

CHARLESTON COUNTY PLANNING COMMISSION WORKSHOP
Council Chambers, 2nd Floor, Lonnie Hamilton, III Public Services Building
4045 Bridge View Drive, North Charleston, SC

AGENDA
JULY 13, 2020
2:00 P.M.

- I. CALL TO ORDER**
- II. CORRESPONDENCE**
- III. PRESENTATION AND DISCUSSION: REQUEST TO AMEND THE ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE ART. 5.2, NRM, NATURAL RESOURCE MANAGEMENT, ZONING DISTRICT, TO ALLOW SHORT-TERM RENTAL USE OF THE HUYLER HOUSE ON DEWEES ISLAND.**
- IV. PRESENTATION AND DISCUSSION: PROPOSED AMENDMENTS TO ART. 6.8, SHORT-TERM RENTALS, OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE.**
- V. ADJOURNMENT**

****The regularly scheduled Planning Commission meeting will begin immediately following this workshop. Please see the regular meeting agenda on the back of this page.****

CHARLESTON COUNTY PLANNING COMMISSION MEETING
Council Chambers, 2nd Floor, Lonnie Hamilton, III Public Services Building
4045 Bridge View Drive, North Charleston, SC

AGENDA
JULY 13, 2020

Immediately following the Planning Commission Workshop

- I. CALL TO ORDER & INTRODUCTIONS**
- II. COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT**
- III. APPROVAL OF THE JUNE 22, 2020 MEETING MINUTES**
- IV. CORRESPONDENCE**
- V. ZLDR TEXT AMENDMENT REQUESTS:**
 - a. ZLDR-05-20-00123: Request to amend the Zoning and Land Development Regulations Ordinance Art. 5.2, NRM, Natural Resource Management, Zoning District, to allow Short-Term Rental use of the Huyler House on Dewees Island.**
 - b. Proposed amendments to Art. 6.8, Short-Term Rentals, of the Zoning and Land Development Regulations Ordinance.**
- VI. DIRECTOR'S REPORT**
- VII. CHAIR'S REMARKS**
- VIII. NEXT MEETING DATE: AUGUST 10, 2020**
- IX. ADJOURNMENT**

**CHARLESTON COUNTY
PLANNING COMMISSION
MEETING MINUTES
JUNE 22, 2020**

ATTENDEES

Planning Commission: Kip Bowman, Vice Chair Cindy Floyd, Warwick Jones, David Kent, Adam MacConnell, Chair Eric Meyer, Bruce Miller, and Pete Paulatos. Sussan Chavis was absent.

County staff: Joel Evans, Director of Planning/Zoning; Andrea Melocik, Deputy Director of Planning/Zoning; Dan Frazier, Planner II; Niki Grimbball, Planner II; Emily Pigott, Planner I; Sally Brooks, Planner III; Anna Kimelblatt, Administrative Support Coordinator I, and Josh Downey, Code Enforcement Officer.

Members of the public: Lisa Blalock, Angela Barnette, Thomas Colleton, Lee Gastley, Miles Martschink, Mary Martinich, Sheena Myers, Jackie Seward, and Joseph Tecklenburg.

CALL TO ORDER

Chair Meyer called to order the meeting of the Charleston County Planning Commission in Council Chambers at the Lonnie Hamilton, III, Public Services Building, 4045 Bridge View Drive at 2:00 p.m.

COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT & INTRODUCTIONS

Chair Meyer announced that the meeting was noticed in compliance with the South Carolina Freedom of Information Act. He stated the purpose of the Planning Commission and introduced its members. Mr. Evans introduced County staff.

APPROVAL OF MINUTES

On the motion of Commissioner Paulatos, seconded by Commissioner Kent, the Planning Commission voted unanimously 7-0, with one abstaining due to absence at the March meeting (Commissioner Miller), and one absent, to approve the March 9, 2020 meeting minutes.

ZONING MAP AMENDMENT REQUEST: ZREZ-02-20-00114

Chair Meyer introduced the first item on the agenda, CASE ZREZ-02-20-00114, Parcel Identification Number 711-00-00-052, located at 7820 N. Highway 17, from the Agricultural Preservation 10 (AG-10) Zoning District to the Planned Development (PD-176) Zoning District. Ms. Grimbball delivered the staff report, stating that staff recommended approval of the requested rezoning to the Planned Development Zoning District (PD) to allow a new Charleston County School District middle/high school in the Awendaw area because it was consistent with the *Comprehensive Plan* recommendations.

Commissioner Floyd clarified with Mr. Evans that if the school did not get built, the PD zoning would remain, but Agricultural Preservation 10 uses would still be allowed. Commissioner MacConnell asked if CCSD would need to amend the PD if they wished to build an additional building to what was originally included in the PD application, which Mr. Evans confirmed. Commissioner Jones questioned why resource extraction was listed as a use in the PD application. Ms. Grimbball stated that this was to allow for a stormwater pond and other site work pertinent to preparing the land for development, and Commissioner Bowman added that it would also allow CCSD to sell dirt or timber from the parcel. Commissioner Jones also expressed concerns regarding severe light impacts on the surrounding areas. Commissioner Miller asked Ms. Grimbball to clarify the zoning of the areas that would be most impacted by the lighting. Ms. Grimbball clarified that the majority of the property is surrounded by Francis Marion

National Forest, and the remaining areas are mostly residential, but that the lighting standards would be within those that are typically accepted for schools. The applicant, Lee Gastley, added that these would be “cut-off” lights that utilize modern technology to direct lights onto the field and minimize any light spill onto adjacent parcels.

The applicant then delivered a brief presentation to the Commission. The presentation included a summary of the surrounding conservation areas, a summary of the community meetings and public feedback, an analysis of the land with respect to marshland acres and trees, and a concept plan for the proposed structure. He also reviewed the proposed traffic circulation plan, and stated that access would need to be improved, specifically with respect to additional turn lanes. He added that there was no public sewer, but that the necessary soil testing had been completed to allow for drip irrigation. He also reviewed the proposed buffers. The applicant stressed that there are not many suitable sites for a high school in this district, and that this parcel was the best possible option to serve CCSD District 1 students.

Commissioner Paulatos referenced the letter of opposition that was received from the Administrator for the Town of Awendaw, and asked the applicant whether or not he had been in communication with the Town. Mr. Gastley responded that he had been in communication with the Town. He stated that the Town would like the school to be located in downtown Awendaw, but that there are no suitable sites in that area. He stated that the subject parcel was more centrally located to a wider geographic region.

Chair Meyer asked Mr. Evans if he felt the buffers were adequate, especially on the west side of the property along Jenkins Hill Road, where adjacent parcels contain single family residences. Mr. Evans proposed the possibility of maximizing the size of the buffer adjacent to the exit lane at Jenkins Hill Road. The applicant stated there was enough additional to make that possible. Chair Meyer confirmed with the applicant that Jenkins Hill Road was a County Road, but that it would need to be improved.

Mr. Evans asked the applicant if it was made clear to the community that buses would be traveling down Jenkins Hill Road, to which the applicant responded that he believed it did come up in the community meetings. Chair Meyer and Commissioner Bowman proposed that staff examine the buffer between the school and the residential zoning area more closely.

Commissioner Paulatos asked if there was any plan to place a traffic signal at the point of access, and stated drop-off/pick-up times could be problematic without signals. Mr. Gastley responded that they had completed a comprehensive traffic study, and that SCDOT had determined they do not meet the standards for a traffic signal as of now, but that could change in the future.

Thomas Powell spoke in favor of the application. He urged the Commission to approve the application because there were many folks in the community who are in favor of the school, and are anxious to decrease their long commute to the Wando High School in Mt. Pleasant. No one spoke in opposition of the application.

Commissioner Kent put forward a motion to approve the application as presented, which was seconded by Commissioner Paulatos. Commissioner Bowman proposed approval with possible conditions, stating that he felt a wider buffer was merited on the west side of the property, and asked if the applicant could increase the buffer adjacent to residential zoning districts to fifty feet citing the need for increased separation between residences and bus traffic. The applicant was confident they could make that work provided it aligned with the dimensions of the stormwater pond. Chair Meyer asked Mr. Evans if this could be addressed during Site

Plan Review. Mr. Evans stated that staff would work with the applicant during the Site Plan Review process to maximize the size of the buffer beyond 25 feet at James Turner and Jenkins Hill Roads.

Commissioner Kent's motion to approve the application with the condition that staff would work with the applicant to increase the buffer along Jenkins Hill Road to be larger than 25 feet during the Site Plan Review process, was seconded by Commissioner Paulatos, and approved unanimously, 8-0 with one absent.

ZONING MAP AMENDMENT REQUEST: ZREZ-02-20-00115

Chair Meyer called for the next item on the agenda, Case ZREZ-02-20-00115, Parcel Identification Number 390-00-00-072, located at 9576 Koester Road, a request to rezone from the Single Family Residential 4 (R-4) Zoning District to the Community Commercial (CC) Zoning District. Ms. Grimball delivered the presentation and stated that staff recommended approval.

Vice Chair Floyd asked Ms. Grimball if there was any concern regarding the residentially zoned parcels in close proximity to the subject parcel. Ms. Grimball responded that most of the residences were unoccupied.

The applicant, John Popelka (164 4th Street), spoke in favor of the application. He stated he was under contract to purchase the property, his intended use was flex/office/warehouse space, and that he had contacted the surrounding residences and received no response. No one spoke in opposition to the request.

On a motion from Commissioner Paulatos, seconded by Commissioner Bowman, the Commission voted unanimously, 8-0 with one absent, to approve the request.

COMPREHENSIVE PLAN AMENDMENT/ZLDR TEXT AMENDMET REQUEST: ACP-02-20-00117 & ZLDR-02-20-00121

Chair Meyer called for the next item on the agenda, Cases ACP-02-20-00117 and ZLDR-02-20-00121, Parcel Identification Number 121-00-00-051, located at 7662 Savannah Highway, a request to amend the Comprehensive Plan and Zoning and Land Development Regulations Ordinance (ZLDR) to change the Future Land Use and Zoning designations for the subject property from Residential to Commercial. Ms. Grimball delivered the presentation and stated that staff recommended disapproval, stating the parcel was not recommended for inclusion in the Commercial Area during the adoption of the Parkers Ferry Overlay Zoning District in 2017.

Ms. Grimball clarified the history of the recent rezoning of the nearby property (Steen Enterprises) for Commissioner Miller, and informed the Commission that this request had been approved by Council at two readings so far. Commissioner MacConnell asked Planning staff how the Future Land Use designations were determined during the creation of the Parkers Ferry Overlay Zoning District. Ms. Grimball explained the public outreach that was completed during the planning process. Mr. MacConnell also clarified that Steen Enterprises only applied for rezoning after having already expanded a business onto a parcel that did not allow for such a use.

Commissioners Bowman and Miller asked for clarification regarding the boundaries of the parcels that belong to Steen Enterprises versus the subject properties. Commissioner

Bowman asked Mr. Evans for more information regarding the proximity of the subject parcel to Spring Grove, and the proximity to other commercial or high density zoning districts.

The applicant, Sheena Myers, spoke in favor of the application. She elaborated on her proposed use, and confirmed for Commissioner Floyd she wanted to engage in year-round vegetable production and, therefore, preferred greenhouses to typical agriculture.

On a motion from Commissioner Bowman, seconded by Commissioner Miller, the Commission voted unanimously, 8-0 with one absent, to approve the request.

COMPREHENSIVE PLAN AMENDMENT/ZLDR TEXT AMENDMET REQUEST: ACP-02-20-00119 & ZLDR-02-20-00122

Chair Meyer called for the next item on the agenda, Cases ACP-02-20-00119 and ZLDR-02-20-00122, Parcel Identification Number 121-00-00-047, located at 7674 Savannah Highway, a request to amend the Comprehensive Plan and Zoning and Land Development Regulations Ordinance (ZLDR) to change the Future Land Use and Zoning designations for the subject property from Residential to Commercial. On the consent of the Planning Commission, Ms. Grimball delivered a condensed staff report due to the similarity of this request to the previous request, and stated that staff again recommended disapproval, stating the parcel was not recommended for inclusion in the Commercial Area during the adoption of the Parkers Ferry Overlay Zoning District in 2017.

Commissioner MacConnell confirmed with Ms. Grimball that the proposed use would be allowed in the Commercial Area of the Parkers Ferry Overlay Zoning District.

The applicant, Jackie Seward, spoke in favor of the application and elaborated on his proposed use. No one spoke in opposition.

On a motion from Commissioner Bowman, seconded by Commissioner Kent, the Commission voted unanimously, 8-0 with one absent, to approve the request.

DIRECTOR'S REPORT

Mr. Evans updated the Commission on improved permitting protocols and procedures resulting from COVID-19, as well as the Planning staff's ability to work remotely. He also told the Commission that staff was preparing to host meetings virtually if need be. He delivered the director's reports for the months of April and May.

CHAIR'S REMARKS

Chair Meyer stated that the next meeting of the Planning Commission would be July 13, 2020 at 2:00 p.m. He stated the meeting would begin with a workshop, which would be immediately followed by the regular meeting, and that this would likely be the format for the Planning Commission meetings for the rest of the year.

ADJOURNMENT

Chair Meyer adjourned the meeting at 3:13 p.m.

Anna Kimelblatt
Recording for the Planning Department

Ratified by the Charleston County Planning Commission this
13th day of July, 2020.

Eric Meyer
Chair

Attest:

Joel Evans, PLA, AICP, Director
Zoning & Planning Department

PLANNING COMMISSION DISCLAIMER:

UNRATIFIED MEETING MINUTES

This document is a draft of the minutes of the most recent meeting of the Charleston County Planning Commission.

The members of the Planning Commission have neither reviewed nor approved this document; therefore, these minutes shall only become official meeting minutes after adoption by the Planning Commission at a public meeting of the Commission.

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

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

Charleston County Zoning Ordinance 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, 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 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. However, it should be noted that the Huyler House is not a non-conforming use as stated by the applicant. The STR Ordinance did not create non-conforming uses because all existing short-term rental operations were required to come into compliance with the Ordinance within 30 – 120 days of its adoption (reference ZLDR Sec. 6.8.1.C, Registration, which states: "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.")

JULY 13, 2020 PLANNING COMMISSION WORKSHOP AND MEETING

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 received has been included in this packet.

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

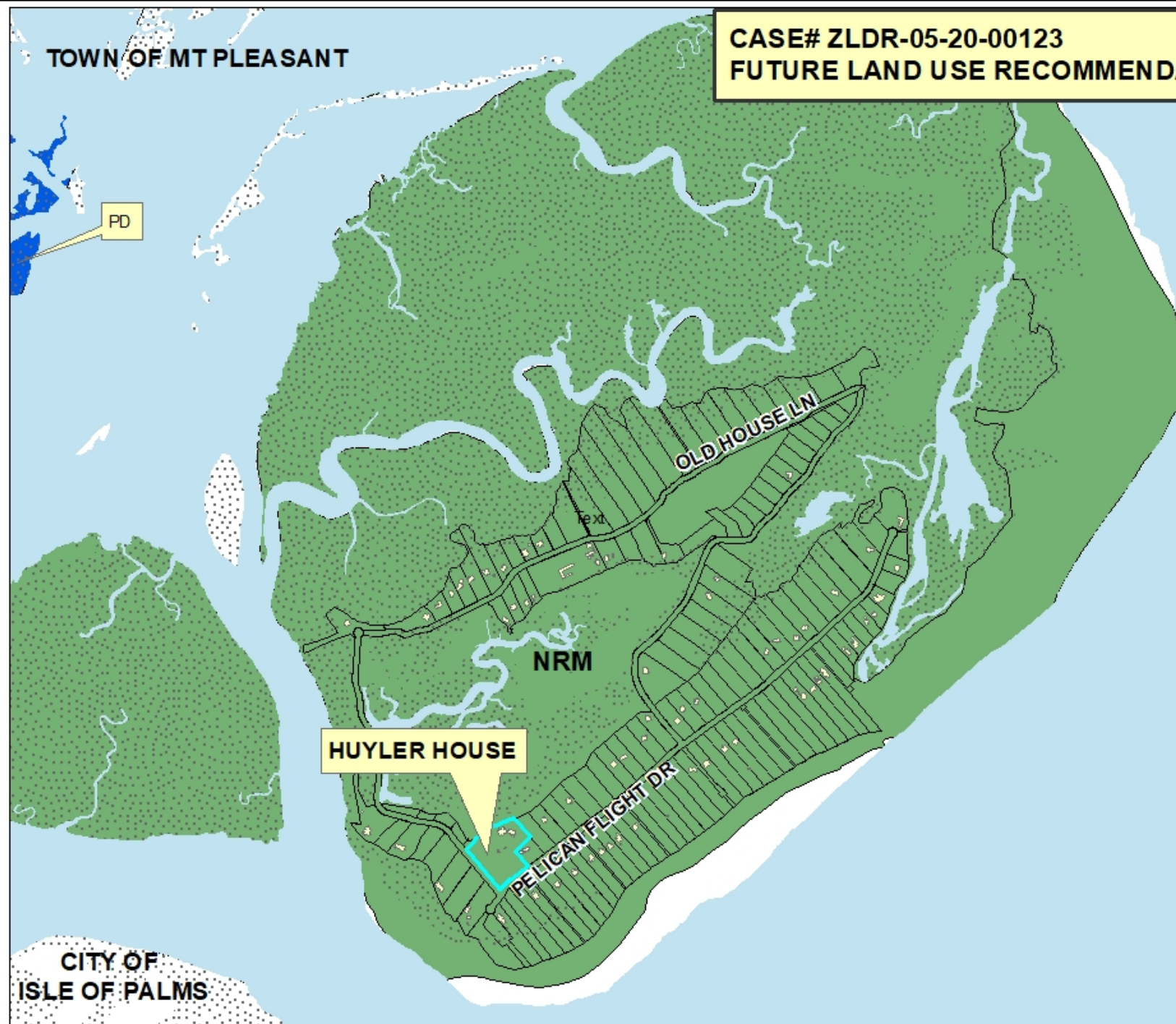
ZLDR-05-20-00123

- 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.

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



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

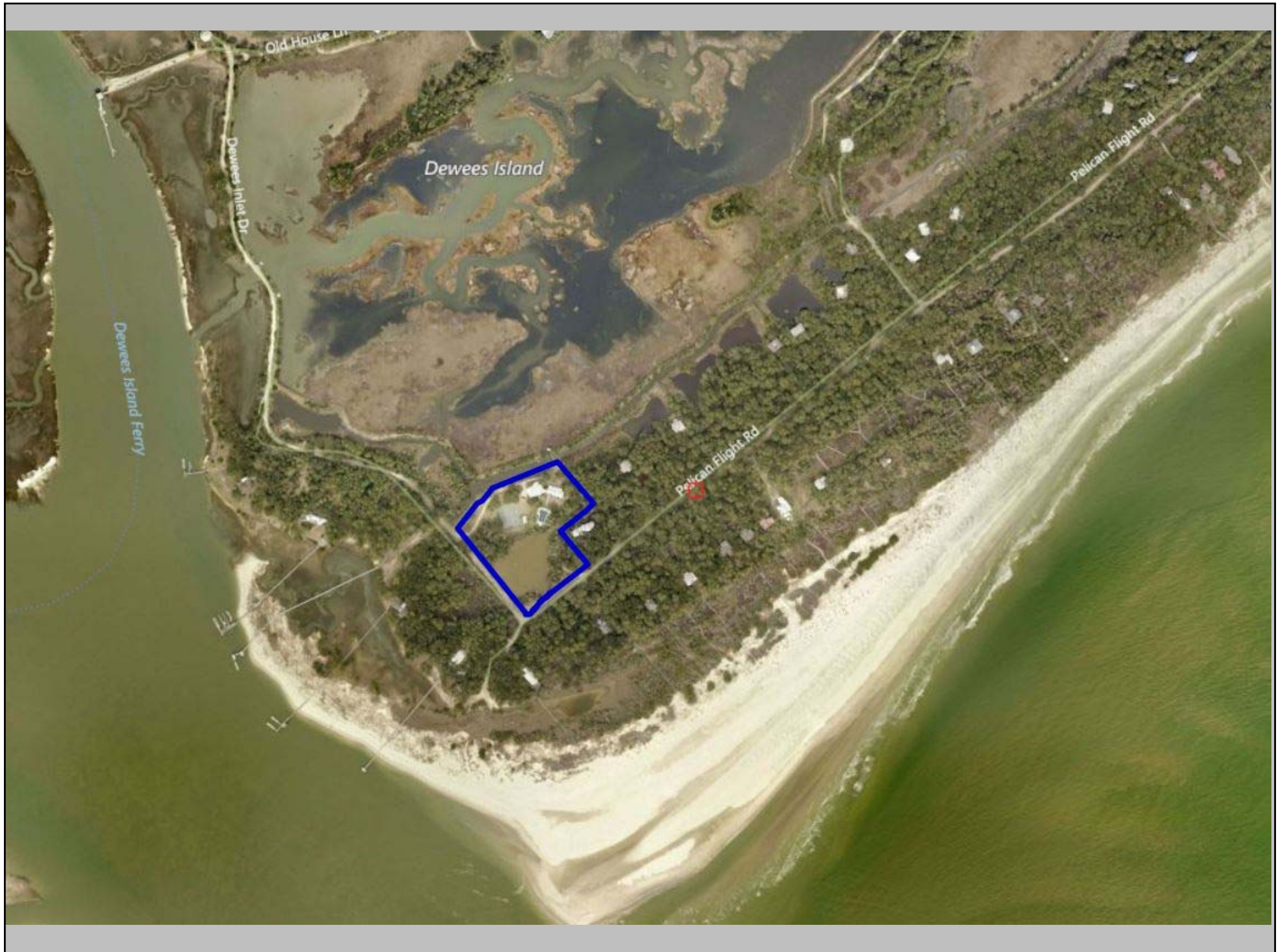
HUYLER HOUSE

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 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.”*

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 RECOMMENDATION: APPROVAL

Note: the Huyler House is not a non-conforming use as stated by the applicant. The STR Ordinance did not create non-conforming uses because all existing short-term rental operations were required to come into compliance with the Ordinance within 30 – 120 days of its adoption (reference ZLDR Sec. 6.8.1.C, Registration, which states: “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.”)

Notifications

- 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*.



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)

PRINTED NAME: Wendell Reilly as President of Applicant

SIGNATURE: 

DATE: 6/2/2020

PLANNING DEPARTMENT OFFICIAL

PRINTED NAME: 

SIGNATURE: 

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

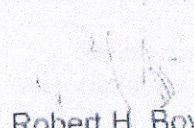
Dear Mr. Ferrara:

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

PUBLIC INPUT

Anna C. Kimelblatt

From: CAREY B SULLIVAN <careycbuck@gmail.com>
Sent: Thursday, July 02, 2020 12:51 PM
To: CCPC
Subject: Dewees Island Huyler House Suite STR

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 to advocate **for** the proposal to permit Short Term Renting in the Huyler House Suites on Dewees Island. We have been a part of the island community since 2005, first as a member of a partnership in a house, currently as the sole owners of a house, and Carey serves on the Board of the Dewees Island Conservancy and on the Finance Committee of the POA Board. We have used the Huyler House several times during our tenure, as have members of our family when extra space was needed. Bill's mother owns a Lot on the island primarily because of the access it grants her to staying at the Huyler House. Without this benefit to our Lot owners, I fear that many will reconsider their commitment to the island.

Additionally, it is important to reiterate that the Huyler House, and the ability for it to be used as short term rentals for home and Lot owners, was included in the original Land Plan of Dewees Island. We have taken our commitment to preservation of our natural paradise very seriously, and allowing the continuation of our ability to rent the 4 rooms in the Huyler House will in no way change that commitment.

We thank you for your time and consideration.

Sincerely,

Carey and Bill Sullivan

391 Pelican Flight Drive

Dewees Island, SC 29451

Carey Sullivan
careycbuck@gmail.com
703-282-3111

petercotto@gmail.com

Dear Mr Evans,

As a past President of the Dewees Island Property Owners Association, I write to strongly support the proposal to permit Short Term Renting in our community lodge, the "Huyler House". It was envisaged in the Land Plan, almost 30 years ago

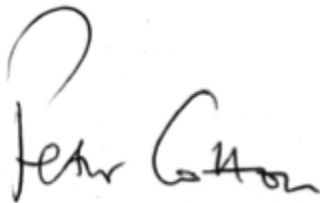
"The lodge will be residential in nature, and will not be marketed in any way which would attract guests other than those invited by the property owners on the island. The lodge will be located in the vicinity of the recreational area adjacent to Lot # 79. It will be limited to 15 guest rooms".

The 4 room lodge has served the community well until the zoning changes of 2018. Its primary purpose and use has been for Dewees owners who have purchased lots but have not yet built houses to be able to enjoy the Island. In addition, owners of houses have used it for "overflow" when, occasionally, they have more family members and guests than can be accommodated in their homes.

The property owners of Dewees Island, and its leadership, are fully committed to preserving its focus on conservation. We believe that the use of the Huyler House as stated in the Land Plan is consistent with that role, and is supported by the Department of Natural Resources.

Thank you for your attention to this matter

Sincerely

A handwritten signature in dark ink, appearing to read "Peter Cotton". The signature is fluid and cursive, with a large initial "P" and a stylized "C".

Peter B Cotton

Anna C. Kimelblatt

From: Marion Cotton <marioncotton@gmail.com>
Sent: Tuesday, June 30, 2020 12:35 PM
To: CCPC
Cc: Marion Cotton
Subject: Huyler House on Dewees Island

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,

As one of the rather few long time and permanent residents on Dewees I would like to add my voice to those very much in favor of the proposed text amendment that would again allow use of the Huyler House as originally envisaged in the Land Plan. It is a vital resource for the many owners who have lots but have not yet built and indeed for those who are in the process of building. It is also used to accommodate overnight guests such as speakers at our educational events and sometimes when we have more family than we can fit in our house Thank you for your efforts Marion Cotton Lot 44

PROPOSED AMENDMENTS TO ART. 6.8, SHORT-TERM RENTALS, OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE

- Case History**
- Presentation**
- Current regulations**
- Proposed amendments**
- Public input**

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: 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

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. In summary, the proposed 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):
 - Must still be owner-occupied;
 - Are still limited to 72 days per calendar year;
 - Are still a by-right use in the AG-8, AGR, RR-3, R-4, and MHS Zoning Districts; **BUT**
 - *Amendments require Short-Term Rental, Limited Site Plan Review, and Special Exception approval in the RM, AG-15, and AG-10 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 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.
- 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.*

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

Notifications:

On June 26, 2020, 1,017 Planning Commission meeting 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, the Planning Commission meeting was noticed in the Post & Courier on June 26, 2020.



Proposed ZLDR Amendments: Short-Term Rental Regulations

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

History

- Fall 2015: The County determined that short-term rentals were not regulated by the ZLDR.
- February 8, 2016: The Planning Commission established a Short-Term Rental Committee to work with staff to develop a short-term rental (STR) ordinance.
- March 12, 2018: The Planning Commission 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.

Proposed Amendments

- After almost two years of implementing and enforcing the STR Ordinance, staff has identified several matters that need to be clarified or changed.
- 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.

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 (including Goat Island)	S-3, R-4, MHS (including Goat Island) <i>For discussion: Allow EHRs on properties zoned AGR via Special Exception?</i>	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	AG-8, AGR, RR-3, S-3, R-4, MHS (including Goat Island): STRP, Administrative Site Plan Review RM, AG-15, AG-10: STRP, Limited Site Plan Review, and Special Exception <i>For discussion: Should previously permitted STRP uses in the RM, AG-15, and AG-10 Zoning Districts be required to obtain Special Exception approval in order to renew their permits?</i>	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.

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.

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 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.

Proposed Amendments – Use Table

Table 6.1.1, Use Table

Table 6.1.1, Use Table																				
Land Uses	ZONING DISTRICTS																		Condition	
	R M	A G 1 5	A G 1 0	A G 8	A G R	R R -3	S 3	R 4	M 8	M 1 2	M H S	M H P	O R	O G	C N	C R	C T	C C		I
Short-Term Rental Property, Limited Home Rental (LHR)	S	S	S	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

Proposed Amendments – Fee Ordinance

Service	Fee
SHORT-TERM RENTAL ZONING PERMITS	
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.	\$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 1 st and December 31 st .
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.	\$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 1 st and December 31 st .
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.	\$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 1 st and December 31 st .

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.

Recommendation

The ZLDR text amendments meet the approval criteria.

STAFF RECOMMENDATION:

**APPROVAL OF THE STR ORDINANCE, ZLDR AND
FEE ORDINANCE AMENDMENTS**

Notifications

- 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.
 - 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

Currently Adopted Short-
Term Rental Regulations
Ordinance



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, AGR, 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

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 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. **Variances.** Variances 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.

§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-Term Rental Property (STRP).
 2. Completed STRP application signed by all current property owner(s). For properties

Short-Term Rental Regulations Proposed Amendments
July 13, 2020 Planning Commission Workshop and Meeting

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.

Short-Term Rental Regulations Proposed Amendments
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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 (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: STRP, Limited Site Plan Review, and Special Exception 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 [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.

§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.

§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.

Short-Term Rental Regulations Proposed Amendments
July 13, 2020 Planning Commission Workshop and Meeting

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
Short-Term Rental Property, Limited Home Rental (LHR)	S	S	S	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

<p>“A” indicates uses allowed by right.</p> <p>“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.”</p> <p>Blank cells indicate uses that are not permitted.</p>									
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)						C	C	C	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>C</i>	<i>C</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)			<i>S</i>	<i>S</i>	<i>Art. 6.8</i>
	<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 (CGHHR)				<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; ~~or~~
- ~~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	
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.	\$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 1 st and December 31 st .
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.	\$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 1 st and December 31 st .
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.	\$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 1 st and December 31 st .

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

Anna C. Kimelblatt

From: Charleston Swim <charlestonswimlessons@gmail.com>
Sent: Thursday, June 25, 2020 4:08 PM
To: CCPC
Subject: Re: Charleston County Planning Commission Meeting Notification

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.