

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2020-14

ADOPTED _____

AN ORDINANCE AMENDING THE DEVELOPMENT STANDARDS ORDINANCE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; ARTICLE 2, DEFINITIONS AND INTERPRETATION OF TERMS; SECTION 2.10, DEFINITIONS; SO AS TO ADD DEFINITIONS FOR “DWELLING, ACCESSORY,” “SHORT-TERM RENTAL UNIT,” “VACATION CLUB UNIT,” “VACATION TIME SHARING LEASE PLAN,” “VACATION TIME SHARING OWNERSHIP PLAN,” AND “VACATION TIME SHARING PLAN;” TO DELETE DEFINITIONS FOR “DWELLING, RENTAL” AND “GUESTHOUSE;” AND TO MODIFY THE DEFINITION FOR “FAMILY;” ARTICLE 5, ZONING DISTRICT SPECIFICATIONS; SECTION 5.20, AGRICULTURAL-GENERAL (AG); SUBSECTION 5.20.30, CONDITIONAL USES; SO AS TO AMEND THE REQUIREMENTS FOR ACCESSORY DWELLING UNITS AND TO ESTABLISH SHORT-TERM RENTAL UNITS AND VACATION CLUB UNITS AS ALLOWED CONDITIONAL USES IN THE AG ZONING DISTRICT; SECTION 5.30, SINGLE-FAMILY RESIDENTIAL DISTRICT (SR); SUBSECTION 5.30.30, CONDITIONAL USES; SO AS TO AMEND THE REQUIREMENTS FOR ACCESSORY DWELLING UNITS AND TO ESTABLISH SHORT-TERM RENTAL UNITS AND VACATION CLUB UNITS AS ALLOWED CONDITIONAL USES IN THE SR ZONING DISTRICT; AND SECTION 5.40, PLANNED DEVELOPMENT DISTRICT (PDD); SUBSECTION 5.40.50, PDD CONDITIONAL USES; SO AS TO ESTABLISH ACCESSORY DWELLING UNITS, SHORT-TERM RENTAL UNITS AND VACATION CLUB UNITS AS ALLOWED CONDITIONAL USES WITHIN PDD ZONING DISTRICTS; AND ARTICLE 8, GENERAL DEVELOPMENT REQUIREMENTS; SECTION 8.70, RESTRICTED USES; SUBSECTION 8.70.30, TIME SHARING; SO AS TO AMEND THE PROHIBITION ON VACATION TIME SHARING PLANS

WHEREAS, the Town Code for the Town of Seabrook Island (the “Town Code”) and the Development Standards Ordinance for the Town of Seabrook Island (the “DSO”) currently allow any residential dwelling within the Town to be rented to short-term rental guests in return for compensation; and

WHEREAS, aside from the requirement to possess a valid Town business license, there are currently no substantive requirements within the Town Code or the DSO which are expressly intended to protect the health, safety and convenience of short-term rental guests and the public at large, or to minimize the disturbance that short-term rental units may cause to neighboring residents and property owners; and

WHEREAS, because the Town lacks traditional lodging establishments, such as hotels, motels, inns and bed and breakfasts, the Mayor and Council for the Town of Seabrook Island understand the importance of short-term rental units on the economic well-being of the Town; and

WHEREAS, the Mayor and Council for the Town of Seabrook Island further understand that short-term rental units represent a significant source of income for part-time and non-resident property owners, thereby affording those owners an opportunity to offset a portion of their ownership and maintenance costs at times when their properties are not being occupied for personal use; and

WHEREAS, the Mayor and Council for the Town of Seabrook Island believe that establishing minimum requirements for the operation of short-term rental units within the Town will better protect the health, safety and convenience of residents, property owners, renters and guests, while maintaining the ability of property owners to continue renting their properties in return for compensation; and

WHEREAS, the Mayor and Council for the Town of Seabrook Island desire to further amend the DSO to apply these same requirements to residential dwellings which are operated as vacation club units;

NOW, THEREFORE, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND:**

SECTION 1. Amending Section 2.10 of the DSO.

The Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 2, Definitions and Interpretation of Terms; Section 2.10, Definitions; is hereby amended as follows:

SECTION 1.1. Section 2.10 of the DSO is hereby amended to add definitions for “*Dwelling, Accessory,*” “*Short-Term Rental Unit,*” “*Vacation Club Unit,*” “*Vacation Time Sharing Lease Plan,*” “*Vacation Time Sharing Ownership Plan,*” and “*Vacation Time Sharing Plan,*” which definitions shall read as follows:

Dwelling, Accessory. An attached or detached dwelling on the same lot or parcel as a principal dwelling, which is subordinate to and independent of the principal dwelling.

Short-Term Rental Unit. A residential dwelling that is rented or leased, or offered for rent or lease, as an overnight accommodation for periods of less than thirty (30) consecutive days at any time during a calendar year. A short-term rental unit is generally used by rental guests in a manner that is consistent with the residential character of both the dwelling and the surrounding area. Hotels, motels, inns, and bed and breakfasts are not considered short-term rental units. Vacation time-sharing plans are not considered short-term rental units and are prohibited pursuant to Section 8.70.30 of this ordinance.

Vacation Club Unit. A residential dwelling that is owned, leased or managed by a private membership organization or commercial business entity that is engaged in providing short-term overnight accommodations and related services to its members. Vacation clubs typically own or lease properties on a long-term basis, offer and rent those properties to the club’s members on a short-term basis, and model a membership structure where its members purchase membership levels granting access to a portfolio of properties and personalized services, but does not convey upon its members an ownership interest in the properties. Properties offered by

vacation clubs to members for less than thirty (30) consecutive days are considered short-term rental units, regardless of whether the vacation club is the owner of record, lessee or manager of the property. All applicable references to “owners” in this ordinance shall similarly apply to vacation clubs.

Vacation Time Sharing Lease Plan. Any arrangement, plan, or similar devise, whether by membership agreement, lease, rental agreement, license, use agreement, security, or other means, in which the purchaser receives a right to use accommodations or facilities, or both, but does not receive an ownership interest in real property, for a period or periods of time during a given year, but not necessarily for consecutive years, which extends for a period of more than three years. These lease plans do not include an arrangement or agreement in which a purchaser in exchange for an advance fee and yearly dues is entitled to select from a designated list of facilities located in more than one (1) state, accommodations of companies that operate nationwide in at least nine (9) states in the United States through franchises or ownership, for a specified time period and at reduced rates and under which an interest in real property is not transferred.

Vacation Time Sharing Ownership Plan. Any arrangement, plan, or similar devise, whether by tenancy in common, sale, term for years, deed, or other means, in which the purchaser receives an ownership interest in real property and the right to use accommodations or facilities, or both, for a period or periods of time during a given year, but not necessarily for consecutive years, which extends for a period of more than one (1) year. A vacation time sharing ownership plan may be created in a condominium established on a term for years or leasehold interest having an original duration of thirty years or longer. An interest in a vacation time sharing ownership plan is recognized as an interest in real property for all purposes pursuant to the laws of this State.

Vacation Time Sharing Plan. Either a vacation time sharing ownership plan or a vacation time sharing lease plan. Trusts, partnership interests, undivided interests as tenants in common, corporate shares, or other membership or use interests in a dwelling unit, in which thirteen or fewer undivided interests, corporation shares, partnership interests, trust interests, or other membership or use interests are conveyed, are not considered a vacation time sharing plan or a time sharing unit for purposes of this ordinance.

SECTION 1.2. Section 2.10 of the DSO is hereby amended to delete the definitions for “Dwelling, Rentals” and “Guesthouse.”

SECTION 1.3. Section 2.10 of the DSO is hereby amended to modify the definition for “Family,” which definition shall read as follows:

Family. An individual or group of two (2) or more individuals related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, exclusive of in-home service providers. The term family shall also include a group of

no more than two (2) unrelated individuals living and cooking together as a single housekeeping unit, as well as any individual or group of individuals who rent property for residential occupancy for a term of thirty (30) consecutive days or longer.

SECTION 1.4. All subsections within Section 2.10 shall be renumbered to conform with the amendments specified herein.

SECTION 2. Amending Subsection 5.20.30 of the DSO.

The Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 5, Zoning District Specifications; Section 5.20, Agricultural-General District (AG); Subsection 5.20.30, Conditional Uses; is hereby amended to read as follows:

§ 5.20.30. *Conditional Uses.*

(a) *Accessory dwelling unit.* An accessory dwelling unit may be permitted by right on any property zoned Agricultural-General, provided the accessory dwelling unit meets all of the following conditions and requirements:

- (1) The parcel containing the accessory dwelling unit shall be at least 1.5 acres in area.
- (2) The accessory dwelling unit shall be located within, or permanently attached to, the principal dwelling.
- (3) No more than one (1) accessory dwelling unit may exist on any parcel.
- (4) The total floor area of the accessory dwelling unit shall not exceed the lesser of fifty percent (50%) of the heated square footage of the principal dwelling, or 900 square feet.
- (5) The applicant shall submit detailed construction plans and obtain all required permits in accordance with the requirements of this ordinance prior to establishing an accessory dwelling unit.
- (6) An accessory dwelling unit may be occupied by non-paying guests of the owners or residents of the principal dwelling, but may not be rented or leased, or offered for rent or lease, as a standalone short-term rental unit.

(b) *Short-term rental unit.* A short-term rental unit may be permitted by right on any property zoned Agricultural-General, provided the short-term rental unit meets all of the following conditions and requirements:

- (1) General requirements for short-term rental units.

- a. *Permit required.* Effective January 1, 2021, an annual short-term rental permit shall be required for all residential dwellings which are rented, or advertised for rent, as a short-term rental unit within the town, including those which were previously rented prior to January 1, 2021. A separate permit shall be required for each short-term rental unit. A short-term rental permit shall remain valid only during the calendar year during which it was issued, unless the permit is modified, suspended, revoked, cancelled or abandoned, pursuant to the procedures set forth in this section.
- b. *Dwelling types.* A short-term rental permit may only be issued for a conforming or legally non-conforming residential dwelling. Accessory structures, including, but not limited to, accessory dwelling units, pool houses and finished rooms over a garage, shall not be permitted as a standalone short-term rental unit, but may be included under a short-term rental permit issued for the principal dwelling. No vehicle, boat, recreational vehicle, storage unit or non-residential structure may be permitted or occupied as a short-term rental unit.
- c. *Rental types.* A dwelling which is permitted to operate as a short-term rental unit may only be advertised and rented as an entire unit. A permit holder may not advertise or rent a portion of a dwelling, such as an individual bed or bedroom. Nothing herein is intended to prohibit or limit a property owner's ability to lock or otherwise restrict guest access to individual rooms, closets or accessory structures.
- d. *Designated agent.* Subject to the provisions of Section 5.20.30(b)(4)(c), a property owner may designate an agent, including, but not limited to, a professional property manager or property management company, who shall be authorized to comply with the conditions and requirements of this section and who may send and receive written communication on behalf of the property owner.
- e. *Local contact.* If the property owner or designated agent does not reside within fifty (50) miles of the rental property, the property owner or designated agent shall identify an individual or individuals who shall serve as a local contact. The local contact must reside within fifty (50) miles of the rental property and, within two (2) hours of receiving notification, be accessible and available to respond to any emergency situation, alleged violation, inquiry or inspection request from the town or any other entity having jurisdiction over the rental property. Changes to the local contact shall be communicated in writing to the Zoning Administrator within three (3) business days.
- f. *Business license required.* The property owner and designated agent, if applicable, shall possess a valid town business license for the

operation of a short-term rental unit, as required by Article 8 of the Town Code.

- g. *South Carolina Retail License.* If the short-term rental unit will be rented for more than one (1) week in any calendar quarter, the property owner or designated agent shall obtain a South Carolina Retail License. Upon request, the property owner or designated agent shall furnish documentation of the South Carolina Retail License to the Zoning Administrator within three (3) business days.
- h. *Payment of state and local taxes.* If the short-term rental unit is rented for more than fifteen (15) days during any calendar year, the property owner or designated agent shall collect and remit all required state and local taxes as specified below based upon the gross receipts from the rental of the unit. Upon request, the property owner or designated agent shall furnish documentation of the payment of any state and local taxes to the Zoning Administrator within three (3) business days.
 - 1. State and local sales taxes (8%);
 - 2. State accommodations tax (2%);
 - 3. Charleston County accommodations tax (2%); and
 - 4. Any other tax which may be imposed after the effective date of this section.
- i. *Maximum occupancy.*
 - 1. *Occupancy limit.* The maximum occupancy for any short-term rental unit shall be as follows:
 - i. For short-term rental units with less than 2,500 square feet of total finished living area, the maximum occupancy shall be limited to two (2) occupants per code-compliant bedroom, plus two (2) additional occupants for the entire unit.
 - ii. For short-term rental units with 2,500 square feet of total finished living area or more, the maximum occupancy shall be limited to two (2) occupants per code-compliant bedroom, plus four (4) additional occupants for the entire unit.
 - iii. Children under the age of two (2) shall not be counted toward the maximum occupancy limit.

2. *Determination of maximum occupancy.* To determine the maximum occupancy of a short-term rental unit, the Zoning Administrator shall use the total number of bedrooms and the total finished living area for that unit, as shown in the current Charleston County tax records.

3. *Administrative appeals.* Property owners or designated agents who believe that the total number of code-compliant bedrooms and/or total finished living area shown in the current Charleston County tax records is incorrect may submit an administrative appeal, as follows:

i. *Appeal of number of bedrooms.* Property owners or designated agents who wish to appeal the total number of code compliant bedrooms within a short-term rental unit shall contact the Charleston County Building Inspections Department to verify the accuracy of the information shown on the current tax records. If the Charleston County Building Inspections Department determines that the actual number of bedrooms is different than the number shown on the current tax records, the property owner or designated agent shall provide written confirmation of the county's findings to the Zoning Administrator. Upon receipt, the Zoning Administrator shall use the revised bedroom count from the Charleston County Building Inspections Department to determine the unit's maximum occupancy.

ii. *Appeal of total finished living area.* Property owners or designated agents who wish to appeal the total finished living area of a short-term rental unit shall submit an appraisal report completed by a licensed South Carolina appraiser no more than five (5) years prior to the date upon which the appeal is submitted. Upon receipt, the Zoning Administrator shall use the total finished living area from the appraisal report to determine the unit's maximum occupancy.

j. *Parking requirements.*

1. *Off-street parking required.* A dwelling which is permitted to operate as a short-term rental unit shall have a minimum of one (1) off-street parking space. The required off-street parking may be provided on the same property as the rental

unit or, if the unit is located within a multi-family development, within that development's common parking area.

2. *On-street parking.* In addition to the required off-street parking, on-street parking shall be allowed for short-term renters and their guests of short-term rental units, ~~subject to the following limitations:~~

~~i. On-street parking shall be prohibited between the hours of 11:00 pm and 7:00 am;~~

~~ii.~~ ii.i. On-street parking shall be prohibited on any street, or any portion of a street, which has been designated as an arterial street, pursuant to Section 16.10.40.10;

~~iii.~~ iii.ii. On-street parking shall be prohibited on any street, or any portion of a street, which has been designated as a "no parking" area by the owner of the street right-of-way;

~~iv.~~ iv.iii. On-street parking shall be prohibited within fifteen (15) feet of a fire hydrant;

~~v.~~ v.iv. Vehicles parked on the street shall not impair access by emergency vehicles, unreasonably impede the flow of vehicular or pedestrian traffic, or restrict ingress to or egress ~~to or~~ from neighboring properties;

~~vi.~~ vi.v. Vehicles parked on the street shall not block visibility sight lines at any driveway, intersection, or crosswalk;

~~vii.~~ vii.vi. Vehicles parked on the street shall be parked in the direction of traffic; and

~~viii.~~ viii.vii. The owner of any private street within the town may impose stricter parking requirements than those specified herein.

3. *General requirements.* Except as provided in paragraph (2) above, rental guests shall park only within designated parking space(s); parking on or within any yard, landscaped area, fire lane, loading area, median, pathway, or sidewalk shall be prohibited. Vehicles may not be parked within fifteen (15) feet of a fire hydrant or within any area which has been designated

as a “no parking” area. Within shared parking lots, parking shall be prohibited along all access driveways and in any aisle or driving lane. Parking in handicapped spaces shall be permitted only with a valid government-issued parking permit.

4. *Commercial vehicles.* Commercial vehicles larger than a passenger vehicle, vehicles with more than two (2) axles, trailers and heavy machinery shall be prohibited on the premises of all short-term rental units; provided, however, this requirement shall not apply to any vehicle, trailer or heavy machinery which is actively engaged in providing goods or services to the property or to the occupants thereof, such as delivery trucks, moving trucks, landscapers, housekeepers and other contractors.
- k. *Advertising requirements.* When placing an advertisement for a short-term rental unit on any rental platform (such as Airbnb, VRBO, Trip Advisor, etc.) or within any print or online publication (such as classified ads, Craigslist, Facebook Marketplace, etc.), the property owner or designated agent shall clearly list the unit’s current town business license number and maximum occupancy within the advertisement.
- l. *Posting requirements.* The property owner or designated agent shall post, at a minimum, the current business license number, maximum occupancy, fire extinguisher location and the name and phone number of a twenty-four (24) hour emergency contact in a conspicuous location on, or adjacent to, the inside of the door serving as the primary point of ingress and egress to and from the short-term rental unit.
- m. *Information packets required.* The property owner or designated agent shall provide or make available an information packet to all short-term rental guests. The information packet may be provided prior to, or during, the check-in process (either in printed or electronic format) or may be maintained within the rental unit at all times. The information packet shall contain, at a minimum:
 1. The name and phone number of the unit’s twenty-four (24) hour emergency contact;
 2. A current copy of the “Short-Term Rental Rules” flyer which shall be made available by the Zoning Administrator on or before April 30th of each year;

3. A current copy of the "Community Rules" flyer which shall be made available by the Zoning Administrator on or before April 30th of each year;
4. A current copy of the "Emergency Contacts List" flyer which shall be made available by the Zoning Administrator on or before April 30th of each year;
5. A current copy of "Emergency Resources" flyer which shall be made available by the Zoning Administrator on or before April 30th of each year;
6. Notice of any temporary restrictions or requirements currently in place resulting from a declared state of emergency, the issuance of any executive order, or the adoption of any emergency ordinance; and
7. Such other information as may be deemed necessary and proper by the Zoning Administrator to protect the health, welfare and safety of rental guests and the public.

n. *Signage.* No signage ~~of any kind~~ which advertises or identifies a dwelling as a short-term rental unit shall be ~~permitted~~ allowed on the premises of any dwelling that is permitted as a short-term rental unit; provided, however, this requirement shall not apply to letters or numbers which are used for addressing purposes, or for unit identification in a multi-family building.

o. *Unlicensed work.* If a property owner has obtained an exemption from the Charleston County Building Services Department, pursuant to S.C. Code Section 40-59-260, to undertake work on a dwelling which would otherwise be required to be completed by a licensed residential builder or specialty contractor, that dwelling may not be operated as a short-term rental unit for a period of two (2) years after completion of the work.

p. *Other uses.* No property owner, designated agent, renter or guest shall conduct, or allow to be conducted, any commercial activities within, or on the premises of, a short-term rental unit while the unit is being occupied as a short-term rental. Notwithstanding the foregoing, the following activities shall be expressly permitted:

1. Commercial activities undertaken by a renter or guest which are clearly incidental to the residential use of a dwelling and which do not affect the residential character of the residence, including, for example, professional services which are

provided remotely by a temporary occupant of the short-term rental unit, remote processing of payments or other business transactions, engaging in remote meetings or electronic communications, and similar activities; and

2. Outside vendors and contractors who are providing goods or services to renters and their guests, or who are providing goods or services necessary for the continued operation and maintenance of the short-term rental unit.

q. *Inspections.* All short-term rental units shall be subject to inspection at any time, with at least two (2) hours' notice to the property owner, designated agent or local contact, as applicable, to verify compliance with the requirements of this section, current Charleston County Building Codes, and/or any other applicable provision of the Town Code. The Zoning Administrator shall have the authority to request copies of all licenses, permits, receipts, reports or similar information which may be necessary and proper to ensure compliance with the requirements of this section.

(2) Safety requirements for short-term rental units.

a. *Smoke alarms.* Short-term rental units shall be equipped with a working smoke alarm inside each bedroom and outside of each sleeping area. At least one (1) smoke alarm shall be installed on each level of the unit.

b. *Fire extinguishers.* Short-term rental units shall be equipped with at least one (1) fire extinguisher with a minimum rating of 1A:10B:C. The required fire extinguisher shall be located under the kitchen sink or in another location which is easily accessible to rental guests.

c. *Carbon monoxide detectors.*

1. At least one (1) carbon monoxide detector shall be required on each level of the short-term rental unit if the unit is equipped with any one (1) or more of the following:

- i. Any type of heater or appliance which ~~is powered by the burning of~~ burns fossil fuels;

- ii. Any type of generator which ~~is powered by the burning of~~ burns fossil fuels;

- iii. Any type of fireplace or stove which ~~is powered by the burning of~~ burns wood or fossil fuels;

iv. An attached garage.

2. For purposes of this section, the term “fossil fuels” shall include any energy source formed in the Earth's crust from decayed organic material, including petroleum, coal, and natural gas. The term shall also include products which are derived from the refinement or fractionation of fossil fuels, including, without limitation, propane, butane, ethane, gasoline and diesel.

d. *Sprinkler system.* If the short-term rental unit has a fire sprinkler system, the system shall be maintained in good working order. The property owner or designated agent shall be responsible for having a qualified professional inspect the sprinkler system no less than once every twelve (12) months. Upon request, the property owner or designated agent shall furnish documentation of this inspection to the Zoning Administrator within three (3) business days.

e. *General maintenance.* The property owner or designated agent shall be responsible for ensuring that all structural elements (including the interior and exterior of the dwelling, associated decks, stairs, handrails, guardrails, boardwalks, docks and accessory structures), as well as all mechanical, electrical and plumbing systems, are maintained in good working order. Safe means of ingress and egress to and from the unit shall be maintained at all times, and ~~the areas of~~ the property which are under the owner's control shall remain clear of litter and debris.

(3) Permitting requirements.

a. Annual permit required.

1. *Permit Required.* A property owner or designated agent who wishes to operate a short-term rental unit within the town shall apply for and obtain an annual short-term rental permit.

2. *Application.* Short-term rental permit applications shall be submitted on a form made available by the Zoning Administrator for that purpose. The application shall be accompanied by a non-refundable application fee, as provided in Article 21, and any required supplemental materials. Only completed applications will be accepted. A separate application and fee shall be required for each short-term rental unit.

3. *Due date.*

- i. *New permits.* Applications for a new short-term rental permit may be submitted at any time during the calendar year; provided, however, the unit may not be rented, or advertised for rent, until a permit has been issued.
- ii. *Permit renewals.* Applications for the renewal of a short-term rental permit must be submitted annually on or before the deadline for obtaining a town business license, as specified in Chapter 8 of the Town Code. A short-term rental unit which was duly permitted and in good standing as of December 31st of the preceding calendar year may continue to operate beyond January 1st of the subsequent calendar year; provided, however, a renewal application must be received on or before the deadline specified herein.

4. *Criteria for approval.* The Zoning Administrator shall approve the issuance of a short-term rental permit only if he or she finds that the dwelling meets all of the conditions and requirements of this section and any other applicable provision of the Town Code. Prior to acting on an application, the Zoning Administrator or his designee may inspect the property for compliance with the provisions of this section. The Zoning Administrator may also require the applicants to provide documentation or certify, under penalty of perjury, that the property satisfies any one (1) or more of the conditions contained herein.

5. *Action on application.* The Zoning Administrator shall render a decision on each permit application within thirty (30) calendar days following receipt. If the Zoning Administrator requests additional information from the applicant in order to complete his or her review, the review period shall be tolled until the requested information is supplied by the applicant. Failure to provide the requested information within ten (10) business days shall be deemed a withdrawal of the permit application.

6. *Notification.* The Zoning Administrator's decision shall be communicated in writing to the property owner or designated

agent. For purposes of this section, the issuance of a short-term rental permit shall constitute notice of approval.

7. *Expiration.* Upon issuance, an annual short-term rental permit shall remain valid until December 31st of the calendar year during which it was issued, unless the permit is subsequently modified, suspended, revoked, cancelled or abandoned, pursuant to the procedures set forth in this section. A short-term rental unit which was duly permitted as of December 31st of the preceding calendar year may continue to operate while a permit application is pending review if the permit application for the subsequent calendar year was received on or before the deadline specified herein.

b. Modification of existing short-term rental permits.

1. *Application.* A property owner or designated agent who wishes to modify an existing short-term rental permit which is in good standing shall first submit an application for permit modification. The application shall be made on a form made available by the Zoning Administrator for that purpose. The application shall be accompanied by a non-refundable application fee, as provided in Article 21, and any required supplemental materials. Only completed applications will be accepted. A separate application and fee shall be required for each permit which is proposed to be modified. An existing short-term rental permit may be modified for any one (1) or more of the following reasons:

- i. Transfer of property ownership to one (1) or more individuals who are related by blood, adoption or marriage to the current owner of record;
- ii. Transfer of property ownership to a trust, partnership, corporation or similar entity in which the current owner of record retains an ownership stake of at least fifty (50%) percent;
- iii. Transfer of property ownership to the heirs of the current owner of record following their death;
- iv. Transfer of property ownership resulting from a court order;

- v. Any change to the rental unit's maximum occupancy due to the addition or deletion of code-compliant bedrooms within the dwelling; and
 - vi. Designation of a new agent.
2. *Criteria for approval.* The Zoning Administrator shall approve the issuance of a short-term rental permit modification only if he or she finds that the dwelling continues to meet all of the conditions and requirements of this section and any other applicable provision of the Town Code. Prior to acting on an application, the Zoning Administrator or his designee may inspect the property for compliance with the provisions of this section. The Zoning Administrator may also require the applicants to provide documentation or certify, under penalty of perjury, that the property satisfies any one (1) or more of the conditions contained herein.
 3. *Action on application.* The Zoning Administrator shall render a decision on each modification request within thirty (30) calendar days following receipt. If the Zoning Administrator requests additional information from the applicant in order to complete his or her review, the review period shall be tolled until the requested information is supplied by the applicant. Failure to provide the requested information within ten (10) business days shall be deemed a withdrawal of the modification request. A short-term rental unit which was duly permitted as of the date the modification request was received may continue to operate while the modification request is under review.
 4. *Notification.* The Zoning Administrator's decision shall be communicated in writing to the property owner or designated agent. For purposes of this section, the issuance of a permit modification shall constitute notice of approval.
 5. *Expiration.* Upon issuance, a modified short-term rental permit shall remain valid for the remainder of the calendar year during which it was issued, unless the permit is further modified, suspended, revoked, cancelled or abandoned, pursuant to the procedures set forth in this section.
- c. *Appeals.* Any person who is aggrieved by a decision of the Zoning Administrator to approve or deny the issuance of a new or modified short-term rental permit may appeal the decision to the Board of Zoning Appeals, pursuant to Section 19.40 of this ordinance.

(4) Violations.

a. *Violations defined.* It shall be a violation of this section to:

1. Operate a short-term rental unit without complying with the conditions and requirements of this section and any other applicable provision of the Town Code;
2. Advertise, offer, or otherwise make available a property as a short-term rental unit without complying with the conditions and requirements of this section and any other applicable provision of the Town Code;
3. Falsify or misrepresent material facts on a short-term rental permit application;
4. Advertise the maximum occupancy of a short-term rental unit in excess of the number allowed pursuant to this section;
5. Increase the maximum occupancy of a short-term rental unit without obtaining town approval of a permit modification;
6. Advertise or rent an accessory structure, including, but not limited to, an accessory dwelling unit, pool house or finished room over a garage, as an independent short-term rental unit;
7. Advertise or rent only a portion of a dwelling for short-term occupancy, such as an individual bed or bedroom;
8. Conduct any commercial activity within, or on the premises of, a short-term rental unit while the unit is being occupied as a short-term rental, unless expressly allowed by this section;
9. Fail to respond any emergency situation, alleged violation or public complaint communicated by the town, or any inquiry or inspection request within two (2) hours of notification; and
10. Advertise or rent any short-term rental unit after receiving notice of suspension, abandonment, revocation, or cancellation of a short-term rental permit.

b. *Penalties.* Any person violating any provision of this section shall be guilty of a misdemeanor and subject to the enforcement provisions of Article 18. Punishment for any violation shall not relieve the offender of any liability for delinquent taxes, penalties, and any other costs.

- c. *Liability of property owners.* A property owner shall not be relieved from any personal responsibility and personal liability for noncompliance with any applicable law, rule or regulation pertaining to the advertising, use and rental of a dwelling as a short-term rental unit, regardless of whether such noncompliance was committed by the property owner's designated agent, local contact, renter or guest of the short-term rental unit.
- d. *Liability of designated agents.* A designated agent shall be jointly and severally liable for noncompliance with any applicable law, rule or regulation pertaining to the advertising, use and rental of a dwelling as a short-term rental unit~~any violations occurring at any~~ which occurs at a short-term rental unit managed by the agent within the town.

(5) Suspension, revocation and cancellation of short-term rental permits.

a. *Suspension of permit.*

1. *Criteria for suspension.* In addition to all other applicable fines and penalties, the Zoning Administrator may suspend a short-term rental permit, as follows:

- i. If the property owner and/or designated agent fail to possess a valid town business license for the operation of a short-term rental unit, as required by Article 8 of the Town Code, the Zoning Administrator may suspend the short-term rental permit for that unit until all required business licenses have been obtained.
- ii. If the property owner or designated agent is found guilty by admission or by the Municipal Judge of committing three (3) or more violations of any other condition or requirement specified in this section during the preceding twelve (12) months, the Zoning Administrator may suspend the short-term rental permit for that unit for a period of sixty (60) days. A suspension during the final 60 days of any calendar year shall continue into the following calendar year.

2. *Notification.* In instances where a short-term rental permit has been suspended pursuant to this section, the Zoning Administrator shall provide written notice to the property

owner and, if applicable, the designated agent by certified mail or hand delivery.

3. *Cessation of operation.* Upon receipt of the notice of suspension, the property owner or designated agent shall immediately cease operation of the short-term rental unit and remove all advertisements for future short-term rentals. The property owner and designated agent, if applicable, of any property which is being advertised to, or occupied by, short-term rental guests after receiving the notice of suspension shall be subject to the enforcement and penalty provisions of this ordinance.
 4. *Reinstatement.* A property owner or designated agent may apply for reinstatement of a suspended short-term rental permit by submitting a completed application for reinstatement along with a non-refundable reinstatement fee, as provided in Article 21. The Zoning Administrator shall reinstate the short-term rental permit if he or she finds that:
 - i. The property owner or designated agent has corrected all outstanding violations to the satisfaction of the Zoning Administrator;
 - ii. The property owner and designated agent have paid all applicable fees and penalties in full; and
 - iii. For permits suspended due to three (3) or more violations during the preceding twelve (12) months, a minimum of sixty (60) days has lapsed from the date upon which the permit was suspended.
 5. *Abandonment.* If a property owner or designated agent fails to submit an application for reinstatement within ninety (90) days from the date upon which the permit was suspended, the permit shall be deemed abandoned. Once a short-term rental permit has been abandoned, any request to re-establish a short-term rental unit on the property shall be treated as a new application.
- b. *Revocation of permit.*

1. *Criteria for revocation.* In addition to all applicable fines and penalties, the Zoning Administrator may revoke a short-term rental permit due to any one (1) or more of the following:
 - i. The property owner to whom the short-term rental permit was issued is no longer the owner of record and neither the current owner nor the former owner modified the permit, as provided herein, within thirty (30) days following the date upon which the property was transferred;
 - ii. The dwelling has been destroyed, damaged beyond repair, or condemned by the Charleston County Building Inspections Department as unfit for human habitation;
 - iii. The property owner has obtained an exemption from the Charleston County Building Services Department, pursuant to S.C. Code Section 40-59-260, to undertake work which would otherwise be required to be completed by a licensed residential builder or specialty contractor;
 - iv. The Zoning Administrator determines that the property owner or designated agent falsified or misrepresented one (1) or more material facts on the short-term rental permit application;
 - v. The property owner or designated agent continues to advertise and/or rent a short-term rental unit after receiving notice of suspension;
 - vi. The short-term rental permit has been suspended two (2) or more times in any twenty-four (24) month period; or
 - vii. The occurrence of any violation which results in death or gross bodily injury to any person, causes substantial damage or destruction of property, or creates a substantial threat to public health and safety, regardless of whether the violation was committed by the property owner, designated agent, local contact person, renter or guest.

2. *Notification.* In instances where a short-term rental permit has been revoked pursuant to this section, the Zoning Administrator shall provide written notice to the property owner and, if applicable, the designated agent by certified mail or hand delivery.
3. *Cessation of operation.* Upon receipt of the notice of revocation, the property owner or designated agent shall immediately cease operation of the short-term rental unit and remove all advertisements for future short-term rentals. The property owner and designated agent, if applicable, of any property which is being advertised to, or occupied by, short-term rental guests after receiving the notice of revocation shall be subject to the enforcement and penalty provisions of this ordinance.
4. *Re-establishment.* A property owner or designated agent may not apply for a new short-term rental permit at the same location for a period of twelve (12) months following the date of revocation.

c. *Cancellation of permit.* A property owner or designated agent may request the cancellation of a short-term rental permit at any time and for any reason. All requests for cancellation shall be submitted in writing to the Zoning Administrator. Upon receiving the request, the Zoning Administrator shall cancel the short-term rental permit and provide written confirmation to the property owner and, if applicable, the designated agent. Any property owner or designated agent who cancels a permit while the permit is in good standing may reapply for a new permit at any time.

d. *Appeals.* Any person who is aggrieved by a decision of the Zoning Administrator to suspend or revoke a short-term rental permit may appeal the decision to the Board of Zoning Appeals, pursuant to Section 19.40 of this ordinance.

(c) *Vacation club unit.* A vacation club unit may be permitted by right on any property zoned Agricultural-General, provided the vacation club unit meets all of the following conditions and requirements:

- (1) The vacation club and the property owner, if different from the vacation club, shall possess a valid town business license.

- (2) If the vacation club unit is rented for more than fifteen (15) days during any calendar year, the vacation club shall collect and remit all required state and local taxes as specified below based upon the gross receipts from the rental of the unit. Upon request, the vacation club shall furnish documentation of the payment of any state and local taxes to the Zoning Administrator within three (3) business days.
 - a. State and local sales taxes (8%);
 - b. State accommodations tax (2%);
 - c. Charleston County accommodations tax (2%); and
 - d. Any other tax which may be imposed after the effective date of this section.
- (3) The vacation club shall provide no other commercial services on the premises of the vacation club unit.
- (4) The vacation club unit shall meet all other requirements applicable to short-term rental units, as specified in Section 5.20.30(b)(1) through (5).

SECTION 3. Amending Subsection 5.30.30 of the DSO.

The Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 5, Zoning District Specifications; Section 5.30, Single-Family Residential District (SR); Subsection 5.30.30, Conditional Uses; is hereby amended to read as follows:

§ 5.30.30. *Conditional Uses.*

- (a) *Accessory dwelling unit.* An accessory dwelling unit may be permitted by right on any property zoned Single-Family Residential, provided the accessory dwelling unit meets all of the conditions and requirements specified in Section 5.20.30(a)(1) through (6).
- (b) *Short-term rental unit.* A short-term rental unit may be permitted by right on any property zoned Single-Family Residential, provided the short-term rental unit meets all of the conditions and requirements specified in Section 5.20.30(b)(1) through (5).
- (c) *Vacation club unit.* A vacation club unit may be permitted by right on any property zoned Single-Family Residential, provided the vacation club unit meets all of the conditions and requirements specified in Section 5.20.30(c)(1) through (4).

SECTION 4. Amending Subsection 5.40.50 of the DSO.

The Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 5, Zoning District Specifications; Section 5.40, Planned Development District (PDD); Subsection 5.40.50, PDD Conditional Uses; is hereby amended to read as follows:

§ 5.40.50. *PDD Conditional Uses.* Conditional uses will be dictated by the location, size of the parcel, uses and densities requested and their effect on neighboring developments and must comply with the review of criteria set forth in Article 20.

§ 5.40.50.10. *Industrial and manufacturing uses.* Conditional uses involving industrial and/or manufacturing uses shall not be permitted.

§ 5.40.50.20. *Communication towers and antennae.* Communication towers and antennae in compliance with the criteria in Article 8 shall be allowed only in the Camp St. Christopher Planned Development.

§ 5.40.50.30. *Accessory dwelling unit.* An accessory dwelling unit may be permitted by right on any property which is zoned for single-family residential use within an approved Planned Development District, provided the accessory dwelling unit meets all of the conditions and requirements specified in Section 5.20.30(a)(1) through (6).

§ 5.40.50.40. *Short-term rental unit.* A short-term rental unit may be permitted by right on any property zoned for single-family or multi-family residential use within an approved Planned Development District, provided the short-term rental unit meets all of the conditions and requirements specified in Section 5.20.30(b)(1) through (5).

§ 5.40.50.50. *Vacation club unit.* A vacation club unit may be permitted by right on any property zoned for single-family or multi-family residential use within an approved Planned Development District, provided the vacation club unit meets all of the conditions and requirements specified in Section 5.20.30(c)(1) through (4).

SECTION 5. Amending Subsection 8.70.30 of the DSO.

The Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 8, General Development Requirements; Section 8.70, Restricted Uses; Subsection 8.70.30, Time Sharing; is hereby amended to read as follows:

§ 8.70.30. *Time Sharing.* No lot or other residential unit in the Town of Seabrook Island may be used for, be subject to, rented, leased, sold or otherwise operated as a Vacation Time Sharing Plan."

SECTION 6. Severability.

If any part of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions

of said ordinance shall not be affected thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

SECTION 7. Conflicting Ordinances Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 8 Effective Date.

This ordinance shall be effective from and after ~~the date of adoption~~ January 1, 2021.

SIGNED AND SEALED this ____ day of _____, 2020, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2020.

First Reading: October 27, 2020
Public Hearing: November 17, 2020
Second Reading: November 17, 2020

TOWN OF SEABROOK ISLAND

John Gregg, Mayor

ATTEST

Faye Allbritton, Town Clerk