

Additions Deletions

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2023-15

ADOPTED _____

AN ORDINANCE AMENDING THE DEVELOPMENT STANDARDS ORDINANCE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; ARTICLE 2, GENERAL PROVISIONS; SECTION 2.1, GENERAL COMPLIANCE; SO AS TO REPEAL SUBSECTION (E) PERTAINING TO THE PLACEMENT AND STORAGE OF TRASH, LITTER AND JUNK ON PREMISES WITHIN THE TOWN; ARTICLE 9, CONDITIONAL USE REQUIREMENTS; SECTION 9.4, SPECIFIC USE REQUIREMENTS; SO AS TO AMEND THE CONDITIONAL USE PROVISIONS OF SUBSECTION (O) PERTAINING TO SHORT-TERM RENTAL UNITS; AND APPENDIX E, FEE SCHEDULE; SO AS TO UPDATE THE SCHEDULE OF FEES TO REFLECT CHANGES RELATING TO PERMITTING REQUIREMENTS AND PROCEDURES FOR SHORT-TERM RENTAL UNITS WITHIN THE TOWN

WHEREAS, on [December 19, 2023], the Mayor and Council for the Town of Seabrook Island adopted Ordinance No. 2023-14, which amended Chapter 18 of the Town Code to consolidate and establish regulations pertaining to various public nuisances, including prohibited noise; property maintenance; trash, litter, and debris; illegal dumping; and the parking of vehicles and equipment within the town; and

WHEREAS, the Mayor and Council for the Town of Seabrook Island believe it fitting and proper to amend Section 2.1 of the Development Standards Ordinance for the Town of Seabrook Island (the "DSO") so as to repeal redundant language pertaining to the placement and storage of trash, litter and junk from premises within the town; and

WHEREAS, the Mayor and Council for the Town of Seabrook Island further desire to amend Subsection 9.4(O) of the DSO to amend the conditional use provisions pertaining to short-term rental units within the town; and

WHEREAS, the Mayor and Council for the Town of Seabrook Island further desire to amend Appendix E of the DSO to update the schedule of fees to reflect changes relating to permitting requirements and procedures for short-term rental units within the town; and

WHEREAS, as required by law, the Town of Seabrook Island Planning Commission reviewed the proposed amendments during a regularly scheduled meeting on [November 8, 2023], at which time members of the Planning Commission recommended in favor of [approval/denial] of the proposed amendments; and

WHEREAS, the Mayor and Council advertised and held a public hearing on the proposed amendments during a duly called meeting on [November 28, 2023]; and

WHEREAS, in an effort to protect the public health, comfort, safety and welfare of residents within the town, the Mayor and Council believe it is fitting and proper to amend the DSO to achieve the objectives referenced herein;

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, S.C.:**

SECTION 1. Amending Section 2.1 of the DSO. The Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 2, General Provisions; Section 2.1, General Compliance; is hereby amended so as to repeal subsection (e) pertaining to the placement and storage of trash, litter, and junk on premises within the town. All remaining subsections shall be renumbered to conform.

~~E. Trash, Litter, and Junk.~~

~~1. It shall be unlawful for any PERSON to accumulate, place, store, allow, or permit the accumulation, placement, or storage of trash, litter, or junk on premises in the TOWN, except in a lawfully licensed disposal facility; provided, such items may be stored in watertight storage receptacles designed for the temporary accumulation of trash for a period not to exceed seven (7) days.~~

~~2. Household waste and debris.~~

~~a. **Trash and recycling.** Household trash and recycling receptacles shall not be placed curbside prior to 12:00 p.m. on the day prior to the scheduled pick-up and must be removed from the curb no later than 12:00 p.m. on the day following the scheduled pick-up. At all other times, trash and recycling receptacles must be removed from the curb and stored in a location which is not visible from the street or from neighboring residential properties.~~

~~b. **Yard debris.** Household yard debris shall not be placed curbside prior to dawn on the Saturday prior to the scheduled pick-up date; provided, however, the ZONING ADMINISTRATOR may suspend this provision for up to 180 days following any major storm or disaster event, or when deemed necessary to preserve public health and safety. Yard debris shall not be placed on or near storm water catch basins or drainage boxes, or within 15 feet of a fire hydrant.~~

~~c. **Bulk items.** Bulk items such as appliances, electronics, household furnishings, bedding, and similar items shall not be placed curbside prior to 12:00 p.m. on the day prior to the scheduled pick-up date.~~

~~3. No property owner shall use any area of that property as a dumping site for any type of debris whether natural, construction materials, garbage, or other debris.~~

- ~~4. During new home construction or SUBSTANTIAL REMODELING, BUILDING sites shall be kept clean. A dumpster must be provided on the site and must be emptied before exposed trash is visible. All BUILDING debris, stumps, trees, etc., must be removed from each BUILDING lot by the builder as often as necessary to keep the BUILDING site free of debris. Temporary sanitary facilities shall be provided, shall be located off the street right-of-way, and screened so they are not visible from the street.~~

SECTION 2. Amending Subsection 9.4(O) of the DSO. The Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 9, Conditional Use Requirements; Section 9.4, Specific Use Requirements; Subsection (O), Short-Term Rental Units; is hereby amended to read as follows:

O. SHORT-TERM RENTAL UNITS.

1. Definitions. For purposes of this subsection, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

- a. Authorized agent. An individual or company meeting the qualifications of a qualified local contact who is designated by the owner of a SHORT-TERM RENTAL UNIT to ensure compliance with all conditions and requirements set forth in this subsection, and all other applicable provisions set forth in this ordinance and the Town Code, on the owner's behalf. Any agent so designated shall be authorized to:
- i. Apply for a SHORT-TERM RENTAL permit on behalf of the property owner;
 - ii. Advertise, manage, and otherwise operate the SHORT-TERM RENTAL UNIT;
 - iii. Ensure that the SHORT-TERM RENTAL UNIT complies with all conditions and requirements set forth in this subsection, and all other applicable provisions set forth in this ordinance and the Town Code;
 - iv. Ensure that renters of the SHORT-TERM RENTAL UNIT comply with all conditions and requirements set forth in this subsection, and all other applicable provisions set forth in this ordinance and the Town Code;
 - v. Serve as the qualified local contact for the SHORT-TERM RENTAL UNIT; and
 - vi. Accept service of process on behalf of the property owner, pursuant to Rule 4(d)(1) of the South Carolina Rules of Civil Procedures.
- b. Fossil fuels. Any energy source which is 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.

- c. *Host.* An individual or company that uses, rents, or advertises for rent, a DWELLING UNIT as a SHORT-TERM RENTAL UNIT for consideration within the TOWN. By default, the owner of the SHORT-TERM RENTAL UNIT shall be considered the host unless he or she designates an authorized agent to act on his or her behalf, in which case the authorized agent shall be considered the host; provided, the designation of an authorized agent shall not relieve the property owner from any personal responsibility and personal liability for violations of this subsection, or any other applicable provision set forth in this ordinance or the Town Code.
- d. *Overnight hours.* The period between 11:00 pm and 7:00 am.
- e. *Passenger vehicle.* Any type or class of passenger car, sport utility vehicle (SUV), pickup truck or van with a maximum seating capacity of 10 or fewer passengers (including the driver); passenger van with a maximum seating capacity of 15 or fewer passengers (including the driver); moped; motorcycle; golf cart; or low-speed vehicle (LSV); which is manufactured primarily for the purpose of carrying passengers.
- f. *Permit year.* The period beginning May 1st of each year and ending April 30th of the following year.
- g. *Qualified local contact.* An individual or company who:
- i. Is duly licensed by the South Carolina Department of Labor, Licensing and Regulation (SCLLR) as a property manager-in-charge or broker-in-charge;
 - ii. Is physically located, or has associates and/or employees who are physically located, within fifty (50) miles of the SHORT-TERM RENTAL UNIT;
 - iii. Maintains a local 24-hour emergency contact number;
 - iv. Is accessible and available to respond, on behalf of the property owner, to any emergency situation, alleged violation, inquiry, or inspection request from the TOWN, or any other entity having jurisdiction over the SHORT-TERM RENTAL UNIT, within two (2) hours of receiving notification; and
 - v. Is authorized, on behalf of the property owner, to send and receive communication to and from the TOWN, as well as occupants of the SHORT-TERM RENTAL UNIT, to ensure the property and its occupants maintain compliance with all conditions and requirements set forth in this subsection, and all other applicable provisions set forth in this ordinance and the Town Code.
- h. *Qualifying event.* The occurrence of any one (1) or more of the following:
- i. Change of property ownership as a result of an exempt transfer;

- ii. Change in legal name, mailing address, or contact information of a property owner, authorized agent, and/or qualified local contact;
- iii. Change of address, unit number, or tax map number of the DWELLING UNIT;
- iv. Designation of a new authorized agent;
- v. Designation of a new qualified local contact; and
- vi. Change of overnight occupancy limit and/or maximum number of overnight vehicles as a result of the addition or deletion of code-compliant bedrooms within the DWELLING UNIT.
- i. Renter. Any PERSON or group of PERSONS, including their guests, who rents a SHORT-TERM RENTAL UNIT within the TOWN for a term of less than thirty (30) consecutive days in return for consideration.
- j. SHORT-TERM RENTAL permit cap. The maximum number of DWELLING UNITS within the TOWN which may be permitted as SHORT-TERM RENTAL UNITS at a given time.
- k. Transfer, exempt. The transfer of any land and all improvements on the land, tenements, or other realty, from one PERSON to another PERSON, whereby the recording of the deed is exempt from the deed recording fee pursuant to S.C. Code of Laws, Section 12-24-40. An exempt transfer will generally be marked as “exempt from the deed recording fee” on the Affidavit of Taxable or Exempt Transfer form recorded with the deed. For purposes of this definition, an exempt transfer shall also include transfers by instrument or deed of distribution assigning, transferring, or releasing real property to the distributee of an estate pursuant to Section 62-3-907 as evidence of the distributee’s title, and deeds transferring real property from a trust to a trust distributee upon the trust settlor’s death, pursuant to the trust terms.
- l. Transfer, non-exempt. The transfer of any land and all improvements on the land, tenements, or other realty, from one PERSON to another PERSON, whereby the recording of the deed is subject to the deed recording fee pursuant to S.C. Code of Laws, Section 12-24-10 et seq. A non-exempt transfer will generally be marked as “subject to the deed recording fee” on the Affidavit of Taxable or Exempt Transfer form recorded with the deed.

1.2. General provisions requirements for SHORT-TERM RENTAL UNITS.

- a. In general. Except as otherwise provided in this subsection, no BUILDING, STRUCTURE, or premises shall be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT, and no PERSON shall use, rent, or advertise for rent, any BUILDING, STRUCTURE, or premises, as a SHORT-TERM RENTAL UNIT, except in conformity with the conditions and requirements set forth in this subsection.

- b. *Permit required.* Effective January 1, 2021, a Subject to the conditions, requirements, and procedures set forth in this subsection, an annual SHORT-TERM RENTAL permit shall be required for all residential ~~dwellings~~ DWELLING UNITS which are used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT within the ~~town~~ 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 ~~license permit~~ year ~~during for~~ which it ~~was~~ is issued, unless the permit is modified, suspended, revoked, ~~or~~ cancelled, ~~or~~ abandoned, pursuant to the criteria and procedures set forth in this subsection.
- c. *Inspections.* Subject to the notice requirements set forth in subsection 9.4 O.5.c, all SHORT-TERM RENTAL UNITS shall be subject to inspection by the TOWN to verify compliance with the conditions and requirements set forth in this subsection, and all other applicable provisions set forth in this ordinance and the Town Code.
- d. *Property owner responsibility.* A property owner who uses, rents, or advertises for rent, any DWELLING UNIT within the TOWN as a SHORT-TERM RENTAL UNIT shall comply with all conditions and requirements set forth in this subsection, and all other applicable provisions set forth in this ordinance and the Town Code. A property owner shall not be relieved from any personal responsibility and personal liability for violations of any applicable law, rule, or regulation which are committed, or allowed to be committed, at, within, or upon the premises of, a SHORT-TERM RENTAL UNIT which he or she owns, regardless of whether such violation was committed by the property owner, authorized agent, qualified local contact, or renters of the SHORT-TERM RENTAL UNIT.
- e. *Authorized agent.* A property owner may designate an authorized agent to comply with all conditions and requirements set forth in this subsection, and all other applicable provisions set forth in this ordinance and the Town Code, on the owner's behalf; provided, the designation of an authorized agent shall not relieve the property owner from any personal responsibility and personal liability. An authorized agent shall be jointly and severally liable for violations of any applicable law, rule or regulation which are committed, or allowed to be committed, at, within, or upon the premises of, a SHORT-TERM RENTAL UNIT which the agent is authorized to manage. Upon issuance of a SHORT-TERM RENTAL permit, any change to the authorized agent of record, including changes in contact information, shall be filed with the ZONING ADMINISTRATOR within five (5) business days by way of a permit modification.
- f. *Qualified local contact.* If the property owner does not maintain a permanent place of residence within fifty (50) miles of the SHORT-TERM RENTAL UNIT, the property owner shall designate a qualified local contact. If the event a property owner designates an authorized agent, as provided in paragraph (d), the authorized agent shall serve as the qualified local contact. Upon issuance of a SHORT-TERM RENTAL permit, any change to the qualified local contact of record, including changes in contact information, shall be filed with the ZONING ADMINISTRATOR within five (5) business days by way of a permit modification.

3. Specific conditions for SHORT-TERM RENTAL UNITS.

a. General requirements.

- i. Allowable Dwelling DWELLING UNIT types. A SHORT-TERM RENTAL permit may only be issued for a conforming or legally NONCONFORMING residential dwelling DWELLING UNIT. Accessory structures ACCESSORY BUILDINGS and STRUCTURES, including, but not limited to, ACCESSORY DWELLINGS s-units, pool houses, storage sheds, GARAGEs, and finished rooms over a GARAGE, shall not be permitted as a stand-alone 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 BUILDING or STRUCTURE may be permitted or occupied used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT.
- ii. Allowable Rental types. A dwelling DWELLING UNIT which is permitted to operate as a SHORT-TERM RENTAL UNIT may only be used, rented, or advertised for rent, and rented as an entire unit. A permit holder may not use, rent, or advertise for rent, or rent a portion of a dwelling less than an entire DWELLING UNIT, such as an individual bed or bedroom, or a BUILDING or STRUCTURE which is accessory to the principal DWELLING UNIT. Nothing herein is intended to prohibit or limit a property owner's ability to lock or otherwise restrict guest-renter access to individual rooms, closets, or accessory structures ACCESSORY BUILDINGS or STRUCTURES, within, or upon the premises of, a DWELLING UNIT.
- iii. Limitations on other uses. No host or renter shall conduct, or allow to be conducted, any commercial activities at, within, or upon the premises of, a SHORT-TERM RENTAL UNIT while renters are occupying the unit. Notwithstanding the foregoing, the following activities shall be expressly permitted:
 - (a) Commercial activities undertaken by a host or renter which are clearly incidental to the RESIDENTIAL USE and which do not affect the residential character of the DWELLING UNIT, including, by way of example, professional services which are provided remotely, remote processing of payments or other business transactions, engaging in remote meetings or electronic communications, and similar activities; and
 - (b) Outside vendors and contractors who are providing goods or services to the host or renters, or who are providing goods or services necessary for the continued operation and MAINTENANCE of the SHORT-TERM RENTAL UNIT.
- iv. Restrictions for DWELLING UNITS following work by an unlicensed residential builder or specialty contractor. If a property owner has obtained an exemption from the Charleston County Building Inspections Department, pursuant to S.C. Code of Laws, Section 40-59-260, to undertake work on a DWELLING UNIT which

would otherwise be required to be completed by a licensed residential builder or specialty contractor, the DWELLING UNIT may not be permitted as a SHORT-TERM RENTAL UNIT until two (2) years after the work has been completed or a certificate of occupancy has been issued.

v. *Restrictions for DWELLING UNITS which are under construction or renovation.* Except as otherwise provided in this subsection, a DWELLING UNIT which is actively under construction or renovation may not be permitted as a SHORT-TERM RENTAL UNIT until the construction or renovation work has been completed or a certificate of occupancy has been issued.

vi. *Restrictions for unsafe STRUCTURES.* Except as otherwise provided in this subsection, a DWELLING UNIT which has been damaged beyond REPAIR, destroyed, or condemned by the Charleston County Building Inspections Department as unfit for human occupancy, or which is rendered unsafe due to damage (other than damage beyond REPAIR), disrepair, or neglect, may not be permitted as a SHORT-TERM RENTAL UNIT until the work necessary to reconstruct, REPAIR, or restore the DWELLING UNIT to a safe condition has been completed or a certificate of occupancy has been issued.

vii. *SHORT-TERM RENTAL permit cap.* There is hereby imposed a cap on the number of DWELLING UNITS which may be permitted as SHORT-TERM RENTAL UNITS within the TOWN. Except as expressly authorized by this subsection, the maximum number of SHORT-TERM RENTAL UNITS within the TOWN shall not exceed 650 at any given time. The SHORT-TERM RENTAL permit cap shall be implemented pursuant to the permitting procedures set forth in subsection **9.4 O.4.**

~~b. *Designated agent.* Subject to the provisions of Section 9.4.O.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.~~

~~c. *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.~~

b. *License and tax requirements.*

- i. ~~TOWN B~~business license ~~required~~. The ~~property owner and designated agent, if applicable, host~~ shall possess a valid ~~town~~TOWN business license for the operation of a SHORT-TERM RENTAL UNIT, as required by Article 8 of the Town Code.
- ii. *South Carolina Retail License*. If the SHORT-TERM RENTAL UNIT will be rented for more than one (1) week in any calendar quarter, the host shall possess a valid South Carolina Retail License. ~~the property owner or designated agent~~The host shall annually furnish evidence of a valid South Carolina Retail License with the required SHORT-TERM RENTAL permit application.
- iii. *Payment of state and local taxes and fees*. If the SHORT-TERM RENTAL UNIT ~~is~~will be rented for more than fifteen (15) days during any calendar year, the ~~property owner or designated agent~~host shall collect and remit all required state and local taxes and fees on the gross proceeds derived from the rental of accommodations. The host shall annually furnish evidence of the payment of all required state and local taxes and fees, as specified below, with the required SHORT-TERM RENTAL permit application:
 - (a) State and local sales taxes (8%);
 - (b) State accommodations tax (2%);
 - (c) Charleston County accommodations ~~tax~~fee (2%);
 - (c)(d) Town of Seabrook Island local accommodations tax (1%); and
 - (d)(e) Any other taxes or fees which may be imposed after the effective date of this subsection.

~~d.c. Occupancy limits~~Maximum occupancy.

- i. *Overnight occupancy limit*. ~~All~~ SHORT-TERM RENTAL UNITS shall be subject to a ~~maximum occupancy limit~~limit on the total number of occupants during the overnight hours, as provided herein. ~~The maximum occupancy for any SHORT-TERM RENTAL UNIT shall be as follows:~~
 - (a) SHORT-TERM RENTAL UNITS shall be limited to two (2) occupants per code-compliant bedroom, plus two (2) additional occupants for the entire unit; provided, in no instance shall the maximum overnight occupancy be permitted to exceed twelve (12) occupants.
 - ~~(a) For SHORT-TERM RENTAL UNITS with less than 2,500 square feet of total finished living area, the maximum occupancy of the unit shall be limited to two (2) occupants per code-compliant bedroom, plus two (2) additional occupants for the entire unit.~~

~~(b) For SHORT-TERM RENTAL UNITS with 2,500 square feet of total finished living area or more, the maximum occupancy of the unit shall be limited to two (2) occupants per code-compliant bedroom, plus four (4) additional occupants for the entire unit.~~

~~(c)(b)~~ Children under the age of two (2) shall not be counted toward the ~~maximum-overnight~~ occupancy limit specified herein.

~~(d)(c)~~ The ~~maximum-overnight~~ occupancy limit specified herein shall apply to the unit as a whole and is not intended to limit the number of individuals within any specific bedroom or other living area.

~~(e)(d)~~ The ~~maximum-overnight~~ occupancy limit specified herein shall not apply in instances when the SHORT-TERM RENTAL UNIT is occupied exclusively by:

(i) the property owner(s) of record;

(ii) the property owner(s) of record and their non-paying guests; or

(iii) non-paying guests who are related by blood, adoption, or marriage to the property owner(s) of record.

~~(f)(e)~~ ~~*Determination of maximum occupancy.*~~ To determine the ~~maximum-overnight~~ occupancy limit 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~~ for the DWELLING UNIT, as shown in the current Charleston County tax records. Any host who wishes 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 host 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 adjust the overnight occupancy limit.

~~ii. *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:~~

~~iii. *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.~~

~~iv. *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.~~

e.d. Parking requirements.

i. ~~*Minimum off-street parking*~~OFF-STREET PARKING ~~required.~~ A ~~dwelling~~DWELLING UNIT which is permitted to operate as a SHORT-TERM RENTAL UNIT shall have a minimum of one (1) ~~off-street parking space~~OFF-STREET PARKING SPACE. The required ~~off-street parking~~OFF-STREET PARKING may be provided on the same ~~property premises~~ as the ~~rental unit~~SHORT-TERM RENTAL UNIT or, if the unit is located within a CLUSTER UNIT, TOWNHOME, or multi-family developmentMULTI-FAMILY DEVELOPMENT with a common parking areaPARKING LOT, within that development's common ~~parking area~~PARKING LOT.

ii. ~~*Maximum number of overnight vehicles.*~~ The maximum number of passenger vehicles which may be parked at any SHORT-TERM RENTAL UNIT during the overnight hours shall be limited to one (1) passenger vehicle per code-compliant bedroom; provided, in no instance shall the maximum number of passenger vehicles permitted during the overnight hours be less than two (2).

iii. ~~*Other requirements.*~~ No host or renter shall park, or allow to be parked, any vehicle or equipment of any type which violates the parking provisions set forth in Section 18-33 of the Town Code.

ii. ~~*General requirements for off-street parking.*~~ The following general requirements shall apply to the parking of vehicles in all areas of the town, with the exception of recorded street rights-of-way (public or private):

~~(a) Renters and their guests shall park only within designated parking space(s);~~

~~(b) Vehicles shall not be parked on or within any yard, landscaped area, fire lane, loading area, median, pathway, or sidewalk, or within any common OPEN SPACE which is used for a purpose other than vehicle parking;~~

~~(c) Vehicles shall not be parked within fifteen (15) feet of a fire hydrant;~~

~~(d) Vehicles shall not be parked in any area which has been designated as a “no parking” area;~~

~~(e) Within shared driveways and PARKING LOTS, vehicles shall not be parked in any aisle or driving lane;~~

~~(f) Parking in handicapped spaces shall be permitted only with a valid government issued parking permit; and~~

~~(g) Parked vehicles shall not impair access by emergency vehicles, unreasonably impede the flow of vehicular or pedestrian traffic, or restrict ingress to or egress from neighboring properties.~~

~~iii. Commercial vehicles, oversized vehicles, and equipment.~~

~~(a) The following types of vehicles shall be prohibited on the premises of a SHORT TERM RENTAL UNIT while the unit is being occupied by renters and their guests:~~

~~(i) Commercial vehicles larger than a passenger vehicle, pickup truck, or van;~~

~~(ii) Vehicles with more than two (2) axles;~~

~~(iii) Trailers; and~~

~~(iv) Heavy machinery and equipment.~~

~~(b) The restrictions contained herein shall not apply to any vehicle, trailer, or heavy machinery and equipment 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.~~

~~iv. On-street parking. In addition to the off-street parking requirements specified herein, parking on or within a recorded street right-of-way (hereafter “on-street parking”) shall be allowed for short-term renters and their guests, subject to the following limitations:~~

~~(a) On-street parking shall be prohibited on or within any public street right-of-way;~~

~~(b) Vehicles parked on or within a street right-of-way shall not impair access by emergency vehicles, unreasonably impede the flow of vehicular or pedestrian traffic, or restrict ingress to or egress from neighboring properties; and~~

~~(c) The owner of any private street within the town may impose stricter parking requirements than those specified herein including, without limitation, restricting or prohibiting on-street parking, on or within any street right-of-way under its ownership.~~

e. Advertising, posting, and signage requirements.

i. 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 brochures, classified ads, website listings, Craigslist, Facebook Marketplace, etc.), ~~the property owner or designated agent shall clearly list the unit's current town business license number and maximum occupancy~~ the following items shall be conspicuously posted within the content of each advertisement:

(a) The current SHORT-TERM RENTAL permit number;

(b) The overnight occupancy limit; and

~~(d)~~(c) The maximum number of passenger vehicles which may be parked at the unit during the overnight hours.

ii. Posting requirements. A SHORT-TERM RENTAL permit placard shall be provided by the ZONING ADMINISTRATOR to each host upon the issuance of a SHORT-TERM RENTAL permit. The property owner or designated agent shall post permit placard shall contain, at a minimum, the unit's current business license ~~SHORT-TERM RENTAL permit number, maximum overnight occupancy limit, maximum number of passenger vehicles which may be parked during the overnight hours, fire extinguisher location, and the name and phone number of a 24-hour emergency~~ the qualified local contact. The host shall post a copy of the permit placard 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 at all times the unit is occupied by renters.

iii. Information packets required. A SHORT-TERM RENTAL information packet shall be provided by the ZONING ADMINISTRATOR to each host upon the issuance of a SHORT-TERM RENTAL permit. The information packet shall contain, at a minimum, a summary of the TOWN's SHORT-TERM RENTAL rules and regulations, a summary of other community rules and regulations, a list of local emergency resources and contacts, and such other information as may be deemed necessary and proper by the ZONING ADMINISTRATOR to protect the public health, safety, and welfare of renters and the public. The property owner or designated

~~agent~~host shall provide ~~or make available an a copy of the SHORT-TERM RENTAL information packet, either in printed or electronic format, to all short-term renters. The information packet may be provided prior to, or during, the check-in process (either in printed or electronic format) or.~~ Alternatively, a printed copy of the SHORT-TERM rental packet may be maintained in a conspicuous location inside~~within~~ the rental unit at all times. ~~The information packet shall contain, at a minimum:~~

- ~~(a) The name and phone number of the unit's 24-hour emergency contact;~~
- ~~(b) 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;~~
- ~~(c) 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;~~
- ~~(d) 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;~~
- ~~(e) A current copy of "Emergency Resources" flyer which shall be made available by the ZONING ADMINISTRATOR on or before April 30th of each year;~~
- ~~(f) 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~~
- ~~(g) Such other information as may be deemed necessary and proper by the ZONING ADMINISTRATOR to protect the health, welfare, and safety of renters, their guests, and the public.~~

vii.iv. *Signage.* No signage which advertises or identifies a ~~dwelling~~DWELLING UNIT as a SHORT-TERM RENTAL UNIT shall be allowed on the exterior or premises of any ~~dwelling~~DWELLING UNIT ~~which 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~~CLUSTER UNIT, TOWNHOME, or MULTI-FAMILY DEVELOPMENT.

~~f. Unlicensed work.~~ If a property owner has obtained an exemption from the Charleston County Building Services Department, pursuant to S.C. Code of Laws, 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.

- ~~g. *Other uses.* No property owner, designated agent, renter, or their 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:~~
- ~~i. *Commercial activities undertaken by a renter or their 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, remote processing of payments or other business transactions, engaging in remote meetings or electronic communications, and similar activities; and*~~
 - ~~ii. *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.*~~
- ~~h. *Inspections.* Subject to the notice requirements contained herein, all SHORT TERM RENTAL UNITS shall be subject to inspection by the town to verify compliance with the requirements of this section.~~
- ~~i. *Routine Inspections.* In instances when an inspector must access the interior of a SHORT TERM RENTAL UNIT for the purpose of conducting a routine inspection to verify compliance with the requirements of this section, he or she shall provide a minimum of 24 hours' notice to the property owner, designated agent, or local contact, as applicable, and the notified party shall provide access to the unit at the appointed time. Except for emergency inspections and inspections undertaken prior to the issuance of a new SHORT TERM RENTAL permit, routine inspections shall be avoided between Memorial Day and Labor Day when possible. All routine inspections shall be conducted between the hours of 9:00 am and 5:00 pm.~~
 - ~~ii. *Emergency inspections.* In instances when an inspector determines that a condition may exist within a SHORT TERM RENTAL UNIT which substantially endangers public health or safety, he or she shall provide a minimum of two (2) hours' notice to the property owner, designated agent or local contact, as applicable, and the notified party shall provide access to the unit at the appointed time to verify that such a condition exists and, if possible, to abate that condition. If the inspector determines that the condition was caused by a violation of any provision of this section, he or she may initiate enforcement action pursuant to paragraph 4. (violations).~~
 - ~~iii. *Exceptions to notice requirements.* In instances when either a notified party or the occupant of a SHORT TERM RENTAL UNIT waive the applicable notice requirements contained in paragraphs q (i) or (ii), an inspector may enter the unit immediately upon authorization, or as soon as practicable thereafter.~~

~~iv. 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. Upon request, the property owner or designated agent shall furnish all requested documentation to the ZONING ADMINISTRATOR within three (3) business days.~~

iv.f. Safety requirements for SHORT-TERM RENTAL UNITS.

- i. *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.
- ii. *Fire extinguishers.* SHORT-TERM RENTAL UNITS shall be equipped with at least one (1) working 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 renters ~~and their guests.~~
- iii. *Carbon monoxide detectors.* SHORT-TERM RENTAL UNITS shall be equipped with ~~A~~ at least one (1) working carbon monoxide detector ~~shall be required~~ on each level ~~of the SHORT-TERM RENTAL UNIT~~ if the ~~unit~~ DWELLING UNIT is equipped with any one (1) or more of the following:
 - (a) Any type of heater or appliance which burns fossil fuels;
 - (b) Any type of generator which burns fossil fuels;
 - (c) Any type of fireplace or stove which burns wood or fossil fuels;
 - (d) An enclosed GARAGE which is attached to the SHORT-TERM RENTAL UNIT.

~~iv. 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.~~

v.iv. Sprinkler system. If the ~~SHORT-TERM RENTAL DWELLING~~ UNIT ~~has is~~ equipped with a fire sprinkler system, the system shall be maintained in good working order. The ~~property owner or designated agent~~ host shall be responsible for having a qualified professional inspect the sprinkler system no less than once every 12 months. Upon request, the ~~property owner or designated agent~~ host shall furnish documentation of this inspection to the ZONING ADMINISTRATOR within ~~three~~ five (5) business days.

~~vi-v.~~ General maintenance. The ~~property owner or designated agent~~host shall be responsible for ensuring that all structures, equipment, and exterior property are maintained in compliance with the property maintenance requirements set forth in Section 18-31 of the Town Code, and that the premises of each SHORT-TERM RENTAL UNIT shall remain free of trash, litter, and debris, in compliance with the requirements set forth in Section 18-32 of the Town Code~~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 areas of the property which are under the owner's control shall remain clear of litter and debris.~~

2.4. Permitting requirements and procedures.

a. ~~Annual permit~~required.

i. ~~Permit Required.~~ Subject to the conditions, requirements, and procedures set forth in this subsection, any host who wishes to operate-use, rent, or advertise for rent, any DWELLING UNIT within the TOWN as a SHORT-TERM RENTAL UNIT within the town shall apply for and obtain an annual SHORT-TERM RENTAL permit. A separate permit shall be required for each SHORT-TERM RENTAL UNIT. Each yearly~~Except as otherwise provided in this subsection, annual~~ permits shall be issued for the twelve (12)- month period of beginning May 1st to and ending April 30th and shall remain valid only during the permit year for which it is issued, unless the permit is modified, suspended, revoked, or cancelled, pursuant to the criteria and procedures set forth in this subsection.

ii. 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 Section 18.3, 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.

iii. Due date.

(a) Permit renewals. Applications to renew a SHORT-TERM RENTAL permit must be submitted annually no later than April 30th.

~~(a)~~(b) New permits. Applications for a new SHORT-TERM RENTAL permit may be submitted at any time during the ~~license~~permit year; provided, ~~however, the unit no~~ DWELLING UNIT may not be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT until a permit has been issued for the respective ~~license~~permit year.

~~(b) *Permit renewals.* Applications to renew a SHORT-TERM RENTAL permit must be submitted annually no later than April 30. A SHORT-TERM RENTAL UNIT which was duly permitted and in good standing as of April 30 of the preceding license year may continue to operate beyond May 1 of the subsequent license year as long as a completed renewal application for that unit was received by the town on or before April 30.~~

iv. *Permitting procedures.*

~~(a) *Permit renewals.* During the annual permit renewal process, the ZONING ADMINISTRATOR shall give priority to permit renewal applications. Any permit which was in good standing as of April 30th of the preceding permit year, including those which were suspended pursuant to the provisions of paragraphs (a), (f), and (g) of subsection 9.4 O.6.a.ii, may be renewed for the subsequent permit year without regard to the SHORT-TERM RENTAL permit cap, provided:~~

~~(i) The SHORT-TERM RENTAL UNIT continues to meet the criteria for approval, as set forth in subsection 9.4 O.4.a.v.(a);~~

~~(ii) A completed renewal application was received by the TOWN on or before the renewal deadline specified herein;~~

~~(iii) The DWELLING UNIT did not have a non-reported sale or transfer during the preceding permit year;~~

~~(iv) The SHORT-TERM RENTAL permit was not cancelled, revoked, or ineligible for renewal as of April 30th of the preceding permit year;~~

~~(v) The host reported at least \$3,000.00 in gross income from rental activities during the preceding permit year; provided, in the event the gross income from rental activities was less than \$3,000.00, the ZONING ADMINISTRATOR may allow the host to demonstrate that the SHORT-TERM RENTAL UNIT was available and advertised for rent while the permit was active; and~~

~~(vi) If the SHORT-TERM RENTAL is suspended pursuant to the provisions of paragraphs (a), (f), and (g) of subsection 9.4 O.6.a.ii, the property owner has obtained, or is in the process of obtaining, the permits necessary to reconstruct, REPAIR, or restore the DWELLING UNIT to a safe condition.~~

~~(b) *New permits.* All other permit applications shall be processed as new permit applications. Upon completion of the annual permit renewal process, new permit applications shall be processed in the order they were received. New permit applications shall be subject to the SHORT-TERM RENTAL permit cap~~

imposed pursuant to subsection 9.4 O.3.a.vii. New permit applications meeting the criteria for approval, as set forth in subsection 9.4 O.4.a.v.(a); may be approved by the ZONING ADMINISTRATOR until the SHORT-TERM RENTAL permit cap is reached.

(c) *Waiting list.* In the event the SHORT-TERM RENTAL permit cap is reached at any point during the permit year, all remaining new permit applications shall be added to a waiting list in the order they were received. In the event a new permit becomes available, the ZONING ADMINISTRATOR shall notify the applicant who has been on the waiting list the longest. Upon receiving notice from the ZONING ADMINISTRATOR, the host shall have ten (10) business days to provide the TOWN with any and all information necessary to ensure the application is current and otherwise complies with the conditions and requirements of this subsection. If the applicant fails to respond and/or provide current information within ten (10) business days, the ZONING ADMINISTRATOR shall remove the applicant from the waiting list and repeat the process until a SHORT-TERM RENTAL permit has been issued, or all of the applicants on the waiting list have been notified.

v. *Criteria for approval review.*

(a) *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 application~~ meets all of the conditions and requirements ~~of set forth in this subsection,~~ and ~~any all~~ other applicable provisions ~~of set forth in this ordinance and~~ the Town Code. Prior to acting on an application, the ZONING ADMINISTRATOR, ~~or his or her designee,~~ may inspect the property for compliance with the provisions of this subsection. The ZONING ADMINISTRATOR may also require the ~~applicants—host~~ to provide documentation or certify, under penalty of perjury, that the property satisfies any one (1) or more of the conditions contained herein.

(b) *Reasons for denial.* Except as otherwise provided in this subsection, the ZONING ADMINISTRATOR may deny the issuance of a SHORT-TERM RENTAL permit for any one (1) or more of the following reasons:

(i) *Submittal of an incomplete or inaccurate SHORT-TERM RENTAL permit application;*

(ii) *The application fails to meet any one (1) or more of the conditions or requirements set forth in this subsection;*

(iii) *The host has not applied for or obtained, or is not eligible to apply for or obtain, a valid TOWN business license;*

- (iv) The host is delinquent in the payment of any fines, fees, or penalties imposed pursuant to this ordinance or the Town Code, including, without limitation, court fines, court assessments, and surcharges;
- (v) The host is delinquent in the payment of any taxes which are required to be paid pursuant to subsection 9.4 O.3.b.iii;
- (vi) The DWELLING UNIT is subject to recorded covenants of a duly authorized HOMEOWNERS ASSOCIATION and/or HORIZONTAL PROPERTY REGIME which conflict with, or prohibit, the proposed use as a SHORT-TERM RENTAL UNIT;
- (vii) The DWELLING UNIT is actively under construction, reconstruction, or renovation;
- (viii) The DWELLING UNIT has been damaged beyond REPAIR, destroyed, or condemned by the Charleston County Building Department as unfit for human habitation;
- (ix) The DWELLING UNIT has been deemed by the ZONING ADMINISTRATOR to be unsafe due to damage (other than damage beyond REPAIR), disrepair, or neglect;
- (x) The owner of the DWELLING UNIT obtained an exemption from the Charleston County Building Inspections Department, pursuant to S.C. Code of Laws, Section 40-59-260, to undertake work which would otherwise be required to be completed by a licensed residential builder or specialty contractor, within the previous two (2) years;
- (xi) The prior SHORT-TERM RENTAL permit was revoked within the previous twelve (12) months due to advertising and/or renting while the permit was suspended, as provided in subsection 9.4 O.6.b.ii.(a), unless the property has been sold or transferred via a non-exempt transfer;
- (xii) The prior SHORT-TERM RENTAL permit was revoked within the previous twelve (12) months due to the occurrence of a gross violation, as provided in subsection 9.4 O.6.b.ii.(d), unless the property has been sold or transferred via a non-exempt transfer; and/or
- (xiii) The prior SHORT-TERM RENTAL permit was revoked within the previous twelve (12) months due to the occurrence of three (3) or more violations, as provided in subsection 9.4 O.6.b.ii.(e), unless the property has been sold or transferred via a non-exempt transfer.

iv-vi. *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 ten (10) business days shall be deemed a withdrawal of the permit application.

~~v-vii.~~ Notification. The ZONING ADMINISTRATOR's decision shall be communicated in writing to the ~~property owner or designated agent~~host. For the purposes of this subsection, the issuance of a SHORT-TERM RENTAL permit shall constitute notice of approval.

~~vi-viii.~~ Expiration. Upon issuance, an annual SHORT-TERM RENTAL permit shall remain valid for the remainder of the ~~license permit~~ year ~~during for~~ which it was issued, unless the permit is subsequently modified, suspended, revoked, or cancelled, ~~or abandoned~~, pursuant to the criteria and procedures set forth in this subsection. A SHORT-TERM RENTAL UNIT which was duly permitted and in good standing as of April 30th of the preceding ~~license permit~~ year may continue to ~~operate be used, rented, and advertised for rent, beyond May 1st of the subsequent permit year while a permit application is pending review if as long as a completed renewal the permit~~ application for the subsequent ~~license permit~~ year was received by the TOWN on or before the renewal deadline specified herein.

b. Permit ~~M~~modifications of existing SHORT-TERM RENTAL permits.

i. Permit modification required. Subject to the conditions, requirements, and procedures set forth in this subsection, any host who wishes to modify an existing SHORT-TERM RENTAL permit following the occurrence of a qualifying event shall apply for and obtain a SHORT-TERM RENTAL permit modification. A separate permit modification shall be required for each SHORT-TERM RENTAL permit which is proposed to be modified. Except as otherwise provided in this subsection, modified permits shall remain valid only for the remainder of the permit year for which the original permit was issued, unless the permit is further modified, suspended, revoked, or cancelled, pursuant to the criteria and procedures set forth in this subsection.

ii. Eligibility. An existing SHORT-TERM RENTAL permit may only be modified following the occurrence of a qualifying event.

iii. Application. ~~A property owner or designated agent~~ Any host who wishes to modify an existing SHORT-TERM RENTAL permit which is in good standing shall first apply for a 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 Section 18.3, and any required supplemental materials. Only completed applications will be

accepted. A separate application and fee shall be required for each SHORT-TERM RENTAL permit which is proposed to be modified.

iv. Due date. Applications to modify an existing SHORT-TERM RENTAL permit must be submitted no later than five (5) business days following the occurrence of the qualifying event.

~~(a) 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 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.~~

ii.v. Criteria for approval review. The ZONING ADMINISTRATOR shall approve the issuance of a SHORT-TERM RENTAL permit modification only if he or she finds that the dwelling application continues to meet all of the conditions and requirements ~~of set forth in this subsection,~~ and any all other applicable provisions set forth in this ordinance and ~~of~~ the Town Code. Prior to acting on an application, the ZONING ADMINISTRATOR, ~~or his or her designee,~~ may inspect the property for compliance with the provisions of this subsection. The ZONING ADMINISTRATOR may also require the applicants host to provide documentation or certify, under penalty of perjury, that the property satisfies any one (1) or more of the conditions or requirements contained herein.

iii.vi. Action on application. The ZONING ADMINISTRATOR shall render a decision on each modification request within ~~thirty ten (3010) calendar business 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~~ be used, rented, and advertised for rent, while the modification request is under review.

~~iv-vii.~~ Notification. The ZONING ADMINISTRATOR's decision shall be communicated in writing to the ~~property owner or designated agent~~ host. For purposes of this subsection, the issuance of a permit modification shall constitute notice of approval.

~~v-viii.~~ Expiration. Upon issuance, a modified SHORT-TERM RENTAL permit shall remain valid for the remainder of the ~~license permit~~ year during for which it was issued, unless the permit is further modified, suspended, revoked, or cancelled, ~~or abandoned,~~ pursuant to the criteria and procedures set forth in this subsection. A SHORT-TERM RENTAL UNIT with a permit which was duly modified and in good standing as of April 30th of the preceding permit year may continue to be used, rented, and advertised for rent, beyond May 1st of the subsequent permit year as long as a completed renewal application for the subsequent permit year was received by the TOWN on or before the renewal deadline specified herein.

c. Temporary permits.

i. In general. Notwithstanding any conditions, requirements, or procedures to the contrary, the ZONING ADMINISTRATOR may issue a temporary SHORT-TERM RENTAL permit for any DWELLING UNIT which meets the eligibility criteria set forth herein.

ii. Eligibility; conditions. Following the sale or transfer of a duly permitted SHORT-TERM RENTAL UNIT, in lieu of applying for a new SHORT-TERM RENTAL permit, or if the SHORT-TERM RENTAL permit cap has been reached, the new host may apply for and obtain temporary SHORT-TERM RENTAL permit, subject to the following conditions:

(a) The prior SHORT-TERM RENTAL permit must have been in good standing on the date of transfer;

(b) The application for a temporary SHORT-TERM RENTAL permit must be submitted no later than five (5) business days following the date of transfer;

(c) The temporary SHORT-TERM RENTAL permit application must be accompanied by a fully executed copy of the SCLLR State of South Carolina Residential Property Condition Disclosure Statement showing that the DWELLING UNIT was subject to one (1) or more pre-existing SHORT-TERM RENTAL agreements which will commence no later than ninety (90) days following the date of transfer;

- (d) The new host may only honor those SHORT-TERM RENTAL agreements which were in place on the date of transfer;
- (e) The new host shall not advertise or accept any new SHORT-TERM rental agreements without applying for and obtaining a new SHORT-TERM RENTAL permit; provided, in the event the SHORT-TERM RENTAL CAP has been reached, the new permit application shall be added to the waiting list;
- (f) The temporary SHORT-TERM RENTAL permit shall be subject to all other conditions and requirements set forth in this subsection, and all other applicable provisions set forth in this ordinance and the Town Code; and
- (g) The temporary SHORT-TERM RENTAL permit shall automatically expire one hundred and twenty (120) days following the date of issuance.
- iii. *Application.* Temporary 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 Section 18.3, and any required supplemental materials. Only completed applications will be accepted. A separate application and fee shall be required for each eligible SHORT-TERM RENTAL UNIT.
- iv. *Due date.* Any host who wishes to obtain a temporary SHORT-TERM RENTAL permit must submit a completed application no later than five (5) business days following the date of transfer.
- v. *Criteria for review.* The ZONING ADMINISTRATOR shall approve the issuance of a temporary SHORT-TERM RENTAL permit only if he or she finds that the application meets all of the applicable conditions and requirements set forth in this subsection, and all other applicable provisions set forth in this ordinance and the Town Code. Prior to acting on an application, the ZONING ADMINISTRATOR may inspect the property for compliance with the provisions of this subsection. The ZONING ADMINISTRATOR may also require the host to provide documentation or certify, under penalty of perjury, that the property satisfies any one (1) or more of the conditions or requirements contained herein.
- vi. *Action on application.* The ZONING ADMINISTRATOR shall render a decision on each application within ten (10) business 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 temporary permit application. A SHORT-TERM RENTAL UNIT which was duly permitted as of the date the temporary permit application was received may continue to be rented while the application is under review.

vii. Notification. The ZONING ADMINISTRATOR's decision shall be communicated in writing to the host. For the purposes of this subsection, the issuance of a temporary permit shall constitute notice of approval.

viii. Expiration. A temporary SHORT-TERM RENTAL permit shall remain valid for one hundred and twenty (120) following the date of issuance, at which time the permit will be automatically cancelled, unless it is earlier suspended, revoked, or cancelled, pursuant to the criteria and procedures set forth in this subsection. A temporary SHORT-TERM RENTAL permit which is issued during the final one hundred and twenty (120) days of the permit year may continue into the subsequent permit year without the need to renew; provided, the total duration of the temporary permit shall not exceed one hundred and twenty (120) days. Upon expiration, the unit shall not be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT unless the host applies for and obtains a new SHORT-TERM RENTAL permit. New permit applications shall be subject to the permitting procedures set forth in subsection 9.4 O.4.a.iv.

e.d. Appeals. Any ~~person~~ PERSON who is aggrieved by a decision of the ZONING ADMINISTRATOR to approve or deny the issuance of a new, renewal, or ~~or~~ temporary SHORT-TERM RENTAL permit may appeal the decision to the Board of Zoning Appeals, pursuant to Section 20.2 of this ordinance.

3.5. Violations Administration and enforcement.

- a. Violations defined. It shall be a violation of this subsection ~~to use, rent, or advertise for rent, any BUILDING, STRUCTURE, or premises within the TOWN, as a SHORT-TERM RENTAL UNIT, except in conformity with the conditions and requirements set forth in this subsection.~~
- ~~i. 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;~~
 - ~~ii. 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;~~
 - ~~iii. Falsify or misrepresent material facts on a SHORT-TERM RENTAL permit application;~~
 - ~~iv. Advertise the maximum occupancy of a SHORT-TERM RENTAL UNIT in excess of the number allowed pursuant to this section;~~
 - ~~v. Increase the maximum occupancy of a SHORT-TERM RENTAL UNIT without obtaining town approval of a permit modification;~~

- ~~vi. 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;~~
- ~~vii. Advertise or rent only a portion of a dwelling for short-term occupancy, such as an individual bed or bedroom;~~
- ~~viii. 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;~~
- ~~ix. Fail to respond to any emergency situation, alleged violation or public complaint communicated by the town, or any inquiry or inspection request made pursuant to the notification requirements of subsection 9.4 O.1.q; and~~
- ~~x. Advertise or rent any SHORT-TERM RENTAL UNIT after receiving notice of suspension, abandonment, revocation, or cancellation of a SHORT-TERM RENTAL permit.~~

b. ~~Administration and enforcement~~Authority. The ZONING ADMINISTRATOR shall be vested with the authority to administer and enforce the provisions of this subsection. Notwithstanding any provisions to the contrary, whenever the ZONING ADMINISTRATOR determines that a violation of this subsection has occurred, he or she shall contact the ~~property owner, designated agent, host~~ or qualified local contact, as applicable, to indicate the nature of the violation and to direct the notified party to take such action as may be necessary and proper to correct the violation and/or prevent further violations from occurring. Any notice made in accordance with the foregoing may be communicated by phone, email, in writing or in person, and shall include a reasonable time during which the notified party shall correct the violation. If the notified party fails to correct the violation within the time specified by the ZONING ADMINISTRATOR, the ZONING ADMINISTRATOR may issue an ordinance summons. In the event the ZONING ADMINISTRATOR deems a violation to present a substantial threat to public health or safety, or in instances when a SHORT-TERM RENTAL UNIT has received multiple notices for the same violation, the ZONING ADMINISTRATOR may immediately issue an ordinance summons. In fulfilling the requirements of this subsection, the ZONING ADMINISTRATOR may designate one or more individuals, including inspectors and code enforcement officers of the ~~town~~TOWN, to act on his or her behalf.

c. Inspections. Subject to the notice requirements contained herein, all SHORT-TERM RENTAL UNITS shall be subject to inspection by the TOWN to verify compliance with the conditions and requirements set forth in this subsection. Failure to permit access to a SHORT-TERM RENTAL UNIT for the purposes of conducting an inspection shall be a violation of this subsection.

- i. Routine Inspections. In instances when an inspector must access the interior of a SHORT-TERM RENTAL UNIT for the purpose of conducting a routine inspection, he or she shall provide a minimum of 24 hours' notice to the host or qualified local contact, as applicable, and the notified party shall provide access to the unit at the appointed time. Except for emergency inspections and inspections undertaken prior to the issuance of a new SHORT-TERM RENTAL permit, routine inspections shall be avoided between Memorial Day and Labor Day when possible.
- ii. Emergency inspections. In instances when an inspector determines that a condition may exist within a SHORT-TERM RENTAL UNIT which substantially endangers public health or safety, he or she shall provide a minimum of two (2) hours' notice to the host or qualified local contact, as applicable, and the notified party shall provide access to the unit at the appointed time to verify that such a condition exists and, if possible, to abate that condition. If the inspector determines that the condition was caused by a violation of any provision of this subsection, he or she may initiate appropriate enforcement action.
- iii. Exceptions to notice requirements. In instances when either a notified party or a renter waive the applicable notice requirements contained in paragraphs (i) or (ii) above, an inspector may enter the unit immediately upon authorization, or as soon as practicable thereafter.
- iv. The ZONING ADMINISTRATOR shall have the authority to request copies of all licenses, permits, receipts, reports, and similar information which may be necessary and proper to ensure compliance with the conditions and requirements set forth in this subsection. Upon request, the host shall furnish all requested documentation to the ZONING ADMINISTRATOR within five (5) business days.

~~e.d.~~ Penalties. Any ~~person~~ PERSON found guilty of violating any provision of this subsection shall be subject to the penalties and fines ~~specified set forth~~ in Article 22. Punishment for any violation shall not relieve the offender of any liability for delinquent ~~taxes, fines, fees, penalties, taxes, and/or~~ any other costs. In addition to all applicable fines, fees, and penalties which may be imposed pursuant to this ordinance and the Town Code, the ZONING ADMINISTRATOR shall have the authority suspend or revoke a SHORT-TERM RENTAL permit, subject to the criteria and notification requirements set forth in subsections 9.4 O.6.a and 9.4 O.6.b.

~~d.~~ 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, renters, or their guests.

~~e.~~ 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 which occurs at a SHORT-TERM RENTAL UNIT managed by the agent within the town.

4.6. Suspension, revocation, and cancellation of SHORT-TERM RENTAL permits.

a. Suspension of permitPermit suspension.

i. Criteria for suspensionIn general. In addition to all other applicable fines, fees, and penalties imposed pursuant to this ordinance and the Town Code, the ZONING ADMINISTRATOR may suspend a SHORT-TERM RENTAL permit, as follows: subject to the criteria and notification requirements set forth herein.

ii. Criteria for suspension.

(a) Suspension due to damage beyond REPAIR, destruction, or condemnation. In the event the ZONING ADMINISTRATOR determines that a lawfully permitted SHORT-TERM RENTAL UNIT is damaged beyond REPAIR, destroyed, or condemned by the Charleston County Building Inspections Department as unfit for human occupancy, the ZONING ADMINISTRATOR may immediately suspend the SHORT-TERM RENTAL permit. The suspension shall remain in place until the unit is reconstructed, repaired, or restored to a safe condition. If the property owner fails to obtain the necessary permits to reconstruct, REPAIR, or restore the unit to a safe condition within six (6) months following the effective date of the suspension (twelve (12) months if the damage, destruction, or condemnation resulted from a declared emergency or disaster event), or if the building permit expires prior to completion of the work or issuance of a certificate of occupancy, the SHORT-TERM RENTAL permit may be revoked, as provided in subsection 9.4 O.6.b.ii.(b). A SHORT-TERM RENTAL permit which is suspended due to damage beyond REPAIR, destruction, or condemnation may be renewed in subsequent permit years as long as the permit otherwise remains in good standing; provided, the permit shall remain suspended until the reconstruction, REPAIR, or restoration work is completed and the permit is reinstated, as provided herein.

(b) Suspension due to non-reported change of authorized agent or qualified local contact. In the event a host fails to modify a SHORT-TERM RENTAL permit within five (5) business days following any change to the unit's authorized agent or qualified local contact of record, as required by subsections 9.4 O.2.e and 9.4 O.2.f, the ZONING ADMINISTRATOR may suspend the SHORT-TERM RENTAL permit until the permit is modified. If the host fails to modify the permit with the new authorized agent or qualified local contact within thirty (30) days following the effective date of the suspension, the SHORT-TERM RENTAL permit may be revoked, as provided in subsection 9.4 O.6.b.ii.(f).

(c) Suspension due to unlicensed business activities. In the event a host fails to obtain a valid business license, as required by Chapter 8 of the Town Code, or

if the business license is suspended or revoked, the ZONING ADMINISTRATOR may immediately suspend the SHORT-TERM RENTAL permit until a valid business license has been obtained. If the host fails to obtain a valid business license within thirty (30) days following the effective date of the suspension, the SHORT-TERM RENTAL permit may be revoked, as provided in subsection 9.4 O.6.b.ii.(h).

(d) Suspension due to unpaid fines, fees, or penalties. In the event a host is delinquent by sixty (60) days or more in the payment of any fines, fees, or penalties imposed pursuant to this ordinance or the Town Code, including, without limitation, court fines, court assessments, and surcharges, the ZONING ADMINISTRATOR may suspend the SHORT-TERM RENTAL permit until all required fines, fees, and penalties have been paid in full. If the host fails to pay the required fines, fees, or penalties within thirty (30) days following the effective date of the suspension, the SHORT-TERM RENTAL permit may be revoked, as provided in subsection 9.4 O.6.b.ii.(i).

(e) Suspension due to unpaid taxes. In the event a host is delinquent by sixty (60) days or more in the payment of any taxes which are required to be paid pursuant to subsection 9.4 O.3.b.iii, the ZONING ADMINISTRATOR may suspend the SHORT-TERM RENTAL permit until all required taxes have been paid in full. If the host fails to pay the required taxes within thirty (30) days following the effective date of the suspension, the SHORT-TERM RENTAL permit may be revoked, as provided in subsection 9.4 O.6.b.ii.(j).

(f) Suspension due to unsafe conditions. In the event the ZONING ADMINISTRATOR determines that a lawfully permitted SHORT-TERM RENTAL UNIT is rendered unsafe due to damage (other than damage beyond REPAIR), disrepair, or neglect, the ZONING ADMINISTRATOR may immediately suspend the SHORT-TERM RENTAL permit. The suspension shall remain in place until the unit is repaired or restored to a safe condition. If the property owner fails to obtain the necessary permits to REPAIR or restore the unit to a safe condition within ninety (90) days following the effective date of the suspension, or if the building permit expires prior to completion of the work, the SHORT-TERM RENTAL permit may be revoked, as provided in subsection 9.4 O.6.b.ii.(k). A SHORT-TERM RENTAL permit which is suspended due to unsafe conditions may be renewed in subsequent permit years as long as the permit otherwise remains in good standing; provided, the permit shall remain suspended until the REPAIR or restoration work is completed and the permit is reinstated, as provided herein.

(g) Voluntary suspension due to reconstruction or renovation. In instances when a property owner desires to reconstruct or substantially renovate a lawfully permitted SHORT-TERM RENTAL UNIT, the property owner or host may request a voluntary suspension of the unit's SHORT-TERM RENTAL permit by filing a written request with the ZONING ADMINISTRATOR at the time the

reconstruction or renovation permits are filed with the TOWN. Upon approval by the ZONING ADMINISTRATOR, the voluntary suspension shall remain in place until the reconstruction or renovation work is completed. If the property owner fails to initiate construction activities within ninety (90) days following the effective date of the voluntary suspension, or if the property owner fails to complete the reconstruction or renovation work within twenty-four (24) months following the effective date of the voluntary suspension, the SHORT-TERM RENTAL permit may be revoked, as provided in subsection 9.4 O.6.b.ii.(m). A SHORT-TERM RENTAL permit which is voluntarily suspended due to reconstruction or renovation may be renewed in subsequent permit years as long as the permit otherwise remains in good standing; provided, the permit shall remain suspended until the reconstruction or renovation work is completed and the permit is reinstated, as provided herein.

~~(b) 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.~~

~~(c) 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 12 months, the ZONING ADMINISTRATOR may suspend the SHORT-TERM RENTAL permit for that unit for a period of 60 days. A suspension during the final 60 days of any license year shall continue into the following license year.~~

ii.iii. Notification. In instances where a SHORT-TERM RENTAL permit has been suspended pursuant to the criteria set forth herein~~this section~~, the ZONING ADMINISTRATOR shall provide a written notice of suspension to the ~~property owner and, if applicable, the designated agent~~host by certified mail or hand delivery. The notice shall include the reason(s) for the suspension, the effective date of the suspension, the criteria for reinstatement, the penalties for using, renting, or advertising for rent, a SHORT-TERM RENTAL UNIT while the permit is suspended, and method of appeal. In the event the host may not be reached by mail or hand delivery, the ZONING ADMINISTRATOR may communicate the notice of suspension to the host by email and/or by posting a conspicuous notice upon the door serving as the primary point of ingress and egress to and from the SHORT-TERM RENTAL UNIT.

ii.iv. Cessation of operation. Upon receipt of the notice of suspension, the ~~property owner or designated agent~~host shall immediately cease operation of the SHORT-TERM RENTAL UNIT and remove all advertisements for future SHORT-TERM RENTAL reservations. ~~The property owner and designated agent, if applicable, of any property which is being advertised to, or occupied by, short-term renters and their guests.~~Any host who continues to use, rent, or advertise for rent, a SHORT-

TERM RENTAL UNIT after receiving ~~the a~~ notice of suspension shall be subject to the enforcement and penalty provisions of this ordinance. Failure to comply with the notice of suspension may also result in the immediate revocation of the SHORT-TERM RENTAL permit, as provided in subsection 9.4 O.6.b.ii.(a).

~~v. Reinstatement. A property owner or designated agent host 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 Section 18.3. The ZONING ADMINISTRATOR shall not reinstate the a suspended SHORT-TERM RENTAL permit if he or she finds that unless the host has satisfied all criteria for reinstatement, as set forth in the notice of suspension, and corrected any applicable violations to the satisfaction of the ZONING ADMINISTRATOR.;~~

~~iv-vi. Time extensions. Pursuant to the variance provisions set forth in Article 20, a property owner whose SHORT-TERM RENTAL permit was suspended pursuant to paragraphs (a), (f), or (g) above may request an extension of the time limits set forth herein. If the Board of Zoning Appeals determines that the property owner is unable to obtain the permits necessary to reconstruct, REPAIR, or restore the DWELLING UNIT to a safe condition due to extraordinary or exceptional conditions which are outside the control of the property owner, the board may grant a reasonable extension of the time limits set forth herein. The board shall also be empowered to attach reasonable conditions to any extension so authorized.~~

~~(a) The property owner or designated agent has corrected all outstanding violations to the satisfaction of the ZONING ADMINISTRATOR;~~

~~(b) The property owner and designated agent have paid all applicable fees and penalties in full; and~~

~~(c) For permits suspended due to three (3) or more violations during the preceding 12 months, a minimum of 60 days has lapsed from the date upon which the permit was suspended.~~

~~v. Abandonment. If a property owner or designated agent fails to apply 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 pPermit revocation.

~~i. Criteria for revocationIn general! In addition to all other applicable fines, fees, and penalties imposed pursuant to this ordinance and the Town Code, the ZONING ADMINISTRATOR may revoke a SHORT-TERM RENTAL permit, subject to the~~

criteria and notification requirements set forth herein. ~~due to any one (1) or more of the following:~~

4.ii. *Criteria for revocation; limitations on re-establishment.*

(a) *Revocation due to advertising and/or renting while suspended.* In the event a host continues to use, rent, or advertise for rent, a SHORT-TERM RENTAL UNIT after receiving a notice of suspension, as provided in subsection 9.4 O.6.b.(i), the ZONING ADMINISTRATOR may immediately revoke the SHORT-TERM RENTAL permit. Upon revocation, the unit shall not be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT unless the host applies for and obtains a new SHORT-TERM RENTAL permit. New permit applications shall be subject to the permitting procedures set forth in subsection 9.4 O.4.a.iv; provided, unless the unit is sold or transferred via a non-exempt transfer, the unit shall not be eligible for a new SHORT-TERM RENTAL permit until one (1) year after the effective date of the revocation.

(b) *Revocation due to destruction, damage beyond REPAIR, or condemnation.* In the event a SHORT-TERM RENTAL permit has been suspended due to damage beyond REPAIR, destruction, or condemnation of the SHORT-TERM RENTAL UNIT, as provided in subsection 9.4 O.6.b.i.(a), the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit if the property owner fails to obtain the necessary permits to reconstruct, REPAIR, or restore the unit to a safe condition within six (6) months following the effective date of the suspension (twelve (12) months if the damage, destruction, or condemnation resulted from a declared emergency or disaster event), or if the building permit expires prior to completion of the work or issuance of a certificate of occupancy; provided, any extension granted by the Board of Zoning Appeals pursuant to subsection 9.4 O.6.a.vi shall supersede the time limits set forth herein. Upon revocation, the unit shall not be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT unless the host applies for and obtains a new SHORT-TERM RENTAL permit. New permit applications shall be subject to the permitting procedures set forth in subsection 9.4 O.4.a.iv; provided, the unit shall not be eligible for a new SHORT-TERM RENTAL permit until the reconstruction, REPAIR, or restoration work is completed or a certificate of occupancy is issued.

(c) *Revocation due to falsification or misrepresentation of material facts.* In the event the ZONING ADMINISTRATOR determines that a host falsified or misrepresented one (1) or more material facts on the SHORT-TERM RENTAL permit application or provided false or misleading information on any license, permit, receipt, report, or other documentation provided in connection with the permitting or inspection provisions of this subsection, the ZONING ADMINISTRATOR may immediately revoke the SHORT-TERM RENTAL permit. Upon revocation, the unit shall not be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT unless the host applies for and obtains a new

SHORT-TERM RENTAL permit. New permit applications shall be subject to the permitting procedures set forth in subsection 9.4 O.4.a.iv.

- (d) *Revocation due to gross violation.* In the event a property owner, authorized agent, qualified local contact, or renter is found guilty, either by admission or by the Municipal Judge, of committing, or allowing to be committed, any violation at, within, or upon the premises of, a SHORT-TERM RENTAL UNIT which results in death or gross bodily injury to any PERSON, which causes substantial damage to or destruction of property, or which creates a substantial threat to public health and safety, the ZONING ADMINISTRATOR may immediately revoke the SHORT-TERM RENTAL PERMIT. Upon revocation, the unit shall not be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT unless the host applies for and obtains a new SHORT-TERM RENTAL permit. New permit applications shall be subject to the permitting procedures set forth in subsection 9.4 O.4.a.iv; provided, unless the unit is sold or transferred via a non-exempt transfer, the unit shall not be eligible for a new SHORT-TERM RENTAL permit until one (1) year after the effective date of the revocation.
- (e) *Revocation due to multiple violations.* In the event a property owner, authorized agent, qualified local contact, or renter is found guilty, either by admission or by the Municipal Judge, of committing, or allowing to be committed, three (3) or more violations of any condition or requirement set forth in this subsection, or any other applicable provision set forth in this ordinance or the Town Code, at, within, or upon the premises of, the SHORT-TERM RENTAL UNIT, in any twelve (12) month period, the ZONING ADMINISTRATOR may immediately revoke the SHORT-TERM RENTAL PERMIT. For purposes of this paragraph, in instances when summonses are issued to multiple PERSONS for the same violation, at the same property, and on the same date, it shall be considered a single violation. Upon revocation, the unit shall not be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT unless the host applies for and obtains a new SHORT-TERM RENTAL permit. New permit applications shall be subject to the permitting procedures set forth in subsection 9.4 O.4.a.iv; provided, unless the unit is sold or transferred via a non-exempt transfer, the unit shall not be eligible for a new SHORT-TERM RENTAL permit until one (1) year after the effective date of the revocation.
- (f) *Revocation due to non-reported change of authorized agent or qualified local contact.* In the event a SHORT-TERM RENTAL permit has been suspended due to a non-reported change of authorized agent or qualified local contact of record, as provided in subsection 9.4 O.6.b.i.(b), the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit if the host fails to modify the permit with the new authorized agent or qualified local contact within thirty (30) days following the effective date of the suspension. Upon revocation, the unit shall not be used, rented, or advertised for rent, as a SHORT-TERM

RENTAL UNIT unless the host applies for and obtains a new SHORT-TERM RENTAL permit. New permit applications shall be subject to the permitting procedures set forth in subsection 9.4 O.4.a.iv.

(g) *Revocation due to non-reported sale or transfer of unit.* In the event a lawfully permitted SHORT-TERM RENTAL UNIT is sold or transferred, the host of record shall notify the ZONING ADMINISTRATOR within five (5) business days following the date of transfer. If the existing permit is not cancelled or modified on or before the fifth business day following the sale or transfer of the unit, the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit. Upon revocation, the unit shall not be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT unless the new host applies for and obtains a new SHORT-TERM RENTAL permit. New permit applications shall be subject to the permitting procedures set forth in subsection 9.4 O.4.a.iv.

(h) *Revocation due to unlicensed business activities.* In the event a SHORT-TERM RENTAL permit has been suspended due to unlicensed business activities, as provided in subsection 9.4 O.6.b.i.(c), the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit if the host fails to obtain a valid business license within thirty (30) days following the effective date of the suspension. Upon revocation, the unit shall not be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT unless the host applies for and obtains a new SHORT-TERM RENTAL permit. New permit applications shall be subject to the permitting procedures set forth in subsection 9.4 O.4.a.iv.

(i) *Revocation due to unpaid fines, fees, or penalties.* In the event a SHORT-TERM RENTAL permit has been suspended due to unpaid fines, fees, or penalties, as provided in subsection 9.4 O.6.b.i.(d), the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit if the host fails to pay all required fines, fees, or penalties within thirty (30) days following the effective date of the suspension. Upon revocation, the unit shall not be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT unless the host applies for and obtains a new SHORT-TERM RENTAL permit. New permit applications shall be subject to the permitting procedures set forth in subsection 9.4 O.4.a.iv.

(j) *Revocation due to unpaid taxes.* In the event a SHORT-TERM RENTAL permit has been suspended due to unpaid taxes, as provided in subsection 9.4 O.6.b.i.(e), the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit if the host fails to pay all required fines, fees, or penalties within thirty (30) days following the effective date of the suspension. Upon revocation, the unit shall not be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT unless the host applies for and obtains a new SHORT-TERM RENTAL permit. New permit applications shall be subject to the permitting procedures set forth in subsection 9.4 O.4.a.iv.

(k) *Revocation due to unsafe conditions.* In the event a SHORT-TERM RENTAL permit has been suspended due to unsafe conditions, as provided in subsection 9.4 O.6.b.i.(f), the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit if the property owner fails to obtain the necessary permits to REPAIR or restore the unit to a safe condition within ninety (90) days, or if the building permit expires prior to completion of the work; provided, any extension granted by the Board of Zoning Appeals pursuant to subsection 9.4 O.6.a.vi shall supersede the time limits set forth herein. Upon revocation, the unit shall not be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT unless the host applies for and obtains a new SHORT-TERM RENTAL permit. New permit applications shall be subject to the permitting procedures set forth in subsection 9.4 O.4.a.iv; provided, the unit shall not be eligible for a new SHORT-TERM RENTAL permit until the REPAIR or restoration work is completed and the unit is restored to a safe condition.

(l) *Revocation due to work by an unlicensed residential builder or specialty contractor.* In the event the owner of a lawfully permitted SHORT-TERM RENTAL UNIT obtains an exemption from the Charleston County Building Inspections Department, pursuant to S.C. Code of Laws, Section 40-59-260, to undertake work which would otherwise be required to be completed by a licensed residential builder or specialty contractor, the ZONING ADMINISTRATOR may immediately revoke the SHORT-TERM RENTAL permit upon the issuance of the exempt permit. Upon revocation, the unit shall not be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT unless the host applies for and obtains a new SHORT-TERM RENTAL permit. New permit applications shall be subject to the permitting procedures set forth in subsection 9.4 O.4.a.iv; provided, the unit shall not be eligible for a new SHORT-TERM RENTAL permit until two (2) years after the work is completed or a certificate of occupancy is issued.

(m) *Revocation following voluntary suspension due to reconstruction or renovation.* In the event a SHORT-TERM RENTAL permit has been voluntarily suspended by the property owner due to reconstruction or renovation of the SHORT-TERM RENTAL UNIT, as provided in subsection 9.4 O.6.b.i.(g), the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit if the property owner fails to initiate construction activities within ninety (90) days following the effective date of the voluntary suspension, or if the reconstruction or renovation work is not completed within twenty-four (24) months following the effective date of the voluntary suspension; provided, any extension granted by the Board of Zoning Appeals pursuant to subsection 9.4 O.6.a.vi shall supersede the time limits set forth herein. Upon revocation, the unit shall not be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT unless the host applies for and obtains a new SHORT-TERM RENTAL permit. New permit applications shall be subject to the permitting procedures set forth in subsection 9.4 O.4.a.iv; provided, the unit shall not be

eligible for a new SHORT-TERM RENTAL permit until the reconstruction or renovation work is completed or a certificate of occupancy has been issued.

- ~~(a) 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;~~
- ~~(b) The dwelling has been destroyed, damaged beyond REPAIR, or condemned by the Charleston County Building Inspections Department as unfit for human habitation;~~
- ~~(c) The property owner has obtained an exemption from the Charleston County Building Services Department, pursuant to S.C. Code of Laws, Section 40-59-260, to undertake work which would otherwise be required to be completed by a licensed residential builder or specialty contractor;~~
- ~~(d) 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;~~
- ~~(e) The property owner or designated agent continues to advertise and/or rent a SHORT-TERM RENTAL UNIT after receiving notice of suspension;~~
- ~~(f) The SHORT-TERM RENTAL permit has been suspended two (2) or more times in any twenty four (24) month period; or~~
- ~~(g) 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 their guest.~~

ii.iii. Notification. In instances where a SHORT-TERM RENTAL permit has been revoked pursuant to the criteria set forth hereinthis section, the ZONING ADMINISTRATOR shall provide a written notice of revocation to the ~~property owner and, if applicable, the designated agent~~host by certified mail or hand delivery. The notice shall include the reason(s) for the revocation, the effective date of the revocation, the requirements for obtaining a new SHORT-TERM RENTAL permit, the penalties for using, renting, or advertising for rent, a SHORT-TERM RENTAL UNIT without a valid SHORT-TERM RENTAL permit, and method of appeal. In the event the host may not be reached by mail or hand delivery, the ZONING ADMINISTRATOR may communicate the notice of suspension to the host by email and/or by posting a conspicuous notice upon the door serving as the primary point of ingress and egress to and from the SHORT-TERM RENTAL UNIT.

~~iii-iv.~~ Cessation of operation. Upon receipt of the notice of revocation, the ~~property owner or designated agent~~ host shall immediately cease operation of the SHORT-TERM RENTAL UNIT and remove all advertisements for future SHORT-TERM RENTAL reservations. ~~The property owner and designated agent, if applicable, of any property which is being advertised to, or occupied by, short-term renters and their guests.~~ Any host who continues to use, rent, or advertise for rent, a SHORT-TERM RENTAL UNIT after receiving the notice of revocation shall be subject to the enforcement and penalty provisions of this ordinance.

~~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 12 months following the date of revocation.

c. 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 20.2 of this ordinance.

~~e-d.~~ Permit cancellation. A ~~property owner or designated agent~~ host 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~~ host. Any ~~property owner or designated agent~~ host who cancels a permit while the permit is in good standing may reapply for a new permit at any time. New permit applications shall be subject to the permitting procedures set forth in subsection 9.4 O.4.a.iv.

7. Special provisions applicable during states of emergency.

a. Restriction or suspension by emergency order. In the event a state of emergency is declared within the TOWN's corporate limits, the mayor, pursuant to the emergency powers vested by Section 2-205(d) of the Town Code, may restrict or prohibit trade and commercial activities within the TOWN, including the restriction or suspension of SHORT-TERM RENTAL activities. Any orders issued by the mayor to restrict or suspend SHORT-TERM RENTAL activities during a declared state of emergency shall be effective immediately or at such other time as the mayor shall specifically designate and shall remain in effect until ended by the mayor or by a majority vote of COUNCIL.

b. Restriction or suspension by emergency ordinance. Pursuant to Section 2-345 of the Town Code, the COUNCIL may adopt emergency ordinances to meet public health emergencies affecting the life, health, safety, or the property of the people. Any emergency ordinance which suspends or restricts SHORT-TERM RENTAL activities shall be effective immediately upon enactment and shall expire automatically on the sixty-first (61st) day following the date of enactment.

c. Notification. In instances where SHORT-TERM RENTAL activities are restricted or suspended by the mayor or COUNCIL pursuant to paragraphs (a) or (b) above, the

ZONING ADMINISTRATOR shall provide notification to all hosts and qualified local contacts, if applicable, using the most efficient and effective means possible.

d. Cessation of operation. Upon receiving notice from the ZONING ADMINISTRATOR, the host shall immediately comply with all emergency provisions imposed by the mayor or COUNCIL. Any host who continues to use, rent, or advertise for rent, a SHORT-TERM RENTAL UNIT in violation of such emergency provisions shall be subject to the enforcement and penalty provisions of this ordinance.

d.e. Mandatory evacuation required. If state or local authorities order a mandatory evacuation of an area that includes the SHORT-TERM RENTAL UNIT, the renters occupying the unit shall comply with the evacuation order.

SECTION 3. Amending Appendix E to the DSO. The Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Appendix E, Fee Schedule; is hereby amended so as to repeal and replace the existing Appendix E in its entirety with a new Appendix E, a copy of which is attached hereto as “Exhibit A.” The attached “Exhibit A” is hereby adopted by reference as if fully set forth within this section.

SECTION 4. Severability.

If any section, subsection, paragraph, clause, or provision 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~~property, or circumstances.

SECTION 5. Conflicting Ordinances Repealed.

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

SECTION 6. Effective Date.

This ordinance shall be effective for the permit year beginning May 1, 2024.

SIGNED AND SEALED this ____ day of _____, 2023, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2023.

First Reading:

[November 28, 2023]

TOWN OF SEABROOK ISLAND

Public Hearing: [November 28, 2023]
Second Reading: [December 19, 2023]

John Gregg, Mayor

ATTEST

Katharine E. Watkins, Town Clerk

DRAFT

EXHIBIT A

To Ordinance 2023-15

Appendix E: Fee Schedule

DRAFT

Fee Schedule

**APPENDIX
E**

DRAFT

Town of Seabrook Island
Development Standards Ordinance



Fee Schedule

Table E-1. Fee Schedule	
Service	Fee Amount
Zoning Permit Fees (Including Site Plan Review)	
A. Residential Zoning Permit: Single-Family, Two-Family & Cluster Home Dwellings	
1. New Construction	Construction Value ¹ x 0.15% (Min. \$350.00)
2. Addition or Modification to Principal Structure	\$250.00
3. Renovation (No Change to Building Footprint)	
a. ≤ 50% Building Fair Market Value (Minor)	\$50.00
b. > 50% Building Fair Market Value (Major)	\$250.00
4. Minor Repairs & Maintenance ²	No Charge
5. Accessory Building, Structure or Site Improvement ³	
a. ≤ 150 Sq Ft	\$50.00
b. > 150 Sq Ft	\$150.00
6. Accessory Dwelling Unit	\$350.00
B. Residential Zoning Permit: Townhome & Multi-Family Dwellings	
1. New Construction	Construction Value ¹ x 0.15% (Min. \$500.00)
2. Addition or Modification to Principal Structure	
a. < 10% Current Floor Area (Max. 5,000 Sq Ft)	\$250.00
b. ≥ 10% Current Floor Area (Or 5,000+ Sq Ft)	\$400.00
3. Renovation (No Change to Building Footprint)	
a. Single-Unit Renovation (≤ 50% Building FMV)	\$50.00
b. ≤ 50% Building Fair Market Value (Minor)	\$250.00
c. > 50% Building Fair Market Value (Major)	\$400.00
4. Minor Repairs & Maintenance ²	No Charge
5. Accessory Building, Structure or Site Improvement ³	
a. Single-Unit Accessory Structure (≤ 150 Sq Ft)	\$50.00
b. Single-Unit Accessory Structure (151-600 Sq Ft)	\$150.00
c. ≤ 600 Sq Ft (Administrative Review)	\$250.00
d. > 600 Sq Ft (Planning Commission Review)	\$400.00
6. Parking Lot Construction / Expansion (No Building)	\$400.00
C. Non-Residential Zoning Permit	
1. New Construction	Construction Value ¹ x 0.15% (Min. \$500.00)
2. Addition or Modification to Principal Structure	
a. < 10% Current Floor Area (Max. 5,000 Sq Ft)	\$250.00
b. ≥ 10% Current Floor Area (Or 5,000+ Sq Ft)	\$400.00
3. Renovation/Upfit (No Change to Building Footprint)	
a. ≤ 50% Building Fair Market Value (Minor)	\$250.00
b. > 50% Building Fair Market Value (Major)	\$400.00
4. Minor Repairs & Maintenance ²	No Charge
5. Accessory Building, Structure or Site Improvement ³	
a. ≤ 600 Sq Ft (Administrative Review)	\$250.00
b. > 600 Sq Ft (Planning Commission Review)	\$400.00
6. Parking Lot Construction / Expansion (No Building)	\$400.00
7. Wireless Communication Towers and Antennae	
a. New Wireless Communications Tower	\$2,500.00
b. New/Replacement Antenna Installation	\$250.00

Table E-1. Fee Schedule	
D. Change of Use / Occupancy Permit	
1. Change of Use / Occupancy Permit	\$100.00
E. Home Occupation Permit	
1. Home Occupation Permit	\$50.00
F. Short-Term Rental Permit	
1. Short-Term Rental Permit - New	\$450.00
2. Short-Term Rental Permit - Renewal	\$450.00
3. <u>3.</u> Short-Term Rental Permit - Temporary	\$150.00 <u>\$150.00</u>
3.4. <u>3.4.</u> Modification of Existing Short-Term Rental Permit	\$25.00 <u>\$25.00</u>
a.—Change of Owner, Agent or Local Contact	\$25.00
b.—All Other Modifications	\$100.00
4.5. <u>4.5.</u> Reinstatement of Suspended Short-Term Rental Permit	\$225.00 <u>\$100.00</u>
5.6. <u>5.6.</u> Late Application Fee (If Received After Renewal Deadline or Commenced Renting Prior to Issuance)	
a. ≤ 31 Days Late	Permit Fee + \$150.00
b. 32-61 Days Late	Permit Fee + \$300.00
c. > 61 Days Late	Permit Fee + \$450.00
G. Temporary Use Permit	
1. Uses, Events & Activities ≤ 10 Days in Duration	\$50.00
2. Uses, Events & Activities > 10 Days in Duration	\$100.00
3. Permit Renewal (Administrative Review)	\$25.00
H. Sign Permit	
1. Freestanding Sign	\$100.00
2. Building Sign (Awning, Door, Wall, Window, etc.)	\$50.00
3. Reface or Repair of Existing Sign	\$30.00
4. Temporary Sign	\$15.00
I. Tree Removal Permits	
1. Protected Tree Removal Permit	\$50.00 Per Tree
2. Post Facto Tree Removal Permit	\$500.00 Per Tree
3. Payment in Lieu of Mitigation	150% of Actual Replacement Cost of the Species to be Removed (Min. 6" Caliper)
J. Post Facto Surcharge	
A "Post Facto Surcharge" equal to 100% of the permit amount shall be assessed in instances where work has commenced prior to obtaining a required permit. This surcharge shall be in addition to any other fines penalties which may be assessed, if applicable. The surcharge shall not apply to Short-Term Rental Permits, which are subject to the Late Application Fee, or Tree Removal Permits, which are subject to a separate post facto fee.	
Building Permit and Inspection Fees	
A. Building Permits & Inspections (Charleston County)	
Pursuant to Section 6-2 of the Town Code, all fees imposed by Charleston County for permitting and inspection services are adopted by reference and shall be paid directly to the County.	
Subdivision Plat Review and Recording Fees	
A. Plat Review Fees	
1. Exempt Plat	\$75.00
2. Preliminary Plat	
a. Minor Subdivision (≤ 10 Lots)	\$500.00
b. Major Subdivision (> 10 Lots)	\$500.00 + \$20.00 Per Lot
3. Final Plat	

Table E-1. Fee Schedule	
a. Minor Subdivision (\leq 10 Lots)	\$250.00
b. Major Subdivision ($>$ 10 Lots)	\$250.00 + \$10.00 Per Lot
B. Recording Fees	
1. Plat Recording Fee	\$100.00 + \$25.00 Per Page
Boundary, Map and Text Amendment Fees	
A. Boundary Amendments	
1. Application for Annexation	\$250.00
B. Map Amendments (Rezoning)	
1. Application for Rezoning / Zoning Upon Annexation	
a. CP Zoning Designation	No Charge
b. All Zoning Designations Except CP and MU	\$350.00
c. MU Zoning Designation	\$1,500.00
Board and Commission Review Fees	
A. Board of Zoning Appeals	
1. Application for Appeal of Administrative Decision	\$250.00 ⁴
2. Application for Special Exception	\$500.00
3. Application for Variance	\$500.00
B. Planning Commission	
1. Application for Address Change	\$50.00
2. Application for Appeal of Administrative Decision	\$250.00 ⁴
3. Application for Encroachment Permit (Curb Cut)	
a. New Curb Cut	\$500.00
b. Modification of Existing Curb Cut	\$250.00
4. Application for Street Name Change	\$250.00
Other Services	
A. Copies (Printed)	
1. Comprehensive Plan (Color Copy)	\$25.00
2. Development Standards Ordinance (Color Copy)	\$65.00
3. Zoning Map (Large Color Copy)	\$35.00
4. Standard Copies: Black & White	
a. 8.5 inches x 11 inches	\$0.10 Per Page
b. 11 inches x 17 inches	\$0.20 Per Page
5. Standard Copies: Color	
a. 8.5 inches x 11 inches	\$0.25 Per Page
b. 11 inches x 17 inches	\$0.50 Per Page
B. Field Verification Fee	
1. At the Zoning Administrator's discretion, a field verification fee may be charged in lieu of submitting a property survey in instances when the Zoning Administrator reasonably believes that compliance may be determined by field verification.	\$75.00 Per Hour (One Hour Minimum)
C. Outside Professional Services & Consultants	
1. The Zoning Administrator may engage outside professional service providers and consultants (such as architects, attorneys, engineers engineers, and other professionals) when such services are deemed necessary to review or evaluate an application or request.	Actual Cost + 10% Administrative Fee
D. Verification Letters	
1. Flood Zone Verification Letter	\$35.00

Table E-1. Fee Schedule

2. Zoning District Verification Letter	\$35.00
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- ¹ The valuation of any proposed construction will be based on the greater of the following: 1) the actual contract price indicated on the permit application or 2) the value calculated using the most recent "Square Foot Construction Cost Table," as published by the International Code Council (ICC).
- ² For purposes of this fee schedule, "minor repairs and maintenance" generally includes service, repairs, and maintenance to existing structures and building systems. (A zoning permit will generally be required for all new installations, modifications and replacements of such structures and systems.)
- ³ For purposes of this fee schedule, "accessory building, structure or site improvement" includes the following:
- Air conditioning and mechanical equipment (including associated stands);
 - Awnings;
 - Boardwalks and walkovers;
 - Detached garages and carports;
 - Docks;
 - Driveways and walkways;
 - Elevators and lifts;
 - Equipment stands;
 - Fences and walls (including retaining walls);
 - Fire pits;
 - Generators;
 - Outdoor showers;
 - Patios;
 - Playgrounds and play systems;
 - Propane tanks (above and below ground);
 - Ramps;
 - Sheds;
 - Swimming pools and spas;
 - Uncovered decks, stairways, and stoops; and
 - Similar structures which are customarily incidental and subordinate to a principal building and located on the same lot as the principal building or use.
- ⁴ The application fee for the appeal of an administrative decision shall be refundable if the appeal is successful.