

# TOWN OF SEABROOK ISLAND

Planning Commission Regular Meeting  
November 8, 2023 – 1:30PM

Town Hall, Council Chambers  
2001 Seabrook Island Road  
Seabrook Island, SC 29455



[Watch Live Stream \(YouTube\)](#)

## AGENDA

### CALL TO ORDER

### APPROVAL OF MINUTES

1. **Regular Meeting: August 9, 2023** *[pages 2 – 4]*

### OLD BUSINESS ITEMS

*There are no old business items*

### NEW BUSINESS ITEMS

1. **Rezoning Request: 2856 Cap'n Sam's Road** *[pages 5 – 20]*  
An ordinance amending the Zoning Map of the Town of Seabrook Island so as to change the zoning designation for Charleston County Tax Map Number 147-06-00-015, containing approximately 0.51 +/- acres located at 2856 Cap'n Sam's Road, from the Moderate Lot Single-Family (R-SF2) District to the Conservation (CP) District.
2. **Text Amendment: Ordinance 2023-15** *[pages 21 – 70]*  
An ordinance amending the Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 2, General Provisions; Section 2.1, General Compliance; So as to repeal Subsection (E) pertaining to the placement and storage of trash, litter and junk on premises within the town; Article 9, Conditional Use Requirements; Section 9.4, Specific Use Requirements; so as to amend the condition use provisions of Subsection (O) pertaining to short-term rentals units; and Appendix E, Fee Schedule; so as to update the schedule of fees to reflect changes relating to permitting requirements and procedures for short-term rental units within the town.

### ITEMS FOR INFORMATION / DISCUSSION

1. Discussion of the Board of Zoning Appeals recommendation for the Planning Commission to consider proposing amendments to Development Standards Ordinance Table 2-4E, Encroachments into Required Setbacks, to allow for certain pervious structures to encroach into required setbacks.
2. Commissioner Billian's discussion of his desired amendments to Development Standards Ordinance Article 12, Parking and Loading, to include specific parking requirements for low-speed vehicles (LSV's).

### ADJOURN

# TOWN OF SEABROOK ISLAND

Planning Commission Regular Meeting

August 9, 2023

[Watch Live Stream \(YouTube\)](#)



## MINUTES

Present: Stan Ullner (Chair), Tom Hund, Jim Newton

Absent: Wayne Billian (Vice Chair), Sharon Welch

Staff: Tyler Newman (Zoning Administrator), Katharine Watkins (Asst. Town Administrator)

Guests: Steven Zack (Director of Facilities for St. Christopher Camp), Rev. Laura Rezac (Executive Director)

Chair Ullner called the meeting to order at 1:30PM.

### APPROVAL OF MINUTES

#### 1. Regular Meeting: July 12, 2023

Mr. Newton moved to amend the meeting minutes to include his comments to be verbatim; Mr. Hund seconded. All in favor.

The amendment was approved.

Mr. Newton moved approve the meeting minutes as amended; Mr. Hund second. All voted in favor.

The previous meeting minutes of July 12<sup>th</sup> were approved as amended.

### OLD BUSINESS ITEMS

The commissioners made comments on the previous Planning Commission meeting held in July.

### NEW BUSINESS ITEMS

#### 1. Temporary Use Permit: St. Christopher Camp & Conference Center

Zoning Administrator Newman summarized the request from the St. Christopher Camp & Conference Center to extend the previously approved temporary use permit for a 46' x 8.5' temporary kitchen trailer and 40' x 8' temporary freezer trailer at 4552 St. Christopher Lane.

Rev. Laura Rezac summarized their request for the temporary use permit and future steps for the project.

Discussions were had with the commission and the applicant.

Mr. Newton moved to approve the request from the St. Christopher Camp & Conference Center to extend the previously approved temporary use permit for a 46' x 8.5' temporary kitchen trailer and 40' x 8' temporary freezer trailer at 4552 St. Christopher Lane; Mr. Hund seconded. All voted in favor.

**The request was approved.**

## **2. Rezoning Request: 2125 Royal Pine Dr**

Zoning Administrator Newman summarized the proposed ordinance amending the Zoning Map of the Town of Seabrook Island so as to change the zoning designation for Charleston County Tax Map Number 149-06-00-016, containing approximately 0.27 +/- acres located at 2125 Royal Pine Drive, from the Moderate Lot Single-Family (R-SF2) District to the Conservation (CP) District.

Mr. Hund moved to recommend approval of an ordinance amending the Zoning Map of the Town of Seabrook Island so as to change the zoning designation for Charleston County Tax Map Number 149-06-00-016, containing approximately 0.27 +/- acres located at 2125 Royal Pine Drive, from the Moderate Lot Single-Family (R-SF2) District to the Conservation (CP) District; Mr. Newton seconded. All voted in favor.

**The rezoning request for 2125 Royal Pine Dr was approved.**

## **3. Rezoning Request: 2156 Royal Pine Dr**

Zoning Administrator Newman summarized the proposed ordinance amending the Zoning Map of the Town of Seabrook Island so as to change the zoning designation for Charleston County Tax Map Number 147-06-00-062, containing approximately 0.317 +/- acres located at 2156 Royal Pine Drive, from the Moderate Lot Single Family (R-SF2) District to the Conservation (CP) District.

Mr. Hund moved to recommend approval of an ordinance amending the Zoning Map of the Town of Seabrook Island so as to change the zoning designation for Charleston County Tax Map Number 147-06-00-062, containing approximately 0.317 +/- acres located at 2156 Royal Pine Drive, from the Moderate Lot Single Family (R-SF2) District to the Conservation (CP) District; Mr. Newton seconded. All voted in favor.

**The rezoning request for 2156 Royal Pine Dr was approved.**

## **ITEMS FOR INFORMATION / DISCUSSION**

None.

**ADJOURN**

Mr. Hund moved to adjourn the meeting; Mr. Newton seconded. All voted in favor.

The meeting adjourned at 1:51PM.

Date: August 9, 2023

Prepared by: *Katharine E. Watkins*  
Assistant Town Administrator

*Note: These minutes are not verbatim minutes. To listen to the meeting, please use the following link:*  
<https://www.youtube.com/@townofseabrookisland5287/streams>



## MEMORANDUM

**TO:** Planning Commission Members  
**FROM:** Tyler Newman, Zoning Administrator  
**SUBJECT:** Rezoning Request for 2856 Cap'n Sam's Road  
**MEETING DATE:** November 8, 2023

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The Planning Commission is asked to review and provide a recommendation on a rezoning request from the Seabrook Island Property Owners Association for Charleston County Tax Map Number 147-06-00-015, containing approximately 0.51 +/- acres located at 2856 Cap'n Sam's Road. The applicant is seeking to rezone the property from the Moderate Lot Single-Family (R-SF2) District to the Conservation (CP) District.

The property, which is currently vacant, is surrounded on two sides by parcels zoned Moderate Lot Single-Family (R-SF2). The rear of the property backs up to a parceled out open space, which contributes to its value as a conservation lot.

Subject to rezoning approval, this property is intended to remain as an undeveloped "open space" lot. Uses permitted within the CP district are limited to the following:

- (a) Accessory Uses & Structures
- (b) Bulkhead and erosion control devices
- (c) Community Gardens
- (d) Open space preserves such as wetlands and wildlife habitat refuge areas
- (e) Greenways, boardwalks, and non-motorized trails/pathways
- (f) Open-air recreation uses (CONDITIONAL)
- (g) Utility substation or sub installation (CONDITIONAL)
- (h) Wireless communication antennas or towers (CONDITIONAL)

Pursuant to Development Standards Ordinance § 19.3, in considering amendments to the official zoning map, the Planning Commission shall consider each of the seventeen criteria outlined in § 19.3.B. Attached to this memo you will find the applicant's narrative that address each of the criteria in § 19.3.B.

A copy of the draft rezoning ordinance is attached for review.

**Staff Recommendation**

Staff agrees with the applicant's analysis of § 19.3.B and recommends in favor of **APPROVAL** of the rezoning request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'TN', is written over a horizontal line.

Tyler Newman  
Zoning Administrator

**TOWN OF SEABROOK ISLAND**

**ORDINANCE NO. 2023-16**

**ADOPTED \_\_\_\_\_**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF SEABROOK ISLAND SO AS TO CHANGE THE ZONING DESIGNATION FOR CHARLESTON COUNTY TAX MAP NUMBER 147-06-00-015, CONTAINING APPROXIMATELY 0.51 +/- ACRES LOCATED AT 2856 CAP'N SAM'S ROAD, FROM THE MODERATE LOT SINGLE-FAMILY (R-SF2) DISTRICT TO THE CONSERVATION (CP) DISTRICT.**

**WHEREAS**, on or about October 18, 2023, the Seabrook Island Property Owners Association filed Rezoning Application #93 with the Town of Seabrook Island seeking to change the zoning designation of Charleston County Tax Map Number 147-06-00-015, containing approximately 0.51 +/- acres located at 2856 Cap'n Sam's Road, from the Moderate Lot Single-Family (R-SF2) district to the Conservation (CP) district; and

**WHEREAS**, the Seabrook Island Planning Commission reviewed the above referenced rezoning application during its regularly scheduled meeting on November 8, 2023, at which time the Planning Commission made a recommendation to the Mayor and Council that the rezoning request is in the best interest of the Town of Seabrook Island and is consistent with the Town's Comprehensive Plan; and

**WHEREAS**, a public hearing was held on the above referenced rezoning application on December 19, 2023, as required by law;

**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:**

**SECTION 1. Zoning Map Amendment.** The Official Zoning District Map of the Town of Seabrook Island is hereby amended to change the zoning designation for Charleston County Tax Map Number 147-06-00-015, containing approximately 0.51 +/- acres located at 2856 Cap'n Sam's Road, from the Moderate Lot Single-Family (R-SF2) district to Conservation (CP) district. A map of the property subject to this rezoning ordinance is attached hereto as Exhibit A.

**SECTION 2. 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 3. Conflicting Ordinances Repealed.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 4. Effective Date.** This ordinance shall be effective from and after the date of adoption.

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

First Reading: November 28, 2023  
Public Hearing: December 19, 2023  
Second Reading: December 19, 2023

TOWN OF SEABROOK ISLAND

\_\_\_\_\_  
John Gregg, Mayor

ATTEST

\_\_\_\_\_  
Katharine E. Watkins, Town Clerk



## EXHIBIT A



**TMS #:** 147-06-00-015

**ADDRESS:** 2856 Cap'n Sam's Road

**ACREAGE:** 0.51 (+/-)

**CURRENT ZONING:** Moderate Lot Single-Family (R-SF2)

**PROPOSED ZONING:** Conservation (CP)

1470200030  
P EDWARD D AND KATHLEEN D LIVING TRUST  
2844 PARTRIDGE WALK

1470600063  
BUCH RONALD L JR  
2160 ROYAL PINE DR

1470600064  
AYTORE PARHAM LIVING TRUST  
2164 ROYAL PINE DR

1470600066  
WITT DANIEL A TRUST  
2707 OLD OAK WALK

1470600018  
CHAFE J MARC  
2852 CAPN SAMS RD

ES FRANCIS  
RIDGE WALK

1470600065  
YANCEY PHILIP  
2165 ROYAL PINE DR

1470600015  
WIDNER FAMILY TRUST  
2856 CAPN SAMS RD

1470600014  
LANFERSIEK TIM B AND MARY JANE TRUST  
2161 ROYAL PINE DR

CAPN SAMS RD

ROYAL PINE DR

VR  
RD

1470600019  
MARCHESANI PATRICIA A  
2829 CAPN SAMS RD

1470000001  
SEABROOK ISLAND PROPERTY OWNERS  
0 SEABROOK ISLAND RD

1470600013  
WOYCHICK JOHN M  
2864 CAPN SAMS RD

1470600020  
COOMER SUSAN D TRUST  
2833 CAPN SAMS RD



# TOWN OF SEABROOK ISLAND

2001 Seabrook Island Road  
 Seabrook Island, SC 29455  
 (843) 768-9121

## Rezoning Application

*USE THIS FORM FOR: Requests to rezone property within the Town limits of Seabrook Island (Also known as a "Map Amendment")*

1. PROPERTY INFORMATION			
Property Address(es)	2856 Cap'n Sams Rd.		
Tax Map Number(s)	1470600015	Block #	02
		Lot #	19
Current Zoning	R-SF2	Proposed Zoning	Conservation (CP)
Current Use(s)	vacant lot	Proposed Use(s)	vacant lot
Is this property subject to private restrictions or covenants? (eg. SIPOA and/or Regime)			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is this property subject to an OCRM critical line? (eg. Marshfront or Beachfront Lots)			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Lot Area (Acres or Ft <sup>2</sup> )	22,114.46 (.51 ac)	High Ground (Acres or Ft <sup>2</sup> )	same

2. APPLICANT INFORMATION	
Please provide information regarding the individual(s) who is (are) submitting the Rezoning Application.	
Applicant Name(s)	SIPOA
Applicant Address	1202 Landfall Way
Applicant Phone Number	843.768.0061
Applicant Email Address	hpaton@sipoa.org
If the Applicant(s) is (are) not the Property Owner(s), what is the Applicant(s)'s relationship to the Property Owner(s)?	

3. PROPERTY OWNER INFORMATION	
Please provide information for all Property Owner(s). The Property Owner name(s) must match those listed on the deed.	
Property Ownership Type	<input type="checkbox"/> Individual(s) <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Eleemosynary <input type="checkbox"/> HOA/Regime <input type="checkbox"/> Partnership <input type="checkbox"/> Trust <input type="checkbox"/> Other
Property Owner Name(s)	SIPOA
Property Owner Address	1202 Landfall Way
Property Owner Phone Number	843.768.0061
Property Owner Email Address	hpaton@sipoa.org

4. OVERVIEW OF REQUEST
Please provide a brief overview of the rezoning request.
Parcel donated to SIPOA by SIGSC on October 16, 2023. Change zoning from R-SF2 to CP-Conservation.

5. CERTIFICATION	
Under penalty of perjury, I (we) hereby certify that the information contained in this application, including all supplemental materials, is true and accurate to the best of my (our) knowledge. <b>This form must be signed in the presence of the Zoning Administrator OR signatures must be notarized. (See Section 6)</b>	
Applicant Signature	<i>Heather Paton</i> Date: 10/18/23
Owner Signature(s)	Date:
(If different from Applicant)	Date:

OFFICE USE ONLY							
Date Received		Case #		Ordinance #		Adopted	

**6. ACKNOWLEDGEMENT**

Zoning Administrator Signature		Date	
- OR -			
Notary Certification (If not signed in the presence of the Zoning Administrator)		Notary's Official Seal	
State of <u>South Carolina</u> ; County of <u>Charleston</u>			
One this <u>18</u> day of <u>October</u> 20 <u>23</u> , before me personally appeared the above signers who provided satisfactory evidence of his/her/their identification to be the person whose name(s) is (are) subscribed to this instrument and he/she/they acknowledged that he/she/they have executed the foregoing instrument by his/her/their signature(s) above.			
Sworn to (or affirmed) and subscribed before me this <u>18</u> day of <u>October</u> 20 <u>23</u> .			
 Official Signature of Notary			
My commission expires: <u>1/13/2027</u>			

**7. APPLICATION MATERIALS**

Rezoning Applications must be accompanied by the following supplemental materials, as applicable. An application is not considered "complete" until all required documentation has been received by the Zoning Administrator.

**Required for ALL applications:**

- Completed and signed Rezoning Application Form (Paper Required; PDF Optional)**
  - o Please submit one completed paper application.
  - o The application form must be signed by ALL property owners. Properties which are owned by an association, corporation, partnership, trust or similar entity may be signed by an individual with the authority to sign on behalf of the entity. All signatures must be original.
  - o The form must be signed in the presence of the Zoning Administrator or signatures must be notarized.
- Application Fee (See Schedule in Section 7)**
  - o Application fees may be paid by cash, check, or money order (payable to "Town of Seabrook Island"). Credit card payments will be accepted if paid in-person at Seabrook Island Town Hall.
- A narrative that explains the reason(s) for the rezoning request, the existing zoning designation of the property, the current or most recent use, the proposed zoning designation of the property, the intended use of the property upon rezoning, and how the request meets the criteria outlined in DSO Section 19.3.B (Paper or PDF Required)**
- Property survey (Paper or PDF Required)**
- A map or description detailing the existing zoning designation and land uses of all adjacent properties. (Paper or PDF Required)**
- Deed of record (Paper or PDF Required)**
- Traffic impact analysis (if deemed applicable by the Zoning Administrator). (Paper or PDF Required)**
- Any other information deemed relevant by the Zoning Administrator. (Paper or PDF Required)**

**8. FEE SCHEDULE**

Zoning Designation for Annexed Property	Fee Amount
Conservation (CP)	No Charge
All Zoning Designations Except CP and MU	\$250.00
Mixed Use (MU)	\$1,250.00 + \$10.00 Per Acre

**Narrative regarding zone change request and Planning Commission considerations per DSO**

This property is an undeveloped single family residential parcel that was purchased by the Seabrook Island Greenspace Conservancy in 2023. The property was accepted by the SIPOA Board of Directors on October 16, 2023, and the quit claim deed including conservation deed restrictions will be filed with Charleston County in October, 2023. The future use of the property is as undeveloped property perpetually preserved as Greenspace. This request is to change the zoning designation to conservation.

1. **Whether the proposed rezoning is consistent with the goals, policies, and future land use recommendations of the TOWN's COMPREHENSIVE PLAN;** The request to preserve a parcel as conserved space is consistent with the plan.
2. **Whether the intended use of the property is consistent with the intent and purpose of the district to which the property is proposed to be rezoned;** There are other conserved parcels in the nearby area. (illustration attached).
3. **Whether there are, have been, or are anticipated to be (pursuant to the COMPREHENSIVE PLAN) changing conditions in the surrounding area that would make approval of the proposed rezoning appropriate;** There are no anticipated changes in area conditions.
4. **Whether the range and intensity of uses allowed in the proposed zoning district will be compatible with permitted uses and intensities in the surrounding area;** The proposed use is compatible with the surrounding area. The property is being rezoned to conservation and the property will be perpetually preserved as greenspace.
5. **Whether adequate utilities, transportation, drainage, and other public or private infrastructure exist, or can reasonably be made available, to serve the range and intensity of uses allowed in the proposed zoning district;** NA The property is being rezoned to conservation and the property will be perpetually preserved as greenspace.
6. **Whether the range and intensity of uses allowed in the proposed zoning district will exceed the structural capacity of existing soils, and whether the allowable uses can be accommodated within the proposed zoning district without the excessive use of fill;** NA The property is being rezoned to conservation and the property will be perpetually preserved as greenspace.
7. **Whether the range and intensity of uses allowed in the proposed zoning district will substantially increase the volume of stormwater runoff, overburden existing storm drainage infrastructure, or adversely impact surface water quality, when compared to the range and intensity of uses allowed in the current zoning district;** NA The property is being rezoned to conservation and the property will be perpetually preserved as greenspace.
8. **Whether the range and intensity of uses allowed in the proposed zoning district will substantially increase the volume of vehicular and pedestrian traffic, or will adversely impact vehicular and pedestrian safety, when compared to the range and intensity of uses allowed in the current zoning district;** NA The property is being rezoned to conservation and the property will be perpetually preserved as greenspace.
9. **Whether the current zoning district prohibits or unreasonably restricts all economically beneficial use of the property, provided the hardship was not self-imposed by action of the property owner,**

NA The property is being rezoned to conservation and the property will be perpetually preserved as greenspace.

10. **Whether the proposed rezoning will encourage commercial uses in areas designated for such activities in the COMPREHENSIVE PLAN;** NA The property is being rezoned to conservation and the property will be perpetually preserved as greenspace. There is no commercial use anticipated.
11. **Whether the proposed rezoning will encourage the preservation of conservation lands, CRITICAL AREAs, natural resource areas, and OPEN SPACES in areas designated for such activities in the COMPREHENSIVE PLAN;** Yes. The property is being rezoned to conservation and the property will be perpetually preserved as green/open space.
12. **Whether the proposed zoning district will adversely impact the enjoyment of natural and scenic features by neighboring property owners or the public at large by allowing DEVELOPMENT of a certain size, scale, bulk, height, or type that is substantially out of character with the surrounding area;** NA The property is being rezoned to conservation and the property will be perpetually preserved as greenspace. No development will be permitted.
13. **Whether the proposed rezoning will threaten the continued presence or integrity of archaeological or historic sites or features;** The property is being rezoned to conservation and the property will be perpetually preserved as greenspace. The site will remain undisturbed.
14. **Whether the range and intensity of uses allowed in the proposed zoning district will adversely impact air and water quality, natural features, sensitive lands, vegetation, or wildlife habitat, when compared to the range and intensity of uses allowed in the current zoning district;** The property is being rezoned to conservation and the property will be perpetually preserved as greenspace and has no adverse impact on air and water quality, natural features, vegetation or wildlife habitat.
15. **Whether the range and intensity of uses allowed in the proposed zoning district will place a disproportionate burden upon, or otherwise exceed the capacity of, existing community facilities, when compared to the range of uses allowed in the current zoning district;** NA The property is being rezoned to conservation and the property will be perpetually preserved as greenspace creating no burden on facilities.
16. **Whether future DEVELOPMENT on the property, if rezoned, will be accessible to essential public services, including, but not limited to, police, fire, emergency medical services; and sanitation;** The property is being rezoned to conservation and the property will be perpetually preserved as greenspace. Public services are not required.
17. Such other factors as may be deemed appropriate by the PLANNING COMMISSION or TOWN

**Assessor's Map is attached.**

All adjacent parcels are single family residential.



LOT 1  
BLOCK 44

LOT 18  
BLOCK 2

LOT 19  
BLOCK 2  
22114.46 Sq. Feet  
0.51 Acres

GREENBELT AREA

ROYAL PINE DRIVE (R/W VARIES)

CAPN SAMS ROAD (60' R/W)

### CERTIFICATION

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN S.C. AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN.

### LEGEND

RBF = REBAR (FOUND)  
RBS = REBAR (SET)  
OTF = OPEN TOP PIPE (FOUND)  
CTF = CRIMP TOP PIPE (FOUND)

### NOTES

1. REF. : PLAT BOOK AF, PAGE 7
2. DEED BOOK 0426, PAGE 526
3. PROPERTY TO BE CONVEYED TO: SEABROOK ISLAND GREEN SPACE CONSERVANCY
4. T.M.S. NO. 147-06-00-015
5. THE ADDRESS IS: 2956 CAPN SAMS ROAD SEABROOK ISLAND, SC 29455.
6. LOT AREA = 22,114.46 SqFt (0.51 Ac)
7. THE PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONE AE-10 AS SHOWN ON MAP 45019C 0785 K, DATED JAN 23, 2021.
8. SEE REFERENCE PLAT FOR ALL OTHER GENERAL NOTES AND ANY SPECIAL NOTES.

N 72°02'44" W 127.58' TO A 1"OTF

N 20°20'20" E 152.94'

S 57°30'20" E 169.21'

S 32°29'55" W 120.03'

N 62°15'42" W 100.00'

A=18.77'  
R=455.47'  
D=2°10'14"  
T=9.39'  
N 61°10'34" W  
CH=18.77'

A=30.50'  
R=20.00'  
D=87°22'33"  
T=19.10'  
S 76°12'45" W  
CH=27.63'

### PLAT

LOT 19  
BLOCK 2

THE TOWN OF SEABROOK ISLAND

DATE: SEPT. 20, 2023  
SCALE: 1"=30'

CHARLESTON COUNTY  
SOUTH CAROLINA

JIM COBB L.L.C.

LAND SURVEYING  
420 PRIESTLY ST. CHARLESTON, SC 29412  
PHONE (843) 303-6678



2856 Capn Sams Rd.dwg



# Town of Seabrook Island

## Property Zoning Report

20 Oct 2023



### Parcels

**Parcel ID:** 1470600015  
**Owner:** WIDNER FAMILY TRUST  
**Owner Street Address:** 33 ARBOR LN  
**Owner City State ZIP Code:** HOLLIS, NH 03049  
**Parcel Street Address:** 2856 CAPN SAMS RD

### Zoning

Count	Zoning Code and Description	Overlapping Quantities
1.	1 R-SF2 - Residential - Single-Family (Medium Lot)	22,107.32sf (0.51acres)



PREPARED BY:  
Buist, Byars & Taylor, LLC  
130 Gardener's Circle  
PMB# 138  
Johns Island, SC 29455  
File No. 1558.0030

STATE OF SOUTH CAROLINA            )  
  )  
COUNTY OF CHARLESTON            )                    TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that **Paul J. Widner and Eileen A. Widner, Trustees of The Widner 2014 Family Trust, under declaration of trust dated August 1, 2014** (“Grantor”), in the State aforesaid, for/and in consideration of the sum of TWO HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$250,000.00), to it in hand paid at and before the sealing of these Presents by **Seabrook Island Green Space Conservancy Inc.**, in the State aforesaid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these Presents does grant, bargain, sell and release unto the said **Seabrook Island Green Space Conservancy Inc., a South Carolina Corporation**, the following described property, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO  
AND INCORPORATED HEREIN BY REFERENCE FOR LEGAL DESCRIPTION.

TMS Number:                            147-06-00-015  
  
Address of Grantee(s):                PO Box 185, Johns Island SC 29455

This is the same property conveyed to Grantor by deed from Paul J. Widner and Eileen A. Widner dated August 1, 2014 and recorded September 2, 2014 in Book 0426, page 526, Charleston County Register of Deeds.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.


TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said **Seabrook Island Green Space Conservancy Inc., a South Carolina Corporation**, its successors and assigns, forever.


AND subject to the exceptions set forth above, Grantor does hereby bind itself and its successors in office, executors, and administrators, to warrant and forever defend, all and singular, the premises before mentioned unto the said **Seabrook Island Green Space Conservancy Inc.**, its successors and assigns, against itself and its successors, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.


WITNESS our hand and seal this 15 day of September, 2023.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

  
Witness #1

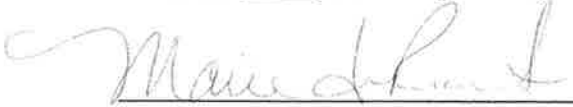
  
Paul J. Widner, Trustee of The Widner 2014  
Family Trust, under declaration of trust dated  
August 1, 2014

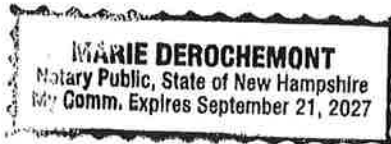
  
Witness #2

  
Eileen A. Widner, Trustee of The Widner  
2014 Family Trust, under declaration of trust  
dated August 1, 2014

STATE OF New Hampshire )  
 )  
COUNTY OF Hillsborough )

The foregoing instrument was acknowledged before me by Paul J. Widner and Eileen A. Widner, Trustees of The Widner 2014 Family Trust, under declaration of trust dated August 1, 2014, this 15 day of September, 2023.

 (SEAL)  
Notary Public for \_\_\_\_\_  
My commission expires: \_\_\_\_\_



## EXHIBIT A

All that certain lot, piece or parcel of land, together with any improvements thereon, situate, lying and being on Seabrook Island, Charleston County, South Carolina, known and designated as LOT 19, BLOCK 2, on a plat by E.M. Seabrook, Jr. C.E. and L.S., dated May 15, 1975, and recorded in the Charleston County RMC Office in Plat Book AF at page 7.

This conveyance is subject to the restrictions, covenants, reservations and charges applicable to premises contained in the Protective Covenants dated November 18, 1972, recorded in the RMC Office for Charleston County in Book N100 at page 296, as amended by instrument recorded in Book Y110 at page 143, and Second Modification thereto dated March 26, 1985, recorded in Book J144 at page 67; and subject to the rules, regulations, conditions, requirements and charges of Seabrook Island Property Owners Association as contained in the Second Restated and Amended By-laws of Seabrook Island Property Owners Association dated October 18, 1984, and recorded in Book B141 at page 267, as amended by instrument recorded April 8, 1985, in Book J144 at page 69, Charleston County RMC Office; and any easements of record.

Said property is subject to all applicable covenants, conditions, restrictions, limitations, obligations and easements of record affecting subject property.

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

**AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS**

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.

2. The property being transferred is located at 2856 Capn Sams Road, Seabrook Island, SC 29455 bearing Charleston County Tax Map Number 147-06-00-015, was transferred by **Paul J. Widner and Eileen A. Widner, Trustees of The Widner 2014 Family Trust, under declaration of trust dated August 1, 2014** to **Seabrook Island Green Space Conservancy Inc.** on September 29, 2023.

3. Check one of the following: The deed is

- (a)  subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
- (b)  subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
- (c)  exempt from the deed recording fee because (See Information section of affidavit): \_\_\_\_\_ (If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes \_\_\_\_\_ or No \_\_\_\_\_

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See information section of this affidavit.):

- (a)  The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$250,000.00
- (b)  The fee is computed on the fair market value of the realty which is \$ \_\_\_\_\_.
- (c)  The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ \_\_\_\_\_

5. Check YES \_\_\_ or NO  to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. (This includes, pursuant to Code Section 12-59-140(E)(6), any lien or encumbrance on realty in possession of a forfeited land commission which may subsequently be waived or reduced after the transfer under a signed contract or agreement between the lien holder and the buyer existing before the transfer.) If "Yes," the amount of the outstanding balance of this lien or encumbrance is: \_\_\_\_\_.

6. The deed recording fee is computed as follows:

- (a) Place the amount listed in item 4 above here: 250,000.00
- (b) Place the amount listed in item 5 above here: \_\_\_\_\_  
(If no amount is listed, place zero here.)
- (c) Subtract line 6(b) from Line 6(a) and place result here: 250,000.00

7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as : Legal Representative

8. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

\_\_\_\_\_  
Legal Representative  
BUIST BYARS & TAYLOR, LLC

Sworn to before me this 2nd day  
of October, 2023.

\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_



**Section 1. Amends the DSO to remove subsection 2.1(e).**

The proposed nuisance ordinance (Ord. 2023-14) consolidates regulations for various public nuisances into a single chapter (Chapter 18) of the Town Code. The new Sec. 18-33 includes language regulating the placement and storage of trash, litter and junk. Therefore, subsection 2.1(e) of the DSO will become redundant and has been recommended for deletion.

**Section 2. Amends subsection 9.4(O) of the DSO to modify the conditions and requirements for short-term rental (STR) units operating within the town.**

Subsection 9.4(O) is broken up into seven paragraphs:

**Paragraph 1: Definitions**

- The purpose of this paragraph is to consolidate all definitions applicable to the STR ordinance in a single location.
- Significant changes from current STR ordinance:
  - Overnight hours: Defines “overnight” as 11:00 pm to 7:00 am.
  - Qualified local contact: Requires that the qualified local contact must be licensed by SCLLR as a property manager-in-charge or broker-in-charge.
  - Qualifying event: Establishes certain changes or events which qualify an existing STR permit to be modified.
  - STR permit cap: The maximum number of dwelling units which may be permitted as STR’s within the town at a given time.
  - Transfer, exempt/non-exempt: Clarifies an “exempt” transfer as one which is exempt from deed recording fees, pursuant to SC Code 12-24-40.

**Paragraph 2: General provisions**

- This paragraph outlines the general provisions for all STR’s operating within the town.
- Most of the language is carried over (and reorganized) from the existing STR ordinance.
- Subparagraphs (d), (e) and (f) clarify the responsibilities (and liabilities) of the property owner, authorized agent, and qualified local contact, respectively.

**Paragraph 3: Specific conditions**

- Subparagraph (a): General requirements
  - Most of the language is carried over (and reorganized) from the existing STR ordinance.
  - New provisions are included to prohibit rental activities in unsafe structures and dwelling units which are under construction or renovation.
  - Item (vii) imposes a new **STR permit cap of 650 units** within the town.
- Subparagraph (b): License and tax requirements
  - Most of the language is carried over (and reorganized) from the existing STR ordinance.
  - Item (iii) was amended to add the Town of Seabrook Island’s 1% local ATAX.
- Subparagraph (c): Occupancy limits

- Item (i) standardizes the maximum overnight occupancy at  $2/BR + 2$  for all STR units. The provision allowing larger units to have  $2/BR + 4$  was deleted. A hard cap of 12 occupants is also imposed.
- Subparagraph (d): Parking requirements
  - Item (ii) includes a new provision limiting the number of vehicles at STR units during the overnight hours to no more than  $1/BR$ , with a minimum of 2. This matches the new SIPOA requirements for vehicles at STR units.
  - Because general parking requirements will be incorporated as a new section in the new nuisance ordinance, the language regarding parking requirements is recommended for deletion. Item (iii) now references the general parking provisions, which will be included in Sec. 18-33 of the Town Code.
- Subparagraph (e): Advertising, posting, and signage requirements
  - Most of the language is carried over (and reorganized) from the existing STR ordinance.
- Subparagraph (f): Safety requirements
  - Most of the language is carried over (and reorganized) from the existing STR ordinance.
  - Because property maintenance requirements will be incorporated as a new section in the new nuisance ordinance, the language regarding property maintenance is recommended for deletion. Item (v) now references the property maintenance provisions, which will be included in Sec. 18-32 of the Town Code.

**Paragraph 4: Permitting requirements and procedures**

- Subparagraph (a):
  - Most of the language regarding the permitting requirements, due dates, and permit year is carried over (and reorganized) from the existing STR ordinance.
  - Due to the imposition of a new STR permit cap, new permitting procedures are set forth in item (iv):
    - Permit renewals will receive first priority. Renewals will be issued without regard to the cap (even if the total number exceeds 650), as long as the renewal application is received by the renewal deadline and the application meets all other criteria.
    - All other applications will be processed as new permit applications. After completing the renewal process, new permits will be issued until the cap is reached.
    - If the cap is reached at any point during the permit year, all remaining applications will be added to a waiting list.
    - In the event a permit becomes available, the applicant who has been on the waiting list the longest will be given 10 business days to make the application current and obtain a permit. If they fail to respond within 10 business days, they will be removed from the waiting list and the process will be repeated until a permit has been issued or all applicants on the waiting list have been notified.
- Subparagraph (b): Permit modifications
  - Most of the language is carried over (and reorganized) from the existing STR ordinance.

- Permit modification applications must be submitted no later than 5 days after the occurrence of the qualifying event, such as a change in authorized agent or qualified local contact, or change in ownership due to an exempt transfer.
- Subparagraph (c): Temporary permits
  - Following the sale or transfer of a STR unit, a temporary permit may be issued to the new owner if the property was subject to 1 or more pre-existing rental agreements which will commence no later than 90 days following the date of transfer.
  - The new owner must apply for a temporary permit within 5 days of the transfer taking place. A copy of the SCLLR Disclosure Statement must be included.
  - A temporary permit automatically expires after 120 days.
  - The new owner may only honor pre-existing agreements and may not advertise or accept new agreements under a temporary permit.
  - The temporary permit is intended primarily for new owners who have no intention of renting beyond the pre-existing commitments; and for new owners who are unable to obtain a new permit due to the cap, but must meet pre-existing rental obligations.
- Subparagraph (d) retains the right of a property owner to appeal the zoning administrator's decision to approve or deny the issuance of a STR permit to the BZA.

**Paragraph 5: Administration and enforcement**

- Most of the language contained in this paragraph is carried over from the existing STR ordinance.
- The language contained in subparagraph (a) is broadened by deleting references to specific types of violations and replacing it with language that is more general in nature.
- The language pertaining to inspections, which was previously included in the general conditions, is moved to subparagraph (c) due to inspection activities being more closely aligned with administration and enforcement of the ordinance.
- The language in subparagraph (d) clarifies that, in addition to all applicable fines, fees, and penalties, the zoning administrator may suspend and revoke STR permits, subject to the criteria and notification requirements set forth in paragraph 6.

**Paragraph 6: Suspension, revocation and cancellation of STR permits**

- Subparagraph (a) expands the purposes for which a STR permit may be suspended:
  - Destruction, damage beyond repair or condemnation
  - Non-reported change of authorized agent or qualified local contact
  - Unlicensed business
  - Unpaid fines, fees, or penalties
  - Unpaid taxes
  - Unsafe conditions
  - Voluntary suspension due to reconstruction or renovation
  - Item (vi) authorizes the BZA to grant time extensions in the event of extraordinary and exceptional conditions which are outside the control of the property owner.
- Subparagraph (b) expands the purposes for which a STR permit may be revoked:
  - Advertising and/or renting while suspended
    - Grounds for immediate revocation (1-year waiting period)
  - Destruction, damage beyond repair or condemnation

- After suspension, the STR permit may be revoked if the owner fails to obtain permits within 6 months (12 months if after a declared emergency) or if the permits expire prior to completion.
  - Falsification or misrepresentation of material facts
    - Grounds for immediate revocation
  - Gross violation
    - Grounds for immediate revocation (1-year waiting period)
  - Multiple (3+) violations in any 12-month period
    - Grounds for immediate revocation (1-year waiting period)
  - Non-reported change of authorized agent or qualified local contact
    - After suspension, the STR permit may be revoked if the host fails to update the permit within 30 days.
  - Non-reported sale or transfer of the STR unit
    - Grounds for immediate revocation
  - Unlicensed business
    - After suspension, the STR permit may be revoked if the host fails to obtain a valid business license within 30 days.
  - Unpaid fines, fees, or penalties
    - After suspension, the STR permit may be revoked if the host fails to pay all required fines, fees, or penalties within 30 days.
  - Unpaid taxes
    - After suspension, the STR permit may be revoked if the host fails to pay all required taxes within 30 days.
  - Unsafe conditions
    - After suspension, the STR permit may be revoked if the owner fails to obtain permits within 90 days or if the permits expire prior to completion.
  - Work by an unlicensed residential builder or specialty contractor
    - Grounds for immediate revocation (2-year waiting period)
  - Failure to obtain permits or complete work following a voluntary suspension
    - After voluntary suspension, the STR permit may be revoked if the owner fails to initiate construction within 90 days or if the work is not completed within 24 months.
- Subparagraph (c) retains the right of a property owner to appeal any decision to suspend or revoke a STR permit to the BZA.
- Subparagraph (d) retains the ability of any host to cancel their STR permit at any time and for any reason, as long as the permit is in good standing.

**Paragraph 7: Special provisions applicable during states of emergency**

- The final paragraph incorporates special provisions which may be imposed on STR activities during an emergency situation.
- This paragraph cites instances where rental activities may be restricted or suspended, including by order of the mayor (during a state of emergency) or by an emergency ordinance of council (to meet public health emergencies).
- In such instances, the zoning administrator shall provide notification to all hosts and qualified local contacts using the most efficient and effective means possible, and all hosts must immediately comply with the emergency provisions.



- Lastly, this paragraph requires that renters must evacuate when state or local authorities order a mandatory evacuation order.

**Section 3. Amends the DSO to update the fee schedule in Appendix E.**

**Appendix E: Fee Schedule (Short-Term Rental Permit Fees)**

- The fee amount for temporary STR permits is set at \$150.00.
- The permit modification fee is standardized at \$25.00 for all types of modifications.
- The reinstatement fee for suspended permits is reduced from \$225.00 to \$100.00.

**Section 6. Establishes an effective date for Ord. 2023-15.**

If adopted, the provisions of the new ordinance will go into effect for the permit year beginning May 1, 2024. The town typically begins accepting permit renewal applications in late March. Permit renewal applications are due by April 30<sup>th</sup>. Each permit year runs from May 1<sup>st</sup> to April 30<sup>th</sup>.

**Additions Deletions**

**TOWN OF SEABROOK ISLAND**

**ORDINANCE NO. 2023-15**

**ADOPTED \_\_\_\_\_**

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

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

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

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

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

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

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

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

**NOW, THEREFORE**, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND, S.C.:**

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

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

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

~~2. Household waste and debris.~~

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

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

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

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

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

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

**O. SHORT-TERM RENTAL UNITS.**

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

- a. Authorized agent. An individual or company meeting the qualifications of a qualified local contact who is designated by the owner of a SHORT-TERM RENTAL UNIT to ensure compliance with all conditions and requirements set forth in this subsection, and all other applicable provisions set forth in this ordinance and the Town Code, on the owner's behalf. Any agent so designated shall be authorized to:
- i. Apply for a SHORT-TERM RENTAL permit on behalf of the property owner;
  - ii. Advertise, manage, and otherwise operate the SHORT-TERM RENTAL UNIT;
  - iii. Ensure that the SHORT-TERM RENTAL UNIT complies with all conditions and requirements set forth in this subsection, and all other applicable provisions set forth in this ordinance and the Town Code;
  - iv. Ensure that renters of the SHORT-TERM RENTAL UNIT comply with all conditions and requirements set forth in this subsection, and all other applicable provisions set forth in this ordinance and the Town Code;
  - v. Serve as the qualified local contact for the SHORT-TERM RENTAL UNIT; and
  - vi. Accept service of process on behalf of the property owner, pursuant to Rule 4(d)(1) of the South Carolina Rules of Civil Procedures.
- b. Fossil fuels. Any energy source which is formed in the Earth's crust from decayed organic material, including petroleum, coal, and natural gas. The term shall also include products which are derived from the refinement or fractionation of fossil fuels, including, without limitation, propane, butane, ethane, gasoline, and diesel.

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

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

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

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

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

### 3. Specific conditions for SHORT-TERM RENTAL UNITS.

#### a. General requirements.

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



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

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

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

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

~~b. *Designated agent.* Subject to the provisions of Section 9.4.O.4.c., a property owner may designate an agent, including, but not limited to, a professional property manager or property management company, who shall be authorized to comply with the conditions and requirements of this section and who may send and receive written communication on behalf of the property owner.~~

~~c. *Local contact.* If the property owner or designated agent does not reside within fifty (50) miles of the rental property, the property owner or designated agent shall identify an individual or individuals who shall serve as a local contact. The local contact must reside within fifty (50) miles of the rental property and, within two (2) hours of receiving notification, be accessible and available to respond to any emergency situation, alleged violation, inquiry or inspection request from the town or any other entity having jurisdiction over the rental property. Changes to the local contact shall be communicated in writing to the ZONING ADMINISTRATOR within three (3) business days.~~

b. *License and tax requirements.*

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

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

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

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

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

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

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

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

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

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

~~(f)(e)~~ ~~*Determination of maximum occupancy.*~~ To determine the ~~maximum-overnight~~ occupancy limit of a SHORT-TERM RENTAL UNIT, the ZONING ADMINISTRATOR shall use the total number of bedrooms ~~and the total finished living area for that unit~~ for the DWELLING UNIT, as shown in the current Charleston County tax records. Any host who wishes to appeal the total number of code compliant bedrooms within a SHORT-TERM RENTAL UNIT shall contact the Charleston County Building Inspections Department to verify the accuracy of the information shown on the current tax records. If the Charleston County Building Inspections Department determines that the actual number of bedrooms is different than the number shown on the current tax records, the host shall provide written confirmation of the county's findings to the ZONING ADMINISTRATOR. Upon receipt, the ZONING ADMINISTRATOR shall use the revised bedroom count from the Charleston County Building Inspections Department to adjust the overnight occupancy limit.

~~ii. *Administrative appeals.* Property owners or designated agents who believe that the total number of code-compliant bedrooms and/or total finished living area shown in the current Charleston County tax records is incorrect may submit an administrative appeal, as follows:~~

~~iii. *Appeal of number of bedrooms.* Property owners or designated agents who wish to appeal the total number of code-compliant bedrooms within a SHORT-TERM~~

~~RENTAL UNIT shall contact the Charleston County Building Inspections Department to verify the accuracy of the information shown on the current tax records. If the Charleston County Building Inspections Department determines that the actual number of bedrooms is different than the number shown on the current tax records, the property owner or designated agent shall provide written confirmation of the county's findings to the ZONING ADMINISTRATOR. Upon receipt, the ZONING ADMINISTRATOR shall use the revised bedroom count from the Charleston County Building Inspections Department to determine the unit's maximum occupancy.~~

~~iv. *Appeal of total finished living area.* Property owners or designated agents who wish to appeal the total finished living area of a SHORT-TERM RENTAL UNIT shall submit an appraisal report completed by a licensed South Carolina appraiser no more than five (5) years prior to the date upon which the appeal is submitted. Upon receipt, the ZONING ADMINISTRATOR shall use the total finished living area from the appraisal report to determine the unit's maximum occupancy.~~

e.d. Parking requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(iii) Trailers; and~~

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

~~(b) The restrictions contained herein shall not apply to any vehicle, trailer, or heavy machinery and equipment which is actively engaged in providing goods or services to the property or to the occupants thereof, such as delivery trucks, moving trucks, landscapers, housekeepers, and other contractors.~~

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

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

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

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

e. Advertising, posting, and signage requirements.

i. Advertising requirements. When placing an advertisement for a SHORT-TERM RENTAL UNIT on any rental platform (such as Airbnb, VRBO, Trip Advisor, etc.) or within any print or online publication (such as brochures, classified ads, website listings, Craigslist, Facebook Marketplace, etc.), ~~the property owner or designated agent shall clearly list the unit's current town business license number and maximum occupancy~~ the following items shall be conspicuously posted within the content of each advertisement:

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

(b) The overnight occupancy limit; and

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

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

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

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

- ~~(a) The name and phone number of the unit's 24-hour emergency contact;~~
- ~~(b) A current copy of the "SHORT-TERM RENTAL Rules" flyer which shall be made available by the ZONING ADMINISTRATOR on or before April 30th of each year;~~
- ~~(c) A current copy of the "Community Rules" flyer which shall be made available by the ZONING ADMINISTRATOR on or before April 30th of each year;~~
- ~~(d) A current copy of the "Emergency Contacts List" flyer which shall be made available by the ZONING ADMINISTRATOR on or before April 30th of each year;~~
- ~~(e) A current copy of "Emergency Resources" flyer which shall be made available by the ZONING ADMINISTRATOR on or before April 30th of each year;~~
- ~~(f) Notice of any temporary restrictions or requirements currently in place resulting from a declared state of emergency, the issuance of any executive order, or the adoption of any emergency ordinance; and~~
- ~~(g) Such other information as may be deemed necessary and proper by the ZONING ADMINISTRATOR to protect the health, welfare, and safety of renters, their guests, and the public.~~

vii.iv. Signage. No signage which advertises or identifies a ~~dwelling~~DWELLING UNIT as a SHORT-TERM RENTAL UNIT shall be allowed on the exterior or premises of any ~~dwelling~~DWELLING UNIT ~~which that~~ is permitted as a SHORT-TERM RENTAL UNIT; provided, ~~however,~~ this requirement shall not apply to letters or numbers which are used for addressing purposes, or for unit identification in a ~~multi-family building~~CLUSTER UNIT, TOWNHOME, or MULTI-FAMILY DEVELOPMENT.

~~f. Unlicensed work.~~ If a property owner has obtained an exemption from the Charleston County Building Services Department, pursuant to S.C. Code of Laws, Section 40-59-260, to undertake work on a dwelling which would otherwise be required to be completed by a licensed residential builder or specialty contractor, that dwelling may not be operated as a SHORT-TERM RENTAL UNIT for a period of two (2) years after completion of the work.

~~g. *Other uses.* No property owner, designated agent, renter, or their guest shall conduct, or allow to be conducted, any commercial activities within, or on the premises of, a SHORT TERM RENTAL UNIT while the unit is being occupied as a SHORT TERM RENTAL. Notwithstanding the foregoing, the following activities shall be expressly permitted:~~

~~i. Commercial activities undertaken by a renter or their guest which are clearly incidental to the residential use of a dwelling and which do not affect the residential character of the residence, including, for example, professional services which are provided remotely, remote processing of payments or other business transactions, engaging in remote meetings or electronic communications, and similar activities; and~~

~~ii. Outside vendors and contractors who are providing goods or services to renters and their guests, or who are providing goods or services necessary for the continued operation and maintenance of the SHORT TERM RENTAL UNIT.~~

~~h. *Inspections.* Subject to the notice requirements contained herein, all SHORT TERM RENTAL UNITS shall be subject to inspection by the town to verify compliance with the requirements of this section.~~

~~i. *Routine Inspections.* In instances when an inspector must access the interior of a SHORT TERM RENTAL UNIT for the purpose of conducting a routine inspection to verify compliance with the requirements of this section, he or she shall provide a minimum of 24 hours' notice to the property owner, designated agent, or local contact, as applicable, and the notified party shall provide access to the unit at the appointed time. Except for emergency inspections and inspections undertaken prior to the issuance of a new SHORT TERM RENTAL permit, routine inspections shall be avoided between Memorial Day and Labor Day when possible. All routine inspections shall be conducted between the hours of 9:00 am and 5:00 pm.~~

~~ii. *Emergency inspections.* In instances when an inspector determines that a condition may exist within a SHORT TERM RENTAL UNIT which substantially endangers public health or safety, he or she shall provide a minimum of two (2) hours' notice to the property owner, designated agent or local contact, as applicable, and the notified party shall provide access to the unit at the appointed time to verify that such a condition exists and, if possible, to abate that condition. If the inspector determines that the condition was caused by a violation of any provision of this section, he or she may initiate enforcement action pursuant to paragraph 4. (violations).~~

~~iii. *Exceptions to notice requirements.* In instances when either a notified party or the occupant of a SHORT TERM RENTAL UNIT waive the applicable notice requirements contained in paragraphs q (i) or (ii), an inspector may enter the unit immediately upon authorization, or as soon as practicable thereafter.~~



~~iv. The ZONING ADMINISTRATOR shall have the authority to request copies of all licenses, permits, receipts, reports, or similar information which may be necessary and proper to ensure compliance with the requirements of this section. Upon request, the property owner or designated agent shall furnish all requested documentation to the ZONING ADMINISTRATOR within three (3) business days.~~

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

- i. *Smoke alarms.* SHORT-TERM RENTAL UNITS shall be equipped with a working smoke alarm inside each bedroom and outside of each sleeping area. At least one (1) smoke alarm shall be installed on each level of the unit.
- ii. *Fire extinguishers.* SHORT-TERM RENTAL UNITS shall be equipped with at least one (1) working fire extinguisher with a minimum rating of 1A:10B:C. The required fire extinguisher shall be located under the kitchen sink or in another location which is easily accessible to renters ~~and their guests.~~
- iii. *Carbon monoxide detectors.* SHORT-TERM RENTAL UNITS shall be equipped with ~~A~~ at least one (1) working carbon monoxide detector ~~shall be required~~ on each level ~~of the SHORT-TERM RENTAL UNIT~~ if the ~~unit~~ DWELLING UNIT is equipped with any one (1) or more of the following:
  - (a) Any type of heater or appliance which burns fossil fuels;
  - (b) Any type of generator which burns fossil fuels;
  - (c) Any type of fireplace or stove which burns wood or fossil fuels;
  - (d) An enclosed GARAGE which is attached to the SHORT-TERM RENTAL UNIT.

~~iv. For purposes of this section, the term "fossil fuels" shall include any energy source formed in the Earth's crust from decayed organic material, including petroleum, coal, and natural gas. The term shall also include products which are derived from the refinement or fractionation of fossil fuels, including, without limitation, propane, butane, ethane, gasoline, and diesel.~~

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

~~vi-v.~~ General maintenance. The ~~property owner or designated agent~~ host shall be responsible for ensuring that all structures, equipment, and exterior property are maintained in compliance with the property maintenance requirements set forth in Section 18-31 of the Town Code, and that the premises of each SHORT-TERM RENTAL UNIT shall remain free of trash, litter, and debris, in compliance with the requirements set forth in Section 18-32 of the Town Code ~~structural elements (including the interior and exterior of the dwelling, associated DECKs, stairs, handrails, guardrails, boardwalks, docks, and accessory structures), as well as all mechanical, electrical, and plumbing systems, are maintained in good working order. Safe means of ingress and egress to and from the unit shall be maintained at all times, and areas of the property which are under the owner's control shall remain clear of litter and debris.~~

#### 2.4. Permitting requirements and procedures.

a. ~~Annual permit~~ required.

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

ii. Application. SHORT-TERM RENTAL permit applications shall be submitted on a form made available by the ZONING ADMINISTRATOR for that purpose. The application shall be accompanied by a non-refundable application fee, as provided in Section 18.3, and any required supplemental materials. Only completed applications will be accepted. A separate application and fee shall be required for each SHORT-TERM RENTAL UNIT.

iii. Due date.

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

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

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

iv. *Permitting procedures.*

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

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

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

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

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

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

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

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

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

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

v. *Criteria for approval review.*

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

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

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

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

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

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

iv-vi. *Action on application.* The ZONING ADMINISTRATOR shall render a decision on each permit application within thirty (30) calendar days following receipt. If

the ZONING ADMINISTRATOR requests additional information from the applicant in order to complete his or her review, the review period shall be tolled until the requested information is supplied by the applicant. Failure to provide the requested information ten (10) business days shall be deemed a withdrawal of the permit application.

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

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

b. Permit Modifications of existing SHORT-TERM RENTAL permits.

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

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

iii. Application. ~~A property owner or designated agent~~ Any host who wishes to modify an existing SHORT-TERM RENTAL permit which is in good standing shall first apply for a permit modification. The application shall be made on a form made available by the ZONING ADMINISTRATOR for that purpose. The application shall be accompanied by a non-refundable application fee, as provided in Section 18.3, and any required supplemental materials. Only completed applications will be

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

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

~~(a) An existing SHORT-TERM RENTAL permit may be modified for any one (1) or more of the following reasons:~~

~~(i) Transfer of property ownership to one (1) or more individuals who are related by blood, adoption, or marriage to the current owner of record;~~

~~(ii) Transfer of property ownership to a trust, partnership, corporation, or similar entity in which the current owner of record retains an ownership stake of at least 50 percent;~~

~~(iii) Transfer of property ownership to the heirs of the current owner of record following their death;~~

~~(iv) Transfer of property ownership resulting from a court order;~~

~~(v) Any change to the rental unit's maximum occupancy due to the addition or deletion of code-compliant bedrooms within the dwelling; and~~

~~(vi) Designation of a new agent.~~

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

iii.vi. Action on application. The ZONING ADMINISTRATOR shall render a decision on each modification request within ~~thirty ten (3010) calendar business days~~ following receipt. If the ZONING ADMINISTRATOR requests additional information from the applicant in order to complete his or her review, the review period shall be tolled until the requested information is supplied by the applicant. Failure to provide the requested information within ten (10) business days shall be deemed a withdrawal of the modification request. A SHORT-TERM RENTAL UNIT which was duly permitted as of the date the modification request was received may continue

to ~~operate~~ be used, rented, and advertised for rent, while the modification request is under review.

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

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

c. Temporary permits.

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

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

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

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

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



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

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

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

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

### 3.5. Violations Administration and enforcement.

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

- ~~vi. Advertise or rent an accessory structure, including, but not limited to, an ACCESSORY DWELLING unit, pool house or finished room over a GARAGE, as an independent SHORT-TERM RENTAL UNIT;~~
- ~~vii. Advertise or rent only a portion of a dwelling for short-term occupancy, such as an individual bed or bedroom;~~
- ~~viii. Conduct any commercial activity within, or on the premises of, a SHORT-TERM RENTAL UNIT while the unit is being occupied as a SHORT-TERM RENTAL, unless expressly allowed by this section;~~
- ~~ix. Fail to respond to any emergency situation, alleged violation or public complaint communicated by the town, or any inquiry or inspection request made pursuant to the notification requirements of subsection 9.4 O.1.q; and~~
- ~~x. Advertise or rent any SHORT-TERM RENTAL UNIT after receiving notice of suspension, abandonment, revocation, or cancellation of a SHORT-TERM RENTAL permit.~~

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

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

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

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

~~d. Liability of property owners.~~ A property owner shall not be relieved from any personal responsibility and personal liability for noncompliance with any applicable law, rule or regulation pertaining to the advertising, use and rental of a dwelling as a SHORT-TERM RENTAL UNIT, regardless of whether such noncompliance was committed by the property owner's designated agent, local contact, renters, or their guests.

~~e. Liability of designated agents.~~ A designated agent shall be jointly and severally liable for noncompliance with any applicable law, rule or regulation pertaining to the

advertising, use and rental of a dwelling as a SHORT-TERM RENTAL UNIT which occurs at a SHORT-TERM RENTAL UNIT managed by the agent within the town.

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

a. Suspension of permitPermit suspension.

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

ii. Criteria for suspension.

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

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

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

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

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

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

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

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

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

~~(b) If the property owner and/or designated agent fail to possess a valid town business license for the operation of a SHORT-TERM RENTAL UNIT, as required by Article 8 of the Town Code, the ZONING ADMINISTRATOR may suspend the SHORT-TERM RENTAL permit for that unit until all required business licenses have been obtained.~~

~~(c) If the property owner or designated agent is found guilty by admission or by the Municipal Judge of committing three (3) or more violations of any other condition or requirement specified in this section during the preceding 12 months, the ZONING ADMINISTRATOR may suspend the SHORT-TERM RENTAL permit for that unit for a period of 60 days. A suspension during the final 60 days of any license year shall continue into the following license year.~~

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

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

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

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

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

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

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

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

~~v. Abandonment. If a property owner or designated agent fails to apply for reinstatement within ninety (90) days from the date upon which the permit was suspended, the permit shall be deemed abandoned. Once a SHORT-TERM RENTAL permit has been abandoned, any request to re-establish a SHORT-TERM RENTAL UNIT on the property shall be treated as a new application.~~

b. Revocation of pPermit revocation.

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



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

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

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

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

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

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

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

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

- (g) *Revocation due to non-reported sale or transfer of unit.* In the event a lawfully permitted SHORT-TERM RENTAL UNIT is sold or transferred, the host of record shall notify the ZONING ADMINISTRATOR within five (5) business days following the date of transfer. If the existing permit is not cancelled or modified on or before the fifth business day following the sale or transfer of the unit, the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit. Upon revocation, the unit shall not be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT unless the new host applies for and obtains a new SHORT-TERM RENTAL permit. New permit applications shall be subject to the permitting procedures set forth in subsection 9.4 O.4.a.iv.
- (h) *Revocation due to unlicensed business activities.* In the event a SHORT-TERM RENTAL permit has been suspended due to unlicensed business activities, as provided in subsection 9.4 O.6.b.i.(c), the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit if the host fails to obtain a valid business license within thirty (30) days following the effective date of the suspension. Upon revocation, the unit shall not be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT unless the host applies for and obtains a new SHORT-TERM RENTAL permit. New permit applications shall be subject to the permitting procedures set forth in subsection 9.4 O.4.a.iv.
- (i) *Revocation due to unpaid fines, fees, or penalties.* In the event a SHORT-TERM RENTAL permit has been suspended due to unpaid fines, fees, or penalties, as provided in subsection 9.4 O.6.b.i.(d), the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit if the host fails to pay all required fines, fees, or penalties within thirty (30) days following the effective date of the suspension. Upon revocation, the unit shall not be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT unless the host applies for and obtains a new SHORT-TERM RENTAL permit. New permit applications shall be subject to the permitting procedures set forth in subsection 9.4 O.4.a.iv.
- (j) *Revocation due to unpaid taxes.* In the event a SHORT-TERM RENTAL permit has been suspended due to unpaid taxes, as provided in subsection 9.4 O.6.b.i.(e), the ZONING ADMINISTRATOR may revoke the SHORT-TERM RENTAL permit if the host fails to pay all required fines, fees, or penalties within thirty (30) days following the effective date of the suspension. Upon revocation, the unit shall not be used, rented, or advertised for rent, as a SHORT-TERM RENTAL UNIT unless the host applies for and obtains a new SHORT-TERM RENTAL permit. New permit applications shall be subject to the permitting procedures set forth in subsection 9.4 O.4.a.iv.

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

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

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

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

- ~~(a) The property owner to whom the SHORT-TERM RENTAL permit was issued is no longer the owner of record and neither the current owner nor the former owner modified the permit, as provided herein, within thirty (30) days following the date upon which the property was transferred;~~
- ~~(b) The dwelling has been destroyed, damaged beyond REPAIR, or condemned by the Charleston County Building Inspections Department as unfit for human habitation;~~
- ~~(c) The property owner has obtained an exemption from the Charleston County Building Services Department, pursuant to S.C. Code of Laws, Section 40-59-260, to undertake work which would otherwise be required to be completed by a licensed residential builder or specialty contractor;~~
- ~~(d) The ZONING ADMINISTRATOR determines that the property owner or designated agent falsified or misrepresented one (1) or more material facts on the SHORT-TERM RENTAL permit application;~~
- ~~(e) The property owner or designated agent continues to advertise and/or rent a SHORT-TERM RENTAL UNIT after receiving notice of suspension;~~
- ~~(f) The SHORT-TERM RENTAL permit has been suspended two (2) or more times in any twenty four (24) month period; or~~
- ~~(g) The occurrence of any violation which results in death or gross bodily injury to any person, causes substantial damage or destruction of property, or creates a substantial threat to public health and safety, regardless of whether the violation was committed by the property owner, designated agent, local contact person, renter, or their guest.~~

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

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

~~Re-establishment.~~ A property owner or designated agent may not apply for a new SHORT-TERM RENTAL permit at the same location for a period of 12 months following the date of revocation.

c. Appeals. Any PERSON who is aggrieved by a decision of the ZONING ADMINISTRATOR to suspend or revoke a SHORT-TERM RENTAL permit may appeal the decision to the Board of Zoning Appeals, pursuant to Section 20.2 of this ordinance.

~~e-d.~~ Permit cancellation. A ~~property owner or designated agent~~ host may request the cancellation of a SHORT-TERM RENTAL permit at any time and for any reason. All requests for cancellation shall be submitted in writing to the ZONING ADMINISTRATOR. Upon receiving the request, the ZONING ADMINISTRATOR shall cancel the SHORT-TERM RENTAL permit and provide written confirmation to the ~~property owner and, if applicable, the designated agent~~ host. Any ~~property owner or designated agent~~ host who cancels a permit while the permit is in good standing may reapply for a new permit at any time. New permit applications shall be subject to the permitting procedures set forth in subsection 9.4 O.4.a.iv.

## 7. Special provisions applicable during states of emergency.

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

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

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

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

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

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

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

**SECTION 4. Severability.**

If any section, subsection, paragraph, clause, or provision of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, ~~property~~property, or circumstances.

**SECTION 5. Conflicting Ordinances Repealed.**

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

**SECTION 6. Effective Date.**

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

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

First Reading:

**[November 28, 2023]**

TOWN OF SEABROOK ISLAND

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

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John Gregg, Mayor

ATTEST

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Katharine E. Watkins, Town Clerk

DRAFT



**EXHIBIT A**

To Ordinance 2023-15

Appendix E: Fee Schedule

DRAFT

**Fee Schedule**

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**APPENDIX  
E**

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**Town of Seabrook Island**  
Development Standards Ordinance



## Fee Schedule

<b>Table E-1. Fee Schedule</b>	
Service	Fee Amount
<b>Zoning Permit Fees (Including Site Plan Review)</b>	
<b>A. Residential Zoning Permit: Single-Family, Two-Family &amp; Cluster Home Dwellings</b>	
1. New Construction	Construction Value <sup>1</sup> 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 <sup>2</sup>	No Charge
5. Accessory Building, Structure or Site Improvement <sup>3</sup>	
a. ≤ 150 Sq Ft	\$50.00
b. > 150 Sq Ft	\$150.00
6. Accessory Dwelling Unit	\$350.00
<b>B. Residential Zoning Permit: Townhome &amp; Multi-Family Dwellings</b>	
1. New Construction	Construction Value <sup>1</sup> 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 <sup>2</sup>	No Charge
5. Accessory Building, Structure or Site Improvement <sup>3</sup>	
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
<b>C. Non-Residential Zoning Permit</b>	
1. New Construction	Construction Value <sup>1</sup> 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 <sup>2</sup>	No Charge
5. Accessory Building, Structure or Site Improvement <sup>3</sup>	
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

<b>Table E-1. Fee Schedule</b>	
<b>D. Change of Use / Occupancy Permit</b>	
1. Change of Use / Occupancy Permit	\$100.00
<b>E. Home Occupation Permit</b>	
1. Home Occupation Permit	\$50.00
<b>F. Short-Term Rental Permit</b>	
1. Short-Term Rental Permit - New	\$450.00
2. Short-Term Rental Permit - Renewal	\$450.00
<del>3.</del> <u>3.</u> Short-Term Rental Permit - Temporary	<del>\$150.00</del> <u>\$150.00</u>
<del>3.4.</del> <u>3.4.</u> Modification of Existing Short-Term Rental Permit	<del>\$25.00</del> <u>\$25.00</u>
<del>a. Change of Owner, Agent or Local Contact</del>	<del>\$25.00</del>
<del>b. All Other Modifications</del>	<del>\$100.00</del>
<del>4.5.</del> <u>4.5.</u> Reinstatement of Suspended Short-Term Rental Permit	<del>\$225.00</del> <u>\$100.00</u>
<del>5.6.</del> <u>5.6.</u> Late Application Fee (If Received After Renewal Deadline or Commenced Renting Prior to Issuance)	
a. ≤ 31 Days Late	Permit Fee + \$150.00
b. 32-61 Days Late	Permit Fee + \$300.00
c. > 61 Days Late	Permit Fee + \$450.00
<b>G. Temporary Use Permit</b>	
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
<b>H. Sign Permit</b>	
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
<b>I. Tree Removal Permits</b>	
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)
<b>J. Post Facto Surcharge</b>	
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.	
<b>Building Permit and Inspection Fees</b>	
<b>A. Building Permits &amp; Inspections (Charleston County)</b>	
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.	
<b>Subdivision Plat Review and Recording Fees</b>	
<b>A. Plat Review Fees</b>	
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	

<b>Table E-1. Fee Schedule</b>	
a. Minor Subdivision ( $\leq$ 10 Lots)	\$250.00
b. Major Subdivision ( $>$ 10 Lots)	\$250.00 + \$10.00 Per Lot
<b>B. Recording Fees</b>	
1. Plat Recording Fee	\$100.00 + \$25.00 Per Page
<b>Boundary, Map and Text Amendment Fees</b>	
<b>A. Boundary Amendments</b>	
1. Application for Annexation	\$250.00
<b>B. Map Amendments (Rezoning)</b>	
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
<b>Board and Commission Review Fees</b>	
<b>A. Board of Zoning Appeals</b>	
1. Application for Appeal of Administrative Decision	\$250.00 <sup>4</sup>
2. Application for Special Exception	\$500.00
3. Application for Variance	\$500.00
<b>B. Planning Commission</b>	
1. Application for Address Change	\$50.00
2. Application for Appeal of Administrative Decision	\$250.00 <sup>4</sup>
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
<b>Other Services</b>	
<b>A. Copies (Printed)</b>	
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>B. Field Verification Fee</b>	
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)
<b>C. Outside Professional Services &amp; Consultants</b>	
1. The Zoning Administrator may engage outside professional service providers and consultants (such as architects, attorneys, <del>engineers</del> engineers, and other professionals) when such services are deemed necessary to review or evaluate an application or request.	Actual Cost + 10% Administrative Fee
<b>D. Verification Letters</b>	
1. Flood Zone Verification Letter	\$35.00

**Table E-1. Fee Schedule**

2. Zoning District Verification Letter	\$35.00
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- <sup>1</sup> 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).
- <sup>2</sup> 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.)
- <sup>3</sup> 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.
- <sup>4</sup> The application fee for the appeal of an administrative decision shall be refundable if the appeal is successful.