

Daufuskie Island Plan and Code Committee

Meeting Minutes

July 17, 2022

Members Present

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

Visitors Present

Erin Quinn
Dennis Bass
Kristy Moller
Kenneth Badgett
Stewart Yarborough
Brett Campbell

1. Meeting Called to Order: The meeting was called to order at 3:33 pm.
2. Adoption of meeting minutes: The meeting minutes of the July 10, 2022 committee meeting were previously distributed. The minutes were unanimously approved on a motion by Sonny Timmerman and a second by Geoff Brunning
3. Leanne stated the goal of this meeting is to develop next steps after receiving the survey results, including planning for the next Community Workshop. Beverly Davis's staff will facilitate the meeting to obtain community input and answer questions. It will be focused on Short Term Rentals on Daufuskie in areas outside the PUD's. She will provide available meeting dates.
4. Conditional Use Permit versus Special Use Permit: Leanne explained that a Conditional Use Permit is middle ground between a Permitted Use and Special Use Permit.
5. Beaufort County Ordinance: Geoff explained that Section 4.1.360 of the Beaufort County Development Code defines Short Term Rentals and lists suggested conditions. Sonny pointed out the County should have input on the conditions chosen for Daufuskie. Guidelines will need to meet requirements of the Beaufort County Ordinance, as we cannot change the Ordinance.
6. Inspection of the Building: One condition could be to have the building inspected to ensure it meets health and safety requirements. Geoff suggested this could be done by a licensed building inspector that reviews homes which are being sold in lieu of inspection by the Fire Department. A form should be developed for the inspection requirements. Geoff distributed a sample form that is used by the city of Huntington Beach (Exhibit A)
7. Occupancy: There needs to be a guideline for determining the building occupancy, such as 2 adults per bedroom plus 2 adults for the living room. This formula would allow six persons in a two-bedroom home. A question was raised whether this would apply to children. It is often interpreted to include children 12 and over.
8. Permit Revocation: Beaufort County guidelines state a permit can be revoked after 3 or more valid complaints.
9. Other STR Options: Geoff pointed out that some other ways that the number of STR's can be determined is through a fixed number, percentage, or distance apart. However, these provisions have not held up in other communities. They would likely be thrown out in court, and then Daufuskie would be left with no guidelines, and no allowed STR's.
10. STR Survey: Martha T noted that according to the survey results, approximately half of respondents want to see the number of STR's on the island increase, while the other half would like to see the number stay the same or decrease. Both opinions need to be listened to.
11. Zoning Map: Leanne asked how development could be encouraged in certain areas, such as those zoned for higher density? She gave an example of how development was encouraged in

one area of Cincinnati by providing tax incentives. Martha T suggested that STR's could be encouraged in Daufuskie Zones D-3, D-4, and D-5 by making STR's a conditional permitted use in those areas. STR's in the Historic District could be made a Special Use Permit, where there is already a mix of long-term and short-term homes. Maryfield is already 70% short term rental. Geoff noted that Maryfield was originally developed to provide housing for people working on the island. Sonny agreed that STR's should be encouraged in higher density zones.

12. Special Use Permit: The Special Use Permit would allow residents to have a say in whether STR's are permitted in their area. However, it is likely that most Special Use Permit's would be approved, as there are very few reasons to deny a permit. It was noted that it is a hardship on Daufuskie residents to go to an evening meeting in Beaufort, when there is no evening ferry to return to the island. Eric Greenway has suggested that a different process could be developed for Daufuskie. Sonny noted that the standard process of obtaining a STR permit in Beaufort County is by the Special Use Permit.
 - a. Geoff expressed concern that the Special Use Permit could pit neighbor against neighbor.
 - b. Leanne suggested there has to be a way to make the process easy for Daufuskie residents. There has to be a justifiable reason to deny a permit.
 - c. Sonny said notices can be sent to property owners within 500 feet of a proposed STR.
 - d. Cathie noted that Conditional Use and Special Use permits need to be clearly defined for the discussion at the upcoming public meeting.
 - e. Geoff pointed out that people considering purchase of a property may not know in advance whether their property will be approved for an STR.
13. Quality of Life and STR enforcement is something that many communities deal with. It is better if neighbors talk to each other in a kind way to work out problems as they arise. Martha H noted how she watched North Forest beach on Hilton Head go from a community of three bedroom homes to an area of large hotels and ten bedroom homes, completely changing the area.
14. Sewers: Geoff explained there are areas of the island that don't have sewers that would be required for higher density development. It is very expensive to extend sewer lines and tap on. A package plant may need to be installed, which is also expensive.
15. Sonny noted that good options are to have a Conditional Use Permit and a Special Use Permit. These would be easy text amendments to the DI Code, which would allow STR's to be approved quickly. Conditions need to be developed now, but they can be improved later. Leanne explained that once a recommendation is made to the DI Council, the Council can call a special meeting if needed to approve it quickly. It will still most likely be the end of the year before everything is approved through the County.
16. Conditional Use Permit: Geoff distributed a draft of possible conditions (Exhibit B). He suggested they be further developed, incorporating comments from the DARR group (Exhibit C). Sonny distributed a copy of DARR's comments with his additional comments (Exhibit D).
17. Next Meeting: The next meeting will be July 24 at 3:30 pm. The agenda will include finalizing suggested STR conditions and setting the date for the public meeting.
18. The meeting adjourned at 4:40 pm.

Respectfully submitted by Martha Tarrant

Attachments

- Exhibit A: Huntington Beach STR Inspection Form
- Exhibit B: Draft STR Conditions
- Exhibit C: DARR Recommendations
- Exhibit D: Comments from Sonny on DARR Recommendations



CITY OF HUNTINGTON BEACH SHORT-TERM RENTAL PERMIT PROPERTY INSPECTION CERTIFICATION

Property Address: _____

As part of the Short-Term Rental Permit Application, the applicant will be required to self-certify, through a **Third Party Certified Home Inspector**, to comply with all the following standards:

1.	_____	The dwelling unit is provided with a building or unit address number (minimum 4 inches). <i>(Initial)</i>
2.	_____	All sleeping rooms used for short-term rental are provided with one operable window or door in addition to entry. <i>(Initial)</i>
3.	_____	Every sleeping room and outside each separate sleeping area in immediate vicinity of the bedroom have a functional smoke alarm. Every floor has a functional carbon monoxide alarm and smoke alarm. <i>(Initial)</i>
4.	_____	GFCI protection for receptacles in kitchens, bathrooms, garages, laundry area, exterior and all other areas included in the STR rental accommodations comply with CEC 210.8(A). <i>(Initial)</i>
5.	_____	Water heater is properly strapped, adequately vented, and temperature and pressure relief valves are drained to outside. <i>(Initial)</i>
6.	_____	Other heating equipment is in safe operating condition and placed in an approved location. <i>(Initial)</i>
7.	_____	The property does not contain hazardous conditions related to stairs, guardrails, decks, balconies, electrical panels, swimming pools and spas. <i>(Initial)</i>
8.	_____	There is an operable (minimum 2A:10B:C) fire extinguisher either mounted on a wall or placed in a cabinet or closet marked "Extinguisher Inside". <i>(Initial)</i>
9.	_____	Any existing fire sprinkler, fire alarm, or other fire systems within the unit are free from obstructions, corrosion, paint, and other visible damage. _____ NOT APPLICABLE <i>(Initial)</i> <i>(initial)</i>
10.	_____	A posted evacuation plan for the rental showing emergency exit routes, exits, maximum occupant load, and fire extinguisher locations. <i>(Initial)</i>

ACKNOWLEDGEMENTS

I hereby certify under the penalty of perjury that I have conducted a visual inspection of the interior and exterior of the structure(s) and/or rooms proposed to be used for short-term rental at the property located at the aforementioned property. Based on my inspection, I find that it is safe to occupy for residential purposes in its present condition. I observed nothing in connection with my inspection of this property that indicates or suggests that the property in its present condition poses a hazard to life, health, or public safety. My signature here is intended to certify to the City of Huntington Beach that I believe this property is safe to occupy. I understand and intend that the City of Huntington Beach may rely on this certification as to the safety of this property for residential use as short term lodging by the public in deciding whether to approve the property owner's application for a permit to operate this property in its present condition for a Short-Term Rental use. I understand that providing false information or withholding information is grounds for denial or revocation of the permit.

Print Name _____

Signature _____

Date _____

Company _____

Certification #: _____

STAFF USE ONLY

Date Application Received:	By:	Permit #:
----------------------------	-----	-----------

Short-Term Rentals - Conditional Use Permit

Short term rentals (STR's) are defined in Beaufort County Community Development Code, Section 4.1.360, but amended for Daufuskie Island, as follows:

1. The property owner shall apply for a Conditional Use Permit to be issued by the Zoning Dept. The application shall consist of an application form, payment of an application fee, together with the following documents:
 - a. Insurance certificate.
 - b. Property Owner ID.
 - c. Property Inspection Certification completed by a South Carolina licensed building inspector.
2. The Conditional Use Permit shall be valid for one year and may be renewed annually thereafter.
3. A fully executed Property Inspection Certificate shall only be required every two years.
4. Accommodation: the subject property must be a legally permitted dwelling unit of one or more rooms arranged for complete independent housekeeping purposes with space for living and sleeping; facilities for eating and cooking; and provisions for sanitation. For the purposes of this regulation and for the avoidance of doubt, recreational vehicles, campers, fifth-wheel trailers, tents, shipping containers, and motor vehicles, are not considered dwelling units.
5. The maximum occupancy is two persons per bedroom plus two persons per living room.
6. The owner shall maintain a public liability insurance policy with \$1,000,000 coverage.
7. All property taxes must be current.
8. Tenants must comply with Beaufort County's Ordinance 2021/07 (amended noise Ordinance)



**Daufuskie Alliance for
Responsible Rentals**

RECOMMENDATIONS FOR SHORT TERM RENTAL REGULATIONS AND POLICIES ON DAUFUSKIE ISLAND SC

The Daufuskie Alliance for Responsible Rentals (DARR) appreciates the opportunity to make recommendations to the Daufuskie Island Council and to Beaufort County for regulations and policies for the operation of short term vacation rentals (STRs) on Daufuskie Island.

Guiding Principles

I. Simplicity

Regulations should be straight-forward and user friendly. Every effort should be made to minimize unnecessary bureaucracy for property owners on this bridge-less island.

II. Fairness

All areas of the Historic District should be treated the same. Further, a goal should be that vacation home owners are not subjected to licensing/permitting requirements that are not required for owners in the private communities.

III. Common Sense Solutions for Daufuskie's Unique Situation

Regulations should be focused on safety and appropriate renter behavior. In creating these regulations and guidelines, there needs to be recognition that lack of funding for enforcement and oversight should be addressed in creative ways.

IV. Planning for the Future

There should be a long range plan to deal with inevitable island changes and the need for ongoing relevant policies.

Proposed Regulations

DARR recommends that Beaufort County be presented with the following framework for the creation of regulations to be added to the Daufuskie Island Code:

Purpose

These regulations are for privately-owned Daufuskie Island residential properties used as vacation homes and rented to occupants for periods of less than thirty days. They are designed so as to

minimize the adverse effects on surrounding residential properties and neighborhoods, and to preserve the character, integrity, and stability of Daufuskie Island's residential neighborhoods.

Specific Recommendations

The Daufuskie Island Code should be amended to include language explicitly allowing short term vacation rentals.

The designation for these rentals should be classified as "conditional use." Requiring a "special use" designation requiring a decision by the Zoning Board of Appeals imposes an undue burden on property owners, including 1) delays in obtaining the permit and 2) attending an evening hearing in Beaufort requiring an overnight stay for those depending on the public ferry.

Regulations for STRs on Daufuskie should include:

- Owners who offer any property for Short-Term Rental must first obtain a permit from Beaufort County, South Carolina.
- Regardless of the use designation, property owners should not have to re-apply every year. (That's currently only required for special use designation.) One problem with this approach is that owners will not be able to accept reservations for the following year because they don't know if they'll be granted a permit again. Again, this is an undue burden.
- Either the owner or the owner's property management agent must obtain a county business license.
- Owner (or the owner agent) must stay current with the payment of all fees and taxes, including the county's Accommodations Tax.
- Owner must notify the County of any change in the owner's or property manager's contact information.
- The Owner or agent must provide a phone number for complaints by nearby residents. The owner or the agent must respond to noise complaints within 1 hour and all other complaints within 24 hours of the initial contact. Contact information for all approved vacation homes should be made available to the public.
- The Owner must comply with the attached "Short Term Rental Safety Checklist" provided by the Daufuskie Island Fire Department. The Owner understands that should an incident occur and any part of this checklist was not in place, fines and penalties may apply based on the judgement of the Fire Chief.
- Short Term vacation rental properties must be properly maintained and regularly inspected by the Owner or his/her agent to ensure continued compliance with these regulations and all other applicable zoning, building, health and life-safety code requirements
- Quiet hours are between 10:00 PM and 7:00 AM, although the renter should strive to be respectful of surrounding neighbors at all times.

- The Owner or his/her agent must have a plan for the proper disposal and removal of trash and shall ensure any outdoor trash containers remain secured to avoid spills and critter intrusions.
- Guidelines and rules consistent with these regulations must be prominently displayed in the vacation homes. Information about proper golf cart use must be included in this document, and include such requirements as minimum age for operation, no driving while drinking, beach prohibition, and following all rules of the road.
- Vacation home property owners must comply with all other statutes, tax requirements, ordinances, and regulations.
- To ensure accountability, six documented and proven violations in a given year would void the permit and the owners would have to wait a full year before they could be issued a new license for the property or they must go through a special use hearing to regain an STR permit.

Moving Forward/Next Steps

Once short term vacation rental regulations are approved by Beaufort County for addition the the Daufuskie Island Code, our Alliance stands ready to help with relevant initiatives. We propose the following:

Advisory Committee

There shall be created a Daufuskie Island Rentals Advisory Committee, with members to include STR property owners, businesses, realtors, property managers, and the general public that will meet at least quarterly and report its findings to Beaufort County and to the Daufuskie Island Council. Members of this committee will be appointed by the County Administrator. This committee will monitor issues pertaining to STR rentals on Daufuskie, will help develop long term rental initiatives, and will serve as a clearing house for best practices in other communities.

Good Neighbor Policies

A "Daufuskie Good Neighbor Policies" document setting forth expectations for appropriate behavior will be developed for display in all vacation rental properties on the island and included in rental contracts. Distribution will include access points to the island such as the public ferry. It will also be shared with day visitors, with long-term renters, and with island residents.

Long Term Housing Initiative

Our Alliance believes there is a severe shortage of affordable long term housing on Daufuskie, and this problem particularly impacts the ability to attract essential workers to the island. Alliance members Tony Chase (Daufuskie Island Distillery) and Sherry Hewitt (Beach Busters Cleaning Service) have agreed to spearhead this effort. We propose to require a modest fee (not to exceed \$5) per rental for a fund that will support innovative long term housing initiatives...and potentially these funds could be matched by Beaufort County and/or other sources.

RECOMMENDATIONS FOR SHORT TERM RENTAL REGULATIONS AND POLICIES ON DAUFUSKIE ISLAND SC

The Daufuskie Alliance for Responsible Rentals (DARR) appreciates the opportunity to make recommendations to the Daufuskie Island Council and to Beaufort County for regulations and policies for the operation of short term vacation rentals (STRs) on Daufuskie Island.

Guiding Principles

I. Simplicity

Regulations should be straight-forward and user friendly. Every effort should be made to minimize unnecessary bureaucracy for property owners on this bridge-less island.

II. Fairness

All areas of the Historic District should be treated the same. ~~Further, a goal should be that vacation home owners are not subjected to licensing/permitting requirements that are not required for owners in the private communities. The PUD covenants are out of our control and could vary widely between PUDs~~

III. Common Sense Solutions for Daufuskie's Unique Situation

Regulations should be focused on safety and appropriate renter behavior. In creating these regulations and guidelines, there needs to be recognition that lack of funding for enforcement and oversight should be addressed in creative ways.

IV. Planning for the Future

There should be a long range plan to deal with inevitable island changes and the need for ongoing relevant policies.

Proposed Regulations

DARR recommends that Beaufort County be presented with the following framework for the creation of regulations to be added to the Daufuskie Island Code:

Purpose

These regulations are for privately-owned Daufuskie Island residential properties used as vacation homes and rented to occupants for periods of less than thirty days. They are designed so as to minimize the adverse effects on surrounding residential properties and neighborhoods, and to preserve the character, integrity, and stability of Daufuskie Island's residential neighborhoods.

Specific Recommendations

The Daufuskie Island Code should be amended to include language explicitly allowing short term vacation rentals.

The designation for these rentals should be classified as "conditional use." Requiring a "special use designation" including a hearing by the Zoning Board of Appeals imposes an undue burden on property owners, including 1) delays in obtaining the permit and 2) attending an evening hearing in Beaufort requiring an overnight stay for those depending on the public ferry.

Regulations for STRs on Daufuskie should include:

- Owners who offer any property for Short-Term Rental must first obtain a permit from Beaufort County, South Carolina.
- Regardless of the use designation, property owners should not have to re-apply every year. (That's currently only required for special use designation.) One problem with this approach is that owners will not be able to accept reservations for the following year because they don't know if they'll be granted a permit again. Again, this is an undue burden.

County ordinance requires renewal annually. The renewal requirements include:

- application fee
- notarized affidavit by the owner that the type of use and the information submitted in the application is the same as the previous year
 - a valid legible copy of property owner ID may suffice instead of the notarized signature

This is not a reapplication and review process, but a renewal of the previous application

~~Either the owner or the owner's property management agent~~ must obtain a county business license.

County ordinance requires the owner obtain the business license. A representative may provided the required information to the county

-It is the owner's responsibility to address all of the conditions. They may contract with someone, but it is up to the owner to be compliant.

Owner ~~(or the owner agent)~~ must stay current with the payment of all fees and taxes, including the county's Accommodations Tax.

- Owner must notify the County of any change in the owner's and/or property manager's contact information.

Change in information must be compliant with county's business licensing requirements

- The Owner ~~or agent~~ must provide a phone number for complaints by nearby residents. The owner ~~or the agent~~ must respond to noise complaints within 1 hour and all other complaints within 24 hours of the initial contact. Contact information for all approved vacation homes should be made available to the public. **CONTACT PERSON MUST BE AVAILABLE 24/7**
- Owners must have an on island contact to resolve complaints.**

- The Owner must comply with the attached "Short Term Rental Safety Checklist" provided by the Daufuskie Island Fire Department. The Owner understands that should an incident occur and any part of this checklist was not in place, fines and penalties may apply based on the judgement of the Fire Chief. **NOT HIS JOB**

- Short Term vacation rental properties must be properly maintained and regularly inspected by the Owner or his/her agent to ensure continued compliance with these regulations and all other applicable zoning, building, health and life-safety code requirements

- Quiet hours are between 10:00 PM and 7:00 AM, although the renter should strive to be respectful of surrounding neighbors at all times.

- The Owner ~~or his/her agent~~ must have a plan for the proper disposal and removal of trash and shall ensure any outdoor trash containers remain secured to avoid spills, and critter intrusions, **AND UNSIGHTLY CONDITIONS.** **AND ENCLOSED**

- Guidelines and rules consistent with these regulations must be prominently displayed in the vacation homes. Information about proper golf cart use must be included in this document, and include such requirements as minimum age for operation, no driving while drinking, beach prohibition, and following all rules of the road.

- Vacation home property owners must also comply with all other statutes, tax requirements, ordinances, regulations or private covenants.

Good Neighbor Policies:

A "Daufuskie Good Neighbor Policies" document setting forth expectations for appropriate behavior will be displayed in all vacation rental properties on the island and included in rental contracts. Distribution will include access points to the island such as the public ferry. It will also be shared with day visitors, with long term renters, and with island residents.

- size of rental parties to prevent overcrowding?

2 per bedroom + 2

Moving Forward/Next Steps: These are not pertinent to the zoning issue

Once short term vacation rental regulations are approved by Beaufort County for addition the the Daufuskie Island Code, our Alliance stands ready to help with relevant initiatives. We propose the following:

Advisory Committee

The Island Council should appoint the membership of any advisory committee dealing specifically with Daufuskie Island.

There shall be created a Daufuskie Island Rentals Advisory Committee, with members to include STR property owners, businesses, realtors, property managers, and the general public that will meet at least quarterly and report their findings to Beaufort County and to the Daufuskie Island Council. ~~Members of this committee will be appointed by the County Administrator.~~ This committee will monitor issues pertaining to STR rentals on Daufuskie, will help develop long term rental initiatives, and will serve as a clearing house for best practices in other communities.

Good Neighbor Policies:

~~A "Daufuskie Good Neighbor Policies" document setting forth expectations for appropriate behavior will be developed for display in all vacation rental properties on the island and included in rental contracts. Distribution will include access points to the island such as the public ferry. It will also be shared with day visitors, with long term renters, and with island residents.~~

Long Term Housing Initiative

Our Alliance believes there is a severe shortage of affordable long term housing on Daufuskie, and this problem particularly impacts the ability to attract essential workers to the island. Alliance members Tony Chase (Daufuskie Island Distillery) and Sherry Hewitt (Beach Busters Cleaning Service) have agreed to spearhead this effort. We propose to require a modest fee (not to exceed \$5) per rental for a fund that will support innovative long term housing initiatives...and potentially these funds could be matched by Beaufort County and/or other sources.

Can of worms here...who collects the fees, where would the fees go, and who administers the fees

This is a token gesture. Allowing unlimited STRs effectively eliminates affordable long term housing unless it is too substandard for STR use.