

B.3.30 - Short Term Rental Properties

Proposed Daufuskie Island Development Code

August 20, 2022---Modified by Island Council Oct 18, 2022

A. Purpose and Applicability.

1. **Purpose.** The County ~~is~~ committed to working to protect the traditional quality of life and character of its residential neighborhoods and coastal islands. The County has concerns about permitted short-term rentals resulting in increased traffic, noise, trash, parking needs, safety and possible adverse impacts and other undesirable changes to the nature of the historic districts of Daufuskie Island. Therefore, the County Council finds it appropriate and in the best interests of its residents, property owners, and visitors to regulate Short-Term Rental Properties (STRPs) within all Transect Zones on unincorporated Daufuskie Island.

This Article sets out standards for establishing and operating Short-Term Rental Properties. These regulations are intended to provide for an efficient use of residential dwellings as STRPs by:

- a. Providing for an annual permitting process to regulate STRP's;
 - b. Balancing the interests of owner-occupied dwellings with properties that are frequently used in whole or in part by Short-Term Rental Tenants.
 - c. Allowing homeowners to continue to utilize their residences in the manner permitted by this Ordinance for the Zoning District in which a particular home is located.
 - d. Providing alternative accommodation options for lodging in residential dwellings;
 - e. Complementing the accommodation options in environments that are desirable and suitable as a means for growing tourism **and**,
 - f. Providing an opportunity for public comment on the granting of STRP permits in residential transect zones.**
2. **Applicability.**
 - a. **Short-Term Home Rental (STHR).** A property with a residential dwelling where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation with individual rental terms not exceeding 29 consecutive days. 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. In cases where Special Use approval is required, the Zoning Board of Appeals (ZBOA) may establish an appropriate rental limit as a condition of approval after conducting the public hearing and finding that conditions exist making such a limitation necessary. In cases where Conditional Use approval is required, the Director of the Community Development Department may establish an appropriate rental limit as a condition of approval after review of the application and finding that conditions exist making such a limitation necessary. This definition does not regulate or replace other definitions for real or personal property taxes. Those standards must be complied with in accordance with the applicable regulations.

- b. **Applicable Zoning Districts.** STRPs shall be allowed within the Zoning Districts of this Ordinance in accordance with Division B.3.20: Permitted Uses and Definitions.
 - c. **Application.** Applications for STRPs shall be made in compliance with this Article.
 - d. **All STR's legally operating in 2020 under a Conditional Use Permit in residential transect zone DI-2R and in general neighborhood transect D3-GN shall be allowed to continue to operate. All new STR's, upon the ratification of these regulations by Beaufort County, in zones DI-2R and D3-GN shall be subject to an issuance of a Special Use Permit. In mixed-use residential-commercial transects Di-5GC, commercial zones and "village centers," a conditional use permit shall be required. Four years after the ratification of this section by Beaufort County, the provisions herein shall expire and will be subject to further review.**
3. **Registration.** All STRPs require a Short-Term Rental Property (STRP) Permit and Business License. Upon adoption of this Ordinance, STRPs will have 60 calendar days to submit applications to comply with the provisions of this Article following adoption by the County Council to obtain all required Short-Term Rental Property (STRP) Permits for the STRP use.

B. **Operating Standards and Requirements.**

1. **Permits and Renewals.**

- a. After a STRP use has been authorized through the applicable zoning process(es), a Short-Term Rental Property (STRP) Permit for a STRP use and a Business License must be obtained prior to offering, advertising, or providing Short-Term Rental Properties for lodging as provided for in this Article.
- b. Short-Term Rental Property (STRP) Permits for all STRP uses must be renewed annually in compliance with this Article.
- c. STRP permits are not transferrable when a dwelling is sold. The new owner must complete the application process for a new permit.

2. Short-Term Rental Property Tenant Notices.

- a. Each STRP must contain a Short-Term Rental Tenant notice posted in each room where Short-Term Rental Tenants may lodge. The notice must provide the following information:
 - 1) Contact information for the owner of the STRP
 - 2) Short-Term Rental Property (STRP) Permit Number for the STRP use;
 - 3) Trash collection location and schedules, if applicable; and
 - 4) Fire and Emergency evacuation routes.
- b. A permanent 8.5" x 11" weatherproof sign shall be installed at the entrance to the property with the following information clearly shown:
 1. The street address
 2. The STRP License Number
 3. The 24-hour emergency contact's name and telephone number.
- c. Each STRP must contain a prominently posted "Good Neighbor Notice" providing information about local rules and regulations such as age limits for driving golf carts, local leash laws, "lights out" regulations during turtle nesting season, and information about the Beaufort County noise ordinance #2021/07.

C. General Standards.

1. Use Limitations and Standards.

- a. Legally permitted Principal Dwelling Units and Accessory Dwelling Units may be used as STRPs, even when they are located on the same property; however, Accessory Structures shall not be used as STRPs.
 - b. Parking for Short-Term Rental Tenants shall be in compliance with Division 3.2 of the County Community Development Code.
 - c. Signage advertising STRPs is prohibited in Residential Zoning Districts.
 - d. The maximum occupancy is two adults per bedroom plus two additional adults. Persons aged 12 years and older are to be considered adults. All persons aged less than 12 years old do not count against the maximum occupancy.
 - e. The owner or an owner's designated agent must respond to noise complaints within 1 hour and all other complaints within 24 hours of the initial contact. Any designated agent shall be identified on the application for the Short-Term permit and posted within the rental.
 - f. The owner must have a plan for the proper disposal and removal of trash and shall ensure any outdoor trash containers remain secured to avoid spills, animal intrusions, and unsightly conditions.
2. **Advertising.** Whether by a hosting platform, via Internet or paid advertising, or other postings, advertisements, or announcements, the availability of a STRP shall include the County issued Short Term Rental Property (STRP) Permit Number.
 3. **Annual Short-Term Rental Property (STRP) Permit Renewal.**
 - a. Short-Term Rental Property (STRP) Permits for all STRPs must be renewed annually. An application for annual renewal of the Short-Term Rental Property (STRP) Permit must include:
 - 1) The application fee.
 - 2) Affidavits showing that all taxes and fees have been paid.
 - 3) A notarized affidavit signed by the property owner stating that the type of STRP use and the information submitted as part of the application for the previous year's Short-Term Rental Property (STRP) Permit for the STRP use has not changed in any manner whatsoever and that the STRP use complies with the most recently adopted version of this Article (form of Affidavit Provided by the County). A legible copy of a valid photo ID may be submitted in lieu of providing a notarized signature; and

- 4) The applicant shall file an application for a new Short-Term Rental Property (STRP) Permit for a STRP use if the requirements are not met.
- b. If the Director of the Community Development Department determines that the STRP use is not consistent with the Special Exception that authorizes the use and/or Site Plan Review approval that authorizes the use, the applicant shall file an application for a new Short-Term Rental Property (STRP) Permit for the STRP use, including applicable Special Exception and/or Site Plan Review applications and fees.
- c. By the end of January of each calendar year, the owners of all registered STRPs will be mailed an annual renewal notice informing them that they must renew the Short-Term Rental Property (STRP) Permit for the STRP use on or before April 1st of the same calendar year or their existing Short-Term Rental Property (STRP) Permit will expire. The Short-Term Rental Property (STRP) Permit for the STRP use will terminate on April 1st of each year regardless of whether the applicant receives notice from the Zoning and Planning Department Director.

D. Use Limitations and Requirements.

1. **Applicability.** The limitations and requirements of this Section apply to all types of Short-Term Rental Properties (STRPs).
2. **Application Submittal Requirements.** No application for a STRP shall be accepted as complete unless it includes the required fee and the information listed below.
 - a. The name, address, email, and telephone number of all property owners of the Short-Term Rental Property (STRP).
 - b. Completed Short-Term Rental Property application signed by all current property owner(s). For properties owned by corporations or partnerships, the applicant must submit a resolution of the corporation or partnership authorizing and granting the applicant signing and authority to act and conduct business on behalf of and bind the corporation or partnership.
 - c. Restricted Covenants Affidavit(s) signed by the applicant or current property owner(s) in compliance with state law.
 - d. Address and Property Identification Number of the property on which the STRP is located.
 - e. The type of Dwelling Unit(s) that is proposed to be used as a STRP 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

- f. The maximum number of bedrooms in the Dwelling Unit(s) proposed to be used as a STRP.
- g. A fully executed property inspection certificate completed by a licensed South Carolina Home Inspector. A property inspection report shall only be required every three years but in intermediate years, to renew the STRP Permit, the Applicant must sign an affidavit attesting to the fact that no changes to the property have occurred that would adversely affect compliance with life/safety codes.
- h. An insurance certificate verifying public liability insurance of \$500,000.00.
- i. Documentation that all property taxes and fees are current.

E. Enforcement and Violations.

1. Notwithstanding the provisions of this Ordinance, a STRP Short-Term Rental Property (STRP) Permit may be administratively revoked by the Community Development Department Director or his designee if the STRP has violated the provisions of this Article on three or more occasions within a 12-month period. Provided however, a STRP Short-Term Rental Property (STRP) Permit may be immediately revoked if the Community Development Department Director determines the STRP has Building Code violations, there is no Business License for the property, the property is being used in a manner not consistent with the Short-Term Rental Property (STRP) Permit issued for the STRP use, or the advertisement for the STRP does not include the County issued Short-Term Rental Property (STRP) Permit Number.
2. If a STRP Short-Term Rental Property (STRP) Permit is administratively revoked or an application for a STRP Short-Term Rental Property (STRP) Permit is administratively denied, a STRP owner (or authorized agent) may appeal the Community Development Department Director's administrative decision revoking or denying the STRP Short-Term Rental Property (STRP) Permit to the Board of Zoning Appeals within 30 calendar days from the date of the denial or revocation. All appeals shall be addressed in accordance with the appeal procedures of Chapter 3, Article 3.13, of this Ordinance.

3. Subsequent Application. Once a County-issued Short-Term Rental Property (STRP) Permit and/or a Business License for a STRP use has been revoked, no new Short-Term Rental Property (STRP) Permit and/or Business License for a STRP use shall be issued to the applicant for the same property for a period of one year from the date of revocation. Upon expiration of the revocation period, a new Short-Term Rental Property (STRP) Permit application for a STRP use must be submitted in accordance with this Article. This provision may be waived provided the party is sold to a new owner that has no business or personal affiliation with the previous owner and provided a penalty of \$500.00 is paid by the owner/applicant at the time the Short-Term Rental Property (STRP) Permit application for a STRP use is filed.