Daufuskie Island Plan and Code Committee

Meeting Minutes

June 5, 2022

Members Present

Leanne Coulter
Cathie Moore
Jodee Brunning
Sonny Timmerman
John Schartner
Martha Tarrant
Martha Hutton

- 1. Meeting Called to Order: The meeting was called to order at 3:34 pm.
- 2. <u>Adoption of meeting minutes</u>: The meeting minutes of the May 20, 2022 meeting were unanimously approved on a motion by Leanne Coulter, seconded by Cathie Moore.
- 3. Short Term Rental Units Count:
 - a. Sonny distributed a spreadsheet listing all known properties in the Historic District that are currently advertised as Short Term Rental Units. (See the attached Exhibit A) The list shows a total of 33 units, of which the majority is located in Mary Field. One property, 170 Old Haig Point Road was noted is no longer renting. In addition, the Freeport Cottages are not technically dwellings since they only have a bedroom and bath like a motel room. The zoning of Freeport is high density commercial which includes motels. Should motel rooms be included in the number of short term rental units?
 - The spreadsheet also listed the number of STR units located in Planned Unit
 Developments (PUDs) such as Haig Point, Melrose, Bloody Point, and Beachfield. The
 total number advertised is 57 STR units.
 - c. It is estimated that the total number of dwelling units on the island is about 600. Questions that were raised are:
 - How many total dwelling units exist in the Historic District? What is the best way to count? The GPS map shows buildings, but some buildings are not shown. The Fire Department map is another resource. They receive their information from E911.
 - ii. How many total dwelling units exist in each of the PUDs?
 - iii. How many STR's should be allowed? How should they be counted, all together or by area? If there is a cap on the number of STR's allowed, some property owners who don't get a permit may choose to rent their home as a long term rental.
 - d. To be called a Dwelling, a home must include a living room, bedroom, full kitchen and bath.
 - e. Some properties may rent a bedroom only. Should this be included in Short Term Rentals? The Beaufort County Ordinance should be reviewed to determine how they are defined there.
 - f. The County defines the requirements to be able to rent an accessory building. It can only be rented if the owner lives in the main house.

- 4. <u>Short Term Rental Permits</u>: The Beaufort County ordinance will govern requirements for STR's. The process is:
 - a. First get a Business License
 - b. Then get a STR permit, pay the fees, and renew it annually.
 - c. If a property is advertised as a STR, the STR Permit number must be listed on the advertisement.
 - d. More information is needed about the STR Permit application, including the information required to be submitted.
 - e. Should neighbors be required to approve a STR permit for a property? If a Special Use Permit was required, there would be a public hearing with notices sent to nearby neighbors. Public Hearings would probably not be located on Daufuskie, but a remote connection like Zoom might be possible.
 - f. If a neighborhood has covenants, but a Daufuskie Island ordinance has a stricter requirement, the DI ordinance would govern.
- 5. Short Term Rentals Survey: A first draft of a survey to determine the opinions of Daufuskie residents and property owners was prepared by Beverly Davis and distributed (see Exhibit B). It is intended that a link to the survey be widely distributed to be answered online. Anyone should be able to answer the survey. For those who don't have computer access, the survey can be provided at a public location where people can come to fill out the survey. Committee members should review the draft to make suggestions for additions or revisions.
- 6. Noise Ordinance: While too much noise is often cited as a complaint regarding STR's, noise is really a community wide issue that is separate from STR's. The Beaufort County ordinances should be reviewed to see if there is already a noise ordinance. If not, Daufuskie should consider passing its own noise ordinance. With a noise ordinance in place, action can be taken when multiple violations occur.
- 7. <u>Short Term Rental Issues</u>: The summary of the National Association of Realtors white paper which identifies issues surrounding STR's with proposed solutions was reviewed (see attached Exhibit C)..
 - a. <u>Short Term Rentals Effects on Availability of Long Term Residential Properties</u>: The first solution, requiring a maximum ratio of short term rentals to long term residences in an area seems viable. The other two solutions would not apply to Daufuskie.
 - b. <u>Grandfathering Provisions</u>: Grandfathering should only be considered for properties that meet all other STR requirements. If all STR requirements are met, but all available permits have been issued, there could be an automatic grandfathered permit. A date should be set when grandfathering starts, such as a period of time before the Beaufort County ordinance was passed. Also, there should be 1-2 year period of time before the Daufuskie Island ordinance is passed.
 - c. <u>Possible Negative Effects of Short Term Rentals on a Neighborhood</u>: We need to find out what ordinances already exist in Beaufort County that address nuisances. There could be a provision that a property could lose its STR permit if they are not following the rules, or there are too many complaints filed.
 - d. Quantitative Restrictions on Short Term Rentals: The first solution listed does not seem viable. A ratio of short term rentals to long term properties seems better than the second solution to create a fixed cap on the number of STR's. A ratio would allow for growth as more properties are developed on the island.
 - e. <u>Licensing Requirements</u>: The process to obtain a STR permit needs to be clear and not unduly burdensome. If Special Use Permits are required, there would be public hearings

- required which allows neighbors input. This could be a requirement for some areas, but not for other areas, depending on the circumstances.
- f. <u>Inspection Requirements</u>: There was agreement that an inspection to verify the property meets building code and health and safety standards should be required to obtain an initial STR permit. There was concern expressed whether Beaufort County would have the staff available to conduct the inspections. However, the STR permit fees should pay for any additional staff needed.
- g. <u>Enforcement</u>: We need to research the Beaufort County ordinance to find out what reasons it gives for revoking a STR permit.
- 8. Daufuskie Island Ordinance: An ordinance for the island should define:
 - a. How many STR's will be allowed as a ratio of STR's to long term residences.
 - b. Where STR's are allowed. They could be allowed in some areas and not in other areas. They could be conditional in some areas. They may be grandfathered everywhere.
 - c. There should be a requirement for a property owner to either live on the island, or hire a property manager who lives on the island in order to respond quickly to any issues.
- 9. <u>Manufactured Mobile Homes</u>: Jodee Brunning explained that there is a problem with how the current zoning code is being enforced by Beaufort County zoning staff regarding the Transect 2: D2 Rural Standards/Building Form.
 - a. The current code has an Everyday Island Style home which includes modular and prefabricated homes. It only allows new manufactured homes where an old one already exists. The Everyday Island Style is only mentioned in the D-2R zone.
 - b. In the previous code, manufactured homes were allowed in D-2R under the category of Everyday Island Style Home.
 - c. Beaufort County is currently enforcing the old code, and allowing new manufactured homes in the D-2R zone.
 - d. Manufactured homes have a HUD stamp which meets Wind Zone 2 (110 mph for Manufactured homes). This is less than building code requirements, and is insufficient for weather conditions on Daufuskie.
 - e. Jodee suggests a text amendment be passed for D-2R. There are two options for the amendment (see attached Exhibit D):
 - i. Delete the Everyday Island Style as an acceptable style in D-2R, and define the types of residences which are allowed.
 - ii. More clearly define the Everyday Island Style so it is clear that it does not include manufactured homes.
 - f. A question was asked whether the text amendment should also include appearance requirements for new manufactured homes such as skirting and a minimum roof pitch. Or should all new manufactured homes be prohibited since they pose a safety risk?
 - g. Jodee will refine the proposed text amendment further for review at the next committee meeting. A definitions section could also be added as a text amendment at the same time, as the Everyday Island Style is not defined in the Beaufort County ordinance.
- 10. The request from the Daufuskie Island Council requesting that the STR Permit process not be enforced until Daufuskie develops its own ordinance has been sent to Eric Greenway. It is not known if there has been a response.
- 11. Assign responsibilities: The following assignments were made:
 - a. Sonny Timmerman: Work on the total housing count on the island from the GPS map.

- b. Cathie Moore: Ask the Fire Department for a copy of their map and count homes shown.
- c. All Committee Members:
 - i. Review the draft survey and make comments for additions and/or revisions.
 - ii. Review the Beaufort County STR ordinance. Look at the Beaufort County Municode to find the Short Term Rental Ordinance. Daufuskie can be more restrictive than Beaufort County, but it can't be more lax.
 - iii. Review the Beaufort County noise ordinance, if it exists.
 - iv. Review the Beaufort County Short Term Rental permit process.
- 12. Next Meeting: The next committee meeting will be Friday June 17 at 3:30 pm.
- 13. Adjourn: The meeting was adjourned at 6:00 pm.

Respectfully submitted by Martha Tarrant

Attachments:

Exhibit A: Short Term Housing Rentals on Daufuskie Island

Exhibit B: Short Term Vacation Rental Draft Survey

Exhibit C: Short Term Rental Issues

Exhibit D: Proposed Text Amendment to Section B.1.40.D Transect 2: D2 Rural (T2R) Standards/Building Form

SHORT TERM HOUSING RENTALS ON DAUFUSKIE ISLAND

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SHORT TERM VACATION RENTAL SURVEY

Thank you for taking the time to answer these questions regarding short term vacation rentals on Daufuskie Island. Beaufort County recently passed an ordinance placing requirements for short term vacation rentals, one of which includes appropriate zoning. Because the Daufuskie Island Plan and Code was updated in 2018 prior to the issue regarding short term vacation rental, they are not addressed in the Code. Beaufort County is supporting a Code update to address short term vacation rentals, with the effort being led by a Code Committee. This survey is part of that effort to gather as much public input as possible.

Please complete this short survey by XX/XX/2022. Completed surveys can be returned to any member the Daufuskie Island Council or return to Daufuskie Blues at Mary Fields School.

1. What is your residential status?

Full time resident

Part time resident

Property Owner and Occasional Visitor (some weekends; 1-2 weeks per year)

2. Where is your property or residence located?

Historic District

Melrose

Bloody Point

Haig Point

3. If you are a property owner and occasional visitor, do you plan to live on Daufuskie in the future?

Yes

No

Unsure

NA

4. Is your property/home rented for short term vacations?

Yes

No

- 5. How many properties do you own and rent for short term vacations?
- 6. If your property is a vacation rental, do you manage the rentals or use a third party? Self-managed

Contract with property manager

7. Do you manage short term vacation rental properties?

Yes

No

8.	Do you have short term vacation rentals in your area/neighborhood?
	Yes
	No
9.	If you have short term rentals in your area, have you experienced any issues with the rentals? Check all that apply.
	Trash
	Noise
	Parties
	Trespassing onto other properties
	Overcrowding
	Ignoring laws
	Other (please describe)
10	Do you have issues/concerns with short term rentals?
	Yes
	No
	If yes, please describe your concerns:
1:	 Do you think the number or percentage of short term rentals should be capped?
	Yes
	No
	Undecided
1	2. If desired, please provide any additional feedback.



Short Term Rental Issues

Below are excerpts from a National Association of Realtors white paper on best practices for short term rentals regulations. Following are typical issues surrounding Short Term Rentals with potential solutions.

1. Short Term Rentals Effects on Availability of Long Term Residential Properties

Short term rentals can reduce the availability of long term rental/owner-occupied properties due to owners converting long-term rental properties into short-term rentals. Possible solutions are:

- a. Require a maximum ratio of short term rentals to long term residences in an area. No new applications for short term rentals could be approved until the number of long term residences increases to the required ratio.
- b. Require the owner/permanent resident to occupy the property for a minimum number of days per year.
- c. Allow "home-sharing" where the resident host must live on-site during the short term rental.

2. **Grandfathering Provisions**

Short term rentals that were in existence prior to the new ordinance but are not able to comply with the new ordinance for various reasons may feel harmed. "Grandfathering" provisions can assist in addressing this issue. Possible solutions are:

- a. If a home is no longer allowed to do short term rentals due to being prohibited in a particular area, the owner could be allowed to apply to obtain a "Nonconforming Use Certificate" by proving that the home was being used as a vacation rental on an ongoing basis prior to the new ordinance.
- b. Grandfather all short-term rental units that can prove that the home was used for vacation rental on an ongoing basis prior to the new ordinance.

3. Possible Negative Effects of Short Term Rentals on a Neighborhood

Negative impacts residents may complain of include excessive noise, garbage left out on non-pickup days, and negligent property maintenance. However, these issues can arise both from full-time residents and short term rentals. A possible solution is:

a. Create general ordinances, such as a noise ordinance or minimum maintenance standards that govern the activity or behavior in all areas of the community.

4. Quantitative Restrictions on Short Term Rentals

Short term rentals may have a negative impact on full-time residences in a neighborhood when they closely grouped together. Possible solutions are:

- a. Create a minimum distance separation for short term rental properties located near each other.
- b. Create a fixed cap on the number of short term rental permits in a defined area. However, for property owners desiring to enter the short term rental market, a fixed cap may be viewed as a barrier to entry.

5. <u>Licensing Requirements</u>

Property owners may feel the process to obtain a short-term rental license or permit is unduly burdensome. Possible solutions are:

- a. The procedures and criteria for obtaining a short term rental permit should be clearly set out in the ordinance.
- Applications should be processed administratively and without need for a public hearing. Licenses should not require a conditional use permit or other zoning permit.

6. Inspection Requirements

A community may have concerns that short term rental buildings may not meet requirements of the building code and health and safety standards. Possible solutions are:

- a. At the time of application for a new short term rental permit, a mandatory inspection can be required.
- b. In order to avoid unduly burdensome inspection requirements, subsequent inspections can be required every five years, or if (1) there has been a fire, flood or other event that caused substantial damage to the structure; (2) the permit has been revoked; (3) there has been an addition or substantial modification to the structure; or (4) the permit has lapsed for more than 180 days.

7. Enforcement

When a short term rental ordinance has been adopted, there needs to be a method to enforce the ordinance. Enforcement provisions should not penalize the property owner for violations beyond their control, such as excessive noise from a renter. The regulation may state that a permit may be suspended or revoked only for a violation committed by the property owner. Possible solutions are:

- a. Examples of conduct for which a permit may be suspended or revoked are:
 - i. The owner has failed to comply with the conditions specified in the regulation.
 - ii. The owner has violated provisions of the regulation.
 - iii. The owner has failed to collect or remit required taxes to the county.
 - iv. The owner supplied false or misleading information n the application process.
 - v. The permit number was not included in all forms of advertisement, or the occupancy was not advertised correctly.
- b. Before fines or other penalties are imposed, property owners should be given notice of, and an opportunity to cure, any alleged violation, except where public safety concerns exist. Property owners should be given the opportunity to request a public hearing and have the right to appeal a local government's decision to suspend or revoke a short term rental permit.



Daufuskie Island Community Development Code (Adopted January 28,2019)

Text Amendment to Section B.1.40.D. Transect 2: D2 Rural (T2R) Standards/Building Form

This section currently states: "Also allowed in Transect 2 is a style referred to as Everyday Island. The Everyday Island style of architecture includes a large group of structures and construction techniques for those not wanting the traditional local vernacular. This Everyday Island style also includes modular and prefab construction."

It was not the intent of this section to allow manufactured homes and it was thought that by specifying "modular and prefab" it was clear that manufactured homes were not an allowed building type under the Everyday Island category. This has not proved to be the case as Beaufort County has interpreted this building form to include manufactured homes.

In all other zones the allowed building types are clearly specified. Under the heading "Miscellaneous" it states:

"Existing manufactured homes that are being replaced with another manufactured home that does not exceed the size and/or setbacks of the existing unit are exempt from Building Type (Division 5.1) and Private Frontage (Division 5.2) Standards."

See:

B.1.50.B Allowed Building Types/Miscellaneous B.1.60.B Allowed Building Types/Miscellaneous B.1.70.B Allowed Building Types/Miscellaneous B.1.80.B Allowed Building Types/Miscellaneous

The use of the undefined "Everyday Island Style" as an allowed building form in effect removes any restrictions on what type of structure or architectural style is acceptable. We would like to bring Section B.1.40 D2 Rural in line with the other zones by eliminating the Everyday Island Style category and specifying the Allowed Building Types.



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See:

B.1.50.B Allowed Building Types/Miscellaneous

B.1.60.B Allowed Building Types/Miscellaneous

B.1.70.B Allowed Building Types/Miscellaneous

B.1.80.B Allowed Building Types/Miscellaneous

The use of the undefined "Everyday Island Style" as an allowed building form in effect removes any restrictions on what type of structure or architectural style is acceptable. We would like to clearly define "Everyday Island Style" and the additional terms "modular" and "prefab".

