,

We have purchased a home down the creek from us in hopes one of our children can eventually afford to purchase it. As you know, prices in our area are very high.

In the meantime, we have been renting it. All neighbors have our phone number. We have had two calls in 2 years and immediately contacted the renters and the issue was resolved. Most people are families traveling with pets who need several hotel rooms if they were to rent a hotel, or would need to find a pet friendly hotel.

One of our neighbors actually told me she was worried at first but is happier because the prior owners smoked weed which wafted into her home every evening.

This is our neighborhood. These are our neighbors. We care.

We have six children and always rent a home to be together. You can't enjoy each other in separate hotel rooms.

We also understand that neighborhoods are places where some people want to know each other and not have transients. However, many neighbors never interact with the people just next door which is the case for many this neighborhood. We do have an active civic club but otherwise people keep to themselves and are older for the most part. We know many of our neighbors (there are 10 homes between our rental and our home). We always ask for them to keep us informed if anything is disturbing to them.

We tell renters up front, this is not a place to party. No events are allowed.

This weekend an ER doctor, her husband and their 4 year old daughter will be arriving with their dog. They live in the area but need to leave their home while it is under construction next week.

We're hoping that you will be supportive of our home rental.

People still need to be free and some of the restrictions and requirements that the City of Charleston placed on home owners for home renting due to party homes with owners who are not invested in the community have made it very difficult for people like us who care. We believe we have made a positive impact on our neighborhood by improving our homes, tending to our lawn and landscaping, as well as going solar to do our part for the environment. Our commitment to carefully screening renters actually brings great people to the neighborhood who have interacted with our neighbors in a positive way. Last month a neighbor encountered our renters on a walk and was so impressed she sent me a text message telling me how delightful they were.

We know home rentals can be a problem. Can we just address these places individually with policies in place to deal with homes which have a history of police being called?

Thank you for your time and careful consideration of this matter.

Sincere Regards,

From: [South Carolina Agritourism Association](#)
To: [CCPC](#)
Cc: edenwindfarm@aol.com
Subject: Public comment regarding amend Art.6.8, short-term rentals
Date: Friday, July 10, 2020 9:50:36 AM

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To Charleston County Planning Commission:

I am writing this letter to address issues in the STR ordinance that are important to our SC Agritourism farmers. The proposed changes to Charleston County's short-term rental ordinance would place serious administrative and financial burdens on farms that welcome guests for overnight farm stays. These include higher fees, an annual permitting process, and additional requirements like aerial photos. Having a short term rental, farm stay is a popular way to share the farm experience with visitors and help with the ever increasing cost of running a farm.

The South Carolina Agri-tourism Association is dedicated to promoting and marketing South Carolina Agri-tourism Farms! The goal is to:

- Educate agri-tourism operations in an effort to create sustainable activities. Encourage the highest standards in hospitality and tourism initiatives.
- Facilitate economic growth by promoting and fostering increased agriculture-based tourism throughout South Carolina.
- Advocate proactively on behalf of Agritourism operations within state-level organizations.

The SC State Legislature is also interested in keeping our SC Farms. This ruling is from SC Legislature 2007:

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-43-233 SO AS TO PROVIDE ADDITIONAL "AGRITOURISM" USES FOR REAL PROPERTY THAT DO NOT AFFECT THE ELIGIBILITY OF THE PROPERTY FOR THE AGRICULTURAL USE CLASSIFICATION FOR PURPOSES OF PROPERTY TAX.

Be it enacted by the General Assembly of the State of South Carolina:

Agritourism uses

SECTION 1. Article 3, Chapter 43, Title 12 of the 1976 Code is amended by adding: "Section 12-43-233. (A) In addition to and incidental to the uses required for real property to be classified as agricultural real property pursuant to Sections 12-43-220(d), 12-43-230(a), and 12-43-232, and applicable regulations, uses of tracts of **agricultural real property for 'agritourism' purposes is deemed an agricultural use of the property** to the extent agritourism is not the primary reason

any tract is classified as agricultural real property but is supplemental and incidental to the primary purposes of the tract's use for agriculture, grazing, horticulture, forestry, dairying, and mariculture. **These supplemental and incidental agritourism uses are not an 'other business for profit'** for purposes of Section 12-43-230(a). For purposes of this section, agritourism uses include, **but are not limited to:** wineries, educational tours, education barns, on-farm historical reenactments, farm schools, farm stores, living history farms, on-farm heirloom plants and animals, roadside stands, agricultural processing demonstrations, on-farm collections of old farm machinery, agricultural festivals, on-farm theme playgrounds for children, on-farm fee fishing and hunting, pick your own, **farm vacations**, on-farm pumpkin patches, farm tours, **horseback riding, horseback sporting events and training for horseback sporting events, cross-country trails**, on-farm food sales, agricultural regional themes, hayrides, mazes, crop art, harvest theme productions, native ecology preservations, on-farm picnic grounds, **dude ranches, trail rides**, Indian mounds, earthworks art, farm animal exhibits, bird-watching, stargazing, nature-based attractions, and ecological-based attractions.

(B) The Department of Revenue by regulation may further define those uses qualifying as agritourism and appropriate definitions for 'supplemental and incidental' as used in this section."

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 8th day of June, 2007.

Approved the 13th day of June, 2007.

I ask the Planning Commission to consider the impact these revisions would have on hardworking farmers, and exempt agricultural zoning from these proposed new restrictions.

Respectively.

Jackie Moore

Executive Director, South Carolina Agritourism Association

803-394-9832

PO Box 11280

Columbia, SC 29221



Virus-free. www.avast.com

From: [Susan Smith](#)
To: [CCPC](#)
Subject: Public comment regarding amend Art.6.8, short-term rentals
Date: Friday, July 10, 2020 11:34:48 AM

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

Agricultural properties should not be regulated by this short term rental ordinance. AG zoned properties are vital to teaching other about Agriculture. The Charleston County Short term rental ordinance is in violation of state law pertaining to taxing and regulating Agricultural farms.

The SC State Legislature is also interested in keeping our SC Farms. This ruling is from SC Legislature 2007:

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-43-233 SO AS TO PROVIDE ADDITIONAL "AGRITOURISM" USES FOR REAL PROPERTY THAT DO NOT AFFECT THE ELIGIBILITY OF THE PROPERTY FOR THE AGRICULTURAL USE CLASSIFICATION FOR PURPOSES OF PROPERTY TAX.

Be it enacted by the General Assembly of the State of South Carolina:

Agritourism uses

SECTION 1. Article 3, Chapter 43, Title 12 of the 1976 Code is amended by adding: "Section 12-43-233. (A) In addition to and incidental to the uses required for real property to be classified as agricultural real property pursuant to Sections 12-43-220(d), 12-43-230(a), and 12-43-232, and applicable regulations, uses of tracts of **agricultural real property for 'agritourism' purposes is deemed an agricultural use of the property** to the extent agritourism is not the primary reason any tract is classified as agricultural real property but is supplemental and incidental to the primary purposes of the tract's use for agriculture, grazing, horticulture, forestry, dairying, and mariculture. **These supplemental and incidental agritourism uses are not an 'other business for profit'** for purposes of Section 12-43-230(a). For purposes of this section, agritourism uses include, **but are not limited to:** wineries, educational tours, education barns, on-farm historical reenactments, farm schools, farm stores, living history farms, on-farm heirloom plants and animals, roadside stands, agricultural processing demonstrations, on-farm collections of old farm machinery, agricultural festivals, on-farm theme playgrounds for children, on-farm fee fishing and hunting, pick your own, **farm vacations**, on-farm pumpkin patches, farm tours, **horseback riding, horseback sporting events and training for horseback sporting events, cross-country trails**, on-farm food sales, agricultural regional themes, hayrides, mazes, crop art, harvest theme productions, native ecology preservations, on-farm picnic grounds, **dude ranches, trail rides**, Indian mounds, earthworks art, farm animal

exhibits, bird-watching, stargazing, nature-based attractions, and ecological-based attractions.

(B) The Department of Revenue by regulation may further define those uses qualifying as agritourism and appropriate definitions for 'supplemental and incidental' as used in this section."

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 8th day of June, 2007.

Approved the 13th day of June, 2007.

I ask the Planning Commission to consider the impact these revisions would have on hardworking farmers, and exempt agricultural zoning from short term rental ordinance.

From: [Charleston Swim](#)
To: [CCPC](#)
Subject: Re: Charleston County Planning Commission Meeting Notification
Date: Thursday, June 25, 2020 4:08:20 PM

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

I should like to submit a public letter regarding WORKSHOP AND MEETING NOTIFICATION

Regarding proposed amendments to amend Art. 6.8, Short-Term Rentals, of the Zoning and Land Development Regulations.

Dear board,

As a home owner in north charleston, I would like to urge you to please consider allowing str in north Charleston as it is currently not allowed. There are not enough hotels to accommodate all of the tourists and many people do not feel safe in hotels due to covid 19. Home owners can provide a low traffic space for out of town guests. I depended upon this rental income and was informed it was not allowed so I had to stop. There is not even an option to do it under a permit. I pay my taxes from the rental like any other host. Please do your part to help our economy and provide safe spaces for travelers. Allow short term rentals in north charleston.

Thank you
you

-Amy hassinger resident of north charleston in Charleston county. 29418

On Thu, Jun 25, 2020, 9:53 AM CCPC <CCPC@charlestoncounty.org> wrote:

Please see the attached notification regarding the upcoming Charleston County Planning Commission meeting.

From: [Pam Skinner](#)
To: [CCPC; damuirs@aol.com](#)
Cc: [Joel Evans; Andrea Melocik](#)
Subject: Re: Wadmalaw Support of Proposals to Clarify & Strengthen Short Term Rental Ordinance - Planning Commission Workshop and Meeting: July 13, 2020
Date: Thursday, July 09, 2020 6:04:43 PM

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

That is great Sally! Thanks so much and sorry for such late notice. My father was just diagnosed with dementia and I've been staying with him and wrestling car keys from him, Ha!

I'll keep yall posted on the BZA as well!

From: damuirs@aol.com <damuirs@aol.com>
Sent: Thursday, July 9, 2020 5:58 PM
To: cccpc@charlestoncounty.org <cccpc@charlestoncounty.org>
Cc: jevans@charlestoncounty.org <jevans@charlestoncounty.org>; amelocik@charlestoncounty.org <amelocik@charlestoncounty.org>
Subject: Wadmalaw Support of Proposals to Clarify & Strengthen Short Term Rental Ordinance - Planning Commission Workshop and Meeting: July 13, 2020

July 9, 2020

To The Honorable Planning Commission Members,

As long-term residents and property owners on Wadmalaw Island, we've always been quite aware of the importance of strong and clear building and zoning ordinances and appreciate efforts to maintain them. Given the last several years, we're now also all too familiar with the ordinance related to vacation rentals and short term rentals which, *when followed according to the spirit & intent of the ordinance*, we have no objection.

While reasoned, well thought out, and fairly enacted, consistent sustained history has proven, as currently written/enacted, the existing ordinance has unintentionally provided those so inclined with the unfortunate ability to circumvent ordinance intentions through their use of contract language, multi-tiered social influencing and process(es), a veiled on-line business framework, outright deception, and/or bad faith negotiations while leaving Charleston County limited resources to protect affected communities and environment.

The proposed changes in the STR ordinance would bring needed clarity, much-needed enforcement resources, and the legal teeth (financial penalties) to discourage unintended uses and violations by ordinance offenders. In preparation for your commission's meeting scheduled for July 13th, 2020, please know we are in strong support of the Planning Department and staff's proposals to clarify and strengthen the

short term ordinances to provide protections of designated fragile preservation areas such as Wadmalaw Island and others in Charleston County.

We will also wholeheartedly support an eventual recommendation from the Commission to County Council enabling provisions and resources necessary to empower staff to enforce the updated ordinance.

Thank you for providing the opportunity to share our input for consideration. And a BIG THANKS to the Planning, Zoning, Code Enforcement Department teams who've work tirelessly to protect Wadmalaw Island and Charleston County.

Respectfully Yours,
John B. Muir
Sally Bland Muir
6555 Southmount Rd
Wadmalaw Island, SC 29487

From: abigail.taylor
To: CCPC
Subject: Re: Zoning & Planning Department
Date: Friday, July 10, 2020 7:22:37 AM

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----- Forwarded message -----

From: **abigail taylor** <abtaylor50@gmail.com>
Date: Thu, Jul 9, 2020 at 10:54 PM
Subject: Zoning & Planning Department
To: <CCPC@charlestoncounty.org>

***Please note correction in second paragraph "House rentals on Edisto Island offer additional housing opportunities for visitors to enjoy beautiful Edisto Beach, as Edisto Beach rental properties in the summer are fully occupied. "**

I am writing to support requests to amend Art. 6.8, Short-term Rentals of the Zoning and Land Development Regulations. Our property on Edisto Island 673, Hwy 174 is approximately one mile from the beach. Visitors who have rented our property have enjoyed being somewhat removed from the crowds at the beach, but definitely close enough to take in all the beauty and activities afforded by the beach. Our home offers families 4 bedrooms and a large kitchen and family room. It also offers two acres for play, outdoor cooking, and outdoor entertainment.

In removing rentals from Edisto Island, the revenue at Edisto Beach restaurants, bars, gift shops, and beach entertainment will be impacted negatively. House rentals on Edisto Island offer additional housing opportunities for visitors to enjoy beautiful Edisto Beach, as Edisto Beach rental properties in the summer are often fully occupied.

With Edisto Island, being in such close proximity to Edisto Beach, many of the residents on Edisto Island work on Edisto Beach. Improving the economy of Edisto Island through rentals improves the economy on Edisto Island and Edisto Beach, as it gives back to the loyal residents of Edisto Island.

Also, Edisto Island offers visitors at Edisto Beach many opportunities to visit historic sites and tours as well as local culinary delights. In other words, it is my opinion that Edisto Island and Edisto Beach, although in separate counties, need to

combine resources to make this lovely area a vacation paradise.

Please consider lifting the ban on rentals on Edisto Island.

Sincerely Yours,

Abigail Brown Taylor

From: [Katrina](#)
To: [CCPC](#); [Joel Evans](#); [Andrea Melocik](#)
Subject: Short term rental ordinance
Date: Thursday, July 09, 2020 7:36:15 PM

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Dear Planning Commission Members,

As residents and property owners on Wadmalaw Island, we are keenly aware of the importance of a strong and clear ordinance related to vacation rentals and the short term ordinance.

In preparation of your commission's meeting; we are writing in strong support of the planning department and staff's initial proposals to strengthen and clarify the short term ordinance particularly as it relates to protections of designated preservation areas such as Wadmalaw Island and others in Charleston County.

Proposed changes in the STR ordinance would bring clarity and much-needed enforcement resources, as well as some teeth to discourage unintended uses and violations.

Sam and Katrina Dempsey

Sent from my iPhone

From: [gmarino](#)
To: [CCPC](#); [Joel Evans](#); [Andrea Melocik](#)
Subject: Short Term Rental Ordinance
Date: Thursday, July 09, 2020 7:55:30 PM

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

Dear Planning Commission Members,

As residents and property owners on Wadmalaw Island, we are keenly aware of the importance of a strong and clear ordinance related to vacation rentals and the short term ordinance.

In preparation of your commission's meeting scheduled for July 13th, 2020; we are writing in strong support of the planning department and staff's initial proposal to strengthen and clarify the short term ordinance particularly as it relates to protections of designated preservation areas such as Wadmalaw Island and others in Charleston County.

Proposed changes in the STR ordinance would bring clarity and much-needed enforcement resources, as well as some teeth to discourage unintended uses and violations.

From: [Jen Quattlebaum](#)
To: [CCPC](#)
Subject: STR Amendments
Date: Wednesday, July 08, 2020 10:15:35 AM

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Dear Charleston County Planning Commission,

We are writing to advocate for short term rental amendments for homes on Edisto Island. We are hopeful that any amendments to the Ordinance will include language that will allow us to rent our home for more than 72 nights. We are requesting that homes in the AGR zone be included to have the ability to have an extended home rental category.

Our home is on Fishing Creek and zoned AGR. Just like other homes on creeks, it is suited to be used as a rental. When we purchased our home in 2018, we were unaware of the STR ordinance. We had rented the home that we bought in previous years and bought the home with the intention of continuing to rent it.

Our contract to purchase the property was contingent on our ability to continue to rent it, and we made absolutely sure that there were no restrictions to renting the home filed in the county RMC. We need to rent the home in order to afford it. We have spoken with the previous owners (there were only 2 since the home was built in 1993), and have they have affirmed that the home was a short term rental for years.

Thank you for your consideration,

Jennifer & Frank Quattlebaum

PO Box 492

Edisto Island, SC 29438

From: [Renaë Easterling](#)
To: [CCPC](#)
Cc: cattlecreekcme@gmail.com
Subject: STR amendments
Date: Wednesday, July 08, 2020 4:57:50 PM

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

Dear Charleston County Planning Commission,

We are writing today to advocate for short term rental amendments in regards to homes in Charleston County on Edisto Island. We own a rental home at 589 Foredeck Lane, Edisto and are hopeful that the amendments to the STR ordinance will allow us and others on the creek to continue to rent our homes for more than 72 nights. The home was a rental property when we purchased it in 2018, and had been rented by the previous owners for many years. We purchased the home with the sole intent of continuing to rent it as it is located on Fishing Creek, a deep water creek, and is very well suited as a rental. When we purchased the home we made sure there were no restrictions to renting the home filed in the county RMC, and our purchase contract was contingent on the ability to continue renting this home. That being said, the current STR restrictions of 72 nights will create a financial hardship on our ability to keep the home.

We are requesting, at a minimum, that homes in the AGR zone, such as ours, be included to have the ability to have an extended home rental category.

Your consideration is much appreciated,

Mark & Renaë Easterling
589 Foredeck Lane
Edisto Island, SC

From: [Alasc](#)
To: [CCPC](#); [Joel Evans](#); [Andrea Melocik](#)
Subject: STR Ordinance
Date: Thursday, July 09, 2020 4:03:44 PM

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Dear Planning Commission Members,

As residents and property owners on Wadmalaw Island, we are keenly aware of the importance of a strong and clear ordinance related to vacation rentals and the short term ordinance.

In preparation of your commission's meeting scheduled for July 13th, 2020; we are writing in strong support of the planning department and staff's initial proposals to strengthen and clarify the short term ordinance particularly as it relates to protections of designated preservation areas such as Wadmalaw Island and others in Charleston County.

Proposed changes in the STR ordinance would bring clarity and much-needed enforcement resources, as well as some teeth to discourage unintended uses and violations.

Amanda C. Davis
1292 Fairview Plantation Rd
Wadmalaw Island, SC 29487
cell 843.830.7759

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*Main

Building Hours: Monday through Friday 8:30AM to 4:30PM*

*Office Number:

843.763.7525*

From: [flowergirlsllc](#)
To: [Andrea Melocik](#); [CCPC](#); [Joel Evans](#)
Subject: STR Ordinance
Date: Thursday, July 09, 2020 4:07:09 PM

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Dear Planning Commission Members,

As residents and property owners on Wadmalaw Island, we are keenly aware of the importance of a strong and clear ordinance related to vacation rentals and the short term ordinance.

In preparation of your commission's meeting scheduled for July 13th, 2020; we are writing in strong support of the planning department and staff's initial proposals to strengthen and clarify the short term ordinance particularly as it relates to protections of designated preservation areas such as Wadmalaw Island and others in Charleston County.

Proposed changes in the STR ordinance would bring clarity and much-needed enforcement resources, as well as some teeth to discourage unintended uses and violations.

Philip M Davis Jr
1292 Fairview Plantation Rd
Wadmalaw Island, SC 29487
cell 843.830.2511

From: [colleen_key](#)
To: [CCPC; Joel Evans; Andrea Melocik](#)
Subject: Strengthen the Short Term Rental Ordinance
Date: Friday, July 10, 2020 8:11:44 AM

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Dear Planning Commission Members,

As a property owner on Wadmalaw Island, I am keenly aware of the importance of a strong and clear ordinance related to vacation rentals and the short term ordinance.

In preparation of your commission's meeting scheduled for July 13th, 2020; I am writing in strong support of the planning department and staff's initial proposals to strengthen and clarify the short term ordinance particularly as it relates to protections of designated preservation areas such as Wadmalaw Island and others in Charleston County.

Proposed changes in the STR ordinance would bring clarity and much-needed enforcement resources, as well as some teeth to discourage unintended uses and violations.

Respectfully,

Colleen Key
1069 Harts Bluff Rd
Wadmalaw Island, SC 29487

From: [Ellen Lucas Home](#)
To: [CCPC](#); [Andrea Melocik](#)
Cc: [Joel Evans](#)
Subject: STRO
Date: Friday, July 10, 2020 8:45:03 AM

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Dear Planning Commission Members,

As residents of Wadmalaw Island, we are very aware of the importance of a strong and clear ordinance related to vacation rentals and the short term ordinance.

In preparation of your commission's meeting scheduled for July 13th, 2020; we are writing in strong support of the planning department and staff's initial proposals to strengthen and clarify the short term ordinances.

Especially as it relates to the protections of designated preservation areas such as Wadmalaw Island and others in Charleston County.

Proposed changes in the STR ordinance would bring clarity and much-needed enforcement resources, as well as some strength to discourage unintended uses and violations.

Thank you for help,

Ellen and David Lucas

Ellen Lucas
Ellenlucas@comcast.net
843-607-8311

From: [Cheryl Bailey](#)
To: [CCPC](#)
Cc: [Joel Evans](#); [Andrea Melocik](#)
Subject: STRO Short Term Rental
Date: Friday, July 10, 2020 6:09:05 AM

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July 9, 2020

To The Honorable Planning Commission Members,

As long-term residents and property owners on Wadmalaw Island, we've always been quite aware of the importance of strong and clear building and zoning ordinances and appreciate efforts to maintain them. Given the last several years, we're now also all too familiar with the ordinance related to vacation rentals and short term rentals which, when followed according to the spirit & intent of the ordinance, we have no objection.

While reasoned, well thought out, and fairly enacted, consistent sustained history has proven, as currently written/enacted, the existing ordinance has unintentionally provided those so inclined with the unfortunate ability to circumvent ordinance intentions through their use of contract language, multi-tiered social influencing and process(es), a veiled on-line business framework, outright deception, and/or bad faith negotiations while leaving Charleston County limited resources to protect affected communities and environment.

The proposed changes in the STR ordinance would bring needed clarity, much-needed enforcement resources, and the legal teeth (financial penalties) to discourage unintended uses and violations by ordinance offenders. In preparation for your commission's meeting scheduled for July 13th, 2020, please know we are in strong support of the Planning Department and staff's proposals to clarify and strengthen the short term ordinances to provide protections of designated fragile preservation areas such as Wadmalaw Island and others in Charleston County.

We will also wholeheartedly support an eventual recommendation from the Commission to County Council enabling provisions and resources necessary to empower staff to enforce the updated ordinance.

Thank you for providing the opportunity to share our input for consideration. And a BIG THANKS to the Planning, Zoning, Code Enforcement Department teams who've work tirelessly to protect Wadmalaw Island and Charleston County.

Respectfully Yours,

Cheryl Bailey
Property Management Services
Office: [843-637-4056](tel:843-637-4056)
Fax: [843-881-5616](tel:843-881-5616)

From: [Gregory Cushing](#)
To: [CCPC](#); [Joel Evans](#); [Andrea Melocik](#)
Subject: STRO
Date: Thursday, July 09, 2020 8:57:27 PM

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To Whom It May Concern:

My name is Greg Cushing. I am a resident of Wadmalaw Island, and am emailing you to support proposed measures to strengthen and clarify the Short Term Rental Ordinance (STRO). Improved measures are necessary to protect designated preservation areas like Wadmalaw Island. Numerous short term rentals pose a threat to the rural nature of the community. I encourage you to support and enact measures to strengthen the STRO in Charleston County.

Respectfully,

Greg Cushing

6471 Bears Bluff Rd Wadmalaw Island, SC

From: [Gregory Cushing II](#)
To: [CCPC](#); [Joel Evans](#); [Andrea Melocik](#)
Cc: gmc2nd@bellsouth.net
Subject: Support for Changes to STRO
Date: Thursday, July 09, 2020 4:41:54 PM

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

To Whom It May Concern:

My name is Gregory Cushing, and I am writing to express my support for strengthening and clarifying the Short Term Rental Ordinance <STRO> to help protect designated preservation areas. I am a resident of Wadmalaw Island, and have seen the potential for expanded vacation rentals in our community to cause irreversible damage. I encourage the county to take action to enforce violations against the STRO to help protect communities like Wadmalaw Island from land use that puts us at risk.

Thank you for your time and consideration.

Sincerely,
Gregory Cushing
Bears Bluff Road, Wadmalaw Island

From: [Diane Cushing](#)
To: [CCPC](#); [Joel Evans](#); [Andrea Melocik](#)
Subject: Support for STRO Changes
Date: Thursday, July 09, 2020 8:42:25 PM

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Good Evening,

My name is Diane Cushing, and I am emailing to support proposed changes to the Short Term Rental Ordinance (STRO) that will protect designated preservation areas. I live on Wadmalaw Island, which has very strict land use rules that I would like to see enforced. Allowing short term rentals in designated preservation areas of the county opens these protected areas up to commercialization and development. Please make necessary changes to existing STRO rules that better protect communities like Wadmalaw Island and other designated preservation areas from excessive rentals.

Thank you,
Diane Cushing
Full time resident- Bears Bluff Road
Wadmalaw Island, Charleston County

Sent from my iPhone

From: [Jack Bisceglia](#)
To: [CCPC](#); [Joel Evans](#); [Andrea Melocik](#)
Subject: Updates to the STR ordinance
Date: Thursday, July 09, 2020 6:35:57 PM

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Planning Commission Members,

Our family owns property on both Wadmalaw Island and Seabrook Island and these properties are our primary residences. We fully support a strong and clear ordinance related to vacation rentals and the short term ordinance.

In preparation of your commission's meeting scheduled for July 13th, 2020; we are writing in strong support of the planning department and staff's initial proposals to strengthen and clarify the short term ordinance particularly as it relates to protections of designated preservation areas such as Wadmalaw Island and others in Charleston County.

Proposed changes in the STR ordinance would bring clarity and much-needed enforcement resources, as well as some teeth to discourage unintended uses and violations.

Respectfully,

John Bisceglia

From: [Lisa Gehlken](#)
To: [CCPC](#)
Subject: Wadmalaw
Date: Thursday, July 09, 2020 8:45:02 PM

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Dear Planning Commission Members,

As residents and property owners on Wadmalaw Island, we are keenly aware of the importance of a strong and clear ordinance related to vacation rentals and the short term ordinance.

In preparation of your commission's meeting scheduled for July 13th, 2020; we are writing in strong support of the planning department and staff's initial proposals to strengthen and clarify the short term ordinance particularly as it relates to protections of designated preservation areas such as Wadmalaw Island and others in Charleston County.

Proposed changes in the STR ordinance would bring clarity and much-needed enforcement resources, as well as some teeth to discourage unintended uses and violations."

Sincerely,
Lisa Gehlken

Sent from my iPhone

Wadmalaw Island Land Planning Committee

www.WILPC.org

July 9, 2020

Charleston County Planning Commission
Lonnie Hamilton, III Public Services Building
Via Email

RE: Letter of Support for Proposed Changes to Short Term Rental Ordinance

Dear Charleston County Planning Commission Members:

The Wadmalaw Island Land Planning Committee respectfully requests that you support the Planning Staff's proposed changes to the County's Short Term Rental Ordinances. County Council adopted the Wadmalaw Plan over 30 years ago. The name and structure of the Plan has changed; however, the intent and the basic restrictions that have preserved our island have remained intact. Over the years, we have seen how important it is to maintain those safeguards in our rural community, and have historically taken the position of supporting zoning requests that comply with the ZLDR and the County's Comprehensive Plan.

All of the proposed revisions will be important; however, we'd like to point out a few changes that we support as being particularly significant for Wadmalaw Island: requiring "Limited Home Rental (LHR)" requests to be handled as "Special Exceptions" in the Wadmalaw Preservation (AG-15) District, (and other districts), with BZA approval and added STRP approval criteria; adding the "Limited Site Plan Review" process for applications in AG-15 Districts; requiring Planned Developments to go through an amendment process if STRPs are requested to be added; prohibiting Dwelling Group residences from converting to STRPs; requiring rental records to be provided to the County upon request; requiring Barter goods and services to count as "compensation"; having a clear definition of what constitutes being "owner-occupied"; and clarifying violation and enforcement provisions.

We ask that you vote to recommend that the proposed STR Ordinance changes be adopted by County Council. Thank you for your consideration of our comments.

Sincerely yours,

WADMALAW ISLAND
LAND PLANNING COMMITTEE



John Taylor, Chair

Zoning Committee:
Melinda Lucka Kelley
(843) 214-8266
MKelley@FinkelLaw.com

Kathie Seabrook Jordan
(843) 327-6414
kathiecbrook@gmail.com

From: damuirs@aol.com
To: [CCPC](#)
Cc: [Joel Evans](#); [Andrea Melocik](#)
Subject: Wadmalaw Support of Proposals to Clarify & Strengthen Short Term Rental Ordinance - Planning Commission Workshop and Meeting: July 13, 2020
Date: Thursday, July 09, 2020 5:58:33 PM

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July 9, 2020

To The Honorable Planning Commission Members,

As long-term residents and property owners on Wadmalaw Island, we've always been quite aware of the importance of strong and clear building and zoning ordinances and appreciate efforts to maintain them. Given the last several years, we're now also all too familiar with the ordinance related to vacation rentals and short term rentals which, *when followed according to the spirit & intent of the ordinance*, we have no objection.

While reasoned, well thought out, and fairly enacted, consistent sustained history has proven, as currently written/enacted, the existing ordinance has unintentionally provided those so inclined with the unfortunate ability to circumvent ordinance intentions through their use of contract language, multi-tiered social influencing and process(es), a veiled on-line business framework, outright deception, and/or bad faith negotiations while leaving Charleston County limited resources to protect affected communities and environment.

The proposed changes in the STR ordinance would bring needed clarity, much-needed enforcement resources, and the legal teeth (financial penalties) to discourage unintended uses and violations by ordinance offenders. In preparation for your commission's meeting scheduled for July 13th, 2020, please know we are in strong support of the Planning Department and staff's proposals to clarify and strengthen the short term ordinances to provide protections of designated fragile preservation areas such as Wadmalaw Island and others in Charleston County.

We will also wholeheartedly support an eventual recommendation from the Commission to County Council enabling provisions and resources necessary to empower staff to enforce the updated ordinance.

Thank you for providing the opportunity to share our input for consideration. And a BIG THANKS to the Planning, Zoning, Code Enforcement Department teams who've work tirelessly to protect Wadmalaw Island and Charleston County.

Respectfully Yours,

From: [Joel Evans](#)
To: [Anna C. Kimelblatt](#)
Cc: [Niki R. Grimball](#)
Subject: FW: STR status
Date: Friday, July 10, 2020 1:00:39 PM

From: Donna Taylor <donna@tbbesq.com>
Sent: Friday, July 10, 2020 7:48 AM
To: Joel Evans <JEvans@charlestoncounty.org>
Subject: STR status

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

Thank you for your diligence in trying to protect the Wadmalaw Plan and addressing the increasingly troublesome STR standards. I support all of the proposed changes-and though they may require more time-it is essential to protect the agricultural/rural fragile environment on this isolated limited access land.

Donna K. Taylor, Esquire
Post Office Box 1059
Charleston, South Carolina 29402
Office (843) 723-4020
Fax (843) 723-4021

From: [Joel Evans](#)
To: [Anna C. Kimelblatt](#)
Cc: [Niki R. Grimball](#)
Subject: FW: Proposed Changes to Charleston County's Short Term Rental ordinance
Date: Friday, July 10, 2020 12:59:44 PM

From: Robert Siedell <rasiedell@gmail.com>
Sent: Thursday, July 09, 2020 9:16 PM
To: Joel Evans <JEvans@charlestoncounty.org>
Subject: Proposed Changes to Charleston County's Short Term Rental ordinance

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

Dear Mr. Evans,

I am a resident of Charleston County residing on Wadmalaw Island.

Please accept this email in support of the proposed changes to the Short Term Rental Ordinance for Charleston County as proposed in the County Planning staff's recommendations. I believe these changes would serve to better deliver the intent of the STR ordinance and prevent future issues with regard to short term rentals.

Thank you for your consideration.

Best regards,
Robert Siedell

From: [Joel Evans](#)
To: [Anna C. Kimelblatt](#)
Cc: [Niki R. Grimball](#)
Subject: FW: Proposed changes to STR rules
Date: Friday, July 10, 2020 12:58:23 PM

-----Original Message-----

From: Kevin Richbourg <krichbourg@comcast.net>
Sent: Friday, July 10, 2020 11:30 AM
To: Joel Evans <JEvans@charlestoncounty.org>
Subject: Proposed changes to STR rules

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

Good morning, I hope this message finds you well.

I am writing today to express my strong support for the work being done to strengthen the rules and policies pertaining to the STR laws for Charleston County.

I thank you and your staff for the work you have done to strengthen these rules that will allow communities such as Wadmalaw Island to continue to enjoy our peaceful communities without the specter of over-commercialization constantly looming over us.

I wonder if any thought has been given to the possibility of entities circumventing the intent of these laws by sub-letting rental property. Just a thought.

Thanks again for all the hard work that is being done.

Best regards,

Kevin Richbourg
6850 Bears Bluff Rd
Wadmalaw Island, SC 29487

843-513-2234

From: [Joel Evans](#)
To: [Anna C. Kimelblatt](#)
Cc: [Niki R. Grimball](#)
Subject: FW: Proposed changes to the County's Short Term Rental (STR) ordinance
Date: Friday, July 10, 2020 12:57:52 PM

From: Tomas Hainich <tomashainich@gmail.com>
Sent: Friday, July 10, 2020 10:34 AM
To: Joel Evans <JEvans@charlestoncounty.org>
Subject: Proposed changes to the County's Short Term Rental (STR) ordinance

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

Dear Mr. Evans,

I am Tomas Hainich, President of the HOA of Rockville Woods on Southmount Rd./Wadmalaw. I live on 6542 Southmount Rd.
The properties within Rockville Woods are in close vicinity to the Bolt Farm.

I am writing to you to express our full support for the proposed changes to the County's Short Term Rental (STR) ordinance.

Kind Regards
Tomas Hainich

July 10, 2020

Charleston County Planning Commission:

This letter is in reference to proposed changes to Charleston County Short Term Rental zoning regulations.

I am a resident of Charleston County, specifically Meggett, where I own and operate a farm. I am also the Lowcountry Director and serve on the Board of Directors of the SC Agritourism Association (SCAA.) As the Lowcountry Director I represent and serve those farms that belong to our organization and offer agritourism as supplemental and incidental to their agricultural income.

One of our member farms from Charleston County brought to our attention the regulations under which she has been required to comply in order to offer "Farm Stays" as part of her agritourism offerings. She was also concerned that changes to the county STR policies would further increase fees, documentation and regulation of her farm stays, creating an undue burden on her farm.

It appears that the county has been regulating her "farm Stays" and has been classifying them as Short Term Rental. I would like to bring to your attention SC Code of Laws Section 12-43-233:

From SC Legislature 2007:

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-43-233 SO AS TO PROVIDE ADDITIONAL "AGRITOURISM" USES FOR REAL PROPERTY THAT DO NOT AFFECT THE ELIGIBILITY OF THE PROPERTY FOR THE AGRICULTURAL USE CLASSIFICATION FOR PURPOSES OF PROPERTY TAX.

Be it enacted by the General Assembly of the State of South Carolina:

Agritourism uses

SECTION 1. Article 3, Chapter 43, Title 12 of the 1976 Code is amended by adding:

*"Section 12-43-233. (A) In addition to and incidental to the uses required for real property to be classified as agricultural real property pursuant to Sections 12-43-220(d), 12-43-230(a), and 12-43-232, and applicable regulations, uses of tracts of agricultural real property for 'agritourism' purposes is deemed an agricultural use of the property to the extent agritourism is not the primary reason any tract is classified as agricultural real property but is supplemental and incidental to the primary purposes of the tract's use for agriculture, grazing, horticulture, forestry, dairying, and mariculture. **These supplemental and incidental agritourism uses are not an 'other business for profit' for purposes of Section 12-43-230(a). For purposes of this section, agritourism uses include, but are not limited to: wineries, educational tours, education barns, on-farm historical reenactments, farm schools, farm stores, living history farms, on-farm heirloom plants and animals, roadside stands, agricultural processing demonstrations, on-farm collections of old farm machinery, agricultural festivals, on-farm theme playgrounds for children, on-farm fee fishing and hunting, pick your own, farm vacations, on-farm pumpkin patches, farm tours, horseback riding, horseback sporting events and training for horseback sporting events, cross-country trails, on-farm food sales, agricultural regional themes, hayrides, mazes, crop art, harvest theme productions, native ecology preservations, on-farm picnic grounds, dude ranches, trail rides, Indian mounds, earthworks art, farm animal exhibits, bird-watching, stargazing, nature-based attractions, and ecological-based attractions.***

(B) The Department of Revenue by regulation may further define those uses qualifying as agritourism and appropriate definitions for 'supplemental and incidental' as used in this section."

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 8th day of June, 2007.

Approved the 13th day of June, 2007.

It is the opinion of the SCAA that classifying "agritourism" income as anything other than agricultural income is in violation of the intent of the Code of Laws of South Carolina, Section 12-43-233, referenced above. The law is designed to address agritourism activities that diversify an existing farm – where the activities occur on land that is otherwise engaged in agricultural production.

We contend that any farm that qualifies as "agriculture use" in compliance with SC Law, that also engages in agritourism activity, should be exempt from regulations specific to Short Term Rentals, as this activity is considered agriculture income and not rental income.

Therefore we are recommending that in updated the zoning regulations specific to STR, that the county include exclusions for farms that provide "farm Stays" as part of their agritourism offerings.

Respectfully,

Gale Smith
Lowcountry Director
Board of Directors –South Carolina Agritourism Association

Winsome Winn Farm
Meggett, SC 29449
843-851-0205

From: [Denise Pendarvis](#)
To: [CCPC](#)
Subject: Short term rental amendments
Date: Friday, July 10, 2020 12:48:08 PM

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

Dear Charleston County Planning Commission,

I am writing to ask for changes to be made in the short term rental amendments for homes on Edisto Island. I am requesting that amendments be made to the existing Ordinance to include language that will allow me to rent our home for more than 72 nights. I am asking for homes, like mine, in the AGR zone to have the ability to have an extended home rental category. I also ask for the board to allow the Maximum number of rentals to be allowed for this area

My home is on Store Creek and zoned AGR. Just like other homes on creeks, it is suited to be used as a rental. My home is secluded and short term rentals would not impact my neighbors. When The executors of my fathers estate began renting the home in 2014, we were unaware of the STR ordinance. I have been with 2 different rental companies in that 6 year period and no one has mentioned these restrictions. I need to rent my home to be able to afford to keep this piece of my families history.

I plead the board to change this amendment that affects my future with this home and lines this area up with the other homes on Edisto Island and Edisto Beach to be a beautiful vacation destination.

Thank you for your consideration,

Denise Pendarvis-Harrell

July 10, 2020

Charleston County Planning Commission:

This letter is in reference to proposed changes to Charleston County Short Term Rental zoning regulations.

I am a resident of Johns Island, Charleston County. I own and operate a goat dairy and educational farm.

We have been exploring the idea of offering farm stays as a way to supplement our farm income. We are concerned changes to the county STR policies would further increase fees, documentation and regulation of farm stays, creating an undue burden on us to be able to pursue this venture.

It seems that the county currently requires farm stays to comply with short term rental regulations which should be an exemption as outlined in SC Code of Laws Section 12-43-233:

From SC Legislature 2007:

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-43-233 SO AS TO PROVIDE ADDITIONAL "AGRITOURISM" USES FOR REAL PROPERTY THAT DO NOT AFFECT THE ELIGIBILITY OF THE PROPERTY FOR THE AGRICULTURAL USE CLASSIFICATION FOR PURPOSES OF PROPERTY TAX.

Be it enacted by the General Assembly of the State of South Carolina:

Agritourism uses

SECTION 1. Article 3, Chapter 43, Title 12 of the 1976 Code is amended by adding:

"Section 12-43-233. (A) In addition to and incidental to the uses required for real property to be classified as agricultural real property pursuant to Sections 12-43-220(d), 12-43-230(a), and 12-43-232, and applicable regulations, uses of tracts of agricultural real property for 'agritourism' purposes is deemed an agricultural use of the property to the extent agritourism is not the primary reason any tract is classified as agricultural real property but is supplemental and incidental to the primary purposes of the tract's use for agriculture, grazing, horticulture, forestry, dairying, and mariculture. These supplemental and incidental agritourism uses are not an 'other business for profit' for purposes of Section 12-43-230(a). For purposes of this section, agritourism uses include, but are not limited to: wineries, educational tours, education barns, on-farm historical reenactments, farm schools, farm stores, living history farms, on-farm heirloom plants and animals, roadside stands, agricultural processing demonstrations, on-farm collections of old farm machinery, agricultural festivals, on-farm theme playgrounds for children, on-farm fee fishing and hunting, pick your own, farm vacations, on-farm pumpkin patches, farm tours, horseback riding, horseback sporting events and training for horseback sporting events, cross-country trails, on-farm food sales, agricultural regional themes, hayrides, mazes, crop art, harvest theme productions, native ecology preservations, on-farm picnic grounds, dude ranches, trail rides, Indian mounds, earthworks art, farm animal exhibits, bird-watching, stargazing, nature-based attractions, and ecological-based attractions.

(B) The Department of Revenue by regulation may further define those uses qualifying as agritourism and appropriate definitions for 'supplemental and incidental' as used in this section."

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 8th day of June, 2007.

Approved the 13th day of June, 2007.

It is my opinion that classifying "agritourism" income as anything other than agricultural income is in violation of the intent of the Code of Laws of South Carolina, Section 12-43-233, referenced above. The law is designed to address agritourism activities that diversify an existing farm – where the activities occur on land that is otherwise engaged in agricultural production.

My farm qualifies as "agriculture use" in compliance with SC Law, and I also engage in agritourism activities, and should therefore be exempt from regulations specific to Short Term Rentals, as this activity is considered agriculture income and not rental income.

I am asking that in updating the zoning regulations specific to STR, that the county include exclusions for farms that provide "Farm Stays" as part of their agritourism offerings.

Respectfully,

I am writing this letter in opposition of several aspects of Article 6.8 Short term rentals. I have a STR permit for an AGR zoned property.

Purpose and Applicability

6.8.1 Purpose and Applicability

A. Purpose. The County is committed to working to protect the traditional quality of life and character of its residential neighborhoods. The County has concerns about permitted short-term rentals resulting in increased traffic, noise, trash, parking needs, safety and possible adverse impacts and other undesirable changes to the nature of the County's neighborhoods. Therefore, after providing many opportunities for public input and following careful study and consideration, County Council finds it appropriate and in the best interests of its residents, property owners, and visitors to regulate Short-Term Rental Properties (STRPs) within unincorporated County of Charleston.

This Article sets out standards for establishing and operating Short-Term Rental Properties. These regulations are intended to provide for an efficient use of residential dwellings as STRPs by:

1. Providing for an annual permitting process to regulate STRP's;
 2. Balancing the interests of owner-occupied dwellings with properties that are frequently used in whole or in part by Short-Term Rental Tenants;
 3. Allowing homeowners to continue to utilize their residences in the manner permitted by this Ordinance for the Zoning District in which a particular home is located;
 4. Providing alternative accommodation options for lodging in residential dwellings; and
 5. Complementing the accommodation options in environments that are desirable and suitable as a means for growing tourism.
1. AGR, AG10, AG 8 should not be lumped into the same STR rules as S3, R4 (4 dwellings per acre), M8 (8 Dwellings per Acre), M12 (12 dwellings per acre) or MHS (6 Dwellings per acre)
 - a. As stated above the purpose of monitoring STR is to "protect residential neighborhoods." Agricultural properties are not in a residential neighborhoods of high density and have different land use goals; hence, the term Agriculture.
 2. As stated above in the STRP purpose "complimenting options that are desirable as of means of growing tourism." As a farmer, Agritourism is vital to teaching about farm life and sustainability. The state of South Carolina is actively encouraging Agritourism and farm stays. Per the South Carolina Agritourism Association:

South Carolina Agritourism Association

The only association dedicated to promoting and marketing South Carolina Agritourism Farms!

We seek to:

- **Educate** agritourism operations in an effort to create sustainable activities and attractions.
 - **Encourage** the highest standards in hospitality and tourism initiatives.
 - **Facilitate** economic growth by promoting and fostering increased agriculture-based tourism throughout South Carolina.
 - **Advocate** proactively on behalf of Agritourism operations within state-level organizations.
3. I am currently limited to 72 days and this hinders the goal of agri-tourism.
 - a. The guests who have stayed with me want the Agricultural experience with walking trails, chickens, horse breeding knowledge, pond management, and land use management all which I provide to my Agricultural guests. My guests have come to this rural property to experience the quietness of my land.
 - b. I pay my monthly 2% plus the Accommodations taxes that Airbnb or VRBO take out and send to county, so why limit Agritourism to 72 days. Many of my guests have stayed for

a weekend and their first response was “we want to come back again.” There is so much to learn about Agricultural and Land Management that can not be taught in one weekend when they are still visiting and exploring all Charleston County has to offer. I then explain that I am only allowed 72 days a year and it is first come first serve. They then ask how do you manage the expenses if people stay only 72 days... I love teaching about Agriculture and land management and hope that one day county would see the benefit of teaching various generations about Agriculture.

- c. All of my guests have contributed to tourism dollars to the local community by patronizing (Goat Yoga, Fat Hen, Wild Olive, Lowtide Brewery, Charleston Tea Plantation and many other great places in rural areas of Charleston County). These guests do not want a neighborhood or hotel experience. They travel with their Pets (Dogs, Cats, and horses) which I can accommodate. People live in cities and want to have an experience of the outdoors and Agricultural life.
 - d. As stated in Post and Courier Article dated September 2018: “The state Department of Agriculture calls these kinds of activities agritourism, working farms that also welcome paying visitors. It’s a growing trend as farmers look for extra sources of income and travelers seek to reconnect with their rural roots or want to see where their food comes from.”
4. Also, with COVID seeming to be sticking around and people looking for social isolation; safety is what guests are looking for and spacious AG land can provide that need.
 5. I would also like the ordinance to change where AG-15, AG 10, AG 8, and AGR STR can be considered Extended Home Rental without the exorbitant start up fees and time consuming process of the Extended Home Rental renewal.
 - a. Farmers struggle in different ways to maintain the property, equipment and income stream. AG short term rental income would still pay the STR tax at the 2% rate like other rentals. In your proposed changes you are asking for aerial photos. I am not sure what average farmer owns a drone or has the technical know how to print and enlarge something from the GIS web page. When I first got my permit it was painful. It took me several trips to the county office to get everything “right.” Also, to have to renew every year that seems ridiculous when I already have to mail my coupon and payment every month. Or worse sometimes I have to go into the county office to make the payment. If county is trying to micromanage then there needs to be a better system for those who are following the rules.
 6. I currently own a long term rental property in a condo complex that has been vacant since February, so there is no shortage of rentals in Charleston. I am governed by my HOA and short term rentals are not allowed which I was aware of when I purchased that unit. I have experienced first-hand the damage and noise that a long term tenants can do to a property. I have never had to call the police for my Short –term rental tenants. I have had to call the police over 3 times due to domestic violence and noise in my long tern rental unit. I had sliding glass doors completely shattered and then they did not report it to me for months, floors that had to be replaced due to damage, AC units that never had the filter changed in a year, going to magistrate court to file a judgment and go through the eviction process. Having STR allows me to maintain my place and keep it beautiful. In Charleston County there is nearly 1 million in population and county is creating regulations to manage .0001% to .0002% of the population. If

there is noise, parking issues, trash - allow police and Neighborhood HOA's manage the situation. When I purchased my 10 acres land nearly 11 years ago I had this vision of sharing my passion with others and then county changed the rules. That does not seem fair. Back in 2018 when County started this STRP process you placed your "notification out"; however, just like an HOA - County is trying to create rules like an HOA without notifying all stake holders. Placing a notice in the Post and Courier is not enough. When I told my friend what I was doing, she advised me that I had to get a permit. I was in shock on how difficult and time consuming the process was and how I was restricted to 72 days. Why should I be treated any differently than an other beach rental. I am just a different type of destination. Having this STRP process is way too difficult for the average person and is not fair when AG has more land.

In conclusion, this STR ordinance basis its purpose is to "protect the life and character of residential **neighborhoods.**" Agricultural land owners are present and working on the farm. I have not experienced any of the typical neighborhoods annoyances as stated the purpose of this ordinance (ie parking, noise, unexpected guests, parties, etc). I am asking you review the LHR zones since AG properties have plenty of land and are zoned for less dwellings per acre then the R4 (4 dwellings per acre), M8 (8 Dwellings per Acre), M12 (12 dwellings per acre) or MHS (6 Dwellings per acre. AG property should not be lumped into the above listed zones and should be allow to be in the Extended Home Rental category.

Tanya Domin

Advocate for Agri-tourism

August 5, 2020

To Charleston County Planning Department:

I am a resident of Charleston County and I am not in favor of limiting short term rentals to 72 days (LHR) on AG - Zoned property. I oppose the changes and current regulations in the Short Term Rental Permit process. AG zoned properties should be allowed to promote Agri-Tourism and not be restricted in the number of days they can hosts guests to their land. Extended Home Rentals (ERH) should be allowed on all AG properties without the Special Exemption process and fees. Allowing more days would only enhance the economic outlook for Johns Island.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Nigro". The signature is stylized with large, sweeping loops.

Print your name:

Chris Nigro

Address:

3228 Arrow Arum Dr
Johns Island, SC
29455

August 5, 2020

To Charleston County Planning Department:

I am a resident of Charleston County and I am not in favor of limiting short term rentals to 72 days (LHR) on AG - Zoned property. I oppose the changes and current regulations in the Short Term Rental Permit process. AG zoned properties should be allowed to promote Agri-Tourism and not be restricted in the number of days they can hosts guests to their land. Extended Home Rentals (ERH) should be allowed on all AG properties without the Special Exemption process and fees. Allowing more days would only enhance the economic outlook for Johns Island.

Sincerely,



Print your name:

Julianna Herndon

Address:

11028 Fishbone Dr
Johns Island, SC 29455

August 5, 2020

To Charleston County Planning Department:

I am a resident of Charleston County and I am not in favor of limiting short term rentals to 72 days (LHR) on AG - Zoned property. I oppose the changes and current regulations in the Short Term Rental Permit process. AG zoned properties should be allowed to promote Agri-Tourism and not be restricted in the number of days they can hosts guests to their land. Extended Home Rentals (ERH) should be allowed on all AG properties without the Special Exemption process and fees. Allowing more days would only enhance the economic outlook for Johns Island.

Sincerely,

Colleen Bridier

Print your name:

Colleen Bridier

Address:

*1246 Hammuck Lane
Johns Island, SC
29455*

August 5, 2020

To Charleston County Planning Department:

I am a resident of Charleston County and I am not in favor of limiting short term rentals to 72 days (LHR) on AG - Zoned property. I oppose the changes and current regulations in the Short Term Rental Permit process. AG zoned properties should be allowed to promote Agri-Tourism and not be restricted in the number of days they can hosts guests to their land. Extended Home Rentals (ERH) should be allowed on all AG properties without the Special Exemption process and fees. Allowing more days would only enhance the economic outlook for Johns Island.

Sincerely,

Alissa Bankowski

Print your name:

Alissa Bankowski

Address:

*1250 Hammnick Ln
~~1250 Hammnick Ln~~ Johns Island, SC 29455*

August 5, 2020

To Charleston County Planning Department:

I am a restaurant employee and I am not in favor of limiting short term rentals to 72 days (LHR) on AG - Zoned property. I oppose the changes and current regulations in the Short Term Rental Permit process. AG zoned properties should be allowed to promote Agri-Tourism and not be restricted in the number of days they can hosts guests to their land. Extended Home Rentals (ERH) should be allowed on all AG properties without the Special Exemption process and fees. Allowing more days would only enhance the economic outlook for Johns Island.

Sincerely,



Print your name:

Olen Grant

Restaurant:

Fields Deli & BAKERY

August 5, 2020

To Charleston County Planning Department:

I am a resident of Charleston County and I am not in favor of limiting short term rentals to 72 days (LHR) on AG - Zoned property. I oppose the changes and current regulations in the Short Term Rental Permit process. AG zoned properties should be allowed to promote Agri-Tourism and not be restricted in the number of days they can hosts guests to their land. Extended Home Rentals (ERH) should be allowed on all AG properties without the Special Exemption process and fees. Allowing more days would only enhance the economic outlook for Johns Island.

Sincerely,


Print your name:

John Bantkowski Jr.

Address:

122 Hamwick Ln.
Johns Island SC
29455

August 5, 2020

To Charleston County Planning Department:

I am a resident of Charleston County and I am not in favor of limiting short term rentals to 72 days (LHR) on AG - Zoned property. I oppose the changes and current regulations in the Short Term Rental Permit process. AG zoned properties should be allowed to promote Agri-Tourism and not be restricted in the number of days they can hosts guests to their land. Extended Home Rentals (ERH) should be allowed on all AG properties without the Special Exemption process and fees. Allowing more days would only enhance the economic outlook for Johns Island.

Sincerely,



Print your name:

Mary Carmichael

Address:

4 Dunvegan Dr
Charleston SC
29414

August 5, 2020

To Charleston County Planning Department:

I am a resident of Charleston County and I am not in favor of limiting short term rentals to 72 days (LHR) on AG - Zoned property. I oppose the changes and current regulations in the Short Term Rental Permit process. AG zoned properties should be allowed to promote Agri-Tourism and not be restricted in the number of days they can hosts guests to their land. Extended Home Rentals (ERH) should be allowed on all AG properties without the Special Exemption process and fees. Allowing more days would only enhance the economic outlook for Johns Island.

Sincerely,



Print your name:

Melissa Frasier

Address:

1656 Fishbone Dr
Johns Island SC 29455

August 5, 2020

To Charleston County Planning Department:

I am a resident of Charleston County and I am not in favor of limiting short term rentals to 72 days (LHR) on AG - Zoned property. I oppose the changes and current regulations in the Short Term Rental Permit process. AG zoned properties should be allowed to promote Agri-Tourism and not be restricted in the number of days they can hosts guests to their land. Extended Home Rentals (ERH) should be allowed on all AG properties without the Special Exemption process and fees. Allowing more days would only enhance the economic outlook for Johns Island.

Sincerely,



Print your name:

Hope Carter

Address:

2443 Rice Pond Road
Charleston, SC 29414

August 5, 2020

To Charleston County Planning Department:

I am a resident of Charleston County and I am not in favor of limiting short term rentals to 72 days (LHR) on AG - Zoned property. I oppose the changes and current regulations in the Short Term Rental Permit process. AG zoned properties should be allowed to promote Agri-Tourism and not be restricted in the number of days they can hosts guests to their land. Extended Home Rentals (ERH) should be allowed on all AG properties without the Special Exemption process and fees. Allowing more days would only enhance the economic outlook for Johns Island.

Sincerely,

A handwritten signature in blue ink that reads "Kelly Ferderigos". The signature is written in a cursive style with a long, sweeping underline.

Print your name:

Kelly Ferderigos

Address:

8 River Reach Way
Charleston, SC 29407

August 5, 2020

To Charleston County Planning Department:

I am a resident of Charleston County and I am not in favor of limiting short term rentals to 72 days (LHR) on AG - Zoned property. I oppose the changes and current regulations in the Short Term Rental Permit process. AG zoned properties should be allowed to promote Agri-Tourism and not be restricted in the number of days they can hosts guests to their land. Extended Home Rentals (ERH) should be allowed on all AG properties without the Special Exemption process and fees. Allowing more days would only enhance the economic outlook for Johns Island.

Sincerely,



Print your name:

Misti Melton

Address:

1752 Dartmouth Circle
Ches, SC 29407

August 5, 2020

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I am a resident of Charleston County and I am not in favor of limiting short term rentals to 72 days (LHR) on AG - Zoned property. I oppose the changes and current regulations in the Short Term Rental Permit process. AG zoned properties should be allowed to promote Agri-Tourism and not be restricted in the number of days they can hosts guests to their land. Extended Home Rentals (ERH) should be allowed on all AG properties without the Special Exemption process and fees. Allowing more days would only enhance the economic outlook for Johns Island.

Sincerely,

Print your name: Autumn Garcia

Address: 1627 Elsworth St.
Mt. Pleasant, SC 29466

August 5, 2020

To Charleston County Planning Department:

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Sincerely,



Print your name:

Amy Martha

Address:

2036 Gammon St
Chas SC 29414

August 5, 2020

To Charleston County Planning Department:

I am a resident of Charleston County and I am not in favor of limiting short term rentals to 72 days (LHR) on AG - Zoned property. I oppose the changes and current regulations in the Short Term Rental Permit process. AG zoned properties should be allowed to promote Agri-Tourism and not be restricted in the number of days they can hosts guests to their land. Extended Home Rentals (ERH) should be allowed on all AG properties without the Special Exemption process and fees. Allowing more days would only enhance the economic outlook for Johns Island.

Sincerely,



Print your name:

Keaton Evans

Address:

297 Tom Watson Lane
Kiawah Island

2184 Wappoo Drive
Charleston, SC 29412
August 6, 2020

Dear Planning Commission and County Council Members:

I live in Riverland Terrace and am writing about shortcomings in the Proposed Amendments to Section 6.8 containing the Short-Term Rental Policy AND the failure of the BZA to act in the interest of the public.

More explicit delineation in 6.8 is needed for criteria the BZA needs to consider before making approvals for "Extended Home Rentals" and the proposed 6.8.5 criteria for Non-Conforming STRPs. Specifically, criteria need to be in place for sufficient negative input by nearby property owners to preclude the approval of a BZA request.

A recent event demonstrates the BZA is not functioning as promised when considering Extended Home Rentals, which could also apply to 6.8.5. A recent BZA request for 2108 St. James (BZA-05-20-00401) for an Extended Home Rental was approved by the BZA unanimously even though 7 immediate neighbors wrote letters in opposition. In speaking with county Zoning staff, it seems the BZA was using a checklist and for some reason did not feel the immediate neighbors' concerns had any reason to influence their decision.

The BZA needs to have specific instructions which place a high priority on the input of immediate neighbors to Short Term Rental requests. Who is in a better place to understand the impact on a neighborhood than residents within a certain distance of the subject property? The nuances of the impact of short-term rentals within established neighborhoods is becoming clearer the more residents have to deal with them. Members of the BZA must take into account nearby concerns not found in a generic checklist. Constant problems with noise, short term renters you cannot know well enough to trust around your children, not having a true "neighbor" who cares about schools or helps improve the neighborhood, and the list goes on.

If seven immediate neighbors are not enough to influence the BZA how many are needed 70, 700? Do residents need to stage a protest at BZA meetings? An important component of BZA operating rules and procedures is missing and needs to prioritize neighborhood input. The current BZA process and members show public input to permit requests are a waste of their time; please change this situation.

Regards,

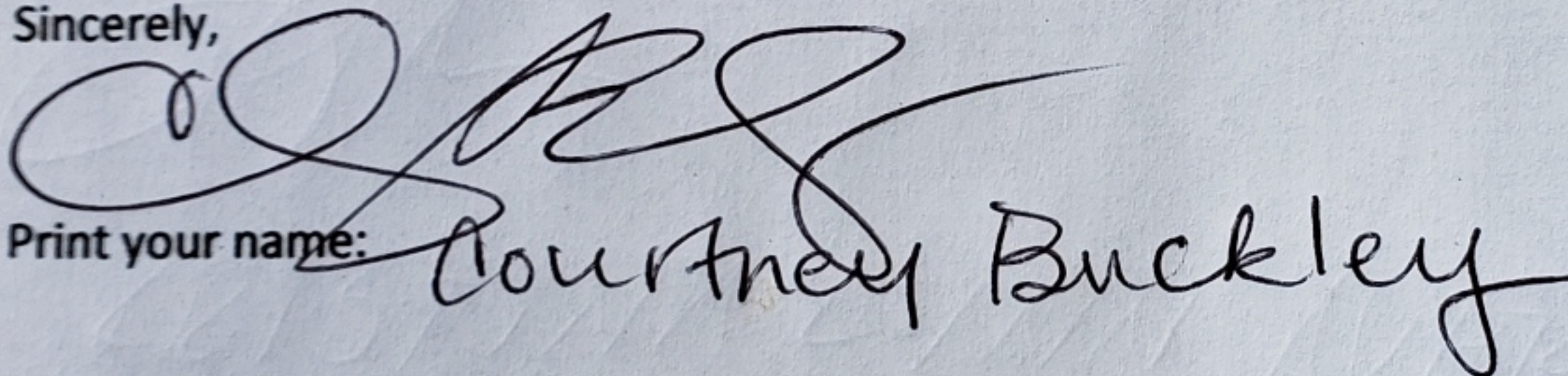
Jim Morrisette

August 5, 2020

To Charleston County Planning Department:

I am a resident of Charleston County and I am not in favor of limiting short term rentals to 72 days (LHR) on AG - Zoned property. I oppose the changes and current regulations in the Short Term Rental Permit process. AG zoned properties should be allowed to promote Agri-Tourism and not be restricted in the number of days they can hosts guests to their land. Extended Home Rentals (ERH) should be allowed on all AG properties without the Special Exemption process and fees. Allowing more days would only enhance the economic outlook for Johns Island.

Sincerely,



Print your name: Courtney Buckley

Address:

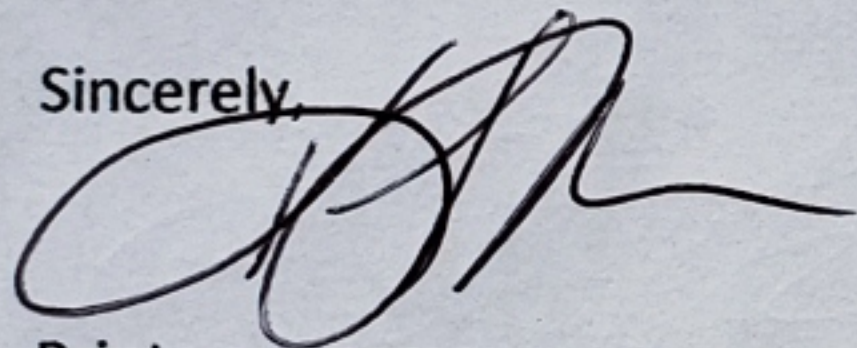
3520 Eaton Ave
Johns Island, SC 29455

August 5, 2020

To Charleston County Planning Department:

I am a resident of Charleston County and I am not in favor of limiting short term rentals to 72 days (LHR) on AG - Zoned property. I oppose the changes and current regulations in the Short Term Rental Permit process. AG zoned properties should be allowed to promote Agri-Tourism and not be restricted in the number of days they can hosts guests to their land. Extended Home Rentals (ERH) should be allowed on all AG properties without the Special Exemption process and fees. Allowing more days would only enhance the economic outlook for Johns Island.

Sincerely,



Print your name:

KRISTINA LYNN AVERY RODZINSKI-CISHEK

Address:

1157 HARBOR VIEW RD

CHAS., SC 29412

893-810-2282

August 5, 2020

To Charleston County Planning Department:

I am a restaurant employee and I am not in favor of limiting short term rentals to 72 days (LHR) on AG - Zoned property. I oppose the changes and current regulations in the Short Term Rental Permit process. AG zoned properties should be allowed to promote Agri-Tourism and not be restricted in the number of days they can hosts guests to their land. Extended Home Rentals (ERH) should be allowed on all AG properties without the Special Exemption process and fees. Allowing more days would only enhance the economic outlook for Johns Island.

Sincerely,



Print your name: SCOTT FOREMAN

Restaurant: THE FAT HEN

August 5, 2020

To Charleston County Planning Department:

I am a restaurant employee and I am not in favor of limiting short term rentals to 72 days (LHR) on AG - Zoned property. I oppose the changes and current regulations in the Short Term Rental Permit process. AG zoned properties should be allowed to promote Agri-Tourism and not be restricted in the number of days they can hosts guests to their land. Extended Home Rentals (ERH) should be allowed on all AG properties without the Special Exemption process and fees. Allowing more days would only enhance the economic outlook for Johns Island.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Miller", with a long, sweeping underline that extends to the right.

Print your name:

Matthew Miller

Restaurant:

Searacha: Whiskey and Cocktail Bar

Brian and Allison Hanson
Limestone Blvd
Charleston SC 29414

August 3, 2020

County Council Planning Commission
4045 Bridge View Dr
North Charleston, SC 29405

RE: Short-Term Rental Ordinance Nights Per Year Restriction

To the Planning Commission Workshop and County Council;

Thank you for your efforts to keep Charleston County one of the country's greatest areas to live and vacation. We understand how difficult and important it is to regulate Charleston's growth and development to maintain its renowned charm. We completely understand that short-term rentals need to be regulated to prevent the loss of great family neighborhoods.

The point of this letter is to prove that the 72/144 night per year restriction does more damage than good. We assume the point of this ordinance is to make it financially infeasible for commercial companies to buy large sections of residential areas and to convert them to STRs. While this regulation may be effective in regard to curtailing such activities, it **punishes well-intentioned homeowners and the county itself**. The same goal can be accomplished just by having a residency requirement like the city of Charleston has or a number of other solutions.

How the night restriction punishes Charleston County. The night limit restricts tourism. One of the main sources of revenue for the Charleston Area is tourism. STR platforms like Airbnb and VRBO have become a required accommodation for some. For the next generation of traveler, a simple hotel room isn't satisfactory. They want to feel like they are in a home not just a room with beds. By opening up STRs you will encourage more tourism.

The night limit restricts personal investment into homes maintenance and home ownership. STRs encourage people to invest their personal money into the maintenance of homes or even purchasing a home in the first place. One problem facing any planning board is that some people lose the desire or ability to maintain their house. STRs gives homeowners valuable incentive and resources to improve their house. Houses that are well-maintained make for better communities and improved resale value for their house and the whole neighborhood.

The night limit restricts taxes collected from the STRs themselves. In order to enforce the ordinances you will need to hire government employees to do so. It's understandable if the

county would want that money to come from the taxes from STRs. The revenue collected from that tax will increase if you allow for more nights. If you allow for more nights more people will offer STRs and you will increase greatly the revenue stream to the county. It will soon not only pay for the employees needed to enforce the regulations but other objectives of the county as well.

The night limit restricts money to local business. Currently most of the tourism revenue in Charleston are spent in downtown and beach establishments. By allowing more STRs businesses in the county will earn more money. Many county businesses, like restaurants and bars, have been devastated by Covid-19. The increase STR nights available is an easy way to put money directly in the pockets of local businesses.

How the night restriction punishes homeowners. Most reasonable people agree that government shouldn't regulate what happens in a person's personal home as long as it doesn't put lives in danger or disturbs the peace of the community. Any ordinance that goes beyond that needless jeopardizes individual freedoms. STRs will not disturb the peace any more than an average household would and should be under the same noise ordinances of any other location. If a homeowner wants to make a room or a section of their house available to others why should this be prevented?

To make a section of a house worthy of holding guest, sometimes considerable resources are spent to accomplish that goal. The night restriction makes it difficult for the homeowner to get a sufficient return on investment. A person needs to decide if this is "worth it" to them. The night restriction doesn't just prevent companies from buy up all the houses, for a lot of homeowners, it may prevent homeowners from making this investment into their home.

On a personal note, this is how we feel. Because of the financial rewards to the STR arrangement we decided to stop renting and become a homeowner. We bought a house in desperate need of maintenance. We spent 10s of thousands of dollars to make a nice home for us and those who want to stay with us. We probably wouldn't have made that decision if we knew the county would put a night restriction in place.

With all the above information it is clear that the night-restriction for STR does more damage to the county than good. We can prevent neighbors to becoming hotels in other ways. We hope this information makes you reconsider the night-restriction on STRS in Charleston County.

Sincerely,

Brian and Allison Hanson

From: [Annie](#)
To: [CCPC](#)
Subject: Amendments to Art.6-8 Short-Term Rentals
Date: Tuesday, August 04, 2020 2:22:54 PM

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

We live in the Adams Run area where we have 2.5 acres. We don't have streets; we have roads; neighbors are not "next door"- they are down the road; it is rural area and despite efforts by some residents, this area will most likely remain rural. Putting in sidewalks and elaborate walkways will not change the character of the area. Weeds will cover the walks within weeks. We are under the Parker's Ferry Overlay as it pertains to short-term rentals and that is indeed somewhat of a "stretch". We are limited to 72 nights short-term rental. Fees are proposed to increase 100%. That is clearly excessive. It would make logical sense that the County would want to increase short-term rentals in order to obtain more tax income. Limits seem contrary to good management. This is not a suburb; this is not busy downtown; this is ultra-rural.

In our experience, people who list property through sites like Airbnb are not renting their property because they like to clean after strangers. They need the income. Simple. The limitations and restrictions that the Planning Commission has placed on that in this particular area are somewhat ludicrous. We are people – not statistics. Your actions, all of them, have dramatic effects on us. Thank you.

Sent from [Mail](#) for Windows 10

From: [E.Morris](#)
To: [CCPC](#)
Subject: Agri-tourism
Date: Wednesday, August 05, 2020 11:35:54 PM

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

August 5, 2020

To Charleston County Planning Department,

The State Dept. of Agriculture and The Dept of Revenue have both designated a farm vacation as Agri-Tourism. When people come and stay on a farm to learn about any aspect of farming, that is Agri-Tourism and it is not a separate business as you want to classify it. The number of days are limited to 72 days by the LHR Short Term Rental ordinance and the guests must stay in the owners house.

I oppose the STR regulations on AG land that restricts the use of that land with regards to Agri-tourism. This is a necessary supplement to farm income that the county ordinance is wrongly restricting the land owners use of AG property by limiting the number of days and restricting it to owner occupied only.

Farms are allowed by state law to offer farm stays as part of their farm business. Why is this any different then the county telling McDonald's you can only serve 100 hamburgers, it's not and Charleston County should not be able to limit the number of days for a vacation rental on a farm.

Here is the SC DOR law:

SECTION [12-43-233](#). Agritourism uses.

(A) In addition to and incidental to the uses required for real property to be classified as agricultural real property pursuant to Sections [12-43-220\(d\)](#), [12-43-230\(a\)](#), and [12-43-232](#), and applicable regulations, uses of tracts of agricultural real property for "agritourism" purposes is deemed an agricultural use of the property to the extent agritourism is not the primary reason any tract is classified as agricultural real property but is supplemental and incidental to the primary purposes of the tract's use for agriculture, grazing, horticulture, forestry, dairying, and mariculture. **These supplemental and incidental agritourism uses are not an "other business for profit" for purposes of Section [12-43-230\(a\)](#).** For purposes of this section, agritourism uses include, but are not limited to: wineries, educational tours, education barns, on-farm historical reenactments, farm schools, farm stores, living history farms, on-farm heirloom plants and animals, roadside stands, agricultural processing demonstrations, on-farm collections of old farm machinery, agricultural festivals, on-farm theme playgrounds for children, **on-farm fee fishing** and hunting, pick your

own, farm vacations, on-farm pumpkin patches, farm tours, horseback riding, horseback sporting events and training for horseback sporting events, cross-country trails, on-farm food sales, agricultural regional themes, hayrides, mazes, crop art, harvest theme productions, native ecology preservations, on-farm picnic grounds, dude ranches, trail rides, Indian mounds, earthworks art, farm animal exhibits, bird-watching, stargazing, nature-based attractions, and ecological-based attractions.

Erin Morris
9725 Plaskett Forest Lane
Lorton, VA 22079

From: [Amy Joyce](#)
To: [CCPC](#)
Cc: edenwindfarm@aol.com
Subject: Support Eden Wind Farm
Date: Thursday, August 06, 2020 8:12:25 AM

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

August 5, 2020

To Charleston County Planning Department:

I am a rental visitor of Charleston County and I am not in favor of limiting short term rentals to 72 days (LHR) on AG - Zoned property. I oppose the changes and current regulations in the Short Term Rental Permit process. AG zoned properties should be allowed to promote Agri-Tourism and not be restricted in the number of days they can hosts guests to their land.

Extended Home Rentals (ERH) should be allowed on all AG properties without the Special Exemption process and fees. Allowing more days would only enhance the economic outlook for Johns Island and Charleston area.

Your commerce and tourism depends on wealthy families like ours who annually visit your county. We stay, shop and eat in your businesses.

Sincerely,

Amy Joyce

223 Thornwood Ct

Moon Township, PA 15108

Get the new AOL app: mail.mobile.aol.com

From: [THY LIU](#)
To: [CCPC](#)
Subject: Eden Wind Farm
Date: Wednesday, August 05, 2020 10:07:48 PM

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

To Charleston County Planning Department,

The State Dept. of Agriculture and The Dept of Revenue have both designated a farm vacation as Agri-Tourism. When people come and stay on a farm to learn about any aspect of farming, that is Agri-Tourism and it is not a separate business as you want to classify it. The number of days are limited to 72 days by the LHR Short Term Rental ordinance and the guests must stay in the owners house.

I oppose the STR regulations on AG land that restricts the use of that land with regards to Agri-tourism. This is a necessary supplement to farm income that the county ordinance is wrongly restricting the land owners use of AG property by limiting the number of days and restricting it to owner occupied only.

Farms are allowed by state law to offer farm stays as part of their farm business.

Why is this any different then the county telling McDonald's you can only serve 100 hamburgers, it's not and Charleston County should not be able to limit the number of days for a vacation rental on a farm.

Here is the SC DOR law:

SECTION 12-43-233. Agritourism uses.

(A) In addition to and incidental to the uses required for real property to be classified as agricultural real property pursuant to Sections 12-43-220(d), 12-43-230(a), and 12-43-232, and applicable regulations, uses of tracts of agricultural real property for "agritourism" purposes is deemed an agricultural use of the property to the extent agritourism is not the primary reason any tract is classified as agricultural real property but is supplemental and incidental to the primary purposes of the tract's use for agriculture, grazing, horticulture, forestry, dairying, and mariculture. **These supplemental and incidental agritourism uses are not an "other business for profit" for purposes of Section 12-43-230(a).** For purposes of this section, agritourism uses include, but are not limited to: wineries, educational tours, education barns, on-farm historical reenactments, farm schools, farm stores, living history farms, on-farm heirloom plants and animals, roadside stands, agricultural processing demonstrations, on-farm collections of old farm machinery, agricultural festivals, on-farm theme

playgrounds for children, on-farm fee fishing and hunting, pick your own, farm vacations, on-farm pumpkin patches, farm tours, horseback riding, horseback sporting events and training for horseback sporting events, cross-country trails, on-farm food sales, agricultural regional themes, hayrides, mazes, crop art, harvest theme productions, native ecology preservations, on-farm picnic grounds, dude ranches, trail rides, Indian mounds, earthworks art, farm animal exhibits, bird-watching, stargazing, nature-based attractions, and ecological-based attractions.

Thy Liu
12654 Marcum Court
Fairfax, VA 22033

From: [Kim-Marie Evans](#)
To: [CCPC](#)
Subject: Eden Wind Farm
Date: Thursday, August 06, 2020 8:06:02 AM

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

August 5, 2020

To Charleston County Planning Department,

I live on Kiawah, so I understand the difficulties short term rentals can have in a highly populated area. I frequent Eden Wind Farm which is an AG property. I am opposed to the current Short term regulation ordination that limits AG property to 72 days a year of rentals.

I have interacted with multiply short term rental guests that are having a farm stays. I've met children riding their bikes to the chicken coop more excited about seeing fresh eggs than I've seen kids when they are visiting Disney. Part of the stay is really interacting with the animals there, especially the horses. I met a little girl who though she had been on property only a few days, she knew the name of every single horse. My family has learned so much about what it take to own AG property and the upkeep of animals. These AG owners are hard working people that just want to share the rural life with others.

We only live 20 minutes from the farm, my son has been riding there for 8 years. He started when he was 7. He loves it so much he's convinced me to rent there so we can sleep on the farm. His fondest dream.

I oppose the changes of higher fees and want AG properties to have more than 72 days without jumping through special exemptions paperwork. In addition to being a Kiawah home owner and horse lover, I'm also a travel editor for a magazine. AG vacation are the kind of sustainable, ethical opportunities that many cities strive for. Charleston is lucky to have Eden Wind.

Kim-Marie Evans
297 Tom Watson Lane
Kiawah Island, SC 29455

From: [Brynn F. Borgerding](#)
To: [CCPC](#)
Subject: STR Regulation changes
Date: Wednesday, August 05, 2020 8:22:37 PM

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

To Charleston County Planning Department:

I am a resident of Charleston County and I am not in favor of limiting short term rentals to 72 days (LHR) on AG - Zoned property. I oppose the changes and current regulations in the Short Term Rental Permit process. AG zoned properties should be allowed to promote agri-tourism and not be restricted in the number of days they can host guests to their land and also be exempt from "special exemption" processes and fees. Allowing more days would only enhance the economic outlook for our county area and further education of agribusiness.

The State Dept. of Agriculture and The Dept of Revenue have both designated a farm stay/vacation as Agri-Tourism. Farms are allowed by state law to offer farm stays as part of their businesses. People come and stay on a farm to learn about any aspect of farming and agriculture, why do you feel it is necessary to impede upon agri-business and educational opportunities for others? Limiting the land owners use of agricultural property is wrong. These are hard working individuals whom give back to the community in ways that maybe you, yourself, see as unimportant.

Agri-tourism is NOT a separate business, no matter how you'd like to classify it.

V/r,

Brynn Borgerding

SECTION 12-43-233. Agritourism uses.

(A) In addition to and incidental to the uses required for real property to be classified as agricultural real property pursuant to Sections 12-43-220(d), 12-43-230(a), and 12-43-232, and applicable regulations, uses of tracts of agricultural real property for "agritourism" purposes is deemed an agricultural use of the property to the extent agritourism is not the primary reason any tract is classified as agricultural real property but is supplemental and incidental to the primary purposes of the tract's use for agriculture, grazing, horticulture, forestry, dairying, and mariculture. **These supplemental and incidental agritourism uses are not an "other business for profit" for purposes of Section 12-43-230(a).** For purposes of this section, agritourism uses include, but are not limited to: wineries, educational tours, education barns, on-farm historical reenactments, farm schools, farm stores, living history farms, on-

farm heirloom plants and animals, roadside stands, agricultural processing demonstrations, on-farm collections of old farm machinery, agricultural festivals, on-farm theme playgrounds for children, on-farm fee fishing and hunting, pick your own, farm vacations, on-farm pumpkin patches, farm tours, horseback riding, horseback sporting events and training for horseback sporting events, cross-country trails, on-farm food sales, agricultural regional themes, hayrides, mazes, crop art, harvest theme productions, native ecology preservations, on-farm picnic grounds, dude ranches, trail rides, Indian mounds, earthworks art, farm animal exhibits, bird-watching, stargazing, nature-based attractions, and ecological-based attractions.

From: [mary.beaulieu](#)
To: [CCPC](#)
Subject: Opposition to regulations - Short Term Rental Permit process
Date: Wednesday, August 05, 2020 6:43:33 PM

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August 5, 2020

To Charleston County Planning Department:

I am a resident of Charleston County and I am not in favor of limiting short term rentals to 72 days (LHR) on AG - Zoned property. I oppose the changes and current regulations in the Short Term Rental Permit process. AG zoned properties should be allowed to promote Agri-Tourism and not be restricted in the number of days they can hosts guests to their land. Extended Home Rentals (ERH) should be allowed on all AG properties without the Special Exemption process and fees. Allowing more days would only enhance the economic outlook for Johns Island and Charleston area.

Sincerely,

Mary Beaulieu

2408 Maybank Hwy
Johns Island, SC 29455

From: [Carole Davidson](#)
To: [CCPC](#)
Subject: AG properties short term rental regulations
Date: Wednesday, August 05, 2020 5:25:13 PM

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

August 5, 2020

To: Charleston County Planning Department

I am a resident of Charleston County residing downtown. I travel daily to Johns Island. I understand that short term rentals can be very challenging. I also understand that short term rentals in high density areas like downtown Charleston are very different from AG property short term rentals. It's a simple matter of space. I am not in favor of limiting AG-Zoned property short term rentals to 72 days. Nor am I in favor of requiring special exemption forms to be submitted and additional fees applied.

AG-zoned properties, including those with short term rentals, promote Agri-tourism and there is a niche to be filled on Johns Island. Instead of more ill planned developments going up why not embrace the aspect of tourists who want to visit the country, stay on a farm, ride horses, swim in lakes, visit vegetable farms, eat local and when the day is done sit on a porch enjoying the wide open view with your dog by your side.

In the world we live in today where businesses are falling by the wayside please do not punish the rural small business sector by increasing the cost of staying in business and the red tape that goes along with it.

Respectfully,

Carole G. Davidson
36 Harleston Place
Charleston, SC 29401

From: [Elaine Hawk](#)
To: [CCPC](#)
Subject: Proposed law change for farm stays
Date: Wednesday, August 05, 2020 1:17:34 PM

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

August 5, 2020

To Charleston County Planning Department,

The State Dept. of Agriculture and The Dept of Revenue have both designated a farm vacation as

Agri-Tourism. When people come and stay on a farm to learn about any aspect of farming, that is

Agri-Tourism and it is not a separate business as you want to classify it. The number of days are limited to 72 days by the LHR Short Term Rental ordinance and the guests must stay in the owners house.

I oppose the STR regulations on AG land that restricts the use of that land with regards to Agri-tourism. This is a necessary supplement to farm income that the county ordinance is wrongly restricting the land owners use of AG property by limiting the number of days and restricting it to owner occupied only.

Farms are allowed by state law to offer farm stays as part of their farm business.

Why is this any different then the county telling McDonald's you can only serve 100 hamburgers, it's not and Charleston County should not be able to limit the number of days for a vacation rental on a farm.

--

Elaine Hawk
2581 Meade Drive
Vineland, NJ. 08361

From: [Robert DiRado](#)
To: [CCPC](#)
Subject: AG-Zoned Properties
Date: Wednesday, August 05, 2020 2:55:26 PM

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

August 5, 2020

To Charleston County Planning Department:

I am a resident of Charleston County and I am not in favor of limiting short term rentals to 72 days (LHR) on AG - Zoned property. I oppose the changes and current regulations in the Short Term Rental Permit process. AG zoned properties should be allowed to promote Agri-Tourism and not be restricted in the number of days they can hosts guests to their land. Extended Home Rentals (ERH) should be allowed on all AG properties without the Special Exemption process and fees. Allowing more days would only enhance the economic outlook for Johns Island and Charleston area

Sincerely,

Robert J DiRado

128 Columbus St

#618

Charleston, SC 29403

From: [Kazley, Abby Swanson](#)
To: [CCPC](#)
Subject: AG Zoned Property
Date: Thursday, August 06, 2020 12:19:34 PM
Attachments: [image001.png](#)

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

August 6, 2020

To Charleston County Planning Department:

I am a resident of Charleston County and I am not in favor of limiting short term rentals to 72 days (LHR) on AG - Zoned property. I oppose the changes and current regulations in the Short Term Rental Permit process. AG zoned properties should be allowed to promote Agri-Tourism and not be restricted in the number of days they can host guests to their land. Extended Home Rentals (ERH) should be allowed on all AG properties without the Special Exemption process and fees. Allowing more days would only enhance the economic outlook for Johns Island and Charleston area

Sincerely,

Abby Swanson Kazley
1724 Canyon Oaks Dr, Mt Pleasant, SC 29464

Abby Swanson Kazley, PhD

Professor and Division Director of Master of Science in Health Informatics
College of Health Professions, Department of Health Care Leadership and Management
Medical University of South Carolina
151-B Rutledge Ave, B410
Charleston, SC 29425-9620
843-792-0012 | swansoj@musc.edu
muscedu/chp

Niki R. Grimball

From: Jenn Scales <jennscales@gmail.com>
Sent: Saturday, August 08, 2020 2:33 PM
To: CCPC
Subject: Opposed to the current Short term regulation ordination that limits AG property

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

August 8, 2020

To Charleston County Planning Department,

I am a previous resident of City of Charleston and I understand the challenges that face many residents near short term rentals; however, AG property is very different. I am opposed to the current Short term regulation ordination that limits AG property to 72 days a year of rentals.

I lived in Charleston for 12 years. I held long term rentals both in West Ashley and in the Wagener Terrace neighborhood where I resided for 6 years before buying my first home in West Ashley. I understand the need to have short term regulation in the more residential and developed areas of the city. However I strongly disagree that those regulations make sense in our rural and agricultural communities.

For years, I drove 1 to 2 days a week to Eden Wind Farm and have interacted with multiply short term rental guests that are having a farm stays. All the guests have been a joy to speak with. As a previous Agent of Clemson Extension Youth 4-H Education Programs, I can not even begin to describe the importance of farm stays to the Agricultural growth of the future. I also worked for the City of Charleston's Park Department as the Keep Charleston Beautiful program manager and I assure you I understand the need to have regulation in the City but AG property is very different from city life. People need that rural experience. They appreciate the opportunity to experience an agricultural or farm setting and it helps them better connect to the sense of place that Charleston hopes to offer visitors and tourists.

I oppose the changes of higher fees and want Ag properties to have more than 72 days without jumping through special exemptions paperwork.

Jennifer Scales
1839 St. Julian Drive, Charleston SC 29407
200A NW 58th Street Seattle WA, 98107

--

Jennifer Scales, M.S
jennscales@gmail.com

Niki R. Grimball

From: MLucka Kelley <mluckakelley@gmail.com>
Sent: Monday, August 10, 2020 5:39 PM
To: CCPC
Cc: John Taylor; Jordan Kathie Seabrook Jordan; mluckakelley@gmail.com
Subject: For the 8/11 Council Public Hearing: Wadmalaw Island Land Planning Committee Letter Supporting Staff's Proposed STR Changes.
Attachments: WILPC Letter Supporting Proposed Changes to STR Ordinance copy.docx

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Dear Kristen: Please include this letter with the correspondence to County Council for Tuesday's Public Hearing. Thanks very much! Best regards, Melinda Kelley

Melinda Lucka Kelley
Finkel Law Firm, LLC
4000 Faber Pl. Suite 450
N. Chas., SC 29405
MKelley@FinkelLaw.com
MLuckaKelley@gmail.com
(843) 214-8266

Wadmalaw Island Land Planning Committee

www.WILPC.org

August 7, 2020

Charleston County Council
Lonnie Hamilton, III Public Services Building
Via Email

RE: August 11, 2020 Public Hearing Letter of Support
for Proposed Changes to Short Term Rental Ordinance

Dear Charleston County Council Members:

The Wadmalaw Island Land Planning Committee was created in 1988, shortly after the Wadmalaw Plan was adopted by County Council 32 years ago. The name and structure of the Wadmalaw Plan has changed; however, the intent and the basic restrictions that have preserved our island have remained intact. Over the years, we have seen how important it is to maintain those safeguards in our rural community, and have historically taken the position of supporting zoning requests that comply with the ZLDR and the County's Comprehensive Plan.

We respectfully request that you approve the proposed changes to the County's Short Term Rental Ordinances, as we believe that they would be in the best interest of Wadmalaw and of the County as a whole. All of the proposed STR revisions will be important; however, we'd like to point out a few changes that we support as being particularly significant for Wadmalaw Island:

- 1) The Planning Staff recommended that the "Limited Home Rental (LHR)" requests be handled as "Special Exceptions" in the Wadmalaw Preservation (AG-15) District, with BZA approval and the recommended additional STRP approval criteria. Planning Commission voted not to recommend that change; however, we would ask that you approve it, so that residents would know in advance when a Short Term Rental permit for up to a maximum of 72 nights in our AG-15 zoning is being requested.
- 2) Adding the "Limited Site Plan Review" process for applications in AG-15 Districts;
- 3) Requiring Planned Developments to go through an amendment process if STRPs are requested to be added;
- 4) Prohibiting Dwelling Group residences from converting to STRPs;
- 5) Requiring rental records to be provided to the County upon request;
- 6) Requiring barter goods and services to count as "compensation";
- 7) Having a clear definition of what constitutes being "owner-occupied"; and
- 8) Clarifying violation and enforcement provisions.

Page 2
Charleston County Council

We respectfully ask that you vote to adopt the proposed STR Ordinance changes. Thank you for your consideration of our comments.

Sincerely yours,

WADMALAW ISLAND
LAND PLANNING COMMITTEE

A handwritten signature in black ink, appearing to read 'John Taylor', is centered below the typed name.

John Taylor, Chair

Zoning Committee:
Melinda Lucka Kelley
(843) 214-8266
MKelley@FinkelLaw.com

Kathie Seabrook Jordan
(843) 327-6414
kathiecbrook@gmail.com

Niki R. Grimball

From: Victoria Fowler <victoriatfowler@yahoo.com>
Sent: Monday, August 10, 2020 10:43 AM
To: CCPC
Subject: Feedback on proposed changes to the ZLDR - STRPs (Art. 6.8)

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Hello!

I am writing to voice a concern over the proposed changes to ZLDR Art. 6.8 concerning short term rentals. I do agree that these should be strengthened, but I also see a lot of public comment over concern for AG-zoned land and restricting "Agritourism."

The state law discusses Agritourism, but it clearly says this should not be the primary function and that it should be "supplemental and incidental" to operations. A fear that I have is that someone could purchase AG-zoned land, have a small "agricultural" business and a primary hoteling operation, and claim it is a "farm." Or, even worse, just call themselves a "farm," operate essentially as a hotel with scenic views in a rural setting, and not conduct any agricultural operations at all.

Without any guidelines or litmus test in place, I feel it would be extremely detrimental to do away with any restrictions to the AG district. Any operation that is truly related in agricultural operations should be willing to view Agritourism as supplemental, and not primary, and therefore it would not be unreasonable to determine that with this in mind, the number of accommodations allowed should be able to fall within a set given restrictions and parameters if it is truly a supplemental operation to the primary business of agriculture. Opening the door up for no regulation at all would make it very easy to distort the state law and function primarily as hoteling operation with agriculture as a mere after thought.

Thank you for your consideration,

Victoria Fowler
Grace Chapel Rd., Rockville, SC

Niki R. Grimball

From: Kristen T. Hess
Sent: Tuesday, August 11, 2020 8:50 AM
To: CCPC
Subject: Fwd: Eden Wind Farm AG

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From: Thy Liu <thylu@gmail.com>
Sent: Tuesday, August 11, 2020 8:11:13 AM
To: Kristen L. Salisbury <KSalisbury@charlestoncounty.org>; Kristen T. Hess <KT Hess@charlestoncounty.org>
Cc: Eden Wind Farm <edenwindfarm@aol.com>
Subject: Eden Wind Farm AG

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We are asking County Council to go back to ZLDR workshop and revise the STRP ordinance to allow AG property owners the ability to have extended home rentals (EHR) which would give AG land up 144 days. We feel this is a good compromise until the state law can be more specific.

With an increased interest in fresh air experiences, remote vacations and simple pleasures the farm is the pace to go. Vacation Rentals on farms are a

high demand where
people pay from from
\$200 per night to
thousands per night for
luxury experiences
across the
nation. County would
only benefit from the
short term rental taxes
and AG property would
be preserve as rural
verses selling large
tracts of farm land to
developers. Johns
Island would still be
able to keep the
rural density at we all
love.

Please consider
sending the
ordinance back to
workshop and make
this change.

Name: Thy Liu
Address: 12654
Marcum Court,
Fairfax, VA 22033

Niki R. Grimball

From: Kristen T. Hess
Sent: Tuesday, August 11, 2020 8:51 AM
To: CCPC
Subject: Fwd: urgent need your help today

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From: THY LIU <tthyme2000@yahoo.com>
Sent: Tuesday, August 11, 2020 8:07:48 AM
To: Eden Wind Farm <edenwindfarm@aol.com>; Kristen L. Salisbury <KSalisbury@charlestoncounty.org>; Kristen T. Hess <KTHess@charlestoncounty.org>
Subject: Re: urgent need your help today

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Thy Liu
(617) 750-6009

On Aug 11, 2020, at 6:35 AM, Eden Wind Farm <edenwindfarm@aol.com> wrote:

Update from last night:

We hired an attorney to help up with this process and we will fight for the Agri-tourism from a different platform, from State down to County, so for now *we are asking you write a letter about Agriculture land being allowed more than 72 days.*

The meeting is at 6:30pm tonight if anyone want to speak, call me and I will give you the address and give you more details. We will be there to speak again. In the meantime more letters will help CC me in them so I can also have them in my hand when I speak.

Please send an email to these two addresses at County County Council **today**:

ksalisbury@charlestoncounty.org,
kthess@charlestoncounty.org

Here is an example:

We are asking County Council to go back to ZLDR workshop and revise the STRP ordinance to allow AG property owners the ability to have extended home rentals (EHR) which would give AG land up 144 days. We feel this is a good compromise until the state law can be more specific.

With an increased interest in fresh air experiences, remote vacations and simple pleasures the farm is the place to go. Vacation Rentals on farms are a high demand where people pay from from \$200 per night to thousands per night for luxury experiences across the nation. County would only benefit from the short term rental taxes and AG property would be preserve as rural verses selling large tracts of farm land to developers. Johns Island would still be able to keep the rural density at we all love.

Please consider sending the ordinance back to workshop and make this change.

Name
Address

Niki R. Grimball

From: Kristen T. Hess
Sent: Tuesday, August 11, 2020 8:51 AM
To: CCPC
Subject: Fwd: AG Property need to be Extend Home Rental.

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From: Tanya Marie <tanya92271@gmail.com>
Sent: Monday, August 10, 2020 9:05:37 PM
To: Kristen L. Salisbury <KSalisbury@charlestoncounty.org>; Kristen T. Hess <KT Hess@charlestoncounty.org>
Subject: AG Property need to be Extend Home Rental.

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August 10, 2020

I just attended my first meeting for county planning and zoning meeting today. I did attend the workshop last month via the computer and was unaware that I could speak. I am disappointed that the county planning commission is not supporting agricultural land and allowing short term rentals to be only 72 days. I sent my letter in but they ignored the letters that opposed changes, so I got more people who live on Johns Island to write in and we had more in favor of moving AG to Extended Home Rental but they chose to send it to county council. I am asking that the planning commission go back to workshop and consider moving AG property into the extended home rental category.

The planning committee is trying to regulate 130 properties in the unincorporated areas of Charleston. There were more letters showing support in moving AG properties to Extended Home Rentals than opposed, yet they left the meeting with a hung jury and are sending the regulation to county council for tomorrow.

I challenge county to provide data on the number of police reports or HOA complaints for properties that are an annoyance in the AG area versus complaints in other areas. There are only two properties that I am aware of that have had

issues. In the schools, we do not punish or limit activities (silent lunch to the entire grade for 1 student being noisy.)

Times have changed since 2018 when STRP was enacted... AirBnB and VRBO have now changed the way they operate....Guests and owners reviews are what drives whether you accept a person. If a person who stays does not communicate, is not clean, or does not follow house rule I give them a 1 Star review. They want a 5 star so they can stay at other VRBO and AirBNB's

I am currently limited to 72 days due to properties like Bolts and the Awendaw people. Then from what I have read... there are special exceptions in Extended Home Rental but AG is not allow that access. I am asking to move the AG properties to Extended Home Rental. Although I really do not want to pay the \$700 and do all the paperwork but if I have to compromise I will work within your system.

I am just an average person and want to rent for up to 144 days. Please consider sending the proposal back to planning.

Niki R. Grimball

From: Kristen T. Hess
Sent: Tuesday, August 11, 2020 8:51 AM
To: CCPC
Subject: Fwd: STR permits on AG Land
Attachments: State Law and County.docx

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From: Eden Wind Farm <edenwindfarm@aol.com>
Sent: Monday, August 10, 2020 8:51:33 PM
To: Kristen L. Salisbury <KSalisbury@charlestoncounty.org>; Kristen T. Hess <KTHess@charlestoncounty.org>
Subject: Fwd: STR permits on AG Land

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Dear County Council:

My name is Denise Mosimann, I operate an American quarter horse breeding farm on Edenvale road, Johns Island. I also provide fertilized eggs to the Clemson Extension Service for their in school 4-H programs. I developed my land in 1997 and have been in continuous operation since that time. I have a permitted STR for 72 days which I use for Farm Stay vacations for people who want to learn about agriculture, horses, and the rural lifestyle.

The 2007 Code of Laws of South Carolina, Section 12-43-233 with regard to Agri-tourism states that farm vacations are not a separate business and that they are supplemental and incidental to the primary function of the farm for agriculture. I think bona fide farms should be exempt from the short term rental regulations because I operate it as part of the Agri -Tourism aspect of my Breeding operation. My farm is not like other short term rentals I have plenty of land, no HOA, no parking problems, no noise, no trash issues and I provide a service that is in demand.

I would like to see Charleston county support the local agricultural business and remove 72 day limit. Even if the County allowed farms the 144 days, the \$700 cost would be an extreme expense annually for a farm whose margins are often small. A hurricane could destroy an entire fall crop and leave the business in the red. So the supplemental income from offering farm vacations not only helps us get through disasters, but it also creates the next generation of farmers. Children visit my farm to learn all about horses and sustainable Agriculture through their farm vacations.

I was disappointed in attending my first ZLDR workshop that all of the decisions were already made when it comes to what AG zoned land is allowed to do with only a Limited Home Rental STR permit. There were 47 letters opposed the proposed changes and in favor of AG land being allowed to extend to 144 days. This would certainly be in line with promoting Agri-tourism in our county as the state law encourages it to supplement farm income. The table of use chart states that I am not allowed to even apply for Extended Home Rental, (144 days to visitors), and I can't apply for a Special Exception to the ordinance either. There was no explanation given for why it is not allowed.

Please consider sending the proposed ordinance back to workshop and offer Extended Home Rental permits to Agricultural small businesses to encourage and support local farms through less restrictions.

From SC Legislature 2007:

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-43-233 SO AS TO PROVIDE ADDITIONAL "AGRITOURISM" USES FOR REAL PROPERTY THAT DO NOT AFFECT THE ELIGIBILITY OF THE PROPERTY FOR THE AGRICULTURAL USE CLASSIFICATION FOR PURPOSES OF PROPERTY TAX.

Be it enacted by the General Assembly of the State of South Carolina:

Agritourism uses

SECTION 1. Article 3, Chapter 43, Title 12 of the 1976 Code is amended by adding:

"Section 12-43-233. (A) In addition to and incidental to the uses required for real property to be classified as agricultural real property pursuant to Sections 12-43-220(d), 12-43-230(a), and 12-43-232, and applicable regulations, uses of tracts of agricultural real property for 'agritourism' purposes is deemed an agricultural use of the property to the extent agritourism is not the primary reason any tract is classified as agricultural real property but is supplemental and incidental to the primary purposes of the tract's use for agriculture, grazing, horticulture, forestry, dairying, and mariculture. These supplemental and incidental agritourism uses are not an 'other business for profit' for purposes of Section 12-43-230(a). For purposes of this section, agritourism uses include, **but are not limited to:** wineries, educational tours, education barns, on-farm historical reenactments, farm schools, farm stores, living history farms, on-farm heirloom plants and animals, roadside stands, agricultural processing demonstrations, on-farm collections of old farm machinery, agricultural festivals, on-farm theme playgrounds for children, on-farm fee fishing and hunting, pick your own, **farm vacations**, on-farm pumpkin patches, farm tours, **horseback riding, horseback sporting events and training for horseback sporting events, cross-country trails**, on-farm food sales, agricultural regional themes, hayrides, mazes, crop art, harvest theme productions, native ecology preservations, on-farm picnic grounds, **dude ranches, trail rides**, Indian mounds, earthworks art, farm animal exhibits, bird-watching, stargazing, nature-based attractions, and ecological-based attractions.

(B) The Department of Revenue by regulation may further define those uses qualifying as agritourism and appropriate definitions for 'supplemental and incidental' as used in this section."

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 8th day of June, 2007.

Approved the 13th day of June, 2007.

From County Code book

7.2.14 Agricultural Activity

The county shall encourage the continuity, development and viability of agricultural production within agricultural lands by not enacting local laws or ordinances which would unreasonably restrict agricultural production within the agricultural lands in contravention of the purposes of this ordinance unless restrictions or ordinance bear a direct relationship to the public health or safety.

Niki R. Grimball

From: Kristen T. Hess
Sent: Tuesday, August 11, 2020 9:30 AM
To: CCPC
Subject: Fwd: Agri-tourism

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From: Jen Wimer <speechykeen@gmail.com>
Sent: Tuesday, August 11, 2020 9:27:37 AM
To: Kristen L. Salisbury <KSalisbury@charlestoncounty.org>; Kristen T. Hess <KT Hess@charlestoncounty.org>
Cc: Eden Wind Farm <edenwindfarm@aol.com>
Subject: Agri-tourism

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Hello Council Members,

I am asking County Council to go back to ZLDR workshop and revise the STRP ordinance to allow AG property owners the ability to have extended home rentals (EHR) which would give AG land up 144 days. We feel this is a good compromise until the state law can be more specific.

Right now, people are looking to get away in places that feel safe and remote, and we should be encouraging them to participate in vacation activities that minimize Covid risks. Although I live in the city, I LOVE to get out to more rural parts surrounding Charleston in order to spend time in nature. I would HATE for local farms to be forced to sell off their land to developers. These fresh air experiences are in high demand, and the County would only benefit from the short term rental taxes, plus agricultural property would be preserved as rural verses selling large tracts of farm land to developers. Johns Island would still be able to keep the rural density at we all love.

Please consider sending the ordinance back to workshop and make this change.

Warm Regards,
Jennifer Wimer
109 Register Rd
Charleston, SC 29403

Niki R. Grimball

From: Kristen L. Salisbury
Sent: Tuesday, August 11, 2020 1:12 PM
To: CCPC
Subject: Fwd: AG Property

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From: Hope Carter <hmcarter1990@gmail.com>
Sent: Tuesday, August 11, 2020 9:36:31 AM
To: Kristen L. Salisbury <KSalisbury@charlestoncounty.org>; Kristen T. Hess <KTHess@charlestoncounty.org>
Subject: AG Property

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Good morning,

We are asking County Council to go back to ZLDR workshop and revise the STRP ordinance to allow AG property owners the ability to have extended home rentals (EHR) which would give AG land up 144 days. We feel this is a good compromise until the state law can be more specific.

With an increased interest in fresh air experiences, remote vacations and simple pleasures, the farm is the place to go. Vacation Rentals on farms are in high demand where people pay from \$200 per night to thousands per night for luxury experiences across the nation. County would only benefit from the short term rental taxes and AG property would be preserved as rural versus selling large tracts of farm land to developers. Johns Island would still be able to keep the rural density that we all love.

Please consider sending the ordinance back to workshop and make this change.

Hope Carter
2443 Rice Pond Road
Charleston, SC 29414

Niki R. Grimball

From: Kristen L. Salisbury
Sent: Tuesday, August 11, 2020 1:12 PM
To: CCPC
Subject: Fwd: Allow AG property owners the ability to have extended home rentals (EHR) which would give AG land up 144 days.

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From: Tim Domin <TDomin@clawsonandstaubes.com>
Sent: Tuesday, August 11, 2020 9:43:42 AM
To: Kristen L. Salisbury <KSalisbury@charlestoncounty.org>; Kristen T. Hess <KTHess@charlestoncounty.org>
Cc: Eden Wind Farm <edenwindfarm@aol.com>
Subject: Allow AG property owners the ability to have extended home rentals (EHR) which would give AG land up 144 days.

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If you want to reduce traffic and preserve larger agricultural parcels, you have to give those with AG zoning a way to make money off their property to cover the bills and expenses of running a farm. Otherwise, AG land will slowly be sold and developed into single family housing. Allowing AG property owners STRP ordinance to allow AG property owners the ability to have extended home rentals (EHR) which would give AG land up 144 days. These AG properties are larger. Their neighbors are further away. Someone staying there is not going to bother anyone. There are no parking issues. What are you really trying to accomplish by limiting Short Term Rentals on AG properties? Please give vote to amend or send this back for further study.

Tim Domin
Mount Pleasant, SC

Niki R. Grimball

From: Kristen L. Salisbury
Sent: Tuesday, August 11, 2020 1:12 PM
To: CCPC
Subject: Fwd: STRP ordinance

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From: mary beaulieu <mary.m.beaulieu@mac.com>
Sent: Tuesday, August 11, 2020 10:26:37 AM
To: Kristen L. Salisbury <KSalisbury@charlestoncounty.org>; Kristen T. Hess <KTHess@charlestoncounty.org>
Cc: edenwindfarm <edenwindfarm@aol.com>
Subject: STRP ordinance

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We are asking County Council to go back to ZLDR workshop and revise the STRP ordinance to allow AG property owners the ability to have extended home rentals (EHR) which would give AG land up 144 days. We feel this is a good compromise until the state law can be more specific.

With an increased interest in fresh air experiences, remote vacations and simple pleasures the farm is the pace to go. Vacation Rentals on farms are a high demand where people pay from from \$200 per night to thousands per night for luxury experiences across the nation. County would only benefit from the short term rental taxes and AG property would be preserve as rural verses selling large tracts of farm land to developers. Johns Island would still be able to keep the rural density at we all love.

Please consider sending the ordinance back to workshop and make this change.

Mary Beaulieu
2408 Maybank Hwy
Johns Island, SC 29455

Niki R. Grimball

From: Kristen T. Hess
Sent: Tuesday, August 11, 2020 1:01 PM
To: CCPC
Subject: FW: AG Property Owners with EHR - ZLDR Workshop & STRP Ordinance Revision

From: watson0506@gmail.com <watson0506@gmail.com>
Sent: Tuesday, August 11, 2020 12:52 PM
To: Kristen L. Salisbury <KSalisbury@charlestoncounty.org>; Kristen T. Hess <KTHess@charlestoncounty.org>
Cc: Eden Wind Farm <edenwindfarm@aol.com>
Subject: AG Property Owners with EHR - ZLDR Workshop & STRP Ordinance Revision

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To Whom It May Concern,

I fully support the request for County Council to go back to ZLDR workshop and revise the STRP ordinance to allow AG property owners the ability to have extended home rentals (EHR), which would give AG land up 144 days. We feel this is a good compromise until the state law can be more specific.

With an increased interest in fresh air experiences, remote vacations and simple pleasures the farm is the place to go. I have personally experienced this on a recent visit to Kiawah Island. This type of experience (EHR and agriculture/recreation) is a rare find these days. Children and adults get to enjoy this type of holistic lifestyle during their visit to the Charleston area. There should be more places like Eden Wind Farm. We have a lot of family and friends locally, as well as from other parts of the country, that support this unique contribution to the area's relaxing and flavorful culture. Vacation Rentals on farms are a high demand where people pay from \$200 per night to thousands per night for luxury experiences across the nation. The county would only benefit from the short-term rental taxes and AG property would be preserved as rural; versus selling large tracts of farm land to developers. Johns Island would still be able to keep the rural density that we all love.

Please consider sending the ordinance back to workshop and make this change.

Kelly Watson
1320 Torrens Drive
Wesley Chapel, NC 28110

Niki R. Grimball

From: Victoria Fowler <victoriatfowler@yahoo.com>
Sent: Tuesday, August 11, 2020 3:15 PM
To: CCPC
Cc: Pam Skinner; Dad
Subject: Re: Feedback on proposed changes to the ZLDR - STRPs (Art. 6.8)

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I would like to follow up to my email with additional information to consider in this decision. While individuals supporting loose or no restrictions on STRs for the purpose of Agritourism, the state law they are citing clearly refers to the operations being supplemental and incidental to primary operations (of agricultural nature) and refers to the State of South Carolina Department of Revenue for definitions on what that entails.

From the SC Department of Revenue:

"§ 222.2. Definition of Agricultural Real Property. To qualify as agricultural real property, real property must be "actually used for agricultural purposes." SC Code §12-43-220(d). See also SC Commission Decision 92-77. This means that the property must be currently used for bona fide agricultural purposes. Intended or future use is not determinative. 10 SC Regs. 117-1780.1; SC Commission Decision 92-77.

Agricultural real property is defined as "any tract of real property which is used to raise, harvest or store crops, feed, breed or manage livestock, or to produce plants, trees, fowl or animals useful to man, including the preparation of the products raised thereon for man's use and disposed of by marketing or other means." SC Code §12-43-230(a). Agricultural real property also includes a dockside facility whose primary use is the landing and processing of seafood. SC Code §12-43-220(d)(5).

10 SC Regs. 117-1780.1 further defines agricultural real property. It provides six non-exclusive factors to be considered by county assessors in determining whether the tract in question is bona fide agricultural real property: (1) the nature of the terrain; (2) the density of the marketable product (timber, etc.) on the land; (3) the past usage of the land; (4) the economic merchantability of the agricultural product; (5) the use or not of recognized care, cultivation, harvesting and like practices applicable to the product involved, and any implemented plans thereof; and (6) the business or occupation of the landowner or lessee, provided that purchase for investment purposes does not disqualify a tract if it is actually used for agricultural purposes.

The following uses of real property do not qualify as agricultural: (1) recreation; (2) hunting clubs; (3) fishing clubs; (4) vacant land lying dormant; or (5) any other similar use. 10 SC Regs. 117-1780.1"

From the above, it is clear that the primary use must be agricultural in nature, and "recreation" activities on agriculturally zoned land do not qualify. For those utilizing agricultural properties for the primary use of vacation rentals, this would then put the land into the recreation category if the majority of revenues (as the regulations clearly reference marketable products and economic merchantability of the products produced) are not from activities that are truly agricultural in nature.

Furthermore, the SC Code continues:

"In cases in which the real property is committed to more than one use, one use being agricultural and the other use or uses being unrelated to agriculture, the agricultural activity must comprise the most significant use of the property for the property to be classified as agricultural real property. 10 SC Regs. 117-1780.1.

Agricultural real property may be used for agritourism, provided agritourism is supplemental and incidental to a primary use for agricultural purposes. SC Code §12-43-233. A lengthy, non-exclusive list of agritourism uses set forth in the statute includes such diverse uses as wineries, educational tours, on-farm food sales, farm vacations, birdwatching, and crop art."

It clearly states that the agricultural activity must comprise the most significant use. Whether this is 51 percent of income received (a majority) or determined by another factor that indicates that it holds significance, having a restriction on number of nights allowed for STRs on agricultural properties should not be a hindrance to operations if the income is truly incidental and supplemental. The county is not denying AG properties the right to promote agritourism and conduct STRs at all by the STRP restrictions, it is simply putting a check and balance in place that discourages misuse of AG property or the ability to shift focus from AG land being primarily focused on agriculture operations to one that becomes a majority of recreation and/or hoteling in nature with agriculture as a side note.

Thank you for your consideration.

Victoria Fowler
Grace Chapel Rd., Rockville, SC

On Monday, August 10, 2020, 10:42:55 AM EDT, Victoria Fowler <victoriafowler@yahoo.com> wrote:

Hello!

I am writing to voice a concern over the proposed changes to ZLDR Art. 6.8 concerning short term rentals. I do agree that these should be strengthened, but I also see a lot of public comment over concern for AG-zoned land and restricting "Agritourism."

The state law discusses Agritourism, but it clearly says this should not be the primary function and that it should be "supplemental and incidental" to operations. A fear that I have is that someone could purchase AG-zoned land, have a small "agricultural" business and a primary hoteling operation, and claim it is a "farm." Or, even worse, just call themselves a "farm," operate essentially as a hotel with scenic views in a rural setting, and not conduct any agricultural operations at all.

Without any guidelines or litmus test in place, I feel it would be extremely detrimental to do away with any restrictions to the AG district. Any operation that is truly related in agricultural operations should be willing to view Agritourism as supplemental, and not primary, and therefore it would not be unreasonable to determine that with this in mind, the number of accommodations allowed should be able to fall within a set given restrictions and parameters if it is truly a supplemental operation to the primary business of agriculture. Opening the door up for no regulation at all would make it very easy to distort the state law and function primarily as hoteling operation with agriculture as a mere after thought.

Thank you for your consideration,

Victoria Fowler
Grace Chapel Rd., Rockville, SC

Niki R. Grimball

From: Alicia Thompson <fetaat@att.net>
Sent: Tuesday, August 11, 2020 3:27 PM
To: CCPC
Subject: Wadmalaw Island Zoning

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August 11, 2020

To: Charleston County Planning Department

I am a native and full time resident of Charleston County, and I am in favor of limiting short term rentals to 72 days on AG-Zoned property. I approve of the current regulations in the Short Term Rental Permit process. AG zoned properties should be not be allowed to promote Agri-Tourism and be restricted in the number of days they can host quests on their land. Also, Extended Home Rentals should not be allowed on AG-Zoned properties nor extra tax breaks.

I feel that Charleston County should require special exemptions for STRP on AG-15 properties, require site plan review during application process for STRP on AG-15 properties, prohibit dwellings in dwelling groups in short term rentals, have stricter definitions of owner occupied dwellings and require rental records history if requested prior to issuing new STRP.

Thank you for your consideration of keeping the short term rentals to the pre-approved 72 days.

Sincerely yours,

Alicia A. Thompson
2138 Allandale Plantation Road
Wadmalaw Island, SC 29487
(843) 559-5101

Niki R. Grimball

From: Kristen T. Hess
Sent: Tuesday, August 11, 2020 4:09 PM
To: CCPC
Subject: FW: STRP ordinance to allow AG property owners the ability to have extended home rentals (EHR)

From: Michael GARTSIDE <mgartside1@gmail.com>
Sent: Tuesday, August 11, 2020 4:08 PM
To: Kristen L. Salisbury <KSalisbury@charlestoncounty.org>; Kristen T. Hess <KTHess@charlestoncounty.org>
Cc: Eden Wind Farm <edenwindfarm@aol.com>
Subject: STRP ordinance to allow AG property owners the ability to have extended home rentals (EHR)

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Good afternoon,

I am writing in support of my neighbor, Edenwind Farms on Johns Island.

Please go back to ZLDR workshop and revise the STRP ordinance to allow AG property owners the ability to have extended home rentals (EHR) which would give AG land up 144 days. We feel this is a good compromise until the state law can be more specific.

With an increased interest in fresh air experiences, remote vacations and simple pleasures the farm is the place to go. Vacation Rentals on farms are in high demand where people pay from \$200 per night to thousands per night for luxury experiences across the nation. Charleston County would only benefit from the short term rental taxes, and AG property would be preserved as rural versus selling large tracts of farmland to developers.

Johns Island would still be able to keep the rural density we all love.

Please consider sending the ordinance back to the workshop and make this change.

Sincerely,

Mike and Carol Gartside

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