

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2024-06

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 8; SEABROOK ISLAND ROAD OVERLAY DISTRICT; SO AS TO RENAME THE TITLE OF THE ARTICLE TO “OVERLAY DISTRICTS” AND TO INCORPORATE PROVISIONS RELATED TO THE ESTABLISHMENT OF A SHORT-TERM RENTAL OVERLAY DISTRICT; ARTICLE 9, CONDITIONAL USE REQUIREMENTS; SECTION 9.4, SPECIFIC USE REQUIREMENTS; SUBSECTION O, SHORT-TERM RENTAL; SO AS TO AMEND THE CONDITIONAL USE REQUIREMENTS FOR SHORT-TERM RENTAL UNITS OPERATING WITHIN THE TOWN; ARTICLE 12; PARKING AND LOADING; SECTION 12.4, DESIGN REQUIREMENTS; SUBSECTION B, PARKING CONSTRUCTION AND DEVELOPMENT; PARAGRAPH 7, LIGHTING; SO AS TO AMEND THE REFERENCE TO THE CORRECT SUBSECTION; 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, pursuant to Section 6-29-710 of the S.C. Code of Laws, 1976, as amended, the Town of Seabrook Island (the “Town”) may adopt zoning ordinances for the “general purposes of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare”; and

WHEREAS, pursuant to Section 6-29-720(A) of the S.C. Code of Laws, 1976, as amended, the Town may use its zoning ordinance, and the districts contained therein, to regulate “the use of buildings, structures, and land” and “the density of development, use, or occupancy of buildings, structures, or land”; and

WHEREAS, pursuant to Section 6-29-720(C) of the S.C. Code of Laws, 1976, as amended, the Town is authorized to use a variety of zoning tools and techniques including “overlay zones” and “conditional uses”; and

WHEREAS, on **November 14, 2024**, the Mayor and Council of the Town (the “Mayor and Council”) adopted Ordinance No. **2024-09**, which amended Chapter 18 of the Town Code to consolidate and establish regulations pertaining to various public nuisances, including trash, litter, and debris; illegal dumping; and the parking of vehicles and equipment within the town; and

WHEREAS, the Mayor and Council believe it fitting and proper to amend Section 2.1 of the Town’s Development Standards Ordinance (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 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, so as to impose

caps on the number of short-term rental units permitted to operate within certain areas of the Town; to establish certain procedures and conditions for exempting existing short-term rental units from the provisions of the short-term rental permit caps; to amend permitting requirements for short-term rental units; to establish provisional and temporary short-term rental permits; to amend the maximum overnight occupancy for short-term rental units; to amend the parking requirements for short-term rental units; to amend the advertising requirements for short-term rental units; to modify the requirements for suspension and revocation of short-term rental permits; and other matters related thereto; and

WHEREAS, the Mayor and Council desire to establish a Short-Term Rental Overlay District, so as to relax certain restrictions related to short-term rental units operating in areas having a disproportionately high concentration of rental properties, a disproportionately low concentration of owner-occupied residences, and a history of tourism-related activities; and

WHEREAS, the Mayor and Council 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’s Planning Commission reviewed the proposed amendments during a regularly scheduled meeting on October 9, 2024, 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 October 15, 2024; and

WHEREAS, in an effort to protect the public health, comfort, safety, and welfare of residents within the Town and to preserve the character of residential neighborhoods within the community, 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 and replace the existing Section 2.1 in its entirety with a new Section 2.1, a copy of which is attached hereto as “Exhibit A.” The language contained in the attached “Exhibit A” is hereby adopted by reference as if fully set forth within this section.

SECTION 2. Amending Article 8 of the DSO. The Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 8, Seabrook Island Road Overlay District; is hereby amended so as to repeal and replace the existing Article 8 in its entirety with a new Article 8, a copy of which is attached hereto as “Exhibit B.” The language contained in the attached “Exhibit B” is hereby adopted by reference as if fully set forth within this section.

SECTION 3. 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; is hereby amended so as to repeal and replace the existing Subsection 9.4(O) in its entirety with a new Subsection 9.4(O), a copy of which is attached hereto as “Exhibit C.” The language contained in the attached “Exhibit C” is hereby adopted by reference as if fully set forth within this section.

SECTION 4. Amending Subsection 12.4(B)(7) of the DSO. The Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 12; Parking and Loading; Section 12.4, Design Requirements; Subsection B, Parking Construction and Development; Paragraph 7, Lighting; is hereby amended so as to repeal and replace the existing Subsection 12.4(B)(7) in its entirety with a new Subsection 12.4(B)(7), a copy of which is attached hereto as “Exhibit D.” The language contained in the attached “Exhibit D” is hereby adopted by reference as if fully set forth within this section.

SECTION 5. 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 E.” The language contained in the attached “Exhibit E” is hereby adopted by reference as if fully set forth within this section.

SECTION 6. 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, or circumstances.

SECTION 7. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 8. Effective Date. This ordinance shall be effective for the license year beginning May 1, 2025.

SIGNED AND SEALED this ____ day of _____, 2024, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2024.

First Reading: **October 28, 2024**
Public Hearing: **October 15, 2024**
Second Reading: **November 14, 2024**

TOWN OF SEABROOK ISLAND

Bruce Kleinman, Mayor

LEGAL REVIEW

Stafford J. McQuillin, Town Attorney
Approved as to legal form only

ATTEST

Katharine E. Watkins, Town Clerk

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Exhibit A
To Ordinance 2024-06

Section 2.1: General Compliance
(Amended)

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Section 2.1 General Compliance

A. Ordinance Compliance.

1. Except as otherwise provided in this ordinance, no BUILDING, STRUCTURE, or premises shall be used or occupied; and no BUILDING or part of any BUILDING or other STRUCTURES shall be erected, razed, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the provisions of this ordinance.
2. No LOT may be altered or diminished in size to less than the minimum requirements of this ordinance; provided, a LOT may be reduced below the requirements of this ordinance to meet the needs of a PRIVATE or PUBLIC UTILITY (e.g., a pumping station or electrical substation).

B. Unlawful BUILDINGS and Uses. Any BUILDING, use, or LOT which has been unlawfully constructed, occupied, or created prior to the date of adoption of this ordinance shall continue to be unlawful, unless expressly permitted by this ordinance. Such unlawful BUILDINGS, uses, or LOTS shall not be considered to be NONCONFORMING BUILDINGS, uses, or LOTS of record and shall not be afforded any protections or allowances otherwise granted to legally NONCONFORMING BUILDINGS, uses, or LOTS.

C. Withholding Approval. The TOWN COUNCIL, PLANNING COMMISSION, Board of Zoning Appeals, ZONING ADMINISTRATOR, or other authorized board, commission, or administrative staff may, in its sole discretion, withhold approval of any plan, use, or permit request pending receipt of permits or approvals from other local, county, state, or federal departments or agencies.

D. Excavations or Fill.

1. The construction, MAINTENANCE, or existence within the TOWN of any unprotected, unbarricaded, open, or dangerous excavations, holes, pits, or wells, which constitute or are likely to constitute a danger or menace to the public health, safety, or welfare, is hereby prohibited; provided, this subsection shall not apply to the following:
 - a. any excavation under a permit issued by the ZONING ADMINISTRATOR where such excavation is properly protected and warning signs are posted in such manner as approved by the TOWN; and
 - b. natural water bodies, marshes, ditches, reservoirs, and other such bodies of water created or existing by authority of governmental units or agencies.
2. No property shall be increased in size by filling any CRITICAL AREA or WATERBODY by any method.

E. Lighting.

1. Purpose. The purpose of this subsection is to permit reasonable uses of outdoor lighting for night-time safety, utility, security, productivity, enjoyment, and commerce while minimizing the effects of excessive or uncontrolled light in order to:

- a. Maintain consistent and uniform light levels for traffic and pedestrian safety along streets, sidewalks, and in PARKING LOTS;
 - b. Ensure uniform lighting for security and law enforcement;
 - c. Minimize glare, obtrusive light, and artificial sky glow by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
 - d. Curtail and reverse the degradation of the nighttime environment and the night sky;
 - e. Prevent impacts upon shoreline wildlife;
 - f. Minimize light pollution and light trespass from light sources onto adjacent properties; and
 - g. Conserve energy and resources to the greatest extent possible.
2. Applicability. These provisions shall apply to all new DEVELOPMENT subject to this ordinance, unless otherwise specified. When a BUILDING, STRUCTURE, or lighting fixture is extended, enlarged, or reconstructed after the effective date of this ordinance, the applicable lighting standards shall apply.
3. Exemptions. The following lighting types shall be exempt from the lighting standards of this subsection:
- a. lighting within swimming pools or other water features that are governed by SCDHEC regulations;
 - b. exit signs, stairs, ramps, and other illumination required by BUILDING CODES;
 - c. holiday decorations;
 - d. lighting of the American and government flags; and
 - e. any lighting fixture that is exempt from the provisions of this subsection by state and/or federal law.
4. Prohibitions. The following types of lighting features shall be prohibited:
- a. search lights,
 - b. strobe lights,
 - c. laser source lights,
 - d. any similar high-intensity or flashing light, except in emergencies by police and fire personnel or at their direction, and
 - e. Mercury Vapor fixtures.

5. Standards. Unless otherwise specified, the following standards shall apply to lighting fixtures in all zoning districts and applications, except those located within a street right-of-way and approved by the TOWN or SIPOA.
 - a. General
 - i. All exterior illuminating devices, except as may be specifically exempt, shall be hooded or shielded to prevent glare and light spill onto adjoining properties.
 - ii. No light fixture shall exceed a height of 24 feet, measured from the ground to the top of the fixture; provided, the Planning Commission may approve taller fixtures for athletic fields where it is demonstrated that such fixtures will be properly positioned and shielded to prevent light trespass and glare onto adjoining properties; not impact shoreline wildlife; and not degrade the nighttime environment.
 - iii. Light sources shall not be aimed at adjoining properties, streets, beaches, or upward, except in accordance with paragraph 5(d) below.
 - iv. To control light spill and glare, lighting fixtures shall be properly aimed when installed, and proper aiming shall be maintained at all times.
 - v. Canopy or under soffit fixtures shall be recessed into the soffit, shall not be visible from off-site, and shall not emit any glare.
 - vi. No light fixture shall be permitted within 25 feet of the CRITICAL LINE or any BEACH TRUST property.
 - b. Nonresidential Lighting
 - i. Light levels in PARKING LOTS shall be reduced during non-business or non-use hours.
 - ii. Signs shall not be illuminated between the hours of 11:00 PM and 6:00 AM or during any period of time when the establishment is not in use, whichever is more restrictive.
 - c. Residential Lighting.
 - i. Light fixtures in any residential district, including RESIDENTIAL USEs within the mixed-use district, shall not exceed 16 feet in height.
 - ii. Light fixtures mounted on a BUILDING in a residential district may not be mounted above the 1st floor of the BUILDING.
 - iii. Bollard lights are permitted to light driveways and pedestrian areas.
 - d. Accent lighting. Accent lighting for sculptures, statues, trees, landscape features, flags, signs, architectural features, and entrances may orient light upward, provided the directed light shall be substantially confined to the object intended to be illuminated to

minimize glare, sky glow, and light trespass. Accent lighting shall not shine directly into the window of a neighboring STRUCTURE or directly onto a street.

- e. Gas lamp fixtures. Fixtures with clear, seeded, and/or translucent glass are permitted only when used with low wattage "flicker" bulbs that mimic gas lamps. Use of frosted bulbs is not a substitute for using Dark Sky compliant fixtures. Lamp types shall produce a light color that is in the color spectrum between 2700 and 3100 Kelvin. Lamp types producing a light color outside this range (e.g., mercury vapor, sodium vapor, CFL, and others) are prohibited. All lamps/light fixtures shall provide a color rendering index (CRI) of 85 or higher.
- f. SIGN lighting. Illumination of signs shall comply with the requirements of Article 13. Internally illuminated signs are not permitted and light fixtures directed at a SIGN may only be permitted where the fixtures are shielded so not to cause visible glare to PERSONS on adjacent streets or adjacent property.
- g. Decorative or aesthetic light fixtures. The ZONING ADMINISTRATOR may approve decorative or aesthetic lighting fixtures, including those that do not orient all light downward, if the following conditions are met:
 - i. The fixtures shall not exceed the maximum height specified in this subsection;
 - ii. The fixtures shall offer a design element that is complementary to the architectural style of the adjacent BUILDING(s); and
 - iii. The fixtures shall not negatively impact neighboring residential properties or any street right-of-way.
- 6. Photometric Plan. A photometric plan, prepared by a registered lighting engineer, is required as part of any development plan reviewed by the PLANNING COMMISSION. The photometric plan shall be overlain on the development plan illustrating the proposed layout of lighting fixtures and foot-candles of site lighting. The following are required for review:
 - a. Lighting plan showing light pole and fixture locations and type designations;
 - b. Photometric plan showing horizontal luminance levels in a point-by-point format with contour lines. Canopy lighting will also be included in luminance levels;
 - c. Lighting manufacturers' equipment specifications and data sheets on the photometric plan; and
 - d. Any other presentations required to convey the intent of the design.

Exhibit B
To Ordinance 2024-06

Article 8: Overlay Districts
(Amended)

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Overlay Districts

ARTICLE 8

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Town of Seabrook Island Development Standards Ordinance



Section 8.1 Seabrook Island Road Overlay District

A. **Purpose.** As the only public right-of-way providing access to and from the TOWN, it is essential that Seabrook Island Road be maintained as a safe, efficient, functional, and attractive corridor. The Seabrook Island Road OVERLAY DISTRICT is established for that purpose. Regulations are established by this section to manage access to and from abutting properties, create an inviting and unified appearance along the corridor, protect the corridor's prized natural features, promote alternate modes of transportation, and preserve the value of abutting properties.

B. **Applicability.**

1. An OVERLAY DISTRICT is hereby established for a portion of Seabrook Island Road lying between its intersection with Long Bend Drive and the roundabout located at its intersection with Betsy Kerrison Parkway, Kiawah Island Parkway and Village Green Lane, and extending 250 feet in both directions from the outer edge of the right-of-way or property line. The boundaries of the Seabrook Island Road OVERLAY DISTRICT shall be as illustrated on the official ZONING MAP referenced in Section 3.2.
2. The requirements of the Seabrook Island Road OVERLAY DISTRICT shall apply only to property located within the corporate limits of the TOWN. Property within the boundaries of the Seabrook Island Road OVERLAY DISTRICT, but located outside the corporate limits of the TOWN, as of the effective date of this ordinance, shall become subject to the requirements of this section only upon annexation into the TOWN; provided, any construction or other DEVELOPMENT activity within the right-of-way, including but not limited to encroachment permits, stormwater impacts, UTILITY construction, or other IMPROVEMENTS or impacts occurring within the right-of-way shall be subject to the requirements of this section.
3. The requirements of this section are in addition to, and shall supplement, those imposed on the same lands by any underlying zoning provisions of this ordinance or other ordinances of the TOWN. To the extent a conflict exists, these regulations shall supersede all conflicting regulations, unless otherwise specified.

C. **District Requirements.**

1. PERMITTED and CONDITIONAL USEs. All PERMITTED and CONDITIONAL USEs allowed within the underlying zoning district shall be permitted within the Seabrook Island Road OVERLAY DISTRICT, subject to the applicable requirements of the underlying district, unless superseded by this section.
2. Spatial Requirements. Except as otherwise specified, the spatial requirements of the underlying zoning district shall control.
3. Permits.
 - a. A permit shall be required for any project within the Seabrook Island Road OVERLAY DISTRICT (whether within or outside the corporate limits of the TOWN) which:
 - i. is proposed to have access to Seabrook Island Road via driveway or street;

- ii. which in any manner may impact drainage to, from, under, or within the Seabrook Island Road right-of-way;
 - iii. which in any manner may impact utilities (whether owned and/or operated by the TOWN or others) located above, below, or within the Seabrook Island Road right-of-way; and/or
 - iv. which involves any other construction, change, or alteration of land within the Seabrook Island Road right-of-way.
- b. Applicants shall furnish a SITE DEVELOPMENT PLAN, as required by Article 14. and such additional information concerning the proposed project, as may be required by the TOWN, including the following, at no expense to the TOWN, before a permit is considered:
 - i. a TRAFFIC IMPACT ANALYSIS, prepared to the TOWN's specifications, in accordance with the requirements of subsection 8.4 D, by a qualified transportation engineer registered in the State of South Carolina;
 - ii. a drainage study, prepared to the TOWN's specifications, which identifies and quantifies drainage from the proposed DEVELOPMENT, including its impact on existing roadway drainage systems and compliance with all applicable provisions of the TOWN's stormwater program; and
 - iii. a UTILITY impact study, prepared to the TOWN's specifications, which identifies and quantifies the impact of the proposed DEVELOPMENT on any public or private utilities located above, below or within the Seabrook Island Road right-of-way.
- c. Completed permit applications, including any required studies, shall be submitted to the ZONING ADMINISTRATOR for review and approval by the PLANNING COMMISSION prior to issuance of a permit. At its sole discretion, the PLANNING COMMISSION may request independent consultant review of studies, plans, and other documents submitted as part of the application. The applicant shall bear the cost of such review.
- d. The PLANNING COMMISSION may attach such conditions of approval as it deems necessary to protect the interests of the TOWN, PUBLIC STREET or right-of-way, and drainage system and utilities, including without limitation requiring the applicant to:
 - i. construct IMPROVEMENTS and/or erect traffic signs and/or signals determined to be necessary to mitigate traffic impacts from the proposed DEVELOPMENT, or alternatively, make payment to the TOWN to defray the entire cost of such IMPROVEMENTS;
 - ii. install replacements and/or modifications to existing roadway drainage systems, as specified by the TOWN, or alternatively, make payment to the TOWN to defray the entire cost of such replacements and/or modifications; and

- iii. REPAIR and/or REPLACE utilities, as specified by the TOWN, or alternatively, make payment to the TOWN to defray the entire cost of doing the same or reach agreement regarding the costs with any UTILITY not controlled by the TOWN.
4. Access. Control over the number and location of access points along Seabrook Island Road, as specified in this section, is necessary to reduce congestion, improve safety, maintain acceptable traffic flow, and minimize confusion. Therefore, the standards of this section shall apply to all property having FRONTAGE on and direct access to that segment of Seabrook Island Road. It shall be the policy of the TOWN to minimize the number of new points of access. The use of feeder streets and neighborhood road networks is encouraged in order to minimize the number of roads and driveways intersecting with Seabrook Island Road or other ARTERIAL STREETS.
- a. *Access in General*.
 - i. For purposes of this section, points of vehicular access shall be defined to include streets and driveways intersecting with (i.e., providing ingress to and egress from) Seabrook Island Road.
 - ii. To the extent feasible, properties abutting Seabrook Island Road shall not have direct access to that street, but shall provide street FRONTAGE on interior, collector roads.
 - iii. To the extent feasible, tract property abutting Seabrook Island Road shall be provided with one (1) point of vehicular access to the tract. SUBDIVISION of property subsequent to the effective date of this section shall not entitle the owner(s) to direct access if alternative access through interior roads is either available or feasible.
 - iv. To the extent feasible, vehicular access to Seabrook Island Road shall be limited to no more than one (1) point of access per every 600 ft. when the proposed access point is located within or adjacent to the public right-of-way.
 - b. *Driveway Location*.
 - i. Driveways shall be positioned to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.
 - ii. Driveways, including the radii, but not including right turn lanes, passing lanes, and tapers, shall be located entirely within the right-of-way FRONTAGE of the property being served, unless otherwise approved by the PLANNING COMMISSION, and upon written certification from the adjacent property owner agreeing to such encroachment.
 - c. *Driveway Spacing*.

- i. Minimum spacing between two driveways, between a driveway and a street intersection, or between two street intersections, on the same side of the street, shall be 600 feet. The minimum spacing shall be measured from centerline to centerline for all driveways and street intersections.



- ii. To reduce left-turn conflicts, new driveways shall be aligned with those across the street, where possible. If alignment is not possible, driveways shall be offset from those on the opposite side of the street by at least 200 feet, measured from centerline to centerline. The PLANNING COMMISSION may reduce this requirement, as provided in paragraph (d) below, where there is insufficient FRONTAGE and shared access with an adjacent site is not feasible. Greater offsets may be required depending on the expected inbound and outbound turn volumes to and from both driveways.



d. *Modification of Requirements.*

- i. Modification to the spacing and other requirements above may be permitted by the PLANNING COMMISSION under the following conditions, provided the requirements of paragraph d(ii) are also satisfied.
 - (a) The modification will allow an existing driveway to remain that does not meet the standards of this section but that has, or is expected to have, very low traffic volumes (less than 50 in- and out-bound trips per day) and is not expected to impact safe traffic operations.
 - (b) The use is expected to generate a relatively high number of trips (exceeding 200/peak hour) and an additional driveway will improve overall traffic operations.
 - (c) Practical difficulties exist on the site (sight distance limitations, existing DEVELOPMENT, soil conditions, the presence of CRITICAL AREAS, WATERBODIES, or WETLANDS, or unique site configuration) that make compliance unreasonable; or existing off-site driveways make it impractical to fully comply with the standards.

- (d) Because of restricted turning movements or the presence of a median that restricts turning movements, the driveway will not contribute to congestion or create an unsafe situation.
- ii. The PLANNING COMMISSION may waive or modify certain requirements of this section upon consideration of the following:
 - (a) The proposed modification is consistent with the general intent of the standards of this section and the recommendations of the TOWN's COMPREHENSIVE PLAN.
 - (b) Driveway geometrics have been improved to the extent practical to reduce impacts on traffic flow.
 - (c) Shared access has been provided, or the applicant has demonstrated it is not practical.
 - (d) Such modification is the minimum necessary to provide reasonable access, will not impair public safety, will not prevent the logical DEVELOPMENT or redevelopment of adjacent sites, and is not simply for convenience of the DEVELOPMENT.
- e. *Driveways Permitted.*
 - i. In the case of a CORNER LOT or parcel, access shall only be provided from the intersecting street, not from Seabrook Island Road.
 - ii. One (1) driveway may be permitted to serve an individual LOT or parcel; provided, the minimum spacing requirements of this section shall be maintained.
 - iii. The use of shared driveways or access roads is encouraged.
 - iv. One (1) additional driveway may be permitted for a property only as follows:
 - (a) The PLANNING COMMISSION determines that, based on a TRAFFIC IMPACT ANALYSIS, the projected traffic volumes will warrant an additional access point and traffic operations will be improved along the road as a result; and
 - (b) The minimum spacing requirements of this section will be met.
- f. *Driveway Design.*
 - i. All driveways shall be designed according to the standards of the TOWN, including the provision of necessary turn radii, clear vision corners, drainage facilities, and utilities.
 - ii. For high traffic generators or where high left-turn demand is expected, the PLANNING COMMISSION may require separate right- and left-turn egress lanes.

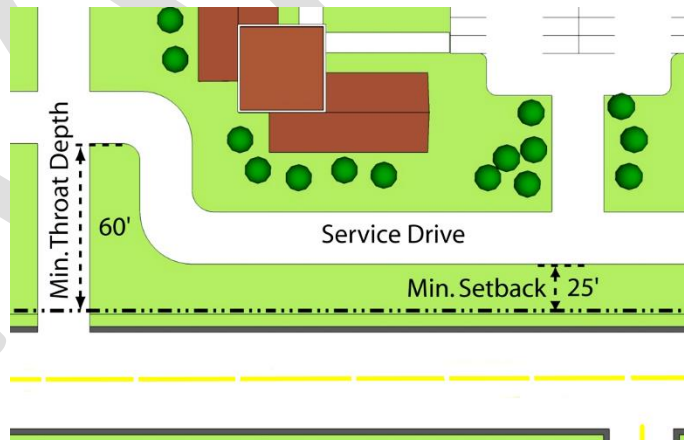
iii. Where a boulevard entrance is proposed by the applicant or required by the PLANNING COMMISSION, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will use the driveway. The minimum area of the island shall be 180 square feet. For aesthetic purposes, the PLANNING COMMISSION may require landscaping, tolerant of street conditions, on the section outside the public right-of-way.

g. *Shared Driveways and Service Roads.*

- i. Where the PLANNING COMMISSION determines that traffic operations and safety along the Seabrook Island Road corridor will be benefitted, a shared driveway or service road connecting two (2) or more properties or uses may be required.
- ii. A shared driveway or service road shall be within a recorded access EASEMENT. A draft of the access EASEMENT shall be provided to the TOWN for review prior to filing.
- iii. The number of access points along a service road shall be according to the standards of this section. The PLANNING COMMISSION may allow temporary access where the service road is not completed if a financial guarantee is provided which assures elimination of the temporary access upon completion of the service road. BUILDING permits shall not be issued until the financial guarantee has been submitted to the TOWN.

h. *Service Road Design Standards.*

Service roads shall generally be parallel to the front property line and may be located either in front of, adjacent to, or behind principal BUILDINGS. In considering the most appropriate alignment for a service road, the PLANNING COMMISSION shall consider the SETBACKS of existing and proposed BUILDINGS and anticipated traffic flow for the site. However, placement of the service road intersection with the driveway providing access to Seabrook Island Road shall be as far as possible from the street for safe and efficient operation. The separation distance between the nearest edge of the street and the nearest edge of a service road or drive aisle shall be equal to at least one-fifth of the LOT DEPTH, but no less than 60 feet.



- i. *Access EASEMENT.* The service road shall be within an access EASEMENT permitting traffic circulation between properties. This EASEMENT shall be 40 feet wide, except an access EASEMENT parallel to the PUBLIC STREET right-of-way may be 30 feet wide, if approved by the PLANNING COMMISSION. The required width shall remain free and clear of obstructions, unless otherwise approved.

- ii. *Construction and materials.* Service roads shall have a base, pavement, and gutter in accordance with TOWN standards for PUBLIC STREETS, except the service road shall have a minimum pavement width of at least 24 feet.
 - iii. *Parking.* The service road is intended to be used exclusively for circulation, not as a parking or maneuvering aisle. The posting of "no parking" signs may be required along the service road. In reviewing the site plan, the PLANNING COMMISSION may permit temporary parking in the EASEMENT area where a continuous service road is not yet available; provided, the layout allows removal of the parking in the future to permit extension of the service road.
 - iv. *Access to service road.* The PLANNING COMMISSION shall approve the location of all access points to the service road; provided, a minimum separation distance of 125 feet shall be maintained between driveways along the service road.
 - v. *MAINTENANCE.* Each property owner shall be responsible for MAINTENANCE of the EASEMENT and service road.
 - i. *DOUBLE FRONTAGE Lots (Through Lots).* LOTS which have DOUBLE FRONTAGE shall not be permitted, except where essential to provide separation of residential DEVELOPMENT from Seabrook Island Road. An EASEMENT of at least 10 feet in width, across which there shall be no right of access, shall be required along the lot lines abutting Seabrook Island Road. No right of access shall be granted except by the PLANNING COMMISSION.
5. Landscaping. The area between any service road or driveway and the Seabrook Island Road right-of-way shall be planted as a level A BUFFER, as specified in Section 11.3.
6. Signs. The SIGN requirements of Article 13 shall apply; provided, however, only one (1) monument SIGN shall be permitted per parcel and shall comply with the following requirements:
- a. Maximum area: 12 square feet
 - b. Maximum height: six (6) feet
 - c. Minimum SETBACK from road right-of-way: 10 feet
 - d. External illumination only
 - e. Design, color, materials, and lettering shall conform to the standards adopted by the PLANNING COMMISSION for such signs.
7. Lighting. Lighting shall meet the requirements of subsection 2.1 E.
8. Non-motorized Connectivity. All properties subject to the Seabrook Island Road OVERLAY DISTRICT shall provide paved connections to existing pathways for pedestrians and cyclists.

D. Traffic Impact Analysis.

1. Applicability.
 - a. *TIA Required.* Unless exempted, a TRAFFIC IMPACT ANALYSIS (TIA) shall be required for any DEVELOPMENT anticipated to generate more than 100 peak hour in-bound or out-bound trips, based on the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers (ITE).
 - b. *Redevelopment.* In the case of redevelopment, trip generation will be defined as the number of net new trips generated by the proposed use beyond the trips generated by the current or previous use, unless the previous use has been discontinued for more than 12 months.
 - c. *Other Circumstances.* The review authority may waive the requirement to complete a TIA, or may require a TIA to be submitted for DEVELOPMENTS generating less than 100 peak hour directional trips, if deemed warranted based upon localized safety, operational, or street capacity issues, including levels of service (LOS) of existing roadways.
2. Exemptions. Previously approved DEVELOPMENTS for which a TIA was submitted in conjunction with a preliminary PLAT for SUBDIVISION, final site plan, or mixed-use DEVELOPMENT shall be exempt from the requirements of this section; provided, the TIA is less than two (2) years old.
3. Procedure. The TIA shall be submitted along with an application for a preliminary PLAT, preliminary SITE DEVELOPMENT PLAN review, or mixed-use concept plan. The TIA shall be prepared by a professional transportation engineer, licensed in the State of South Carolina, and shall, at a minimum:
 - a. Estimate the traffic that will be generated as a result of the proposed DEVELOPMENT in addition to current (background) traffic volumes and proposed DEVELOPMENTS in the immediate vicinity. The ZONING ADMINISTRATOR, Charleston County, and/or SCDOT may also specify annual growth factors to be used in the TIA, as well as multipliers which may be reasonably necessary to account for seasonal variation in traffic volumes;
 - b. Evaluate site access and internal circulation;
 - c. Evaluate the ability of the surrounding road network to support the proposed DEVELOPMENT and the cumulative traffic of current (background) and other projected uses;
 - d. Consider planned roadways or IMPROVEMENTS identified in relevant plans; and
 - e. Identify specific IMPROVEMENTS to the surrounding road network that are necessary in order to support the traffic anticipated to be generated.
4. TIA Submission for Projects with Cumulative Impacts. A TIA shall be required for DEVELOPMENT projects that do not otherwise meet the thresholds of a TIA if the application is for a project that:

- a. Shares features such as site access, common ownership, or other infrastructure with nearby undeveloped property for which future DEVELOPMENT can reasonably be anticipated; and
- b. The cumulative impact of the overall DEVELOPMENT can be expected to exceed the threshold for preparation of a TIA.

E. Site Development Regulations.

- 1. In addition to the requirements of this section, all DEVELOPMENT in the Seabrook Island Road OVERLAY DISTRICT shall meet the applicable requirements as listed elsewhere in this ordinance:
 - a. General Provisions - Article 2
 - b. CONDITIONAL USE Requirements - Article 9
 - c. Environmental Performance Standards - Article 10
 - d. Trees, Landscaping and BUFFERing - Article 11
 - e. Parking and Loading - Article 12
 - f. Signs - Article 13
 - g. Site Plan Review - Article 14

Section 8.2 SHORT-TERM RENTAL Overlay District

A. **Purpose.** The purpose of the SHORT-TERM RENTAL OVERLAY DISTRICT is to relax certain restrictions related to SHORT-TERM RENTAL UNITS operating in areas having a disproportionately high concentration of rental properties, a disproportionately low concentration of owner-occupied residences, and a history of tourism-related activities, compared to other residential areas of the TOWN. Areas within the SHORT-TERM RENTAL OVERLAY DISTRICT will generally feature higher residential densities, greater variation in USE types, and close proximity to community amenities, including beaches and recreational facilities. Outside of the SHORT-TERM RENTAL OVERLAY DISTRICT, the TOWN seeks to preserve the residential character of SINGLE-FAMILY neighborhoods by further limiting the number of SHORT-TERM RENTAL UNITS permitted to operate. It is intended that the provisions of this section shall be further implemented in concert with the CONDITIONAL USE requirements for SHORT-TERM RENTAL UNITS, as set forth in subsection 9.4 O.

B. Applicability.

- 1. A SHORT-TERM RENTAL OVERLAY DISTRICT is hereby established. The boundaries of the SHORT-TERM RENTAL OVERLAY DISTRICT shall be as illustrated on the official ZONING MAP referenced in Section 3.2, and shall apply to all the following:
 - a. All LOTS or parcels of land within the TOWN which are zoned as follows:

- i. R-MF MULTI-FAMILY;
 - ii. R-TH TOWNHOME; and
 - iii. R-CL SINGLE-FAMILY Cluster.
- b. All LOTS or parcels of land within the TOWN which are zoned R-SF3 Small LOT SINGLE-FAMILY and located on the following streets:
- i. Oyster Catcher Court; and
 - ii. Rolling Dune Road.
- c. All LOTS or parcels of land within the TOWN which are zoned R-SF2 Medium LOT SINGLE-FAMILY and located on the following streets:
- i. Amberjack Court;
 - ii. Beach Court;
 - iii. Beachcomber Run;
 - iv. Bonita Court;
 - v. Catesbys Bluff;
 - vi. Cobia Court;
 - vii. Loggerhead Court;
 - viii. Oyster Catcher Court;
 - ix. Pompano Court;
 - x. Rolling Dune Road;
 - xi. Seabrook Island Road (#3500 through #3773 only);
 - xii. Sealoft Drive;
 - xiii. Seascape Court; and
 - xiv. Seaview Drive.
2. Any LOT or parcel of land which is annexed or rezoned after the effective date of this ordinance shall become subject to the SHORT-TERM RENTAL OVERLAY DISTRICT if the LOT or parcel of land meets any one or more of the provisions set forth in paragraph (1) of this subsection.

3. The requirements of this section are in addition to, and shall supplement, those imposed on the same lands by any underlying zoning provisions of this ordinance or other ordinances of the TOWN. To the extent a conflict exists, these regulations shall supersede all conflicting regulations, unless otherwise specified.

C. District Requirements.

1. PERMITTED and CONDITIONAL USEs.
 - a. All PERMITTED and CONDITIONAL USEs allowed within the underlying zoning district shall be permitted within the SHORT-TERM RENTAL OVERLAY DISTRICT, subject to the applicable requirements of the underlying district, unless superseded by this section.
 - b. SHORT-TERM RENTAL UNITS shall be allowed as a CONDITIONAL USE within the OVERLAY DISTRICT, subject to the conditions set forth in subsection 9.4 O, including, without limitation, the SHORT-TERM RENTAL permit caps imposed pursuant to subsection 9.4 O(3)(a)(ix).
2. Spatial Requirements. Except as otherwise specified, the spatial requirements of the underlying zoning district shall control.

D. Site Development Regulations.

1. In addition to the requirements of this section, all DEVELOPMENT in the SHORT-TERM RENTAL OVERLAY DISTRICT shall meet the applicable requirements as listed elsewhere in this ordinance:
 - a. General Provisions - Article 2
 - b. CONDITIONAL USE Requirements - Article 9
 - c. Environmental Performance Standards - Article 10
 - d. Trees, Landscaping and BUFFERing - Article 11
 - e. Parking and Loading - Article 12
 - f. Signs - Article 13
 - g. Site Plan Review - Article 14

Exhibit C
To Ordinance 2024-06

Subsection 9.4(O): Short-Term Rental Units
(Amended)

DRAFT

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.* A PERSON meeting the minimum 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 on behalf of the property owner;
 - 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.* Any PERSON who 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. *Negligible rental activity.* A SHORT-TERM RENTAL UNIT shall be deemed to have had "negligible rental activity" if the required rental activity report submitted by the host demonstrates that:
 - i. The SHORT-TERM RENTAL UNIT was occupied by renters for fifteen (15) days or less during the preceding license year; or

- ii. The SHORT-TERM RENTAL UNIT generated less than five thousand dollars (\$5,000.00) in gross income from rental activities during the preceding license year.
- e. *License year.* The period beginning May 1st of each year and ending April 30th of the following year.
- f. *Overnight hours.* The period between 11:00 pm and 7:00 am.
- g. *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.
- h. *Personal USE.* A lawfully permitted SHORT-TERM RENTAL UNIT is deemed to be occupied for personal USE when the DWELLING UNIT is occupied exclusively by:
 - i. The property owner(s) of record;
 - ii. The property owner(s) of record and members of their immediate family;
 - iii. The property owner(s) of record and their non-paying guests;
 - iv. Non-paying guests where at least one of the occupants is related by blood, adoption, or marriage to the property owner(s) of record, including parents, siblings, spouses, children, grandparents, and/or grandchildren; or
 - v. Long-term tenants who are occupying the DWELLING UNIT for a term of thirty (30) or more consecutive days.
- i. *Qualified local contact.* A PERSON who:
 - i. Is physically located, or has associates and/or employees who are physically located, within fifty (50) miles of the SHORT-TERM RENTAL UNIT;
 - ii. Maintains a local 24-hour emergency contact number;
 - iii. Is accessible and available, on behalf of the property owner, to respond to and resolve emergency situations, alleged violations, inquiries, or inspection requests from the TOWN, or any other entity having jurisdiction over the SHORT-TERM RENTAL UNIT, including the ability to be physically present and enter the SHORT-TERM RENTAL UNIT if presence and/or entry is required, within two (2) hours of receiving notification;
 - iv. Is capable, in the event of a water leak, of shutting off, or causing to be shut off, the main water valve serving the SHORT-TERM RENTAL UNIT;
 - v. Ensures, in the event of temporary absence or inability to respond, that all calls will be routed to another responsible PERSON who is capable of responding in the same manner as the qualified local contact; and

- vi. Is authorized, on behalf of the property owner, to send and receive communication to and from the TOWN, as well as renters 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.
- j. *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 of address, unit number, or tax map number of the SHORT-TERM RENTAL UNIT;
 - iii. Change in legal name, mailing address, or contact information of the property owner(s), authorized agent, and/or qualified local contact for the SHORT-TERM RENTAL 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 SHORT-TERM RENTAL UNIT.
- k. *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.
- l. *SHORT-TERM RENTAL permit caps.* The maximum number of DWELLING UNITs within designated areas the TOWN which may be permitted as SHORT-TERM RENTAL UNITs at a given time, subject to any exemptions set forth in this subsection.
- m. *SHORT-TERM RENTAL platform.* An online rental marketplace, such as a website or mobile application, which allows individuals and/or companies to advertise SHORT-TERM RENTAL UNITs to perspective renters for stays of less than thirty (30) consecutive days in return for consideration. Examples may include, but are not limited to: Airbnb, Booking.com, Expedia, Trip Advisor, and VRBO.
- n. *Transfer, exempt.* The sale or transfer of ownership, in whole or in part, of any land and all improvements on the land, tenements, or other realty, from one PERSON to another PERSON, which meets the criteria set forth herein.
- i. All sales or transfers of ownership which are completed between May 1, 2025, and April 30, 2027, shall be considered exempt transfers.
 - ii. Beginning May 1, 2027, only the following types of sales or transfers of ownership shall be considered exempt transfers:

- (a) Sale or transfer of ownership to an individual, or group of individuals, where at least one of the grantees is related by blood, adoption, or marriage to the most recent owner(s) of record, including parents, siblings, spouses, children, grandparents, and/or grandchildren;
 - (b) Sale or transfer of ownership to the heir(s) of the most recent owner(s) of record following their death, including transfers by instrument or deed of distribution assigning, transferring, or releasing real property to the distributee of an estate pursuant to S.C. Code of Laws, Section 62-3-907, and transfers of ownership from a trust to a trust distribute upon the settlor's death, pursuant to the trust terms;
 - (c) Sale or transfer of ownership resulting from a court order;
 - (d) Sale or transfer of ownership to a trust, partnership, corporation, or similar entity in which the most recent owner(s) of record retained an ownership stake of at least fifty (50%) percent; and
 - (e) Any other sale or transfer of ownership which is exempt from the deed recording fee pursuant to S.C. Code of Laws, Section 12-24-40, and marked as "exempt from deed recording fee" on the Affidavit of Taxable or Exempt Transfer form recorded with the deed.
- o. *Transfer, non-exempt.* The sale or transfer of ownership, in whole or in part, of any land and all improvements on the land, tenements, or other realty, from one PERSON to another PERSON, which does not meet the criteria set forth in subparagraph (n).

2. General provisions.

- a. *In general.* Except as otherwise provided in this subsection, no BUILDING, STRUCTURE, DWELLING UNIT, 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, DWELLING UNIT, or premises, as a SHORT-TERM RENTAL UNIT, except in conformity with the conditions and requirements set forth in this subsection.
- b. *Permit required.* Subject to the conditions, requirements, and procedures set forth in this subsection, a SHORT-TERM RENTAL permit shall be required for all residential DWELLING UNITS which are used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT within the TOWN. A separate permit shall be required for each SHORT-TERM RENTAL UNIT. A lawfully issued SHORT-TERM RENTAL permit shall remain valid indefinitely unless the permit is modified, suspended, revoked, abandoned, or cancelled, 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)(f), 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. The authorized agent must sign an acknowledgement confirming that he or she understands the responsibilities of the authorized agent and agrees to perform those responsibilities on behalf of the property owner. 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, or if the property owner intends to rent his or her permanent place of residence, the property owner shall designate a qualified local contact. In the event a property owner designates an authorized agent, as provided in subparagraph (e) above, the authorized agent shall serve as the qualified local contact. The qualified local contact must sign an acknowledgement confirming that he or she understands the responsibilities of the qualified local contact and agrees to perform those responsibilities on behalf of the property owner. 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 UNIT types.* A SHORT-TERM RENTAL permit may only be issued for a conforming or legally NONCONFORMING residential DWELLING UNIT. ACCESSORY BUILDINGS and STRUCTURES, including, but not limited to, ACCESSORY DWELLINGS, pool houses, storage sheds, GARAGES, and finished rooms over a GARAGE, shall not be permitted as a stand-alone SHORT-TERM RENTAL UNIT. No vehicle, boat, RECREATIONAL VEHICLE, storage unit, or non-residential BUILDING or STRUCTURE may be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT.

- ii. *Allowable rental types.* A DWELLING UNIT which is permitted to operate as a SHORT-TERM RENTAL UNIT may only be used, rented, or advertised for rent, as an entire unit. A permit holder shall not use, rent, or advertise for rent, 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 renter access to individual rooms, closets, or ACCESSORY BUILDINGS or STRUCTURES, within, or upon the premises of, a lawfully permitted SHORT-TERM RENTAL UNIT.
- iii. *Limitations on other uses.*
 - (a) *Commercial activities.* 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:
 - (i) 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
 - (ii) Duly licensed 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. *Rental activity report.* Beginning May 1, 2025, each host shall maintain a log of all SHORT-TERM RENTAL stays. No later than April 30th of each year, the host shall submit to the TOWN an annual rental activity report for the preceding license year. The annual rental activity report shall be provided on a form made available by the ZONING ADMINISTRATOR for that purpose and shall be submitted with the annual business license renewal application. At a minimum, the annual rental activity report shall include the check-in and check-out date for each rental stay, the zip code of the lead booker for each rental stay, the total number of occupants for each rental stay, and the total revenue collected (excluding taxes) for each rental stay.
- v. *Restrictions for DWELLING UNITS following unlawful rental activity.* In the event a host is found guilty, either by admission or by the municipal judge, of using, renting, or advertising for rent, a DWELLING UNIT as a SHORT-TERM RENTAL UNIT without first applying for and obtaining a valid SHORT-TERM RENTAL permit, the DWELLING UNIT shall not be eligible for issuance of a SHORT-TERM RENTAL permit for one (1) year following the date of conviction. The one (1) year waiting period shall not apply in instances where the DWELLING UNIT is sold or transferred via a non-exempt transfer.

- vi. *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 or operated as a SHORT-TERM RENTAL UNIT until two (2) years after the work has been completed or a certificate of occupancy has been issued.
- vii. *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 or operated as a SHORT-TERM RENTAL UNIT until the construction or renovation work has been completed or a certificate of occupancy has been issued.
- viii. *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 or operated 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.
- ix. *SHORT-TERM RENTAL permit caps.*
 - (a) *Caps imposed.* There are hereby imposed a caps on the total number of DWELLING UNITS which may be permitted as SHORT-TERM RENTAL UNITS within designated areas of the TOWN. Except as expressly authorized by this subsection, effective May 1, 2025, the maximum number of SHORT-TERM RENTAL permits issued by the TOWN shall not exceed the following:
 - (i) SHORT-TERM RENTAL OVERLAY DISTRICT: 540
 - (ii) All other areas of the TOWN: 105
 - (b) *Cap procedures.* The SHORT-TERM RENTAL permit caps imposed herein shall be implemented pursuant to the permitting procedures set forth in subsection 9.4 O(4)(a)(iii).
- b. *Advertising, posting, and signage requirements.*
 - i. *Advertising requirements.* When placing an advertisement for a SHORT-TERM RENTAL UNIT on any SHORT-TERM RENTAL platform, or within any print or online publication (such as brochures, classified ads, website listings, etc.), the host shall ensure that the following items are conspicuously posted within the content of each advertisement:
 - (a) The unit's SHORT-TERM RENTAL permit number;

- (b) The unit's overnight occupancy limit; and
 - (c) The maximum number of passenger vehicles which may be parked at the unit during the overnight hours.
- ii. *Truth in advertising.* It shall be a violation of this subsection for any PERSON to knowingly advertise false or misleading information, or information which conflicts with the provisions set forth in this subsection, when placing an advertisement for a SHORT-TERM RENTAL UNIT on any SHORT-TERM RENTAL platform or within any print or online publication (such as brochures, classified ads, website listings, etc.).
 - iii. *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 permit placard shall contain, at a minimum, the unit's SHORT-TERM RENTAL permit number, 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 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.
 - iv. *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 host shall provide a copy of the SHORT-TERM RENTAL information packet, either in printed or electronic format, to all renters prior to, or during, the check-in process. Alternatively, a printed copy of the SHORT-TERM rental packet may be maintained in a conspicuous location inside the rental unit at all times. From time to time, the ZONING ADMINISTRATOR may prepare and distribute an updated version of the SHORT-TERM RENTAL information packet. Upon receipt, each host shall replace the version provided to renters in a timely manner.
 - v. *Signage.* No signage which advertises or identifies a DWELLING UNIT as a SHORT-TERM RENTAL UNIT shall be allowed on the exterior or premises of any DWELLING UNIT which is permitted as a SHORT-TERM RENTAL UNIT; provided, this requirement shall not apply to letters or numbers which are used for addressing purposes, or for unit identification in a CLUSTER UNIT, TOWNHOME, or MULTI-FAMILY DEVELOPMENT.
- c. *License and tax requirements.*
 - i. *TOWN business license.* The host shall possess a valid TOWN business license for the operation of a SHORT-TERM RENTAL UNIT, as required by Article 8 of the TOWN Code. The business license must be renewed on an annual basis.

- 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. Where required, the host shall 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 will be rented for more than fifteen (15) days during any calendar year, the 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, at the time the annual business license renewal application is filed:
 - (a) State and local sales taxes (8%);
 - (b) State accommodations tax (2%);
 - (c) Charleston County accommodations fee (2%);
 - (d) Town of Seabrook Island local accommodations tax (1%); and
 - (e) Any other taxes or fees which may be imposed after the effective date of this subsection.
- d. *Minimum stay.*
 - i. *Minimum stay required.* A host shall not use, rent, or advertise for rent, a SHORT-TERM RENTAL UNIT for stays of less than two (2) consecutive nights. Nothing herein is intended prohibit a host from extending an existing stay of two (2) or more consecutive nights by adding one (1) additional night, as long as the added night is consecutive to the initial stay. The minimum length of stay shall not apply in instances when the SHORT-TERM RENTAL UNIT is occupied exclusively for personal USE.
- e. *Occupancy limits.*
 - i. *Overnight occupancy limit.* SHORT-TERM RENTAL UNITS shall be subject to a limit on the total number of occupants during the overnight hours, as provided herein.
 - (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.
 - (b) Children under the age of two (2) shall not be counted toward the overnight occupancy limit specified herein.
 - (c) The 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.
 - (d) The overnight occupancy limit shall not apply in instances when the SHORT-TERM RENTAL UNIT is occupied exclusively for personal USE.

(e) To determine the overnight occupancy limit of a SHORT-TERM RENTAL UNIT, the ZONING ADMINISTRATOR shall use the total number of bedrooms for the DWELLING UNIT, as shown on 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.

f. *Parking requirements.*

- i. *Minimum OFF-STREET PARKING required.* A DWELLING UNIT which is permitted to operate as a SHORT-TERM RENTAL UNIT shall have a minimum of one (1) OFF-STREET PARKING SPACE. The required OFF-STREET PARKING may be provided on the same premises as the SHORT-TERM RENTAL UNIT or, if the unit is located within a CLUSTER UNIT, TOWNHOME, or MULTI-FAMILY DEVELOPMENT with a common PARKING LOT, within that development's common PARKING LOT.
- ii. *Maximum number of overnight vehicles.* The maximum number of passenger vehicles which may be parked on the premises of a SHORT-TERM RENTAL UNIT during the overnight hours shall be limited to one (1) per code-compliant bedroom; provided, in no instance shall the maximum number of passenger vehicles be less than two (2) or more than four (4). In the event the number of OFF-STREET PARKING spaces available on the premises of the SHORT-TERM RENTAL UNIT (including, where applicable, the number of assigned parking spaces within a common PARKING LOT) is less than would otherwise be allowed, then the maximum number of passenger vehicles allowed during the overnight hours shall be based on the actual number of spaces available. The maximum number of overnight vehicles shall not apply in instances when the SHORT-TERM RENTAL UNIT is occupied exclusively for personal USE.
- 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 18-31 of the TOWN Code.

g. *Safety requirements.*

- i. *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.

- ii. *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.
 - iii. *Carbon monoxide detectors.* SHORT-TERM RENTAL UNITS shall be equipped with at least one (1) working carbon monoxide detector on each level if the 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; or
 - (d) An enclosed GARAGE which is attached to the SHORT-TERM RENTAL UNIT.
 - iv. *Sprinkler system.* If the DWELLING UNIT is equipped with a fire sprinkler system, the system shall be maintained in good working order. The host shall be responsible for having a qualified professional inspect the sprinkler system no less than once every twelve (12) months. Upon request, the host shall furnish documentation of this inspection to the ZONING ADMINISTRATOR within five (5) business days.
 - v. *General maintenance.* The host shall be responsible for ensuring that all structural elements (including the interior and exterior of the dwelling, associated DECKS, stairs, handrails, guardrails, boardwalks, docks, and accessory structures), as well as all mechanical, electrical, and plumbing systems, are maintained in good working order. Safe means of ingress and egress to and from the unit shall be maintained at all times, and areas of the property which are under the owner's control shall remain clear of trash, litter, and debris, in compliance with the requirements set forth in **Section 18-30** of the TOWN Code.
4. Permitting requirements and procedures.
- a. *SHORT-TERM RENTAL permits.*
 - i. *Permit Required.* Subject to the conditions, requirements, and procedures set forth in this subsection, any host who wishes to use, rent, or advertise for rent, any DWELLING UNIT within the TOWN as a SHORT-TERM RENTAL UNIT, shall first apply for and obtain a SHORT-TERM RENTAL permit. A separate permit shall be required for each SHORT-TERM RENTAL UNIT.
 - 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. *Permitting procedures; due dates.*

- (a) *In general.* Between January 1, 2021, and April 30, 2025, all SHORT-TERM RENTAL permits issued by the TOWN were valid only during the permit year for which they were issued, and any host wishing to operate a SHORT-TERM RENTAL UNIT across multiple permit years was required to renew the SHORT-TERM RENTAL permit on an annual basis. Effective May 1, 2025, all SHORT-TERM RENTAL permits issued by the TOWN shall remain valid indefinitely unless the permit is modified, suspended, revoked, abandoned, or cancelled pursuant to the criteria and procedures set forth in this subsection. In addition, all SHORT-TERM RENTAL permits issued on or after May 1, 2025, shall be subject to the SHORT-TERM RENTAL permit caps imposed pursuant to subsection 9.4 O(3)(a)(ix), unless expressly provided herein.
- (b) *Permitting procedures.* For SHORT-TERM RENTAL permits issued on or after May 1, 2025, the ZONING ADMINISTRATOR shall process applications in the following order:
- (i) *Exempt applications.* The ZONING ADMINISTRATOR shall give first priority to applications which are exempt from the applicable SHORT-TERM RENTAL permit caps. For purposes of this subsection, an application shall be entitled to a one-time exemption from the applicable SHORT-TERM RENTAL permit cap if the application meets all of the following criteria:
- a. The DWELLING UNIT was lawfully permitted as a SHORT-TERM RENTAL UNIT as of April 30th of the preceding license year;
 - b. The DWELLING UNIT's prior SHORT-TERM RENTAL permit was in good standing as of April 30th of the preceding license year;
 - c. The DWELLING UNIT did not have a non-reported sale or transfer during the preceding license year;
 - d. If the DWELLING UNIT is located within the SHORT-TERM RENTAL OVERLAY DISTRICT, the host reported at least five thousand dollars (\$5,000.00) in gross income from rental activities during the preceding license year, or, if the DWELLING UNIT is located within all other areas of the TOWN, the host reported at least ten thousand dollars (\$10,000.00) in gross income from rental activities during the preceding license year; provided, in the event the SHORT-TERM RENTAL permit was active for less than the entirety of the preceding license year, the ZONING ADMINISTRATOR may reduce the minimum income requirements proportionate to the full number of months the permit was active; and further provided, if the SHORT-TERM RENTAL permit was issued during the final four (4) months of the preceding license year, the ZONING ADMINISTRATOR may alternatively allow the host to demonstrate that the SHORT-TERM RENTAL UNIT was available and advertised for rent while the permit was active;
 - e. The SHORT-TERM RENTAL UNIT continues to meet the criteria for approval, as set forth in subsection 9.4 O(4)(a)(iv); and

- f. A completed SHORT-TERM RENTAL permit application was received on or before April 30, 2025.
- (ii) *Provisional permits.* The ZONING ADMINISTRATOR shall reserve one (1) SHORT-TERM RENTAL PERMIT for each LOT or DWELLING UNIT which has applied for and obtained a provisional SHORT-TERM RENTAL permit, as provided in subsection 9.4 O(4)(c). When eligible, a host possessing a provisional SHORT-TERM RENTAL permit may apply to convert the provisional permit to a full SHORT-TERM RENTAL permit. For purposes of this subsection, the holder of a provisional permit shall be entitled to a one-time exemption from the applicable SHORT-TERM RENTAL permit caps at such time as the provisional permit is converted to a full SHORT-TERM RENTAL permit.
- (iii) *New permits.* All other applications shall be processed as new permit applications. After processing those applications specified in (i) and (ii) above, the ZONING ADMINISTRATOR shall determine the total number of new SHORT-TERM RENTAL permits which are available pursuant to the applicable SHORT-TERM RENTAL permit caps. If additional permits are available, new permit applications shall be processed in the order they were received. The ZONING ADMINISTRATOR may approve the issuance of new SHORT-TERM RENTAL permits until the applicable SHORT-TERM RENTAL permit caps have been reached. Once the applicable SHORT-TERM RENTAL permit caps have been reached, new permit applications shall be added to the applicable waiting list until a new permit becomes available.
- (c) *Waiting list.* The ZONING ADMINISTRATOR shall establish separate waiting lists for properties located within the SHORT-TERM RENTAL OVERLAY DISTRICT and for properties located in all other areas of the TOWN. In the event the SHORT-TERM RENTAL permit cap is reached in either area, any remaining applications will be added to the applicable waiting list in the order they were received. In the event a new permit becomes available in either area due to another permit being abandoned, revoked, or cancelled, the ZONING ADMINISTRATOR shall notify the applicant who has been on the applicable 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 application shall be deemed withdrawn. The ZONING ADMINISTRATOR shall then remove the application from the waiting list and repeat the process until a new SHORT-TERM RENTAL permit is issued or the applicable waiting list is exhausted. In the event a host is found guilty, either by admission or by the municipal judge, of using, renting, or advertising for rent, a DWELLING UNIT as a SHORT-TERM RENTAL UNIT while his or her application is on a waiting list, the ZONING ADMINISTRATOR shall remove the application from the applicable waiting list and the host shall not be eligible to re-apply until one (1) year following the date of conviction.
- iv. *Criteria for 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 application meets all of the 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 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 was found guilty, either by admission or by the municipal judge, of renting the DWELLING UNIT without a valid SHORT-TERM RENTAL permit within the previous twelve (12) months.
 - (iv) 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;
 - (v) The DWELLING UNIT is actively under construction, reconstruction, or renovation;
 - (vi) The DWELLING UNIT has been damaged beyond REPAIR, destroyed, or condemned by the Charleston County Building Department as unfit for human habitation;
 - (vii) The DWELLING UNIT has been deemed by the ZONING ADMINISTRATOR to be unsafe due to damage (other than damage beyond REPAIR), disrepair, or neglect;
 - (viii) The host has not applied for or obtained, or is not eligible to apply for or obtain, a valid TOWN business license;
 - (ix) 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;

- (x) The host is delinquent in the payment of any taxes which are required to be paid pursuant to subsection 9.4 O(3)(c)(iii);
 - (xi) Unless the property has been sold or transferred via a non-exempt transfer, the prior SHORT-TERM RENTAL permit was revoked during the previous twelve (12) months due to:
 - a. Failure to submit the required annual rental activity report, as provided in subsection 9.4 O(6)(c)(iv);
 - b. Falsification or misrepresentation of material facts, as provided in subsection 9.4 O(6)(c)(v); and/or
 - c. The occurrence of one (1) or more rental-related violations, as provided in subsection 9.4 O(6)(c)(vii); or
 - (xii) 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.
- v. *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. A SHORT-TERM RENTAL UNIT which was duly permitted and in good standing as of April 30, 2025, may continue to be used, rented, and advertised for rent, beyond May 1, 2025, as long as a completed permit application was received by the TOWN on or before April 30, 2025.
- vi. *Notification.* The ZONING ADMINISTRATOR's decision shall be communicated in writing to the host. For the purposes of this subsection, the issuance of a SHORT-TERM RENTAL permit shall constitute notice of approval.
- vii. *Expiration.* Upon issuance, a SHORT-TERM RENTAL permit shall remain valid indefinitely unless the permit is modified, suspended, revoked, abandoned, or cancelled pursuant to the criteria and procedures set forth in this subsection.
- b. *Permit modifications.*
- 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.

- ii. *Eligibility.* An existing SHORT-TERM RENTAL permit may only be modified following the occurrence of a qualifying event.
 - iii. *Application.* Any host who wishes to modify an existing SHORT-TERM RENTAL permit shall first apply for a permit modification. The application 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 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.
 - v. *Criteria for review.* The ZONING ADMINISTRATOR shall approve the issuance of a SHORT-TERM RENTAL permit modification only if he or she finds that a qualifying event has occurred, and the application continues to meet all of the 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 modification request 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 modification request. A SHORT-TERM RENTAL UNIT which was duly permitted and in good standing as of the date the modification request was received may continue to be used, rented, and advertised for rent, while the modification request is under review by the ZONING ADMINISTRATOR.
 - vii. *Notification.* The ZONING ADMINISTRATOR's decision shall be communicated in writing to the host. For purposes of this subsection, the issuance of a permit modification shall constitute notice of approval.
 - viii. *Expiration.* Upon issuance, a modified SHORT-TERM RENTAL permit shall remain valid indefinitely unless the permit is further modified, suspended, revoked, abandoned, or cancelled pursuant to the criteria and procedures set forth in this subsection.
- c. *Provisional permits.*
- i. *In general.* Notwithstanding any conditions, requirements, or procedures to the contrary, the ZONING ADMINISTRATOR may issue a provisional SHORT-TERM RENTAL permit for any DWELLING UNIT or LOT which meets the eligibility criteria

set forth herein. The holder of a provisional permit shall be entitled to a one-time exemption from the applicable SHORT-TERM RENTAL permit cap at such time as the provisional permit is converted to a full SHORT-TERM RENTAL permit.

- ii. *Eligibility.* Any PERSON owning a DWELLING UNIT which is undergoing major renovation, or a vacant LOT upon which a DWELLING UNIT is under construction, as of April 30, 2025, may apply for a provisional SHORT-TERM RENTAL permit. For purposes of this paragraph, a DWELLING UNIT or LOT is deemed to be “undergoing major renovation” or “under construction” if:
 - (a) The PERSON owning the DWELLING UNIT or LOT has an active building permit from the Charleston County Building Inspections Department authorizing such construction or renovation activities as of April 30, 2025;
 - (b) The PERSON owning the DWELLING UNIT or LOT has an approved zoning permit from the TOWN authorizing such construction or renovation activities as of April 30, 2025; or
 - (c) The PERSON owning the DWELLING UNIT or LOT has initiated architectural plan review for such construction or renovation activities with any HOMEOWNERS’ ASSOCIATION or HORIZONTAL PROPERTY REGIME having jurisdiction over the DWELLING UNIT or LOT as of April 30, 2025, as evidenced by a letter of confirmation from the applicable HOMEOWNERS’ ASSOCIATION or HORIZONTAL PROPERTY REGIME.
- iii. *Application.* Provisional 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 DWELLING UNIT or LOT.
- iv. *Due date.* Any eligible property owner who wishes to obtain a provisional SHORT-TERM RENTAL permit must submit a completed application no later than April 30, 2025.
- v. *Criteria for review.* The ZONING ADMINISTRATOR shall approve the issuance of a provisional 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 require the property owner 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 provisional permit application.

- vii. *Notification.* The ZONING ADMINISTRATOR's decision shall be communicated in writing to the applicant. For the purposes of this subsection, the issuance of a provisional permit shall constitute notice of approval.
 - viii. *Expiration; conversion; abandonment.* Upon issuance, a provisional SHORT-TERM RENTAL permit shall remain valid until the earlier of thirty (30) days following the completion of work issuance of a certificate of occupancy, or thirty-six (36) months following the date upon which the provisional permit was issued. Following the issuance of a certificate of occupancy, the DWELLING UNIT or LOT shall not be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT unless the property owner or host submits an application to convert the provisional SHORT-TERM RENTAL permit to a full SHORT-TERM RENTAL permit. The application 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. The application must be received no later than thirty (30) days following the issuance of a certificate of occupancy. If the property owner fails to submit the required application within thirty (30) days following the completion of work or issuance of a certificate of occupancy, or if the work is not completed within thirty-six (36) months following the date upon which the provisional permit was issued, the provisional permit shall automatically expire. Upon expiration, the DWELLING UNIT or LOT 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)(iii).
- d. *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 applicable 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 the property was sold or transferred;

- (b) The application for a temporary SHORT-TERM RENTAL permit must be submitted no later than five (5) business days following the date the property was sold or transferred;
 - (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 upon which the property was sold or transferred;
 - (d) The new host may only honor those SHORT-TERM RENTAL agreements which were in place as of the date the property was sold or transferred;
 - (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 applicable SHORT-TERM RENTAL permit 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 eligible 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 upon which the property was sold or transferred.
 - 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 and in good standing as of the date the temporary permit application was received may continue to be rented while the application is under review by the ZONING ADMINISTRATOR.
 - 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. Upon expiration, the DWELLING 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)(iii).
 - e. *Appeals.* Any PERSON who is aggrieved by a decision of the ZONING ADMINISTRATOR to approve or deny the issuance of a SHORT-TERM RENTAL permit, permit modification, provisional permit, or temporary permit, may appeal the decision to the Board of Zoning Appeals, pursuant to Section 20.2 of this ordinance.
5. *Administration and enforcement.*
- a. *Violations defined.* It shall be a violation of this subsection to use, rent, or advertise for rent, any BUILDING, STRUCTURE, DWELLING UNIT, or premises within the TOWN, as a SHORT-TERM RENTAL UNIT, except in conformity with the conditions and requirements set forth in this subsection.
 - b. *Authority.* The ZONING ADMINISTRATOR shall be vested with the authority to administer and enforce the provisions of this subsection. The ZONING ADMINISTRATOR may designate one or more individuals, including inspectors and code enforcement officers of the TOWN, to act on his or her behalf. For matters pertaining to building safety, including, without limitation, structural, mechanical, electrical, plumbing, and fire safety systems, the ZONING ADMINISTRATOR may consult with officials from any applicable governmental agency or department having jurisdiction over the property and/or engage such technical experts as he or she deems necessary, including, but not limited to, qualified consultants, contractors, engineers, and inspectors.
 - c. *Notice of violation.* 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 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.

- d. *Ordinance summons.* If a notified party fails to correct a 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 lieu of, or in addition to, a notice of violation.
- e. *Records.* The ZONING ADMINISTRATOR shall maintain a log of all SHORT-TERM RENTAL violations, regardless of whether or not a summons was issued.
- f. *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 twenty-four (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/safety 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 whether such a condition exists and, if necessary, 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 items (i) or (ii) above, an inspector may enter the unit immediately upon authorization, or as soon as practicable thereafter.
 - iv. *Inspection of documents.* The ZONING ADMINISTRATOR shall have the authority to request copies of all licenses, permits, receipts, reports, and similar documents 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 documents to the ZONING ADMINISTRATOR within five (5) business

days. Failure to provide any documents so requested shall be a violation of this subsection.

- g. *Penalties.* Any PERSON found guilty of violating any provision of this subsection shall be subject to the penalties and fines set forth in Article 22. Punishment for any violation shall not relieve the offender of any liability for delinquent fines, fees, penalties, taxes, 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 subsection 9.4 O(6).

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

a. *Permit suspension.*

- i. *In 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, subject to the criteria and notification requirements set forth herein.
- ii. *Notification.* The ZONING ADMINISTRATOR shall provide a written notice of suspension to the 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 DWELLING UNIT as 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.
- iii. *Cessation of operation.* Upon receipt of the notice of suspension, the host shall immediately cease operation of the SHORT-TERM RENTAL UNIT and remove all advertisements for future SHORT-TERM RENTAL reservations. Any host who continues to use, rent, or advertise for rent, a DWELLING UNIT as a SHORT-TERM RENTAL UNIT after receiving 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 revocation of the SHORT-TERM RENTAL permit.
- iv. *Reinstatement.* A 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 a suspended SHORT-TERM RENTAL permit 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.
- v. *Abandonment.* If a host fails to apply for reinstatement of a suspended SHORT-TERM RENTAL permit within sixty (60) days of becoming eligible, the host shall be deemed

to have abandoned the SHORT-TERM RENTAL permit. Upon abandonment of a SHORT-TERM RENTAL permit, a DWELLING 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)(iii).

- vi. *Appeals.* Any PERSON who is aggrieved by a decision of the ZONING ADMINISTRATOR to suspend a SHORT-TERM RENTAL permit may appeal the decision to the Board of Zoning Appeals, pursuant to Section 20.2 of this ordinance.
- b. *Permit revocation.*
- i. *In 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.
 - ii. *Notification.* The ZONING ADMINISTRATOR shall provide a written notice of revocation to the 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 DWELLING UNIT as 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. *Cessation of operation.* Upon receipt of the notice of revocation, the host shall immediately cease operation of the SHORT-TERM RENTAL UNIT and remove all advertisements for future SHORT-TERM RENTAL reservations. Any host who continues to use, rent, or advertise for rent, a DWELLING UNIT as a SHORT-TERM RENTAL UNIT after receiving a notice of revocation shall be subject to the enforcement and penalty provisions of this ordinance.
 - iv. *Re-establishment.* Upon revocation of a SHORT-TERM RENTAL permit, the DWELLING 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)(iii). Where provided in subparagraph (c) below, additional limitations on the issuance of new SHORT-TERM RENTAL permits shall also apply.
 - v. *Appeals.* Any PERSON who is aggrieved by a decision of the ZONING ADMINISTRATOR to revoke a SHORT-TERM RENTAL permit may appeal the decision to the Board of Zoning Appeals, pursuant to Section 20.2 of this ordinance.
- c. *Criteria for suspension; revocation; additional limitations on re-establishment.*
- i. *Condemnation; unsafe conditions.*

- (a) *Suspension.* The ZONING ADMINISTRATOR may suspend the SHORT-TERM RENTAL permit for any DWELLING UNIT which has been rendered unsafe due to damage (other than damage beyond REPAIR), disrepair, or neglect, or if the DWELLING UNIT has been condemned by the Charleston County Building Inspections Department as unfit for human occupancy. The suspension shall remain in place until the DWELLING UNIT is repaired or restored to a safe condition and the required application for reinstatement is approved by the ZONING ADMINISTRATOR.
 - (b) *Revocation.* If the property owner fails to obtain the permits necessary to REPAIR or restore the DWELLING 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 ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit for the DWELLING UNIT. If the ZONING ADMINISTRATOR determines that the property owner is unable to obtain the permits necessary to 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 ZONING ADMINISTRATOR may grant a reasonable extension, not to exceed ninety (90) additional days, as long as the property owner is in the process of obtaining the necessary permits.
 - (c) *Additional limitations on re-establishment.* Upon revocation, the DWELLING UNIT shall not be eligible for issuance of a new SHORT-TERM RENTAL permit until the REPAIR or restoration work is completed and the unit is restored to a safe condition.
- ii. *Damage beyond REPAIR; destruction.*
- (a) *Suspension.* The ZONING ADMINISTRATOR may suspend the SHORT-TERM RENTAL permit for any DWELLING UNIT which is damaged beyond REPAIR or destroyed. The suspension shall remain in place until the DWELLING UNIT is reconstructed or otherwise restored to a safe condition and the required application for reinstatement is approved by the ZONING ADMINISTRATOR.
 - (b) *Revocation.* If the property owner fails to obtain the permits necessary to reconstruct or otherwise restore the DWELLING UNIT to a safe condition within twelve (12) months following the effective date of the suspension, or if the building permit expires prior to completion of the work or issuance of a certificate of occupancy, the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit for the DWELLING UNIT. If the ZONING ADMINISTRATOR determines that the property owner is unable to obtain the permits necessary to reconstruct or otherwise restore the DWELLING UNIT to a safe condition due to extraordinary or exceptional conditions which are outside the control of the property owner, the ZONING ADMINISTRATOR may grant a reasonable extension, not to exceed six (6) additional months, as long as the property owner is in the process of obtaining the necessary permits.
 - (c) *Additional limitations on re-establishment.* Upon revocation, the DWELLING UNIT shall not be eligible for issuance of a new SHORT-TERM RENTAL permit

until the reconstruction or restoration work is completed or a certificate of occupancy is issued.

iii. *Erroneous and unlawful permits.*

- (a) *Revocation.* The ZONING ADMINISTRATOR may revoke any SHORT-TERM RENTAL permit which was issued in error or in violation of any of the provisions set forth in this subsection.
- (b) *Additional limitations on re-establishment.* Not applicable.

iv. *Failure to submit annual rental activity report.*

- (a) *Suspension.* The ZONING ADMINISTRATOR may suspend the SHORT-TERM RENTAL permit for any DWELLING UNIT if the host fails to submit the annual rental activity report pursuant to the requirements of subsection 9.4 O(3)(a)(iv). The suspension shall remain in place until the host submits the annual rental activity report and the required application for reinstatement is approved by the ZONING ADMINISTRATOR.
- (b) *Revocation.* If the host fails to submit the annual rental activity report within thirty (30) days following the effective date of the suspension, the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit for the DWELLING UNIT.
- (c) *Additional limitations on re-establishment.* Upon revocation, the unit shall not be eligible for issuance of a new SHORT-TERM RENTAL permit until one (1) year after the effective date of the revocation. The one (1) year waiting period shall not apply in instances where the DWELLING UNIT is sold or transferred via a non-exempt transfer.

v. *Falsification or misrepresentation of material facts.*

- (a) *Revocation.* In the event the ZONING ADMINISTRATOR determines that the host of a SHORT-TERM RENTAL unit 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 set forth in this subsection, the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit for the DWELLING UNIT.
- (b) *Additional limitations on re-establishment.* Upon revocation, the unit shall not be eligible for issuance of a new SHORT-TERM RENTAL permit until one (1) year after the effective date of the revocation. The one (1) year waiting period shall not apply in instances where the DWELLING UNIT is sold or transferred via a non-exempt transfer.

vi. *Negligible rental activity.*

(a) *Revocation.* In the event the host of a SHORT-TERM RENTAL UNIT reports negligible rental activity during the preceding license year, the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit for the DWELLING UNIT; provided, in the event the SHORT-TERM RENTAL permit was active for less than the entirety of the preceding license year, the ZONING ADMINISTRATOR may reduce the minimum occupancy and income requirements proportionate to the full number of months the permit was active. If the SHORT-TERM RENTAL permit was issued during the final four (4) months of the preceding license year, the ZONING ADMINISTRATOR may alternatively allow the host to demonstrate that the SHORT-TERM RENTAL UNIT was available and advertised for rent while the permit was active. The provisions of this subparagraph shall not apply to any SHORT-TERM RENTAL permit which was suspended for all or part of the preceding license year, pursuant to subsections 9.4 O(6)(c)(i)(a), 9.4 O(c)(ii)(a), or 9.4 O(c)(xiv)(a).

(b) *Additional limitations on re-establishment.* Not applicable.

vii. *Rental-related violations.*

(a) *Revocation.* 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, a violation of any rental-related 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, a SHORT-TERM RENTAL UNIT, the ZONING ADMINISTRATOR shall assess points against the SHORT-TERM RENTAL UNIT based the schedule set forth below. If a SHORT-TERM RENTAL UNIT accumulates six (6) or more points in any twenty-four (24) month period as a result of rental-related violations, the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit for the DWELLING UNIT.

(i) For purposes of this subparagraph, the point values assigned to each type of violation shall be as follows:

a. Six (6) Points:

1. Any rental-related violation 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;
2. Continuing to use, rent, or advertise for rent, a DWELLING UNIT as a SHORT-TERM RENTAL UNIT after receiving a notice of suspension; and
3. Failure to allow access to the SHORT-TERM RENTAL UNIT for the purpose of conducting a routine or emergency/safety inspection.

b. Three (3) Points:

1. Failure to modify a SHORT-TERM RENTAL permit due to a change of authorized agent or qualified local contact;
2. Failure to pay required fines, fees, and penalties;
3. Failure to pay required taxes;
4. Failure to possess a valid TOWN business license;
5. Failure to submit the annual rental activity report;
6. Missing or non-working carbon monoxide detector(s);
7. Missing or non-working fire extinguisher; and
8. Missing or non-working smoke alarm(s).

c. Two (2) Points:

1. Using, renting, or advertising for rent, a SHORT-TERM RENTAL UNIT in excess of the overnight occupancy limit;
2. Using, renting, or advertising for rent, a SHORT-TERM RENTAL UNIT for stays of less than two (2) consecutive days; and
3. Using, renting, or advertising for rent, less than an entire DWELLING UNIT as a SHORT-TERM RENTAL UNIT.

d. One (1) Point:

1. Any other violation of a rental-related condition or requirement set forth in this subsection, or any other applicable provision set forth in this ordinance or the TOWN Code, which is not expressly listed in items (a), (b), or (c) above.

(ii) In instances when summonses are issued to multiple PERSONS for the same violation, occurring at the same SHORT-TERM RENTAL UNIT, and on the same date, it shall be considered a single violation for purposes of this subparagraph.

(b) *Additional limitations on re-establishment.* Upon revocation, the DWELLING UNIT shall not be eligible for issuance of a new SHORT-TERM RENTAL permit until one (1) year after the effective date of the revocation. The one (1) year waiting period shall not apply in instances where the DWELLING UNIT is sold or transferred via a non-exempt transfer.

viii. *Unlicensed business activities.*

(a) *Suspension.* The ZONING ADMINISTRATOR may suspend the SHORT-TERM RENTAL permit for any DWELLING UNIT if the host fails to possess a valid TOWN

business license for the operation of a SHORT-TERM RENTAL UNIT. The suspension shall remain in place until the host obtains a valid TOWN business license and the required application for reinstatement is approved by the ZONING ADMINISTRATOR.

(b) *Revocation.* If the host fails to obtain a valid TOWN business license within thirty (30) days following the effective date of the suspension, the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit for the DWELLING UNIT.

(c) *Additional limitations on re-establishment.* Upon revocation, the DWELLING UNIT shall not be eligible for issuance of a new SHORT-TERM RENTAL permit until the host obtains a valid TOWN business license.

ix. *Unpaid fines, fees, or penalties.*

(a) *Suspension.* The ZONING ADMINISTRATOR may suspend the SHORT-TERM RENTAL permit for any DWELLING UNIT if the host is delinquent by sixty (60) days or more in the payment of any required fines, fees, or penalties imposed pursuant to this ordinance or the TOWN Code, including, without limitation, court fines, court assessments, and surcharges. The suspension shall remain in place until all required fines, fees, and penalties have been paid in full and the required application for reinstatement is approved by the ZONING ADMINISTRATOR.

(b) *Revocation.* If the host fails to pay all required fines, fees, and penalties within thirty (30) days following the effective date of the suspension, the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit for the DWELLING UNIT.

(c) *Additional limitations on re-establishment.* Upon revocation, the DWELLING UNIT shall not be eligible for issuance of a new SHORT-TERM RENTAL permit until all required fines, fees, and penalties have been paid in full.

x. *Unpaid taxes.*

(a) *Suspension.* The ZONING ADMINISTRATOR may suspend the SHORT-TERM RENTAL permit for any DWELLING UNIT if the 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)(c)(iii). The suspension shall remain in place until all required taxes, including late penalties (if applicable), have been paid in full and the required application for reinstatement is approved by the ZONING ADMINISTRATOR.

(b) *Revocation.* If the host fails to pay all required taxes, including late penalties (if applicable), within thirty (30) days following the effective date of the suspension, the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit for the DWELLING UNIT.

- (c) *Additional limitations on re-establishment.* Upon revocation, the DWELLING UNIT shall not be eligible for issuance of a new SHORT-TERM RENTAL permit until all required taxes, including late penalties (if applicable), have been paid in full.
- xi. *Unreported change of authorized agent or qualified local contact.*
 - (a) *Suspension.* The ZONING ADMINISTRATOR may suspend the SHORT-TERM RENTAL permit for any DWELLING UNIT if the host fails to modify the 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 suspension shall remain in place until the SHORT-TERM RENTAL permit is duly modified, as provided in subsection 9.4 O(4)(b) and the required application for reinstatement is approved by the ZONING ADMINISTRATOR.
 - (b) *Revocation.* 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 ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit for the DWELLING UNIT.
 - (c) *Additional limitations on re-establishment.* Not applicable.
- xii. *Unreported sale or transfer of SHORT-TERM RENTAL UNIT.*
 - (a) *Revocation.* 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 for the DWELLING UNIT.
 - (b) *Additional limitations on re-establishment.* Not applicable.
- xiii. *Work by an unlicensed residential builder or specialty contractor.*
 - (a) *Revocation.* 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 on the DWELLING UNIT which would otherwise be required to be completed by a licensed residential builder or specialty contractor, the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit for the DWELLING UNIT upon the issuance of the exempt building permit.
 - (b) *Additional limitations on re-establishment.* Upon revocation, the DWELLING UNIT shall not be eligible for issuance of a new SHORT-TERM RENTAL permit until two (2) years after the work is completed or a certificate of occupancy is issued.
- xiv. *Voluntary suspension due to reconstruction or renovation.*

- (a) *Suspension.* 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 or a certificate of occupancy has been issued and the required application for reinstatement is approved by the ZONING ADMINISTRATOR.
- (b) *Revocation.* If the property owner fails to initiate construction activities within six (6) months 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 ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit for the DWELLING UNIT. If the ZONING ADMINISTRATOR determines that the property owner is unable to initiate construction activities or complete the reconstruction or renovation due to extraordinary or exceptional conditions which are outside the control of the property owner, the ZONING ADMINISTRATOR may grant a reasonable extension, not to exceed six (6) additional months, as long as the property owner is in the process of initiating or completing construction activities, as applicable.
- (c) *Additional limitations on re-establishment.* Upon revocation, the DWELLING UNIT shall not be eligible for issuance of a new SHORT-TERM RENTAL permit until the reconstruction or renovation work is completed or a certificate of occupancy has been issued.
- d. *Permit cancellation.* A 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 host. Any 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)(iii).

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

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Exhibit D
To Ordinance 2024-06

Subsection 12.4(B)(7): Lighting
Amended)

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7. Lighting. Light fixtures used to illuminate off-street parking areas shall be arranged to deflect the light away from adjoining properties and adjacent streets. Lighting fixtures in parking areas shall conform to the requirements of subsection 2.1 E. Light fixtures shall be designed to achieve 90-degree luminary cutoff.

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Exhibit E
To Ordinance 2024-06

Appendix E: Fee Schedule
(Amended)

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Fee Schedule

Table E-1. Fee Schedule	
Service	Fee Amount ¹
Zoning Permit Fees (Including Site Plan Review)	
A. Residential Zoning Permit: Single-Family, Two-Family & Cluster Home Dwellings	
1. New Construction	Construction Value ² 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 ³	No Charge
5. Accessory Building, Structure or Site Improvement ⁴	
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 ² 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 ³	No Charge
5. Accessory Building, Structure or Site Improvement ⁴	
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 ² 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 ³	No Charge
5. Accessory Building, Structure or Site Improvement ⁴	
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	\$150.00
2. Provisional Short-Term Rental Permit	\$50.00
3. Provisional Short-Term Rental Permit Conversion	\$100.00
4. Temporary Short-Term Rental Permit	\$50.00
5. Modification of Existing Short-Term Rental Permit	
a. Change of Owner, Agent or Local Contact	\$25.00
b. All Other Modifications	\$50.00
6. Reinstatement of Suspended Short-Term Rental Permit	\$50.00
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	
a. Minor Subdivision (≤ 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

Table E-1. Fee Schedule	
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 Commission Review Fees	
A. Board of Zoning Appeals	
1. Application for Appeal of Administrative Decision	\$250.00 ⁵
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 ⁵
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 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
2. Zoning District Verification Letter	\$35.00

¹ All fees are non-refundable.

- ² 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).
- ³ 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.)
- ⁴ 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.
- ⁵ The application fee for the appeal of an administrative decision shall be refundable if the appeal is successful.