

Post & Courier

CHARLESTON COUNTY COUNCIL ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE TEXT AMENDMENT PUBLIC HEARING

Tuesday, May 8, 2018 at 6:00 PM

Charleston County Council will hold a public hearing on Tuesday, May 8, 2018 at 6:00 pm in County Council Chambers (located on the second floor of Lonnie Hamilton, III Public Services Building, 4045 Bridge View Drive, North Charleston, SC 29405) on the following proposed amendments to the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR):

- a. Art. 9.4, Tree Protection and Preservation, Sec. 9.4.1.B.3, Partial Exemption for SCDOT
- b. Art.9.7, Wetlands, Waterways, and OCRM Critical Lines, Sec. 9.7.1.B.2, Reduction of OCRM Critical Line Setbacks

More information may be obtained on-line at the Charleston County Web Site (www.charlestoncounty.org) or by contacting the Charleston County Planning Department at (843) 202-7200. This Public Notice is in accordance with Section 6-29-760 of the Code of Laws of South Carolina.

Kristen L. Salisbury
Clerk of Council

**PROPOSED TEXT AMENDMENTS TO THE CHARLESTON COUNTY
ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE (ZLDR)**

Planning Commission: March 12, 2018

Public Hearing: May 8, 2018

Planning and Public Works Committee: May 31, 2018

Summary of Proposed Amendments:

The following text amendments are being proposed to clarify the ZLDR:

- a. Art. 9.4, Tree Protection and Preservation, Sec. 9.4.1.B.3, Partial Exemptions for SCDOT and CCPW: Exemption for SCDOT from the Tree Protection and Preservation requirements of the ZLDR within public rights-of-way. These proposed amendments are a result of a July 2017 SC Court of Appeals ruling that determined that the SCDOT does not have to comply with the County's tree protection requirements for work within existing SCDOT rights-of-way.
- b. Art. 9.7, Wetlands, Waterways and OCRM Critical Line, Sec. 9.7.1.B.2, Reduction of OCRM Critical Line Setbacks: Allow the Zoning and Planning Director to modify the OCRM Critical Line setbacks and buffers when OCRM has granted modifications to OCRM jurisdictional wetlands within public or private rights-of-way. These proposed amendments are intended to provide flexibility in the OCRM Critical Line buffer requirements when OCRM has authorized modification of the Critical Line within rights-of-way.

This packet includes the full text of each individual proposed amendment, as well as any public input received to date.

Staff Recommendation:

Consideration of amendments to the Zoning and Land Development Regulations Ordinance (ZLDR).

PLANNING COMMISSION: MARCH 12, 2018

Recommendation: Approval of the proposed amendments (vote: 9-0).

Speakers: No one spoke in favor or opposition.

Notifications:

The Planning Commission meeting notification was sent to parties on the ZLDR/Comprehensive Plan Interested Parties' List on February 23, 2018. Additionally, the Planning Commission meeting was noticed in the *Post & Courier* on February 23, 2018.

PUBLIC HEARING: MAY 8, 2018

Notifications:

537 County Council Public Hearing notification letters were sent to parties on the ZLDR/Comprehensive Plan Interested Parties' List on April 20, 2018. Additionally, the Public Hearing was noticed in the *Post & Courier* on April 6, 2018.

CHAPTER/ARTICLE/SECTION: Chapter 9, Development Standards, Article 9.4, Tree Protection and Preservation, Section 9.4.1.B.3, Partial Exemptions for SCDOT and CCPW.

REASON FOR AMENDMENT: Exemption for SCDOT to maintain existing rights-of-way per recent court decision.

PROPOSED AMENDMENTS:

ARTICLE 9.4 TREE PROTECTION AND PRESERVATION

§9.4.1 GENERAL

B. Applicability and Exemptions

3. Partial Exemptions for SCDOT and CCPW

The South Carolina Department of Transportation (SCDOT) and Charleston County Public Works (CCPW) shall be exempt from the provisions of this Article except the following:

- a. All trees species measuring 6 inches or greater DBH located in right-of-ways along Scenic Highways as designated in this Ordinance shall be protected and require a variance from the Charleston County Board of Zoning Appeals for removal per Article 9.4.5B and 9.4.6.
- b. Grand Tree Live Oak species in all present and proposed right-of-ways and easements shall be protected and require a variance from the Charleston County Board of Zoning Appeals for removal per Article 9.4.5.B and 9.4.6.
- c. All Grand Trees other than Live Oak species in all present and proposed right-of-ways and easements not located on a Scenic Highway are protected but may be permitted to be removed administratively when mitigated per Article 9.4.6.
- d. **SCDOT shall be exempt from the tree protection and preservation requirements of this Ordinance within public rights-of-way.**

CHAPTER/ARTICLE/SECTION: Chapter 9, Development Standards, Article 9.7, Wetlands, Waterways, and OCRM Critical Lines, Sec. 9.7.1.B.2, Reduction of OCRM Critical Line Setbacks.

REASON FOR AMENDMENT: Allow the Zoning and Planning Director to modify the OCRM Critical Line setback and buffer requirements when OCRM grants modifications to wetlands within public and private rights-of-way.

PROPOSED AMENDMENTS:

ARTICLE 9.7 WETLANDS, WATERWAYS AND OCRM CRITICAL LINE

§9.7.1 WETLAND BUFFERS AND SETBACKS

B. Wetland, Waterway and OCRM Critical Line Buffer Depth and Setbacks

2. Reduction of OCRM Critical Line Setbacks and Buffers

a. The Planning Director shall be authorized to reduce OCRM Critical Line setbacks to a distance not less than the buffer depth, when deemed necessary by the Director to accommodate reasonable development of the parcel and when it is determined by the Director that the setback reduction will not have a significant adverse impact on public health or safety.

b. *The Zoning and Planning Department Director shall be authorized to modify the OCRM Critical Line setbacks and buffers when DHEC-OCRM has granted approval to modify or alter OCRM jurisdictional wetlands within public or private rights-of-way.*

**Text Amendments to the ZLDR
and Amendments to
The County Code of
Ordinances Related to Historic
Preservation Regulations**

Post & Courier

CHARLESTON COUNTY COUNCIL PUBLIC HEARING: PROPOSED ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE TEXT AMENDMENTS AND AMENDMENTS TO THE COUNTY CODE OF ORDINANCES **Tuesday, May 8, 2018 at 6:00 PM**

Charleston County Council will hold a public hearing on Tuesday, May 8, 2018 at 6:00 pm in County Council Chambers (located on the second floor of Lonnie Hamilton, III Public Services Building, 4045 Bridge View Drive, North Charleston, SC 29405) on proposed amendments to the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) and County Code of Ordinances to address Historic Preservation regulations.

More information may be obtained on-line at the Charleston County Web Site (www.charlestoncounty.org) or by contacting the Charleston County Planning Department at (843) 202-7200. This Public Notice is in accordance with Section 6-29-760 of the Code of Laws of South Carolina.

Kristen L. Salisbury
Clerk of Council

**PROPOSED TEXT AMENDMENTS TO THE CHARLESTON COUNTY
ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE (ZLDR) RELATED TO
HISTORIC PRESERVATION**

Planning Commission: March 12, 2018

Public Hearing: May 8, 2018

Planning and Public Works Committee: May 31, 2018

Background

The desire to protect Historic African American Communities from development that is not consistent with their character or historic culture, and the demolition of the Limehouse Produce Shed in West Ashley in 2013 have highlighted deficiencies in the current Historic Preservation Regulations of the ZLDR, namely, protection being afforded only to properties listed on the National Register of Historic Places (NRHP). As a result, the Planning Commission began reviewing Zoning and Land Development Regulations Ordinance (ZLDR) Article 9.8, Historic Preservation, and identifying necessary changes. At the April 14, 2014 Planning Commission meeting, the Historic Preservation Committee (HPC) was established to focus on enhancing county-wide historic preservation efforts, and to implement goals and strategies contained in the Charleston County Comprehensive Plan (specifically the Cultural Resources Element). The HPC was to assist with drafting ZLDR amendments to enhance Historic Preservation efforts, assist in the development of the Federal Historic Preservation grant application to update the County's Historic and Architectural Survey, and to act as a Steering Committee to administer the grant, should the grant be awarded to the County (which the County was awarded).

- May 2, 2014 HPC Meeting: The HPC met to discuss the Federal Historic Preservation grant process including what was necessary to complete the application, and contacting local municipalities, organizations and communities to assist with gathering historical information. The HPC directed staff to investigate: a list of surveys conducted in Charleston County; examples of Requests for Proposals; a list of known resources and organizations to aid in determining the scope of the survey; and sample Ordinances from other jurisdictions. No members of the public spoke.
- September 10, 2014 HPC Meeting: The HPC met to discuss the Draft Federal Historic Preservation Grant Application including finalizing the study area, coordinating with local historians and organizations, conducting a public outreach campaign to identify historic resources, and coordinating with the County's Contracts and Procurement Department. No members of the public spoke.
- January 6, 2015 HPC Meeting: The HPC met to discuss the Historic Preservation Grant Application including discussing examples of structures and properties that could be included in the application to demonstrate potential historic resources in the County. No members of the public spoke.
- June 12, 2015: The County was awarded a 2015 Federal Historic Preservation Grant for the update of the Historical and Architectural Survey. The grant provided funding to hire a cultural resources consultant to conduct an updated Historical and Architectural Survey of unincorporated areas in Charleston County that were not included in previous surveys.
- July 21, 2015 County Council Meeting: Council voted to accept the Federal Historic Preservation grant award. This subsequently led to the hiring of consultants to undertake an update of the County's Historical and Architectural Survey.
- February 16, 2016 Public Workshop: A public workshop was hosted by the Zoning and Planning Department which provided an overview of the grant project and included discussions on potential historic sites to consider for the survey project.

- July 11, 2016 HPC Meeting: The HPC met to discuss and suggest revisions to the draft survey report. No members of the public spoke.
- August 31, 2016 Public Workshop: A second public workshop was hosted by the Zoning and Planning Department at which survey findings and report recommendations were shared with the public.
- September 2016: The 2016 Charleston County Historic Resources Survey Update was published with recommendations including: amendments to the ZLDR to implement historic preservation planning efforts outlined in the Cultural Resources Element of the Charleston County Comprehensive Plan, and goals of the Historic Preservation Committee of the Planning Commission; continuing to develop an inventory of historic resources in Charleston County; and applying to become a Certified Local Government (CLG).
- October 24, 2016 Planning Commission Meeting: An overview of the Survey Report update was given to the Planning Commission. Furthermore, public input was received from the African American Settlement Communities.
- November 16, 2016 HPC Meeting: The HPC voted to include amendments to the Historic Preservation regulations in the ZLDR as part of the wider ZLDR Comprehensive Review Project, which was to be undertaken by consultants. Furthermore, public input was received from the African American Settlement Communities.
- April 24, 2017 HPC Meeting: The ZLDR Comprehensive Review consultants presented preliminary research and findings including referencing the 2016 Charleston County Historic Resources Survey Update, and what would be required of the County to become a Certified Local Government (CLG). They also asked for direction from the Committee. Furthermore, four members of the public spoke in favor of amending the Historic Preservation regulations and no one spoke in opposition.
- April 25, 2017 Special Planning Commission Meeting: The ZLDR Comprehensive Review consultants presented the information from the April 24, 2017 HPC meeting and asked for direction from the Commission. One member of the public spoke in support of an updated Historic Preservation Ordinance.
- October 23, 2017 HPC Meeting: A first draft of the proposed amended Historic Preservation regulations was presented, along with a proposed Fee Schedule for Historic Preservation related applications. This draft included creating a Historic Preservation Commission, establishing processes for approving Certificates of Historic Appropriateness and Designation of Local Historic Properties, and allowing the Historic Preservation Commission to have a preliminary review of nominations to the National Register of Historic Places. The HPC recommended amendments to the draft Ordinance to be incorporated by staff for the November 16, 2017 Special Planning Commission Meeting.

Furthermore, five members of the public spoke in support of the regulations.

- October 24 – 25, 2017: Staff incorporated the comments from the October 23 HPC meeting, as well as comments from the County's Legal Department, into the draft Ordinance for discussion at the November 16, 2017 Special Planning Commission meeting.
- November 16, 2017 Special Planning Commission Meeting: A second draft of the proposed amended Historic Preservation regulations was presented to Planning Commission. This draft incorporated amendments as suggested by the HPC and the County's Legal Department. The Commission directed staff and the consultant to revise the draft Ordinance based on the Commission's comments, and bring the revised Ordinance to a future meeting for further review and discussion.

Furthermore, six members of the public spoke in favor of amending the Historic Preservation regulations and no one spoke in opposition.

- December 11, 2017 Planning Commission Meeting: Staff presented information on the major topics related to Historic Preservation that were discussed at the November 16, 2017 meeting, and asked the Commission for direction. The Commission indicated that they would like more time to consider the issues and directed staff to bring the information back to the January 8, 2018 Planning Commission meeting.
- January 8, 2018 Planning Commission Workshop: Staff presented the information requested by the Commission at their December 11, 2017 meeting. The Commission gave staff direction on the topics related to Historic Preservation regulations, and directed staff to incorporate the changes into the draft Ordinance. No members of the public spoke.
- March 12, 2018 Planning Commission Workshop: The revised draft Historic Preservation Ordinance, incorporating the recommendations from the January 8, 2018 Planning Commission Workshop and additional comments from the County's Legal Department was presented, along with the proposed Fee Schedule for Historic Preservation related applications. Planning Commission voted to endorse the revised Draft Ordinance and related ZLDR amendments, and Fee Schedule (vote: 9-0), subject to minor changes.

Furthermore, three members of the public spoke expressing concern with aspects of the Ordinance.

- March 12, 2018 Planning Commission Meeting: Staff presented the draft Ordinance, related ZLDR amendments, and Fee Schedule endorsed at the Planning Commission Workshop, and Planning Commission voted to recommend approval (vote: 9-0). Furthermore, three members of the public spoke in support of the Ordinance.

Following March 12, 2018 the Planning Commission Meeting, the Planning Commission Chair sent a letter to the Chair of County Council, with copy to all Council Members, describing the history and purpose of the draft Historic Preservation Ordinance that the Commission has recommended for approval.

Summary of Proposed Amendments:

A Historic Preservation Ordinance within the County Code of Ordinances, but outside of the ZLDR, is being proposed:

- Section 1, Findings Incorporated: References Ordinance recitals and findings.
- Section 2, Historic Preservation Commission: Addresses the Composition, Officers, Rules, Meetings, Minutes, Review Authority, Decision Making Authority, Responsibility, Application Completeness and Submission Deadlines, and Requests for Postponements of Applications to the Historic Preservation Commission.
- Section 3, Designation of Historic Property: Addresses the Purpose, Applicability, Pre-Application Conference, Application Filing, Historic Preservation Officer Review and Report, Historic Preservation Commission Review and Recommendation, County Council Hearing, Approval Criteria, Final Action, and Notice of Decision, of Designation of Historic Property. Also addresses the Removal of Designation of Historic Property.
- Section 4, Certificate of Historic Appropriateness: Addresses the Purpose, Applicability, Application Filing, Historic Preservation Officer Review and Report, Historic Preservation Commission Public Hearing, Review and Determination, Approval Criteria, Notice of Decision, Submission of a New Application and Appeals of Certificates of Historic Appropriateness.
- Section 5, Nomination to the National Register of Historic Places: Details the role of the Historic Preservation Commission in Nominations to the National Register of Historic Places.

- Section 6, Notices: Addresses the type and scope of public notices.
- Section 7, Terms and Uses Defined: Provides definitions associated with Historic Preservation.

Further to the above, the following text amendments to the ZLDR are being proposed:

- a. Section 3.7.1, Site Plan Review: Adds references to indicate when Certificates of Historic Appropriateness are required for certain Site Plan Review applications.
- b. Section 8.1.2, Subdivision Regulations: Adds references to indicate when Certificates of Historic Appropriateness are required for approval of certain Subdivision Plat applications.
- c. Article 9.8, Historic Preservation: Deletes the current language and adds a reference to the Historic Preservation Ordinance being located in the County Code of Ordinances (outside of the ZLDR).
- d. Article 12.1, Terms and Uses Defined: Adds definitions related to Historic Preservation.

In addition to the above, amendments to the Charleston County Fee Ordinance for Historic Preservation related applications will also be required. These will be processed through a yellow sheet to be considered concurrently with final approval of the proposed Historic Preservation Ordinance and ZLDR Text Amendments.

This packet includes the full text of the proposed amendments to the ZLDR, the Historic Preservation Ordinance within the County Code of Ordinances, as well as all public input received to date.

Notifications:

All meetings listed above were noticed in compliance with the Freedom of Information Act and all applicable County Ordinances. Notifications of each Planning Commission meeting were sent to those listed on the ZLDR/Comprehensive Plan and Historic Preservation Committee Interested Parties' List at least 15 days prior to each meeting. Notifications of each HPC meeting were sent to those listed on the Historic Preservation Committee Interested Parties' List at least 15 days in advance of the meeting.

Staff Recommendation:

Consideration of amendments to the Zoning and Land Development Regulations Ordinance (ZLDR) related to Historic Preservation and addition of a Historic Preservation Ordinance within the County Code of Ordinances (outside of the ZLDR).

PLANNING COMMISSION: MARCH 12, 2018

Recommendation: Approval of the Draft Historic Preservation Ordinance and related ZLDR and Fee Ordinance amendments (vote: 9-0).

Speakers: Three people spoke in support of the Ordinance; no one spoke in opposition.

Notifications:

Planning Commission notification letters were sent to individuals on the Historic Preservation Committee and ZLDR/Comprehensive Plan Interested Parties Lists on February 23, 2018. Additionally, the Planning Commission meeting was noticed in the Post & Courier on February 23, 2018.

PUBLIC HEARING: MAY 8, 2018

Notifications:

552 Public Hearing notification letters were sent to individuals on the Historic Preservation Committee and ZLDR/Comprehensive Plan Interested Parties Lists on April 20, 2018. Additionally, the Public Hearing was noticed in the Post & Courier on April 6, 2018.

**Draft ZLDR Historic Preservation Amendments
(Planning Commission Recommendation - 3/12/18)**

Bold, italic text indicates proposed language and text that is struck through (~~struck through~~) is proposed to be deleted from the current ordinance. Draft Date 3/12/18.

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CHAPTER 3, DEVELOPMENT REVIEW PROCEDURES: ARTICLE 3.7, SITE PLAN REVIEW

§3.7.1 Applicability

Except as expressly exempted in Section 3.7.4, the Site Plan Review procedures shall apply to any of the following: (A) new development, redevelopment and property improvements that increase by more than 25 percent the area devoted to vehicular use, or the gross floor area of buildings; (b) any change in use to a more intensive use, as determined by the Planning Director; and (c) any earth disturbing activity greater than or equal to 5,000 square feet. The entire site shall be brought into compliance with all applicable Ordinance standards at the time of Site Plan Review.

Prior to Site Plan Review approval for properties located within 300 feet of a National Register of Historic Places (NRHP) listed Historic Property or Historic District, or a locally designated Historic Property or Historic District, a Certificate of Historic Appropriateness must be obtained pursuant to the procedures of [Reference to HP Ordinance in County Code of Ordinances here]. This requirement shall also apply to Site Plan Review approval for: NRHP listed Historic Properties; properties within NRHP listed Historic Districts; locally designated Historic Properties; and properties located within locally designated Historic Districts.

CHAPTER 8, SUBDIVISION REGULATIONS: ARTICLE 8.1, GENERAL

§8.1.2 Applicability

- E. ***Prior to Subdivision Plat approval for properties located within 300 feet of a National Register of Historic Places (NRHP) listed Historic Property or Historic District, or a locally designated Historic Property or Historic District, a Certificate of Historic Appropriateness must be obtained pursuant to the procedures of [Reference to HP Ordinance in County Code of Ordinances here]. This requirement shall also apply to Subdivision Plat approval for: NRHP listed Historic Properties; properties within NRHP listed Historic Districts; locally designated Historic Properties; and properties located within locally designated Historic Districts.***

**Draft ZLDR Historic Preservation Amendments
(Planning Commission Recommendation - 3/12/18)**

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CHAPTER 9, DEVELOPMENT STANDARDS: ARTICLE 9.8, HISTORIC PRESERVATION

The Charleston County Historic Preservation Ordinance is located in [reference County Code of Ordinances section here].

§9.8.1 ~~INTENT~~

~~The standards of this Section are intended to safeguard the integrity of historic structures, sites, and their context, and to protect public views of these resources along public rights-of-way.~~

§9.8.2 ~~APPLICABILITY~~

~~The standards of this Section shall apply to all sites (existing and future) listed on the National Register of Historic Places.~~

§9.8.3 ~~DEMOLITION~~

~~No demolition of a historic structure or site may occur until a Special Exception has been approved in accordance with the provisions of this Ordinance.~~

§9.8.4 ~~MOVING~~

~~No relocation of a historic structure or site may occur until a Special Exception has been approved in accordance with the provisions of this Ordinance. Relocation should not be considered, except as a final alternative to demolition.~~

§9.8.5 ~~NEW CONSTRUCTION; EXTERIOR ALTERATIONS~~

~~No new construction located on a historic structure or site or significant exterior alteration of a historic structure or site may occur until a Special Exception has been approved in accordance with the provisions of this Ordinance. The applicant must demonstrate that all proposed renovations are consistent with the National Register of Historic Places (NRHP) such that the structure shall remain listed on the NRHP following the completion of the proposed new construction and exterior alterations.~~

§9.8.6 ~~NEARBY DEVELOPMENT~~

~~Subdivision plats for multi-family, manufactured housing park, office, commercial, or industrial development or residential subdivisions proposed to be located within 300 feet of a historic structure or site should be reviewed to determine their impact on the historic site. The Planning Director shall require that potential negative impacts be minimized through the location of vehicular access points, screening/buffering and other site design tools.~~

CHAPTER 12, DEFINITIONS: ARTICLE 12.1, TERMS AND USES DEFINED

A

Archaeological Site. A place (or group of physical sites) in which evidence of past activity is preserved (prehistoric, historic, or contemporary), and which has been, or may be, investigated using the discipline of archaeology and represents a part of the archaeological record. A site may range from one with few or no remains visible above ground, to a building or other structure still in use.

H

Historic Building. A "building", such as a house, barn, church, hotel, or similar construction, that is created principally to shelter any form of human activity. "Building" may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn. Buildings must include all of their basic structural elements; parts of buildings, such as interiors, facades, or wings, are not eligible independent of the rest of the existing building. Examples may include, but are not limited

**Draft ZLDR Historic Preservation Amendments
(Planning Commission Recommendation - 3/12/18)**

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to: administration building; carriage house; church; city or town hall; courthouse; detached kitchen, barn, and privy; dormitory; fort; garage; hotel; house; library; mill building; office building; post office; school; shed; social hall; stable; store; theater; or train station.

Historic District. A Historic District possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. It means a geographically definable area, urban or rural, which contains sites, buildings, structures, objects, works of art, or a combination thereof which:

- Have a special character or special historical or ethnic heritage or aesthetic interest or value;*
- Represent one or more periods or styles of architecture typical of one or more eras in the history of Charleston County or the state or region; and*
- Cause such area, by reason of these factors, to constitute a visibly perceptible section of Charleston County, which may either be locally-designated or NRHP-listed.*

A Historic District derives its importance from being a unified entity, even though it is often composed of a wide variety of resources. The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the overall historic environment or be an arrangement of historically or functionally related properties. For example, a district can reflect one principal activity, such as a mill or a ranch, or it can encompass several interrelated activities, such as an area that includes industrial, residential, or commercial buildings, sites, structures, or objects. A Historic Preservation Overlay District can also be a grouping of archeological sites related primarily by their common components; these types of districts often will not visually represent a specific historic environment.

A Historic District can comprise both features that lack individual distinction and individually distinctive features that serve as focal points. It may even be considered eligible if all of the components lack individual distinction, provided that the grouping achieves significance as a whole within its historic context. In either case, the majority of the components that add to the district's historic character, even if they are individually undistinguished, must possess integrity, as must the district as a whole.

A Historic District can contain buildings, structures, sites, objects, or open spaces that do not contribute to the significance of the Historic Preservation Overlay District. The number of noncontributing properties a Historic Preservation Overlay District can contain yet still convey its sense of time and place and historical development depends on how these properties affect the Historic Preservation Overlay District's integrity. In archeological districts, the primary factor to be considered is the effect of any disturbances on the information potential of the district as a whole.

Historic Object. The term "Historic Object" is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment. Small objects not designed for a specific location are normally not included in this definition. Such works include a transportable sculpture, furniture, and other decorative arts that, unlike a fixed outdoor sculpture, do not possess association with a specific place. Objects should be in a setting appropriate to their significant historic use, roles, or character. Objects relocated to a museum are inappropriate for designation. Examples may include, but are not limited to: boundary marker; monument; milepost fountain; sculpture; or statuary.

Historic Property. A Historic Site, Historic Building, Historic Structure, or Historic Object that is fixed in location, which reflects historic, cultural or architectural significance.

**Draft ZLDR Historic Preservation Amendments
(Planning Commission Recommendation - 3/12/18)**

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Historic Site. The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structure. A site need not be marked by physical remains if it is the location of a prehistoric or historic event or pattern of events and if no buildings, structures, or objects marked it at the time of the events. However, when the location of a prehistoric or historic event cannot be conclusively determined because no other cultural materials were present or survive, documentation must be carefully evaluated to determine whether the traditionally recognized or identified site is accurate. A site may be a natural landmark strongly associated with significant prehistoric or historic events or patterns of events, if the significance of the natural feature is well-documented through scholarly research. Generally, though, the definition of "site" excludes natural waterways or bodies of water that served as determinants in the location of communities or were significant in the locality's subsequent economic development. While they may have been "avenues of exploration," the features most appropriate to document this significance are the properties built in association with the waterways. Examples may include, but are not limited to: battlefield; campsite; cemeteries significant for information potential or historic association; ceremonial site; designed landscape; habitation site; natural feature (such as a rock formation) having cultural significance; petroglyph; rock carving; rock shelter; ruins of a building or structure; shipwreck; trail; or a village site.

Historic Structure. The term "Historic Structure" is used to distinguish from buildings those functional constructions made usually for purposes other than creating human shelter. Structures must include all of the extant basic structural elements; parts of structures cannot be considered eligible if the whole structure remains. For example, a truss bridge is composed of the metal or wooden truss, the abutments, and supporting piers, all of which, if extant, must be included when considering the property for eligibility. If a structure has lost its historic configuration or pattern of organization through deterioration or demolition, it is considered a "ruin" and is categorized as a site.

Charleston County Historic Preservation Ordinance

WHEREAS, pursuant to Title 4, Chapter 9, Section 4-9-10 et seq. of the Code of Laws of South Carolina, 1976 as amended, Charleston County Council establishes a Historic Preservation Ordinance and Historic Preservation Commission to preserve the historic properties, districts, sites, buildings, structures, and objects in Charleston County;

WHEREAS, after providing opportunities for public input and careful study and consideration, Charleston County Council finds it in the best interests of its citizens, residents, and property owners to preserve historic properties, districts, sites, buildings, structures, and objects;

WHEREAS, the purpose of the Historic Preservation Ordinance is to set forth a process by which Charleston County Council can identify and designate properties, districts, sites, buildings, structures, and objects as historic in order to safeguard their integrity and foster preservation, restoration, and rehabilitation of the same; and

WHEREAS, the State of South Carolina also recognizes the importance of preserving the historical resources and Charleston County Council compliments those objectives of the state and establishes a process for determining whether or not the alteration, modification, relocation, demolition, addition to, new construction, rehabilitation, or restoration of National Register of Historic Places (NRHP) listed Historic Properties, NRHP listed Historic Districts, locally designated Historic Properties, and locally designated Historic Districts ("Historic Property" or "Historic Properties"), or subdivision or development of property located within 300 feet of a Historic Property, is in keeping with the historical, cultural, and architectural character of the Historic Property.

NOW, THEREFORE BE IT ORDAINED, by County Council of Charleston County, South Carolina, in meetings duly assembled as follows:

SECTION 1. FINDINGS INCORPORATED

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

SECTION 2. HISTORIC PRESERVATION COMMISSION

A. Composition, Officers, Rules, Meetings, and Minutes

The Historic Preservation Commission shall consist of nine members appointed by the County Council, provided, however, that of the initial members of the Commission, five members shall be appointed for four year terms and four members shall be appointed for two year terms. The members shall serve until their successors are appointed and qualified. The members, both laymen and professional, shall have a demonstrated interest, competence, or knowledge in historic preservation. The members shall serve without compensation from the County. Any vacancy which may occur on the Commission shall be filled by County Council appointing a successor to serve out the unexpired term of the vacancy. No member may hold an elected public office in Charleston County.

The Commission shall elect one of its members as chair and one as vice-chair whose terms must be for one year. It shall appoint a secretary who may be an officer or an employee of the County. The Commission shall adopt rules of organizational procedure and shall keep a record of its resolutions, findings, and determinations, which record must be a public record. The Commission shall meet

Draft Historic Preservation Ordinance (Planning Commission Recommendation - 3/12/18)

Bold, italic text indicates proposed language. Draft Date 3/12/18.

monthly, or as needed, and, in addition, the Commission may meet at the call of the chair or at such times as the chair or the Commission may determine.

Council hereby also establishes the position of Historic Preservation Officer. The Historic Preservation Officer shall provide administrative staff support to the Historic Preservation Commission and fulfill the duties as provided in this Ordinance. The Historic Preservation Officer shall report to the County Administrator, or his/her designee, who will, unless otherwise determined by the County Administrator, be the Charleston County Planning and Zoning Department Director.

B. Review Authority

The Historic Preservation Commission acts in a review and recommending capacity on Designations of Historic Property. The Commission may also conduct first review and evaluation of all proposed nominations for the NRHP.

C. Decision-Making Authority

The Historic Preservation Commission shall have final decision-making authority on Certificates of Historic Appropriateness.

D. Responsibility

In addition to the review and decision-making authority of the Historic Preservation Commission, the Commission shall:

- 1. Educate the community about the County's historic resources;*
- 2. Maintain a system for the survey and inventory of historic properties;*
- 3. Submit to the State Historic Preservation Office (SHPO) an annual report of Commission activities;*
- 4. Adopt By-Laws and Rules of Procedure; and*
- 5. Provide for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register (as applicable).*

E. Application Completeness and Submission Deadlines

- 1. Applications for consideration by the Historic Preservation Commission (Designations of Historic Property and Certificates of Historic Appropriateness) shall be submitted no later than 12:00 p.m. on the Friday, six weeks prior to the regularly scheduled Historic Preservation Commission meeting, unless otherwise provided in this Ordinance. Application filing deadlines and Historic Preservation Commission meeting dates are available at the Zoning and Planning Department. Within 15 Charleston County Government work days of submittal of the application, staff will determine if the application is complete, and if it is complete, the Historic Preservation Officer will schedule the application for consideration at the next available Historic Preservation Commission meeting.*
- 2. Any application that is determined to be incomplete shall, within 15 Charleston County Government work days of its submittal, be returned to the applicant along with an explanation of the application's deficiencies. Fees shall not be refunded. No further processing of the application shall occur until the deficiencies are corrected. Once the deficiencies are corrected, the application may be resubmitted without the payment of additional fees, provided that it is resubmitted within six months of the date that the application was returned to the applicant. Applications resubmitted more than six months after the date that the application was returned as incomplete shall require repayment of applicable fees.*

F. Requests for Postponements of Applications to the Historic Preservation Commission

Requests for postponements of all applications from Historic Preservation Commission meetings must be made in writing to the Historic Preservation Officer and the letter must be signed by the property owner(s) and/or his/her authorized agent. Postponement requests received within 10 calendar days of

the Historic Preservation Commission meeting for which the application is scheduled shall be considered withdrawn. An application that is postponed for more than one year from the date it was scheduled to be heard is deemed withdrawn. If an application is deemed withdrawn, the applicant must submit a new application in compliance with Section 2.E, Application Completeness and Submission Deadlines, of this Ordinance, and all applicable fees must be paid.

SECTION 3. DESIGNATION OF HISTORIC PROPERTY

A. Purpose

The standards of this Section are intended to safeguard the integrity of Historic Properties. The criteria and procedures in this Section are to be used by the Historic Preservation Commission to review, consider, and recommend designation of a Historic Property, and for the County Council to approve or deny the same.

B. Applicability

The Historic Preservation Commission may nominate Historic Properties and/or Historic Districts within the unincorporated area of Charleston County for designation with written consent from the owners of such properties pursuant to this Section, provided such nominations comply with the Designation of Historic Property process and requirements contained in this Section. Additionally, applications to designate Historic Properties within the unincorporated area of Charleston County may be submitted by the property owner(s) of the subject property(ies), site(s), building(s), structure(s), object(s), or district(s) provided such applications comply with the Designation of Historic Property process and requirements contained in this Section.

C. Pre-Application Conference

Before submitting an application for Designation of Historic Property, the property owner or applicant shall confer with the Historic Preservation Officer to discuss the proposal and the applicable review and approval procedures. Pre-application conferences are not required for nominations of Designation of Historic Property by the Historic Preservation Commission.

D. Application Filing

1. *Designation of Historic Property.*
 - a. *Applications for Designation of Historic Property shall be submitted to the Historic Preservation Officer on forms provided by Charleston County. Nominations for Designation of Historic Properties of Historic Properties by the Historic Preservation Commission do not require the submittal of application forms or fees.*
 - b. *Applications shall comply with Section 2.E, Application Completeness and Submission Deadlines, of this Ordinance.*
2. *No application for, or nomination of, a Designation of Historic Property shall be accepted as complete unless it includes the required fee and the information listed below:*
 - a. *A completed application signed by the current property owner(s), provided, however, that in the case of applications for designations of Historic Districts, the applicant shall submit to the Historic Preservation Officer a petition and/or written consent and other supporting documentation to show that 51% or more of the registered voters of the properties in the proposed Historic District are in favor of the designation of the Historic District. Where the proposed Historic District is less than 50 acres in size and is titled in the name of 10 or fewer Freeholders, the applicant shall canvas the proposed Historic District of the qualified electors residing in the proposed Historic District as to whether the Historic District proposed should be designated as such. The applicant shall submit to the Historic Preservation Officer a petition*

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and/or written consent and other supporting documentation to show that 51% or more of the Freeholders of the properties in the proposed Historic District are in favor of the designation of the Historic District.

- b. A Restrictive Covenants Affidavit(s) for each property included in the application signed by the applicant or current property owner(s) in compliance with state law;*
- c. A map indicating the address(es) or location(s) of the property(ies), site(s), building(s), structure(s), or object(s), and/or the boundaries of a proposed Historic District;*
- d. A letter of intent including information or statements to demonstrate compliance with the criteria of this Section and documentation of the historical or cultural significance such as photos, primary source documents, etc.; and*
- e. Any further information or documentation as the Historic Preservation Officer may deem necessary or appropriate to conduct a full and proper consideration and disposition of the application.*

E. Historic Preservation Officer Review and Report

The Historic Preservation Officer shall review the application pursuant to the Approval Criteria of Section 3.H, Approval Criteria, of this Ordinance and refer the application to other departments or entities as necessary. The Historic Preservation Officer shall provide a report to the Historic Preservation Commission.

F. Historic Preservation Commission Review and Recommendation

The Historic Preservation Commission shall review the Designation of Historic Property application at a meeting open to the public and adopt a resolution, by majority vote of the entire membership, recommending that the County Council approve or deny the application. The Historic Preservation Commission shall render its decision based on the Approval Criteria of Section 3.H, Approval Criteria, of this Ordinance. Neighbors and Parties in Interest Notice of the Historic Preservation Commission meeting shall be provided in accordance with the requirements of Section 6, Notices, of this Ordinance.

G. County Council Hearing

After receiving the recommendation of the Historic Preservation Commission, the County Council shall approve or deny the application for Designation of Historic Property based on the Approval Criteria of Section 3.H, Approval Criteria, of this Ordinance. County Council shall hold a public hearing prior to giving second reading to Designation of Historic Property applications. Neighbor and Parties in Interest Notice of the Public Hearing shall be provided in accordance with the requirements of Section 6, Notices, of this Ordinance. Designations of Historic Property shall not be approved "with conditions."

H. Approval Criteria

In order for an application for Designation of Historic Property to be approved, one or more of the following criteria must be met:

- 1. Has significant inherent character, interest, history, or value as part of the rural county or heritage of the county, state or nation;*
- 2. Is of an event significant in history;*
- 3. Is associated with a person or persons who contributed significantly to the culture and development of the county, state or nation;*
- 4. Exemplifies the cultural, political, economic, social, ethnic, or historic heritage of the county, state or nation;*
- 5. Individually or collectively embodies distinguishing characteristics of a type, style, or period in architecture or engineering;*
- 6. Is the work of a designer whose work has significantly influenced the development of the county, state or nation;*

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7. *Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation;*
8. *Is part of or related to a square or other distinctive element of community planning;*
9. *Represents an established and familiar visual feature of the neighborhood or community;*
10. *Has yielded, or may be likely to yield, information important in pre-history or history (potential archaeological site); and/or*
11. *Is deemed eligible for or already listed on the NRHP.*

I. Final Action

Designations of Historic Properties shall be adopted by ordinance of Charleston County Council.

J. Notice of Decision

Following final action by the County Council, the Historic Preservation Officer shall be responsible for providing the applicant and property owner with written notice of the decision.

K. Removal of Designation of Historic Property

Applications to remove a Designation of Historic Property must be submitted by the owner(s) of the Historic Property or by the Historic Preservation Commission with written consent from the property owner(s) and shall be submitted utilizing the application, fee(s), and process as described in this Article. In order for the designation to be removed, County Council must find that one or more of the following criteria has been met:

1. *The Site, Building, Structure, Object or District has ceased to meet the criteria for designation as described Section 3.H, Approval Criteria, of this Ordinance because the qualities which caused it to be originally designated have been lost or destroyed;*
2. *An error occurred regarding whether the Historic Property, Site, Building, Structure, Object, or District met the criteria for designation at the time it was designated; and/or*
3. *There was a procedural error in the designation process.*

SECTION 4. CERTIFICATE OF HISTORIC APPROPRIATENESS

A. Purpose

In order to ensure that any alteration, modification, relocation, demolition, addition to, new construction, rehabilitation, or restoration of a Historic Property, or subdivision or development of property located within 300 feet of a Historic Property, is in keeping with the historical, cultural, and architectural character of the Historic Property, a Certificate of Historic Appropriateness must be obtained pursuant to the standards set forth in this Section.

B. Applicability

1. *Certificate Required. A Certificate of Historic Appropriateness is required:*
 - a. *Before the issuance of Zoning Permits for the demolition, alteration, modification, addition to, new construction, rehabilitation, relocation, or restoration to a Historic Property including construction of new structures in Historic Districts; and*
 - b. *Before Subdivision Plat and Site Plan Review approvals for properties located within 300 feet of a Historic Property.*
2. *These requirements shall apply to applications for the permits described herein, that are submitted after [Date of Adoption of Ordinance].*

C. Application Filing

Applications for Certificates of Historic Appropriateness shall be submitted to the Historic Preservation Officer on forms provided by Charleston County. Applications shall comply with Section 2.E, Application Completeness and Submission Deadlines, of this Ordinance. Before submitting an application for a Certificate of Historic Appropriateness, the applicant shall confer with the Historic Preservation Officer to discuss the proposal and the applicable review and approval procedures. No application for a Certificate of Historic Appropriateness shall be accepted as complete unless it includes the required fee and the following information:

- 1. Completed Certificate of Historic Appropriateness application signed by the current property owner(s);*
- 2. As applicable, a copy of a legible approved and recorded plat showing current property boundaries. Exemptions include applications for Certificates of Historic Appropriateness for alterations, modifications, rehabilitation, demolition or restoration of Historic Properties that do not change the footprint of existing structures;*
- 3. Restrictive covenant(s) affidavit signed by the applicant or current property owner(s) in compliance with state law;*
- 4. A general description of the present use and proposed activity on the property and a written statement addressing the approval criteria set out in this Ordinance, stating specifically how the Certificate of Historic Appropriateness relates to and meets each criterion;*
- 5. As applicable, a site plan drawn to an engineer's scale showing the property dimensions, dimensions and locations of existing and proposed structures and improvements, parking areas, Grand trees, wetlands (properties containing DHEC-OCRM Critical Line areas must contain an up to date DHEC-OCRM signature on the site plan or plat), and holding basins and buffers when applicable. However, if the property was developed before April 21, 1999, no site improvements have been made since April 21, 1999, and the proposed use does not require site improvements, as determined by the Zoning and Planning Department Director, the applicant may submit an aerial photograph printed to engineer's scale showing the property lines, locations of existing structures and improvements, parking areas, etc. as the site plan. One 24 x 36 copy and 20 reduced 11 x 17 copies shall be submitted.*
- 6. As applicable, proposed Subdivision Plats.*
- 7. Any further information or documentation as the Historic Preservation Officer may deem necessary or appropriate to conduct a full and proper consideration and disposition of the application.*

D. Historic Preservation Officer Review and Report

The Historic Preservation Officer shall review each application for a Certificate of Historic Appropriateness pursuant to the Approval Criteria of Section 4.F, Approval Criteria, of this Ordinance. The Historic Preservation Officer shall provide a report on the application to the Historic Preservation Commission that addresses the Approval Criteria of Section 4.F, Approval Criteria, of this Ordinance, and includes, but is not limited to, whether or not the application complies with the requirements contained in the Charleston County Zoning and Land Development Regulations Ordinance.

E. Historic Preservation Commission Public Hearing, Review and Determination

The Historic Preservation Commission shall review the Certificate of Historic Appropriateness application at a public hearing and render a decision based on the Approval Criteria of Section 4.F, Approval Criteria, of this Ordinance. A majority of the Historic Preservation Commission members present and voting shall be required to approve, approve with conditions, or deny applications for Certificates of Historic Appropriateness.

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Neighbor and Parties in Interest Notice of the Historic Preservation Commission meeting shall be provided in accordance with the requirements of Section 6, Notices, of this Ordinance. If a property is located in a NRHP listed or locally designated Historic District ("Historic District"), notifications shall also be sent to the owners of properties located within the Historic District.

F. Approval Criteria

- 1. In granting a Certificate of Historic Appropriateness applications, the Historic Preservation Commission shall consider:*
 - a. The historic, cultural, and architectural significance of the district, site, building, structure, or object under consideration;*
 - b. The exterior form and appearance of any proposed additions or modifications and the effect of such additions and modifications upon other structures on the Historic Property or within the Historic District;*
 - c. When considering applications for new construction, alteration, repair, rehabilitation, or restoration, the Historic Preservation Commission shall apply the Secretary of the Interior's Standards for the Treatment of Historic Properties; and*
 - d. Certificate of Historic Appropriateness applications for properties located within Historic Districts, or for Subdivision Plats or Site Plan Review proposals for properties located within 300 feet of Historic Districts, must demonstrate consistency with the prevailing patterns of existing lots, densities, spacing of homes, lot sizes and shapes, and other characteristics of the Historic District that the Historic Preservation Commission deems applicable.*
- 2. In granting a Certificate of Historic Appropriateness for Subdivision Plats and Site Plan Review proposals for properties located within 300 feet of a Historic Property, the Historic Preservation Commission shall require that potential negative impacts of the proposed development be minimized through site design techniques such as the location of vehicular access points, screening treatments, and buffering treatments.*

G. Notice of Decision

Following final action by the Historic Preservation Commission, the Historic Preservation Officer shall provide the applicant and property owner with written notice of the decision.

H. Submission of a New Application

If the Historic Preservation Commission denies an application for a Certificate of Historic Appropriateness, a new application affecting the same Historic Property may be submitted if the Historic Preservation Officer determines there has been some substantial change made in the plans for the proposed work or development.

I. Appeals

Any person with a substantial interest in a decision of the Historic Preservation Commission or any officer, board, or bureau of the County may appeal a final decision of the Historic Preservation Commission to the Circuit Court of Charleston County. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after the date of the meeting at which the decision of the Historic Preservation Commission is rendered.

SECTION 5. NOMINATION TO THE NATIONAL REGISTER OF HISTORIC PLACES

The Historic Preservation Commission may conduct first review and evaluation of all proposed nominations for the NRHP for properties that are within its jurisdiction, prior to consideration by the State Board of Review. The Commission may send their recommendations to the State Historic

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Preservation Office for consideration at the meeting of the State Board of Review. The Commission shall not nominate properties directly to the National Register; only the State Board of Review shall have this final review authority unless expressly authorized by the Federal statute.

SECTION 6. NOTICES

A. Neighbor Notice

When the provisions of this Ordinance require that "Neighbor Notice" be provided, the Historic Preservation Officer shall mail notice to the applicant and all property owners within 300 feet of the subject property. Ownership information shall be obtained from the County Assessor's Office. Unless otherwise expressly provided in state statutes or this Ordinance, required Neighbor Notices shall be deposited in the U.S. mail at least 15 calendar days before the public hearing, meeting, or date of action that is the subject of the notice. Failure to provide this notice will not invalidate any action taken.

B. Parties in Interest Notice

When the provisions of this Ordinance require that notice be sent, the following "Parties in Interest" shall be notified: the applicant and the owner of the property (if other than applicant). Parties in Interest shall mean any individual, associations, corporations or others who have expressed an interest in writing in an application that has been received by the Historic Preservation Officer. It is the responsibility of the Parties in Interest to provide updated contact information to the Historic Preservation Officer. The Historic Preservation Officer will keep the Parties in Interest contact information on file for one year from the initial date received. Failure to provide this notice will not invalidate any action taken.

SECTION 7. TERMS AND USES DEFINED

A

Archaeological Site. A place (or group of physical sites) in which evidence of past activity is preserved (prehistoric, historic, or contemporary), and which has been, or may be, investigated using the discipline of archaeology and represents a part of the archaeological record. A site may range from one with few or no remains visible above ground, to a building or other structure still in use.

C

Certificate of Historic Appropriateness. The document issued by the Historic Preservation Commission (HPC) certifying that proposed actions are found to be acceptable relating to any alteration of, or change to a locally designated or National Register of Historic Places (NRHP) listed Historic Property or District, or for subdivision or site plan review applications for properties located within 300 feet of a locally designated or NRHP listed Historic Property or District.

F

Freeholder. Any person 18 years of age, or older, and any firm or corporation, who or which owns legal title to a present possessory interest in real estate equal to a life estate or greater (expressly excluding leaseholds, easements, equitable interests, inchoate rights, dower rights, and future interests) and who owns, at the date of the application, at least an undivided one-tenth interest in a single tract and whose name appears on the county records as an owner of real estate.

H

Historic Building. A "building", such as a house, barn, church, hotel, or similar construction, that is created principally to shelter any form of human activity. "Building" may also be used to refer to a

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historically and functionally related unit, such as a courthouse and jail or a house and barn. Buildings must include all of their basic structural elements; parts of buildings, such as interiors, facades, or wings, are not eligible independent of the rest of the existing building. Examples may include, but are not limited to: administration building; carriage house; church; city or town hall; courthouse; detached kitchen, barn, and privy; dormitory; fort; garage; hotel; house; library; mill building; office building; post office; school; shed; social hall; stable; store; theater; or train station.

Historic District. A Historic Preservation District possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. It means a geographically definable area, urban or rural, which contains sites, buildings, structures, objects, works of art, or a combination thereof which:

- Have a special character or special historical or ethnic heritage or aesthetic interest or value;*
- Represent one or more periods or styles of architecture typical of one or more eras in the history of Charleston County or the state or region; and*
- Cause such area, by reason of these factors, to constitute a visibly perceptible section of Charleston County, which may either be locally-designated or NRHP-listed.*

A Historic District derives its importance from being a unified entity, even though it is often composed of a wide variety of resources. The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the overall historic environment or be an arrangement of historically or functionally related properties. For example, a district can reflect one principal activity, such as a mill or a ranch, or it can encompass several interrelated activities, such as an area that includes industrial, residential, or commercial buildings, sites, structures, or objects. A Historic Preservation Overlay District can also be a grouping of archeological sites related primarily by their common components; these types of districts often will not visually represent a specific historic environment.

A Historic District can comprise both features that lack individual distinction and individually distinctive features that serve as focal points. It may even be considered eligible if all of the components lack individual distinction, provided that the grouping achieves significance as a whole within its historic context. In either case, the majority of the components that add to the district's historic character, even if they are individually undistinguished, must possess integrity, as must the district as a whole.

A Historic District can contain buildings, structures, sites, objects, or open spaces that do not contribute to the significance of the Historic Preservation Overlay District. The number of noncontributing properties a Historic Preservation Overlay District can contain yet still convey its sense of time and place and historical development depends on how these properties affect the Historic Preservation Overlay District's integrity. In archeological districts, the primary factor to be considered is the effect of any disturbances on the information potential of the district as a whole.

Historic Object. The term "Historic Object" is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment. Small objects not designed for a specific location are normally not included in this definition. Such works include a transportable sculpture, furniture, and other decorative arts that, unlike a fixed outdoor sculpture, do not possess association with a specific place. Objects should be in a setting appropriate to their significant historic use, roles, or character. Objects relocated to a museum are inappropriate for designation. Examples may include, but are not limited to: boundary marker; monument; milepost fountain; sculpture; or statuary.

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Historic Property. A Historic Site, Historic Building, Historic Structure, or Historic Object that is fixed in location, which reflects historic, cultural or architectural significance.

Historic Site. The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structure. A site need not be marked by physical remains if it is the location of a prehistoric or historic event or pattern of events and if no buildings, structures, or objects marked it at the time of the events. However, when the location of a prehistoric or historic event cannot be conclusively determined because no other cultural materials were present or survive, documentation must be carefully evaluated to determine whether the traditionally recognized or identified site is accurate. A site may be a natural landmark strongly associated with significant prehistoric or historic events or patterns of events, if the significance of the natural feature is well-documented through scholarly research. Generally, though, the definition of "site" excludes natural waterways or bodies of water that served as determinants in the location of communities or were significant in the locality's subsequent economic development. While they may have been "avenues of exploration," the features most appropriate to document this significance are the properties built in association with the waterways. Examples may include, but are not limited to: battlefield; campsite; cemeteries significant for information potential or historic association; ceremonial site; designed landscape; habitation site; natural feature (such as a rock formation) having cultural significance; petroglyph; rock carving; rock shelter; ruins of a building or structure; shipwreck; trail; or a village site.

Historic Structure. The term "Historic Structure" is used to distinguish from buildings those functional constructions made usually for purposes other than creating human shelter. Structures must include all of the extant basic structural elements; parts of structures cannot be considered eligible if the whole structure remains. For example, a truss bridge is composed of the metal or wooden truss, the abutments, and supporting piers, all of which, if extant, must be included when considering the property for eligibility. If a structure has lost its historic configuration or pattern of organization through deterioration or demolition, it is considered a "ruin" and is categorized as a site.

R

Rehabilitation (Historic Property or District). The process of returning a building or buildings to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the building(s) that are significant to its historic, architectural and cultural values.

Repair (Historic Property or District). The mending or restoration of a building or structure to a sound or good state, at or nearest to its original designed condition, due to decay, dilapidation, damage or partial destruction. Such work shall not change the size or shape in whole or in part of a building or structure to expand a use. It shall include the terms "renovation", "rebuilding" and "reconstruction" for purposes of this Ordinance.

Restoration (Historic Property or District). The act or process of accurately depicting the form, features, and character of a designated property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a restoration period.

Public Input

Charleston County Planning Commission Meeting
October 24, 2016

Snowden Community Civic association, Phillip's Community Association,
East Cooper Civic Community Association and Cainhoy Huger
Community Association

**African American Settlement Communities:
Issues and Concerns**

Within the past several years, the residents of our Snowden Community; as well as other African American Settlement communities have become aware that there is a growing concerted effort by developers and others to change the existing historic and cultural characteristics of our African American communities. In recent years, Snowden has grappled with the loss of an historic school house and the proposed sale and development of twenty acres owned by the Olive Branch AME Church; that will change the history, cultural characteristics and the quality of life for our Snowden community residents forever.

Richard Habersham -Phillips Community –Population 1000 -Residents

1. **Special Zoning Designations**- The only way that the preservation of our African American Settlement Communities can be achieved is by the Development and implementation of Special Zoning Laws designed to protect and preserve the African American Settlement Communities history, characteristics, art form, music, cemeteries', land use and way of life.

Charleston County Planning Commission Meeting
October 24, 2016

Snowden Community Civic association, Phillip's Community Association,
East Cooper Civic Community Association and Cainhoy Community
Association

African American Settlement Communities:
Issues and Concerns

Within the past several years, the residents of our Snowden Community; as well as other African American Settlement communities have become aware that there is a growing concerted effort by developers and others to change the existing historic and cultural characteristics of our African American communities. In recent years, Snowden has grappled with the loss of an historic school house and the proposed sale and development of twenty acres owned by the Olive Branch AME Church; that will change the history, the existing cultural characteristics and the quality of life for our Snowden community residents forever.

Chris Collins – Snowden Community – Population – 850 Residents

2. **Gullah Geechee Culture Heritage Corridor Act:** A study conducted by the National Park Service in 2005, revealed the African American Gullah Geechee people's culture to be among the eleventh most endangered cultures in the United States. The findings of the study resulted in our U.S. Congress passing and enacting the Gullah Geechee Culture Heritage Corridor Act in 2006, to protect and preserve our Gullah Geechee people's settlement communities within the boundaries' (from Delaware to Jacksonville Florida) of the Gullah Geechee Culture Heritage Corridor. Our African American Settlement communities seek to establish partnerships with the Gullah Geechee Culture Heritage Corridor Commission as well as other Preservations agencies and organization that focus on addressing the preservation of our African American Settlement Communities.

Charleston County Planning Commission Meeting

October 24, 2016

Snowden Community Civic association, Phillip's Community Association, East Cooper Civic Community Association and Cainhoy Community Association

African American Settlement Communities: Issues and Concerns

Within the past several years, the residents of our Snowden Community; as well as other African American Settlement communities have become aware that there is a growing concerted effort by developers and others to change the existing historic and cultural characteristics of our African American communities. In recent years, Snowden has grappled with the loss of an historic school house and the proposed sale and development of twenty acres owned by the Olive Branch AME Church; that will change the history, cultural characteristics and the quality of life for our Snowden community residents forever.

Edward Lee – Scanlonville Community – Population – 350 Residents

3. **Property Tax Increase Issues and Concerns:** The 2016 Survey conducted by Charleston County Planning Department resulted in a comprehensive document created with extensive public involvement and input. Outside development would increase the property taxes of the medium, low and fixed income families and residents living in the AA Settlement communities. The community interaction culminated in covering a wide range of issues from property tax increase, traffic issues, the potential for gentrification, inadequate infrastructures to the need for establishing special zoning districts designed to ensure affordable housing and the preservation of our African American Gullah Geechee people's settlement communities.

Charleston County Planning Commission Meeting
October 24, 2016

Snowden Community Civic association, Phillip's Community Association,
East Cooper Civic Community Association and Cainhoy Community
Association

**African American Settlement Communities:
Issues and Concerns**

Within the past several years, the residents of our Snowden Community; as well as other African American Settlement communities have become aware that there is a growing concerted effort by developers and others to change the existing historic and cultural characteristics of our African American communities. In recent years, Snowden has grappled with the loss of an historic school house and the proposed sale and development of twenty acres owned by the Olive Branch AME Church; that will change the history, cultural characteristics and the quality of life for our Snowden community residents forever.

Fred Lincoln –Cainhoy/Huger Community–Population–4600 Residents

4. Develop and implementation of a Historic Preservation

Commission: For generations, the Gullah Geechee people living within our African American settlement communities have developed a distinct culture in all its myriad aspects - *a distinctive language, traditional foods, religion, music, folktales, art form, social structure, landscape forms and settlement patterns that have defined our communities for centuries.* Our organizations seek to develop collaborative partnerships with Historic Preservation agencies and organizations on the Local, State & Federal level that would help the African American settlement Communities to develop an African American Community Historic Commission that would be designed to focus on the preservation and protection of the AA Settlement Communities within the Charleston County geographical areas.

Charles W. Smith
333 Wappoo Road
Charleston, South Carolina 29407

December 1, 2017

Mr. Eric Meyer, Chairman
Charleston County Planning Commission
4045 Bridgeview Drive
North Charleston, South Carolina 29405

Dear Mr. Chairman and members of the commission;

Upon review of the proposed Historic Preservation Ordinance, I have some concerns that I would like to raise. First and foremost, history is not static and any ordinance to protect our historic resources likewise cannot be static either. Our perspective on our history is not the same as our parents' and grandparents' perspective on history, because the times have changed and what we value has changed. The kind of people who are allowed to have a history has also changed dramatically in the past fifty years. We cannot lose sight of that most important fact as we consider the inclusion of many African American sites of significance in Charleston County and how those sites are interpreted. We also need to be conscious of other under-represented communities who have important histories that we may be excluding...such as religious minorities, women, the LGBTQ community. They all have and will continue to have history here and we need to include that history in our work.

Historic significance is probably best depicted as a spectrum ranging from local significance to national and even international significance. While it may not seem too important to protect a fifties rancher West Ashley, if we do not acknowledge and protect in some fashion the significance of the more mundane built environment that is now just arriving at fifty to sixty years old, then there will not be enough representative buildings and neighborhoods from this time period that survive intact to value them at all when they reach the 100 or 200 year mark. A case in point would be the US Post office on Broad Street who's Renaissance Revival architecture was considered outdated by the time it had reached its fifty year mark. An article in the News and Courier from 1946 called for the 1896

building to be demolished because it was considered to be so out of character with the other three “Corners of Law”. Fifty years later one might be run out of town on a rail for making such an observation. The thought of leaving this building without the strongest of protections today would be and should be considered unconscionable, but in 1946 we almost lost it.

The Historic Preservation Ordinance that we adopt for Charleston County must be able to adjust and become more protective of our resources as time passes and as those resources naturally become more important and more valuable to the community. This is why the 50 year mark should be the baseline for any discussion about the future of any building in Charleston County where there is a proposal for demolition or alteration. Any building 50 years or older must be on a “Universal List” of properties in Charleston County which may or may not have some historic significance by virtue of its age and/or other factors. That list must be comprehensive in its scope without regard to whether the owner wishes it to be listed or not. The Universal List is the true and accurate listing of all properties in Charleston County thought to have any historic, cultural or architectural significance. What protections are provided, if any, will depend upon where that property falls along the spectrum of significance from “No significance” to “Extremely valuable”.

Planning staff could easily deal with those properties on the lower end of the spectrum...the buildings that are 50-75 years old. If any staff question were to arise regarding the significance of a building, the Historic Preservation Commission would be asked to weigh in and assist the Planning Director in determining the proper course. The HPC would have the right to determine if they had jurisdiction in the case or not. If they declined to take up the case, then the applicant would proceed to permitting.

If the case is taken up, the HPC would determine the appropriateness of the request being made and issue a certificate of appropriateness for any work approved. There should be more latitude at the lower end of the spectrum to accommodate reasonable requests than there would be at the higher/older/more significant end of the spectrum. That higher/older/more significant end of the spectrum would specifically and upon adoption of the ordinance include any buildings 75 years or older, any buildings or sites included in the 2016 Charleston County Historic Resources Update, all properties on or deemed eligible for the

National Register of Historic Places and all cemeteries, known and unknown. In all cases of properties 75 years or older, an application to the Historic Preservation Commission for a certificate of appropriateness would be required.

This is also a very logical place to deal with the detrimental effects of the 50% rule with regard to historically significant properties. Properties 50 years or older should be exempted from the 50% rule if there is an approved renovation/restoration/repair/stabilization plan signed by the Planning Director, Building Official and the Chairperson of the Historic Preservation Commission. The 50% rule is very destructive to the historic fabric of our community. If there is someone ready, willing and able to bear the cost to renovate/restore/repair or stabilize an historic property that has deteriorated beyond 50% of its building value, then the building should be saved regardless of cost. The county will reap benefits in permit fees and by getting substandard and often vacant deteriorated buildings back into the real estate market. I mention 333 Wappoo Road as a perfect example of what would have been lost if the owner had been forced to demolish the deteriorated but perfectly salvageable building as he was instructed to do by the building official. The building at 1890 Ashley River Road will be the next case we have to deal with. The buyer is ready willing and able to do the renovation, but the building value is \$20,000, so he is limited to a \$10,000 renovation unless he brings the building into full compliance including flood elevation compliance. This house can be raised because it is a wood structure. A masonry structure or slab structure would likely have to be demolished. They all should be exempt from this rule with the concurrence of these listed officials.

I would also like to remind everyone that in the time that we have been discussing this ordinance and drafting it, we have lost some irreplaceable pieces of our history. The County Produce Market, the Chimney complex at the German POW camp and just this week, the DuPont Powder Magazine on Dulsey Street. We need this ordinance now and we need for it to have some teeth where our significant structures are concerned.

Thank you for affording me the opportunity to weigh in on this.

Very truly yours,

Charles W. Smith



From: Elizabeth Boyles [<mailto:EBoyles@tompsec.com>]

Sent: Thursday, April 05, 2018 10:36 AM

To: Joel Evans <JEvans@charlestoncounty.org>; Andrea Harris-Long <AHarris@charlestoncounty.org>;
Andrea Pietras <APietras@charlestoncounty.org>

Subject: Historic Preservation Comments

Good morning, all.

I just wanted to share one comment that came up in one of our subcommittee meetings about the Settlement Community historic preservation ordinance. The question was raised as to the composition of the Historic Preservation Commission and whether there was any way to ensure that the commissioners would include residents of the settlement communities? I'm certain that's the intent, but as written, there seems to be no such requirement, unless I'm missing something.

Thanks – Just wanted to share that before I forgot ☺ Public Hearing is on May 8 at 6:00?

Have a good day!

Liz



LIZ BOYLES

Principal Planner | [Town of Mount Pleasant](http://TownofMountPleasant.com)

100 Ann Edwards Lane | Mount Pleasant, SC 29464

e: eboyles@tompsec.com | t: 843.884.1229



October 24, 2016

Dear: Charleston County Council, Chairman Elliott Summey and Council Members:

For generations, the Gullah Geechee people living within our African American settlement communities have developed a distinct culture in all its myriad aspects - ***a distinctive language, traditional foods, religion, music, folktales, art form, social structure, landscape forms and settlement patterns that have defined our communities for centuries.***

A study conducted by the National Park Service in 2005, revealed the Gullah Geechee people's culture to be among the eleventh most endangered cultures in the United States. The findings of the study resulted in our U.S. Congress passing and enacting the Gullah Geechee Culture Heritage Corridor Act in 2006, to protect and preserve our Gullah Geechee people's settlement communities located within the Gullah Geechee Culture Heritage Corridor, which spans along the Eastern Coastline from Delaware to Jacksonville Florida. Unfortunately, at this point, this "Act" has no teeth, so it is treated as a "suggestion" rather than special land that needs to be preserved in its current form in perpetuity.

Additionally, a recent survey conducted by Charleston County Planning Department in 2016, revealed the importance of preserving this part of Charleston Counties African American settlement communities. The survey resulted in a comprehensive document created with extensive public involvement and input. These African American Settlement communities have influenced much of South Carolina's low country history, culture and art form for generations. Snowden and other AA settlement communities' should remain largely as it is in terms of form and land use. Current zoning laws and ordinance are not designed to protect African American Settlement communities.

The Snowden Community is one of the oldest African American communities established after the Civil War in 1866 as a place for formerly enslaved people to live free. Today, most residents living in our African American communities are descendants of the West Africans who were enslaved and brought to the shores of Sullivan's Island S.C. The majority of our residents are related to each other and the properties that they and their family members live on are properties that have been inherited from their ancestors. We are of the opinion that the African American Settlement communities (within the Town of Mt. Pleasant's geographical boundaries'), share common concerns about zoning, property tax, infrastructure, and the potential of gentrification.

We are therefore requesting a meeting to develop a dialogue between the leaders of our African American settlement communities, Charleston County Council, the Town of Mount Pleasant and Mount Pleasant Water Works to develop collaborative measures designed to promote and encourage efforts to protect and preserve the African American Gullah Geechee people's culture, its viability and unique historic characteristics, and our resident's overall quality of life. Efforts should include discussions about special zoning laws designed to address uncontrolled development, increased taxes, increased traffic, inadequate infrastructure and the possibility of creating an African American cultural Historic Commission.

We look forward to hearing from you soon regarding our meeting request. Please contact Chris Collins at 843-834-1751 to schedule a date and time to review and discuss our concerns.

Thank you in advance for your consideration.

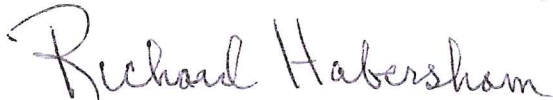
Sincerely,



Chris Collins, Snowden Community, Representative



Edward Lee, Scanlonville Community, Representative



Richard Habersham, Phillip's Community, Representative



Fred Lincoln, Cainhoy Huger Community, Representative

CC: Charleston County Planning Commission

Town of Mt. Pleasant, Mayor Linda Page and Council Members

Mt. Pleasant Waterworks Commissioners and Clay Duffy, General Manager

Text Amendments to the ZLDR for Short-Term Rental Regulations

Post & Courier

CHARLESTON COUNTY COUNCIL ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE TEXT AMENDMENT PUBLIC HEARING

Tuesday, May 8, 2018 at 6:00 PM

Charleston County Council will hold a public hearing on Tuesday, May 8, 2018 at 6:00 pm in County Council Chambers (located on the second floor of Lonnie Hamilton, III Public Services Building, 4045 Bridge View Drive, North Charleston, SC 29405) on proposed amendments to the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) regarding Short-Term Rental Regulations.

More information may be obtained on-line at the Charleston County Web Site (www.charlestoncounty.org) or by contacting the Charleston County Planning Department at (843) 202-7200. This Public Notice is in accordance with Section 6-29-760 of the Code of Laws of South Carolina.

Kristen L. Salisbury
Clerk of Council

**PROPOSED TEXT AMENDMENTS TO THE CHARLESTON COUNTY
ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE (ZLDR) TO INTRODUCE
SHORT-TERM RENTAL REGULATIONS**

Planning Commission: March 12, 2018

Public Hearing: May 8, 2018

Planning and Public Works Committee: May 31, 2018

Background

In recent years, staff has received some complaints from residents around the County regarding Short-Term Rentals operating in their neighborhoods. Beginning in the Fall of 2015, Planning staff worked with the Legal Department to identify how best to address Short-Term Rental uses based on the Zoning and Land Development Regulations Ordinance (ZLDR) in effect at the time, and it was determined that Short-Term Rentals were not regulated by the ZLDR. The only way to regulate Short-Term rentals is to adopt regulations specific to this use. At the February 8, 2016 Planning Commission meeting, staff presented information regarding Short-Term Rental uses and the fact that the ZLDR currently does not regulate such uses and asked the Commission for direction. At the meeting, the Commission established a Short-Term Rental Committee (STRC) to investigate this issue further, together with staff.

- February 26, 2016 STRC Meeting: The STRC met to discuss concerns of how to regulate the various listings of vacation rental properties for families and groups seeking alternatives to normal hotel accommodations. The STRC directed staff to investigate: how to limit the impact of this new use on surrounding property owners; providing a definition of Short-Term Rentals in Chapter 12 of the ZLDR; determining the appropriate zoning districts; determining conditions of use; and devising permit revocation language. No members of the public spoke.
- June 13, 2016 STRC Meeting: The STRC met and discussed: The definition of Short-Term Rentals; the need to have different processes and regulations for different types of Short-Term Rentals; incorporating a complaint reporting and tracking system; and application requirements.

Furthermore, one member of the public spoke in support of having Short-Term Rental regulations and no one spoke in opposition.

- August 8, 2016 STRC Meeting: The STRC voted to include the formulation of Short-Term Rental regulations as part of the wider ZLDR Comprehensive Review Project, which was to be undertaken by the consultants for the ZLDR Comprehensive Review Project. Furthermore, four members of the public spoke in favor of Short-Term Rentals.
- April 24, 2017 STRC Meeting: The ZLDR Comprehensive Review consultants presented preliminary research regarding Short-Term Rental regulations adopted in certain cities throughout the country, and options for regulating this use in Charleston County, and asked for direction from the Committee.

Furthermore, four members of the public spoke in favor of the County adopting Short-Term Rental regulations, and no one spoke in opposition.

- April 25, 2017 Special Planning Commission Meeting: The ZLDR Comprehensive Review consultants presented the information from the April 24, 2017 STRC meeting regarding Short-Term Rental regulations and asked for direction from the Commission. No members of the public spoke.
- May 30, 2017 Meeting with HomeAway Representatives: Staff met with representatives of HomeAway and outlined the need for Short-Term Rental regulations for the County, and the involvement of the ZLDR Comprehensive Review consultants in drafting those regulations. The HomeAway representatives noted that HomeAway was in favor of regulating Short-Term Rentals

and provided general data regarding their operations in the County. The representatives of HomeAway have been notified of every STRC and Planning Commission meeting regarding Short-Term Rental regulations, as well as the Public Hearing.

- October 4, 2017 Phone Call with Airbnb Representative: Staff spoke with a representative from Airbnb and outlined the need for Short-Term Rental regulations for the County, and the involvement of the ZLDR Comprehensive Review consultants in drafting those regulations. The Airbnb representative acknowledged that some regulation of Short-Term Rentals is warranted and provided general data on Airbnb listings throughout the County. The representatives of Airbnb have been notified of every STRC and Planning Commission meeting regarding Short-Term Rental regulations, as well as the Public Hearing.
- October 23, 2017 STRC Meeting: A first draft of the proposed Short-Term Rental regulations was presented, along with a proposed fee schedule for Short-Term Rental Zoning Permits. This draft included introducing four categories of Short-Term Rentals with standards, use limitations and operating requirements. The STRC recommended both the draft fee schedule and the draft ordinance to the Planning Commission with several amendments to the draft ordinance to be incorporated by staff for the November 16, 2017 Special Planning Commission meeting.

Furthermore, eight members of the public commented on the proposed regulations, with seven in support of the regulations and one in opposition.

- October 24 – 25, 2017: Staff incorporated the comments from the October 23, 2017 STRC meeting, as well as comments from the County's Legal Department, into the draft ordinance for discussion at the November 16, 2017 Special Planning Commission meeting.
- November 16, 2017 Special Planning Commission Meeting: The revised draft Short-Term Rental Regulations Ordinance, incorporating the recommendations of the STRC and the County's Legal Department, was presented along with the proposed fee schedule for Short-Term Rental Zoning Permits. The Planning Commission suggested several amendments to the draft ordinance, and directed staff and the consultant to revise the draft Ordinance based on the Commission's comments, and bring the revised Ordinance to a future meeting for further review and discussion.

Furthermore, five members of the public spoke in support of having Short-Term Rental regulations and one member of the public spoke in opposition to proposed fees associated with Short-Term Rental Zoning Permits.

- December 11, 2017 Planning Commission Meeting: Staff presented information on the major topics related to Short-Term Rentals that were discussed at the November 16, 2017 meeting, and asked the Commission for direction. The Commission indicated that they would like more time to consider the issues and directed staff to bring the information back to the January 8, 2018 Commission workshop/meeting.
- January 8, 2018 Planning Commission Workshop: Staff presented the information requested by the Commission at their December 12, 2017 meeting. The Commission gave staff direction on each of the topics related to the Short-Term Rental regulations, and directed staff to incorporate the changes into the draft Ordinance.

Furthermore, three members of the public raised concern that the proposed Ordinance was too restrictive, and one member of the public raised concern that the proposed Ordinance was not restrictive enough.

- March 5, 2018 STRC Meeting: The revised draft Short-Term Rental Ordinance, incorporating the recommendations from the January 8, 2018 Planning Commission Workshop and additional comments from the County's Legal Department, was presented along with the proposed Fee Schedule for Short-Term Rental Zoning Permits. The STRC voted to recommend approval of the

proposed draft Short-Term Rental Ordinance, subject to staff working with the County's Legal Department on the proposed "non-owner-occupied" definition and the scope of 'Extended Home Rentals'. The STRC also voted to recommend approval of the proposed Fee Schedule for Short-Term Rental Zoning Permits, and directed staff to bring the revised Ordinance to the March 12, 2018 Planning Commission Workshop for discussion.

Furthermore, six members of the public spoke. Three raised concerns with aspects of the draft Ordinance, one spoke in support of the draft Ordinance, and two provided informational comments only.

- March 12, 2018 Planning Commission Workshop: Staff presented the revised draft Short-Term Rental Ordinance and proposed Fee Schedule for Short-Term Rental Zoning Permits, and provided clarification on the definition of "non-owner-occupied", and the scope of 'Extended Home Rentals'. Planning Commission voted to endorse the revised draft Short-Term Rental Ordinance and related ZLDR amendments (vote: 6-1, with 2 absent) and voted unanimously to endorse the proposed Fee Schedule (vote: 7-0, with 2 absent).

Furthermore, three members of the public spoke generally in favor of the draft Ordinance.

- March 12, 2018 Planning Commission Meeting: Staff presented the draft Short-Term Rental Ordinance, related ZLDR amendments, and Fee Schedule endorsed at the Planning Commission Workshop, and Planning Commission voted to recommend approval of the Short-Term Rental Ordinance with a vote of 8-1, and approval of the Fee Ordinance amendments with a vote of 9-0. Furthermore, four members of the public spoke in opposition to aspects of the draft Ordinance.

Following March 12, 2018 the Planning Commission Meeting, the Planning Commission Chair sent a letter to the Chair of County Council, with copy to all Council Members, describing the history and purpose of the draft Short-Term Rental Regulations Ordinance that the Commission has recommended for approval.

Summary of Proposed Amendments:

The following text amendments to the ZLDR are being proposed in order to introduce Short-Term Rental regulations:

- Sections 5.5.15.I, Mount Pleasant Overlay Zoning District, Table 6.1-1, Use Table, and Section 9.3.2, Off-Street Parking and Loading: Delete references to Bed & Breakfast Inns and Rooming/Boarding Houses, and replace with Short-Term Rentals; Delete references to Recreation or Vacation Camps and replace with Campgrounds.
- Section 5.10.7, Highway 17 North Corridor Overlay Zoning District, and Section 5.13.6, DuPont-Wappoo Area Overlay Zoning District: Delete references to Bed & Breakfast Inns, and replace with Short-Term Rentals.
- Article 6.4, Use Conditions: Delete Section 6.4.4, Bed and Breakfasts, which is related to use conditions of Bed & Breakfast Inns.
- Section 6.5.11, Home Occupations: Delete references to Bed & Breakfast Inns, and clarify that Short-Term Rentals are prohibited as Home Occupation uses.
- The addition of Article 6.8, Short-Term Rental Regulations: Add Short-Term Rental Regulations, including but not limited to Purpose and Applicability, Operating Standards and Requirements, General Standards, Use Limitations and Requirements, Application Submittal Requirements, and Enforcement and Violations.
- Table 7.5.A: Delete reference to Bed & Breakfast Inns.
- Article 12.1 Terms and Uses Defined: Delete definitions and references related to Bed & Breakfast Inns, Rooming/Boarding Houses, and Recreation (or Vacation) Camp, and add definitions and references related to Short-Term Rentals and Campgrounds.

Further to the above-proposed ZLDR Text Amendments, amendments to the Charleston County Fee Ordinance for Short-Term Rental Zoning Permits are also proposed. These will be processed through a

yellow sheet to be considered concurrently with final approval of the proposed ZLDR Text Amendments for Short-Term Rental regulations.

This packet includes the full text of the proposed Short-Term Rental regulations, as well as all public input received to date, including the results of a summary of a survey from the Riverland Terrace neighborhood regarding Short-Term Rental Regulations.

Notifications:

All meetings listed above were noticed in compliance with the Freedom of Information Act and all applicable County Ordinances. Notifications of each Planning Commission meeting were sent to those listed on the ZLDR/Comprehensive Plan and Short-Term Rental Committee Interested Parties' List at least 15 days prior to each meeting. Notifications of each STRC meeting were sent to those listed on the Short-Term Rental Committee Interested Parties' List at least 15 days in advance of the meeting.

Staff Recommendation:

Consideration of amendments to the Zoning and Land Development Regulations Ordinance (ZLDR) to adopt Short-Term Rental regulations.

PLANNING COMMISSION: MARCH 12, 2018

Recommendation: Approval of the proposed Short-Term Rental Ordinance and related ZLDR amendments (vote: 8 to 1), and Fee Ordinance amendments (vote: 9 to 0).

Speakers: Four people spoke in opposition to aspects of the draft Ordinance.

Notifications:

Planning Commission meeting notification letters were sent to individuals on the Short-Term Rental Committee and ZLDR/Comprehensive Plan Interested Parties' Lists on February 23, 2018. Additionally, the Planning Commission meeting was noticed in the Post & Courier on February 23, 2018.

PUBLIC HEARING: MAY 8, 2018

Notifications:

565 Public Hearing notification letters were sent to individuals on the Short-Term Rental Committee and ZLDR/Comprehensive Plan Interested Parties' Lists on April 20, 2018. Additionally, the Public Hearing was noticed in the Post & Courier on April 6, 2018.

Draft Short-Term Rental Regulations (Planning Commission Recommendation - 3/12/18)

Bold, italic text indicates proposed language and text that is struck through (~~struck through~~) is proposed to be deleted from the current ordinance. Draft date 3/12/18.

ARTICLE 5.5 MP-O, MOUNT PLEASANT OVERLAY ZONINGDISTRICT	2
§5.5.15 Sweetgrass Basket Stand Special Consideration Area	2
ARTICLE 5.10 17N-O, HIGHWAY 17 NORTH CORRIDOR OVERLAY ZONING DISTRICT	4
§5.10.7 Use Regulations.....	4
ARTICLE 5.13 DUPONT-WAPPOO AREA OVERLAY ZONING DISTRICT (DuWap-O)	5
§5.13.6 Use Regulations.....	5
ARTICLE 6.1 USE TABLE	6
ARTICLE 6.4 USE CONDITIONS.....	8
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Draft Short-Term Rental Regulations (Planning Commission Recommendation - 3/12/18)

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ARTICLE 5.5 MP-O, MOUNT PLEASANT OVERLAY ZONING DISTRICT

§5.5.15 Sweetgrass Basket Stand Special Consideration Area

I. Village Commercial Area from Hamlin Road to Porcher's Bluff Road

The Village Commercial Area, as illustrated on the map entitled "Sweetgrass Basket Stand Special Consideration Area," is intended for higher intensity commercial uses than the Village Commercial area located between the Isle of Palms Connector and Hamlin Road. This part of the overlay zoning district is intended to ensure safe, convenient, and efficient traffic movement by implementing an appropriate access management plan, thereby reducing the need for vehicle trips onto Highway 17. These commercial recommendations apply to 500 feet in depth from the edge of the right-of-way for properties fronting on Highway 17 North, as shown on the map entitled "Sweetgrass Basket Stand Special Consideration Area."

1. Required Coordination with Adjacent Jurisdictions

A letter of coordination from the Town of Mount Pleasant shall be required as part of all land development applications with the exception of applications for single family detached residential uses. The purpose of the letter of coordination is to ensure that the proposed development is consistent with the land uses, density/intensity and dimensional standards, and design and development standards adopted by the Town of Mount Pleasant. Coordination with applicable Town: Council, Planning Commission, Staff, Design Review Board or other review, recommendation, or decision-making bodies may be required.

2. Planned Developments

The minimum site area for a planned development shall be five (5) acres.

3. All development applications shall, at the time application is made, demonstrate how the following requirements will be met:

a. Permitted uses shall include the following:

i. Uses allowed by right include:

Draft Short-Term Rental Regulations (Planning Commission Recommendation - 3/12/18)

Bold, italic text indicates proposed language and text that is struck through (~~struck through~~) is proposed to be deleted from the current ordinance. Draft date 3/12/18.

ACCOMMODATIONS Bed & Breakfast Inns Hotels/Motels Rooming/Boarding Houses Short-Term Rentals <i>Commercial Guest House (CGH) pursuant to the requirements and conditions of Art. 6.8, Short-Term Rentals, of this Ordinance.</i> COURTS & PUBLIC SAFETY Court of Law Safety Services DAY CARE SERVICES DEATH CARE SERVICES Funeral Services EDUCATIONAL SERVICES FINANCIAL SERVICES FOOD SERVICES & DRINKING PLACES General Restaurant HEALTH CARE SERVICES Counseling Services Health Care Laboratories Home Health Agencies Hospitals Medical Office/Outpatient Clinic Outpatient Facilities for Chemically Dependent or Addicted Persons Rehabilitation Facilities Residential Treatment Facility for Children/Adolescents INFORMATION INDUSTRIES Communication Services MUSEUMS, HISTORICAL SITES, & SIMILAR INSTITUTIONS Botanical Gardens Historical Sites Libraries/Archives Museums Nature Exhibition OFFICES	OTHER NONRESIDENTIAL DEVELOPMENT Building Equipment or Other Machinery Installation Contractors Carpentry Contractors Concrete Contractors Convention Center or Visitors Bureau Drywall, Plastering, Acoustical, or Insulation Contractors Electrical Contractors Excavation Contractors Masonry or Stone Contractors Painting or Wall Covering Contractors Plumbing, Heating, or Air- Conditioning Contractors Roofing, Siding, or Sheet Metal Contractors Special Trade Contractors Tile, Marble, Terrazzo, or Mosaic Contractors POSTAL SERVICE RECREATION & ENTERTAINMENT Community Recreation Parks & Recreation RELIGIOUS, CIVIC, PROFESSIONAL, AND SIMILAR ORGANIZATIONS Religious Assembly Social/Civic Organizations Social Club/Lodge RENTAL & LEASING SERVICES Consumer Goods Rental Center Consumer Goods Rental Service REPAIR & MAINTENANCE SERVICES Consumer Repair Service RESIDENTIAL Multi-Family Housing	RETAIL OR PERSONAL SERVICES Coin-Operated Laundries Drycleaning or Laundry Pick-Up Service Stations Hair, Nail, or Skin Care Services Landscaping/Horticultural Services Locksmith One-Hour Photo Finishing Personal Improvement Service Services to Buildings or Dwellings Tailors/Seamstresses RETAIL SALES Art, Hobby, Musical Instrument, Toy, Sporting Goods, or Related Products Store Building Materials/Garden Equipment & Supplies Retailers Clothing, Piece Goods, Shoes, Jewelry, Luggage, Leather Goods, or Related Products Store Convenience Store Drug Store/Pharmacy Duplicating/Quick Printing Service Electronics, Appliance, or Related Products Store Florist Food Sales Furniture, Cabinet, Home Furnishings, or Related Products Store General Retail Sales/Services Hardware Stores Home Improvement Centers Outdoor Power Equipment Store Paint, Varnish, or Wallpaper Store Pawn Shop Private Postal/Mailing Service Tobacconist Warehouse Club/Superstore WHOLESALE SALES Flower, Nursery Stock or Florists' Supplies Wholesaler
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Draft Short-Term Rental Regulations (Planning Commission Recommendation - 3/12/18)

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ARTICLE 5.10 17N-O, HIGHWAY 17 NORTH CORRIDOR OVERLAY ZONING DISTRICT

§5.10.7 Use Regulations

Table 5.10-1: Highway 17 North Corridor Overlay Zoning District Use Table								
USES	BUSINESS/SERVICE NODES						Conditions	
	10-Mile Neighborhood Node	Sewee Road Node	Awendaw Town Center Node	Northern Doar Road Node	Steed Creek Road Node	McClellanville Highway Commercial District Node		
COMMERCIAL								
ACCOMMODATIONS								
	Bed and Breakfast Inns	C	C				C	§6.4.4
	Short Term Rentals- Commercial Guest House (CGH)	C	C				C	Art. 6.8

Draft Short-Term Rental Regulations (Planning Commission Recommendation - 3/12/18)

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ARTICLE 5.13 DUPONT-WAPPOO AREA OVERLAY ZONING DISTRICT (DuWap-O)

§5.13.6 Use Regulations

A. **Table 5.13-1, DuPont-Wappoo Area Overlay Zoning District Use Table.** Table 5.13-1 lists the principal uses permitted in the districts/areas as identified and described in this Overlay Zoning District. The following is a description of the codes used in the table:

1. "A" indicates uses allowed by right.
2. "C" indicates uses subject to conditions. A cross-reference to the applicable conditions can be found in the column entitled "Conditions."
3. "S" indicates uses allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance, subject to compliance with use-specific conditions. A cross-reference to the applicable conditions can be found in the column entitled "Conditions."
4. Blank cells indicate uses that are not permitted.

Table 5.13-1, DuPont-Wappoo Area Overlay Zoning District Use Table

"A" indicates uses allowed by right.

"C" indicates uses subject to conditions. A cross-reference to the applicable conditions can be found in the column entitled "Conditions."

"S" indicates uses allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance, subject to compliance with use-specific conditions. A cross-reference to the applicable conditions can be found in the column entitled "Conditions."

Blank cells indicate uses that are not permitted.

USES	Job Center District	Community Commercial District	Light Commercial District			Residential Areas			Conditions
			OR	OG	CT	R4	M8	M12	
COMMERCIAL									
ACCOMMODATIONS									
Bed and Breakfast Inns		A	€	€	€	S	S	S	6.4.4
Hotels or Motels		A							
Short-Term Rentals Commercial Guest House (CGH)		C	C	C	C				Art. 6.8
Short-Term Rentals Limited Home Rental (LHR)						C	C	C	Art. 6.8
Short-Term Rentals Extended Home Rental (EHR)						S	S	S	Art. 6.8

Draft Short-Term Rental Regulations (Planning Commission Recommendation - 3/12/18)

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ARTICLE 6.1 USE TABLE

Principal uses shall be allowed within the ~~base~~ Zoning Districts of this Ordinance in accordance with Table 6.1.1, *Use Table*

Table 6.1.1 Use Table																				
Land Uses	ZONING DISTRICTS																		Condition	
	RM	AG 15	AG 10	AG 8	AGR	RR3	S3	R4	M8	M 12	MHS	MHP	OR	OG	CN	CR	CT	CC		I
RESIDENTIAL																				
Congregate Living for the elderly (up to 15 residents)	S	S	S	S	S	S	S	S	S	S	S									
Duplex								S	A	A	S									
Dwelling Group	C	C	C	C	C	C	C	C	C	C	C						C			§ 6.4.6
Farm Labor Housing (up to 10 residents)	C	C	C	C	C															§ 6.4.8
Farm Labor Housing (Dormitory) (more than 10 residents)	S	S	S	S	S															§ 6.4.8
Child Caring Institution (more than 20 children)	S	S	S	S	S	S	S	S	S	S	S									
Group Care Home, Residential (up to 20 children)	S	S	S	S	S	S	S	S	S	S	S									
Group Residential, including Fraternity or Sorority Houses, Dormitories, or Residence Halls	S	S	S	S	S	S		S	S	S										
Manufactured Housing Unit	A	A	A	A	A	C	C	C	C	C	A	A								§ 6.4.23
Manufactured Housing Unit, Replacement	A	A	A	A	A	A	A	C	C	C	A	A								§ 6.4.23
Manufactured Housing Park												A								
Multi-Family, including Condominiums or Apartments									A	A								A		
Retirement Housing	S	S	S	S	S	S	S	S	A	A	S									
Retirement Housing, Limited (up to 10 residents)	S	S	S	S	S	S	S	S	A	A	S									§ 6.4.7
Short-Term Rentals: Limited Home Rental (LHR)	C	C	C	C	C	C	C	C	C	C	C									Art. 6.8

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Table 6.1.1 Use Table																					
Land Uses	ZONING DISTRICTS																				Condition
	RM	AG 15	AG 10	AG 8	AGR	RR3	S3	R4	M8	M 12	MHS	MHP	OR	OG	CN	CR	CT	CC	I		
Short-Term Rentals: Extended Home Rental (EHR)							S	S	S	S	S									Art. 6.8	
Single Family Attached, also known as Townhouses or Rowhouses								S	C	C	S					C	C	C		§ 6.4.2	
Single Family Detached	A	A	A	A	A	A	A	A	A	A	A	C	C	C	C	C	C	C	C	§ 6.4.24	
Affordable Dwelling Units	S	S	C	C	C	C	C	C	A	A										§ 6.4.18	
Single family Detached/Manufactured Housing Unit (Joint) or Two Manufactured Housing Units (Joint)	A	A	A	A	A	C	C	C												§ 6.4.23	
Transitional Housing, including Homeless and Emergency Shelters, Pre- Parole Detention Facilities, or Halfway Houses									S	S			S	S	S		S	A			
RECREATION AND ENTERTAINMENT																					
Community Recreation, including Recreation Centers	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
Fishing or Hunting Guide Service (Commercial)	A	A	A	A	A								A	A	A	A	A	A	A		
Fishing or Hunting Lodge (Commercial)	A	A	A	A												A					
Golf Courses or Country Clubs			C	C	C	C	C	C			C									§ 6.4.49	
Parks and Recreation	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C		C		§6.4.10	
Recreation and Entertainment, Indoor, including Billiard Parlors, Bowling Centers, Ice or Roller Skating Rinks, Indoor Shooting Ranges, Theaters, or Video Arcades																A	C	A		§ 6.4.29	
Recreation and Entertainment, Outdoor, including Amusement Parks, Fairgrounds,			C	C												C		C	C	§ 6.4.10	

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Table 6.1.1 Use Table																				
Land Uses	ZONING DISTRICTS																			Condition
	RM	AG 15	AG 10	AG 8	AGR	RR3	S3	R4	M8	M 12	MHS	MHP	OR	OG	CN	CR	CT	CC	I	
Miniature Golf Courses, Race or Go-Cart Tracks, or Sports Arenas																				
Drive-In Theaters																C		C	A	\$6.4.5 \$6.4.10
Golf Driving Ranges			S	S	S	S	S													\$6.4.10
Outdoor Shooting Ranges	C	C	C	C																\$6.4.10
Recreation or Vacation Camps	€	€	€	€	€															\$6.4.10
Special Events															C	C	C	C	C	Art. 6.7
COMMERCIAL																				
ACCOMMODATIONS																				
Bed and Breakfast Inns	€	€	€	€	€	€	S	S	A	A	S		€	€	€	€	€	€		\$ 6.4.4
Short-Term Rentals: Commercial Guest House (CGH)													C	C	C	C	C	C		Art. 6.8
Hotels or Motels														S	A	A		A	A	
Rooming or Boarding Houses									A	A				S	A	A	A	A		
RV (Recreational Vehicle) Parks or Campgrounds	S	S	S	S	S															\$ 6.4.11
Campgrounds	S	S	S	S	S															\$ 6.4.11

ARTICLE 6.4 USE CONDITIONS

~~§6.4.4 BED AND BREAKFASTS~~

Bed and Breakfasts shall be subject to the following standards:

- ~~A. The Bed and Breakfast must be residential in nature and comply with the Home Occupation regulations of Section 6.5.11 of this Chapter.~~
- ~~B. No exterior alterations, other than those necessary to assure the safety of the structure, shall be made to any building for the purpose of providing a Bed and Breakfast.~~
- ~~C. Bed and Breakfasts shall contain no more than ten guest rooms.~~
- ~~D. There shall be an owner or innkeeper/manager residing on the premises.~~
- ~~E. Meals may be served by the resident owner to paying guests staying at the Bed and Breakfast.~~
- ~~F. Parking areas for bed and breakfast uses located in agricultural or residential zoning districts shall be screened from view of residential zoning districts and public right-of ways by evergreen plant material that will provide opaque screening at the time of plant maturity.~~

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ARTICLE 6.5 ACCESSORY USES AND STRUCTURES

§6.5.11 HOME OCCUPATIONS

A. General.

Some types of work can be conducted at home with little or no effect on the surrounding neighborhood. The home occupation regulations of this Section are intended to permit residents to engage in home occupations, while ensuring that home occupations will not be a detriment to the character and livability of the surrounding area. The regulations require that home occupations (an accessory use) remain subordinate to the principal residential use of the property and that the viability of the residential use is maintained. Zoning Permits shall be required for all home occupations.

B. Where Allowed

Home occupations that comply with the regulations of this Section shall be allowed as an accessory use to any allowed Residential or Agricultural principal use.

C. Allowed Uses

The home occupation regulations of this Section establish performance standards rather than detailed lists of allowed home occupations. Uses that comply with all of the standards of this Section will be allowed as home occupations unless they are specifically prohibited.

D. Prohibited Uses

1. *Vehicle/Equipment Repair, Rental or Sales*

Any type of repair, rental, sales or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited as a home occupation in the R-4, M-8, M-12, MHS, and MHP Zoning Districts, unless these types of repairs, rentals, or sales take place in an enclosed structure and pose no noise or safety concerns.

2. *Restaurants*

Restaurants and food service establishments are not allowed as home occupations.

3. *Employee Dispatch Centers*

Dispatch centers, where employees come to the site to be dispatched to other locations, are not allowed as home occupations.

4. *Animal Care or Boarding*

Animal care or boarding facilities (including animal hospitals, kennels, stables and all other types of animal boarding and care facilities) are not allowed as home occupations in the R-4, M-8, M-12, MHS and MHP Residential Zoning Districts.

5. *Medical Offices or Clinics*

Medical offices and medical clinics are not allowed as home occupations in the R-4, M-8, M-12, MHS and MHP Residential Zoning Districts. This includes doctors' offices, dentists' offices, psychologists' offices, hospitals and all other medical care facilities. The prohibition shall not be interpreted as preventing medical practitioners from seeing patients in the practitioner's home on an emergency basis. Limited Prosthetic Manufacturing as defined in Chapter 12 of this Ordinance shall be allowed.

6. *Funeral Homes*

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Funeral homes and funeral service activities are not allowed as home occupations.

7. *Barber Shops, Beauty Shops and Nail Salons*

Barber and Beauty Shops with more than one chair are not allowed as a home occupation.

8. *Dancing Schools*

Dancing schools are not allowed as home occupations.

9. ***Short-Term Rentals Properties (STRP)***

STRPs include: Limited Home Rentals (LHRs), Extended Home Rentals (EHRs), and Commercial Guest Houses (CGHs). These individual uses are regulated separately from a home occupation (see Article 6.8, Short-Term Rentals).

E. Employees

Only one full-time or one part-time employee, who is not a full-time resident of the home where the home occupation is located, is allowed. The home occupation may have other employees who are not working at the residence, but work at other off-site locations, if applicable. For the purpose of this provision, the term "nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as a part of the home occupation.

F. Resident Operator

The operator of a home occupation shall be a full-time resident of the dwelling unit.

G. Customers

Customers may visit the site of a home occupation only during the hours of 8:00 a.m. to 8:00 p.m., with no more than an average of one customer or client per hour being allowed.

H. Floor Area

No more than 25 percent of the total floor area of the dwelling unit may be used to house a home occupation, ~~except that Bed and Breakfasts allowed by this ordinance are exempt from this provision.~~ Up to 1,000 square feet of an accessory structure, such as a garage, may be used for a home occupation.

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ARTICLE 6.8 SHORT-TERM RENTALS

§6.8.1 Purpose and Applicability

- A. *Purpose. The County is committed to working to protect the traditional quality of life and character of its residential neighborhoods. The County has concerns about permitted short-term rentals resulting in increased traffic, noise, trash, parking needs, safety and possible adverse impacts and other undesirable changes to the nature of the County's neighborhoods. Therefore, after providing many opportunities for public input and following careful study and consideration, County Council finds it appropriate and in the best interests of its residents, property owners, and visitors to regulate Short-Term Rental Properties (STRPs) within unincorporated County of Charleston.*

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

- 1. Providing for an annual permitting process to regulate STRPs;*
- 2. Balancing the interests of owner-occupied dwellings with properties that are frequently used in whole or in part by Short-Term Rental Tenants;*
- 3. Allowing homeowners to continue to utilize their residences in the manner permitted by this Ordinance for the Zoning District in which a particular home is located;*
- 4. Providing alternative accommodation options for lodging in residential dwellings; and*
- 5. Complementing the accommodation options in environments that are desirable and suitable as a means for growing tourism.*

B. *Applicability.*

- 1. Short-Term Rental Types. The following Short-Term Rentals shall be authorized pursuant to this Article:*
 - a. Limited Home Rental (LHR) - a property with an owner-occupied residential dwelling, located in the RM, AG-15, AG-10, AG-8, AGR, RR-3, S-3, R-4, M-8, M-12, or MHS Zoning Districts, where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation, not to exceed 72 days in the aggregate during any calendar year, with individual rental terms not exceeding 29 consecutive days.*
 - b. Extended Home Rental (EHR) - a property with an owner- or non-owner occupied residential dwelling, located in the S-3, R-4, M-8, M-12, or MHS Zoning Districts, where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation, for more than 72 days but not to exceed 144-days in the aggregate during any calendar year, with individual rental terms not exceeding 29 consecutive days. To establish a EHR, a property owner must obtain a Special Exception from the Board of Zoning Appeals (BZA) pursuant to the requirements of Article 3.6 of this Ordinance.*
 - c. Commercial Guest House (CGH) - a property located in the OR, OG, CN, CR, CT, or CC Zoning Districts, where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation, for intervals of 29 days or less during a calendar year.*
 - 2. Applicable Zoning Districts. STRPs shall be allowed within the Zoning Districts of this Ordinance in accordance with Table 6.1.1, Use Table, applicable overlay zoning district regulations, and as approved in Planned Development Zoning Districts.*
 - 3. Application. Applications for STRPs shall be made in compliance with this Article.*
- C. *Registration. All STRPs require a Zoning Permit and Business License. Upon adoption of this Ordinance, STRPs will have 30 calendar days to submit applications to comply with the provisions of this Article and an additional 90 calendar days to obtain all required Zoning Permits for the STRP use.*

Draft Short-Term Rental Regulations (Planning Commission Recommendation - 3/12/18)

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§6.8.2 Operating Standards and Requirements

A. Permits and Renewals

1. *After a LHR or CGH STRP use has been authorized through the applicable zoning process(es), a Zoning Permit for a STRP use and a Business License must be obtained prior to offering, advertising, or providing Short-Term Rental Properties for lodging as provided for in this Article.*
2. *After an EHR STRP use has been authorized by the Board of Zoning Appeals, a Zoning Permit for a STRP use and a Business License must be obtained prior to offering, advertising, or providing Short-Term Rental Properties for lodging as provided for in this Article.*
3. *Zoning Permits for all STRP uses must be renewed annually in compliance with this Article.*

B. Short-Term Rental Property Tenant Notices

1. *Each STRP must contain a Short-Term Rental Tenant notice posted in each room where Short-Term Rental Tenants may lodge. The notice must provide the following information:*
 - a. *Contact information for the owner of the STRP;*
 - b. *Zoning Permit number for the STRP use;*
 - c. *Trash collection location and schedules, if applicable; and*
 - d. *Fire and emergency evacuation routes.*

§6.8.3 General Standards

A. Use Limitations and Standards.

1. *Legally permitted Principal Dwelling Units and Accessory Dwelling Units may be used as STRPs, even when they are located on the same property; however, Accessory Structures shall not be used as STRPs.*
2. *Parking for Short-Term Rental Tenants shall be in compliance with Sec. 9.3.2, Off-Street Parking Schedule A, of this Ordinance.*
3. *Signage advertising STRPs is prohibited in Residential Zoning Districts.*

B. Advertising. Whether by a hosting platform, via Internet or paid advertising, or other postings, advertisements, or announcements, the availability of a STRP shall include the County issued Zoning Permit Number and Business License Number.

C. Annual Zoning Permit Renewal.

1. *Zoning Permits for all STRPs must be renewed annually. An application for annual renewal of the Zoning Permit must include:*
 - a. *The application fee; and*
 - b. *A notarized affidavit signed by the property owner stating that the type of STRP use and the information submitted as part of the application for the previous year's Zoning Permit for the STRP use has not changed in any manner whatsoever and that the STRP use complies with the most recently adopted version of this Article (form of Affidavit Provided by the County).*
 - c. *The applicant shall file an application for a new Zoning Permit for a STRP use if the aforementioned requirements are not met.*
2. *If the Director of the Zoning and Planning Department determines that the STRP use is not consistent with the Special Exception that authorizes the use and/or Site Plan Review approval that authorizes the use, the applicant shall file an application for a new Zoning Permit for the STRP use, including applicable Special Exception and/or Site Plan Review applications and fees.*
3. *By the end of January of each calendar year, the owners of all registered STRPs will be mailed an annual renewal notice informing them that they must renew the Zoning Permit for the STRP use on or before April 1st of the same calendar year or their existing Zoning Permit will expire. The Zoning Permit for the STRP use will terminate on April 1st of each year regardless of whether or not the applicant receives notice from the Zoning and Planning Department Director.*

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§6.8.4 Use Limitations and Requirements

- A. *Applicability. The limitations and requirements of this Section apply to all types of Short-Term Rental Properties (STRPs).*
- B. *Standards. See Table 6.8.4, STRP Standards.*

Table 6.8.4 Short-Term Rental Property (STRP) Standards			
Standard or Requirement	Limited Home Rental (LHR)	Extended Home Rental (EHR)	Commercial Guest House (CGH)
Zoning Districts (pursuant to Table 6.1.1, Use Table)	Use Subject to Conditions of Art. 6.8: RM, AG-15, AG-10, AG-8, AGR, RR-3, S-3, R-4, M-8, M-12, MHS	Special Exception Use (subject to conditions of Art. 6.8): S-3, R-4, M-8, M-12, MHS	Use Subject to Conditions of Art. 6.8: OR, OG, CN, CR, CT, CC
Occupancy Type	Property must be owner-occupied	Property must be owner- or non-owner occupied	Not applicable
Special Events	See ZLDR Article 6.7, Special Events Use		
Maximum Number of Rental Days	72	144	No limit
Zoning Permit Process	See ZLDR Table 6.1.1, Use Table		
Review Type	Administrative Review	Full Site Plan Review and Special Exception	Full Site Plan Review

§6.8.5 Application Submittal Requirements

No application for a STRP shall be accepted as complete unless it includes the required fee and the information listed below.

- A. *The name, address, email, and telephone number of all property owners of the Short-Term Rental Property (STRP).*
- B. *Completed Short-Term Rental Property application signed by all current property owner(s). For properties owned by corporations or partnerships, the applicant must submit a resolution of the corporation or partnership authorizing and granting the applicant signing and authority to act and conduct business on behalf of and bind the corporation or partnership.*
- C. *Restricted Covenants Affidavit(s) signed by the applicant or current property owner(s) in compliance with state law.*
- D. *Address and Property Identification Number of the property on which the STRP is located.*
- E. *The type of STRP that is the subject of the application, which may be a:*
1. *Limited Home Rental (LHR);*
 2. *Extended Home Rental (EHR); or*
 3. *Commercial Guest House (CGH).*
- F. *The type of Dwelling Unit(s) that is proposed to be used as a STRP including, but not limited to, Principal Dwelling Unit, Accessory Dwelling Unit, Single Family Detached, Single Family Attached, Manufactured Housing Unit, and/or Multi Family, and documentation of Zoning Permit and Building Permit approvals for the structures, as applicable.*
- G. *The maximum number of bedrooms in the Dwelling Unit(s) proposed to be used as a STRP.*

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§6.8.6 Enforcement and Violations

- A. Notwithstanding the provisions of Chapter 11 of this Ordinance, a STRP Zoning Permit may be administratively revoked by the Zoning and Planning Department Director or his designee if the STRP has violated the provisions of this Article on three or more occasions within a 12-month period. Provided however, a STRP Zoning Permit may be immediately revoked if the Zoning and Planning Department Director determines the STRP has Building Code violations, there is no Business License for the property, the property is being used in a manner not consistent with the Zoning Permit issued for the STRP use, or the advertisement for the STRP does not include the County issued Zoning Permit Number and Business License Number.***
- B. If a STRP Zoning Permit is administratively revoked or an application for a STRP Zoning Permit is administratively denied, a STRP owner (or authorized agent) may appeal the Zoning and Planning Department Director's administrative decision revoking or denying the STRP Zoning Permit to the Board of Zoning Appeals within 30 calendar days from the date of the denial or revocation. All appeals shall be addressed in accordance with the appeal procedures of Chapter 3, Article 3.13, of this Ordinance.***
- C. Subsequent Application. Once a County-issued Zoning Permit and/or a Business License for a STRP use has been revoked, no new Zoning Permit and/or Business License for a STRP use shall be issued to the applicant for the same property for a period of one year from the date of revocation. Upon expiration of the revocation period, a new Zoning Permit application for a STRP use must be submitted in accordance with this Article.***

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ARTICLE 7.5. BUILDING SCALE PLANNING - REQUIREMENTS

§7.5.1 Function and Use

TABLE 7.5.A: Specific Function & Use

This table delegates specific Functions and uses within Transect Zones and shall be customized for local character and requirements. (Table and Figures to be defined by applicant, tables are provided as templates to be completed by the applicant.)

	T1	T2	T3	T4	T5	SD		T1	T2	T3	T4	T5	SD
a. AGRICULTURAL USES							c. CIVIC/INSTITUTIONAL cont.						
Grain Storage	■	■				□	Sports Stadium						■
Livestock Pen	□	□				□	Surface Parking Lot				□	□	■
Greenhouse	■	■	□			□	Trade School					□	■
Stable	■	■	□			□	d. COMMERCIAL						
Kennel	■	■	□	□	□	□	Adult Entertainment						□
b. RESIDENTIAL							Automobile Service						■
Mixed Use Block				□	■		Bed & Breakfast (up to 5 rooms)		□	■	■	■	
Flex Building				■	■		Billboard						□
Apartment Building				■	■		Display Gallery				■	■	□
Live/Work Unit			■	■	■	□	Drive -Through Facility					□	■
Townhouse				■	■		Gasoline		□			□	■
Duplex/Triplex/ Quadplex			■	■	■		Hotel (no room limit)					■	□

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ARTICLE 9.3 OFF-STREET PARKING AND LOADING

§9.3.2 Off-Street Parking Schedule A

Unless otherwise expressly allowed, off-street parking spaces shall be provided in accordance with the following table.

Table 9.3.2, Off-Street Parking Schedule	
USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
RESIDENTIAL	
Congregate Living	1 per 3 beds
Farm Labor Housing (Dormitory)	0.5 per bed
Adult/Child Group Home or Residential Care Facility	1 per 3 beds, plus 1 per employee in single shift
<i>Short-Term Rental Property Limited Home Rental (LHR), Extended Home Rental (EHR), and Commercial Guest House (CGH)</i>	<i>1 per permitted bedroom plus the required parking for the applicable use.</i>

COMMERCIAL	
Agricultural Sales/Service	1 per 500 square feet of floor area plus 4 per acre outdoor sales/display/storage area
Pet Stores, Grooming Salons, or Small Animal Boarding	1 per 300 square feet of floor area
Bar or Lounge	1 per 75 square feet indoor seating area plus 1 per 200 square feet outdoor seating area
Bed and Breakfast	1 per guest room
Rooming or Boarding House	1 per guest room

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ARTICLE 12.1 TERMS AND USES DEFINED

B

~~**Bed and Breakfast**~~ A portion of an owner-occupied dwelling unit or detached accessory structure offering transient lodging, with or without breakfast, to paying guests on an overnight basis, usually staying less than seven days.

~~**Boarding House**~~. See “Rooming House” for definition.

C

Campground. An outdoor venue where mobile or non-permanent lodging is used or provided for recreation, educational, or vacation purposes. Short-Term Rental Properties and RV Parks are not included in this definition.

Commercial Guest House (CGH). A property located in the OR, OG, CN, CR, CT, or CC Zoning Districts, where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation, for intervals of 29 days or less during a calendar year.

E

Extended Home Rental (EHR). A property with an owner or non-owner occupied residential dwelling, located in the S-3, R-4, M-8, M-12, or MHS Zoning Districts, where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation, for more than 72 days but not to exceed 144-days in the aggregate during any calendar year, with individual rental terms not exceeding 29 consecutive days. To establish a EHR, a property owner must obtain a Special Exception from the Board of Zoning Appeals (BZA) pursuant to the requirements of Article 3.6 of this Ordinance.

G

Group Residential. The residential use of a site, on a weekly or longer basis, for occupancy by groups of more than six persons not defined as a family, such as fraternity or sorority houses, dormitories, or residence halls. ~~This term does not include rooming or boarding houses.~~ **Occupancy of a residential dwelling by six or more persons unrelated by blood or marriage, to include but not limited to fraternity or sorority houses, dormitories, or residence halls, excluding rooming or boarding houses**

H

Habitable. A residential dwelling that is fit for residential occupancy.

L

Limited Home Rental (LHR). A property with an owner-occupied residential dwelling, located in the RM, AG-15, AG-10, AG-8, AGR, RR-3, S-3, R-4, M-8, M-12, or MHS Zoning Districts, where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation, not to exceed 72 days in the aggregate during any calendar year, with individual rental terms not exceeding 29 consecutive days.

R

~~**Recreation (or Vacation) Camp**~~. An area or tract of land primarily used for recreational purposes that retains an open air or natural character. Accommodations for temporary occupancy, such as cabins and tents, may be located or placed in these areas. This definition does not include areas for recreational vehicles or motorized campers.

Rental Day. Each calendar day or part thereof a residential dwelling or part thereof is rented by Short-Term Rental Tenants, excluding family members.

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Rental Party. Short-Term Rental Tenants who occupy any portion of a residential dwelling for a fee or any form of compensation, excluding family members.

Rental Transaction. The act of a Short-Term Rental Tenant (excluding family members) and property owners agreeing to rent a residential dwelling or part thereof, as provided in this Ordinance.

Residential Character. The physical traits or characteristics of a residential dwelling which identify it as providing living accommodations as opposed to being a place of business.

S

Short-Term Rental Property (STRP). A residential dwelling or any part thereof that is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members), for a fee or any form of compensation, for intervals of 29 days or less during a calendar year.

Short-Term Rental Tenant (STRT). Any person (excluding family members) who rents a residential dwelling or part thereof for a fee or any form of compensation, for intervals of 29 days or less during a calendar year.

V

~~Vacation Camp~~ See "Recreation Camp" for definition.

Public Input

From: Jim Morrisette [<mailto:mjmorrisette@comcast.net>]
Sent: Thursday, January 18, 2018 1:13 PM
To: Andrea Harris-Long <AHarris@charlestoncounty.org>
Subject: RE: STRP and Historic Preservation Ordinance

Andrea,

Sorry I did not get a chance to say hello at the meeting on January 8th. I was wondering if you could help me out on a couple of questions on items related to the Short Term Rental Policy or forward them onto an appropriate person.

1. At the meeting on January 8th I was told If a person wanted to apply and get an exception for the "vacation" (aka long term) rental category and went before the Planning Commission, that there is a set of categories used to judge whether to approve the request or not. Is this set of categories available to see on the web site somewhere? If not, can I get a copy of the categories and how ratings are made? I want to see how scoring takes place and what is required to deny a special exception request.
2. Under the SRTDP proposed a "vacation" or long term rental may be granted to a "resident". I wanted to be certain that a "resident" cannot be a limited liability corporation, sole proprietorship, or some other organizational formed or granted the right to do business in Charleston County. Basically, I want to make certain a "resident" is a person only.
3. I think an ability of residents to obtain a list of STRP permits and their categories (owner occupied, investor, or commercial) along with identifying geographic information should be readily available if requested. Will STRP permits be in some database once the rule is in place? From the public's standpoint, would this fall under the laborious Freedom of Information Act or would you anticipate an easier process to obtain information? It will be important for residents to ascertain who does and who does not have a permit fairly easily, also for neighborhoods to easily determine how pervasive the short term rentals are. It would be good for the planning commission to have some maximum percentage of permits, particularly investor owned, per neighborhood or street or block or some category to prevent abuse.

On another front, I was happy to see that Maybank Highway Overlay (with extension onto James Island) would begin work this year. If you need input or assistance from any residents in Riverland Terrace individually or through the Neighborhood Association or Garden club, be sure to reach out to us or myself.

Jim Morrisette
404-272-7110

Sent from [Mail](#) for Windows 10

From: traci greer <tdbg1@yahoo.com>

Date: March 11, 2018 at 8:20:57 PM EDT

To: "AHarris@charlestoncounty.org" <AHarris@charlestoncounty.org>, "tjacques@charlestoncounty.org" <tjacques@charlestoncounty.org>

Subject: Short Term Rental Ordinance

Reply-To: traci greer <tdbg1@yahoo.com>

I am e-mailing Anrea Harris-Long and Technica Jacques to see that the Planning Commission and its related workshops on the Short Term Rental Ordinance receive the contents of the following e-mail.

We live at 1133 Harbor View Rd in Lawton Bluff on James Island. The house next-door to us is a local investor owned whole house short term rental. The investors live in Columbia SC and own two Air B&B rentals in the Charleston area that I know of.

The problems that we've had since the home became a short term rental:

- The investors lied to use when they bought the house- they said that they were in the process of moving to Charleston from Columbia. That was never the intention.
- The yard is poorly maintained- we've had to call them several times to mow the law. At one period, they went 2 months without mowing during the summer. The side yard is filled with trash and debris.
- As a result of the tropical storms large branches were hanging over our house from their trees. I sent them pictures and multiple e-mails with no response. Eventually, it dropped and broke part of the fence.
- During the hurricanes/ tropical storms- outdoor furniture, trash cans and a boat were left unsecured.
- The renters of the property have include multiple parties- a swingers party, a party with multiple trucks pulled into the backyard with a bonfire and numerous bachelor and bachelorette parties.

Beyond being a nuisance and an eyesore, this type of unsupervised rental situation brings a huge amount of risk and liability.

I appreciate your consideration of this while evaluating the Ordinance.

Sincerely-

Traci & David Greer

Charles W. Smith
333 Wappoo Road
Charleston, South Carolina 29407
December 1, 2017

Mr. Eric Meyer, Chairman
Charleston County Planning Commission
4042 Bridgeview Drive
North Charleston, South Carolina 29405

Dear Mr. Chairman and members of the commission:

Upon review of the proposed Short Term Rental Ordinance I have concerns that I wanted to raise on the record in hopes that some issues that may not have come up in discussions at this point might be addressed before the ordinance goes to Council.

It is of the utmost importance that STRs never be designated as a residential use. The highest bar of protection that citizens of platted single family subdivisions have is that virtually all subdivisions that have restrictions/regulations PROHIBIT anything other than residential uses. Those protections are there for a reason and the citizens who bought their property in those subdivisions have an absolute right to prohibit those uses in perpetuity, unless the plat holders themselves change the restrictions. No jurisdiction has the right to subvert private subdivision restrictions by the introduction of commercial/accommodations uses that have been inappropriately deemed to be residential uses by that jurisdiction.

I remember that we discussed the possibility of STR's being deemed a home occupation rather than a residential use... somewhat like a real estate office/home occupation would be an approved home occupation use, but still NOT a residential use. The home occupation category seems like a better fit where the inviolability of private restrictions allowing only residential uses are concerned. The Home Occupation designation makes it clear that the STR is in no way considered a residential use and that there may be, and likely will be, additional requirements for it to be allowed.

I am also concerned that there seems to be no limit on the number of rooms that can be rented in any of the residential zones. Not sure if I am misreading that table.

The anecdotal information that is being used, apparently with some success, to demonstrate the financial needs of the supporters of STRs is irrelevant in this discussion. The supporters of STR's have no more right to ask you to make your decision based on their financial needs (e.g. the poor widow on social security) than a zoning applicant would have to ask you to make a decision based on the applicant's financial status; so please do not get sucked into that conversation. As enticing as that argument has been made by the industry, you can't go there.

The definition of Vacation Home Rentals seems to allow tenants to engage in STR activities without the knowledge of the landlord. I have had that particular game played on me by Mr. Kevin High, of Highway, LLC who is now apparently one of the spokespeople for the industry in Charleston. He rented a condominium under my management several years ago and began renting it as an STR to tourists with no permission from the owner, property manager (me) or the HOA. I still have the correspondence that clearly demonstrates the deceit to which people are willing to go to get these things in place. It took me months to finally catch him and end the parade of people he brought into the condo complex who were constantly causing problems and could have cared less about anyone's rules, since they were in fact "on vacation".

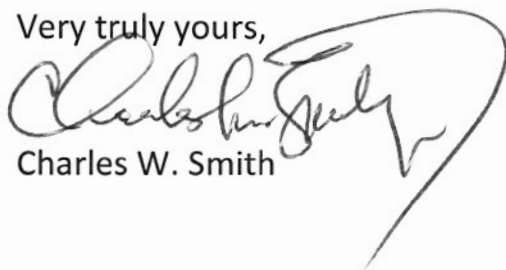
I would ask that we be very careful with the language regarding the existence of private subdivision regulations. This is the highest bar of protection that we have against the abuses of this industry...which are many. Lowering that bar and allowing STRs to be considered a residential use is unconscionable from the perspective of the private property rights of those who bought into restricted subdivisions with the legally binding representation that all properties in the subdivision are restricted to residential uses. If the county is concerned about being sued over this ordinance, THIS is where the fight will be played out...and it will be fought by voters, not by out of state guests.

We do not build strong communities by tailoring our laws to the wants and desires of transient visitors. If this program were to be adapted to our affordable housing needs instead of the tourism market, we could put a sizable dent in a real

problem, instead of allowing the expansion of one that threatens to eliminate our affordable housing inventory and to disrupt the quiet enjoyment of our neighborhoods. Residential, by definition, means just that...of, by and for the resident, not the transient.

Thank you for allowing me to weigh in on this.

Very truly yours,

A handwritten signature in black ink, appearing to read "Charles W. Smith", with a large, sweeping flourish extending from the end of the signature.

Charles W. Smith

To whom it may concern:

As the matter of Short Term Rental Regulations now sits before the planning commission, I would implore you to NOT approve the ordinance as written. Several of the suggestion conditions in the proposed ordinance, presented by the Short Term Rental Task Force maintain or exacerbate the onerous and restrictive regulations that currently bar Charleston property owners from maximizing the use of their private property. Moreover the proposed regulations place undue burden on owners with older homes further infringing on the rights of some homeowners in specific parts of the city.

The suggested condition that homes in the Old and Historic District be listed on the National Register of Historic Places would be nearly impossible for most and has no bearing on the home's suitability for accommodating tenants be they short-term or long-term. The mere notion that it would be offered up as an alternative to the current B&B ordinance's 1860 age requirement is confounding.

The suggested condition that a home must be the primary residence, and owner occupied, reduces otherwise responsible landlords and property owners to chaperones and den mothers. Not only is it intrusive and cumbersome for the homeowner but also for the renters. They too have a right to privacy.

The suggested condition that sets a maximum capacity at two bedrooms and no more than four adult guests is in-congruent with any other city ordinances that set occupancy standards for residences within the City of Charleston.

These are but three suggested conditions written into the proposed ordinance that has been presented for consideration by the Planning Commission. While each of these alone would make it a challenge for a Charlestonian to rent their home on a short term basis, collectively they would make it almost impossible for existing Short Term Renters to come into compliance with the proposed ordinance should it become law.

Strict and onerous regulations will not will not achieve compliance, and make no mistake, short term rental owners in Charleston do want to be in compliance with the law. Not one of the dozens of people who have spoken before the task force, the planning commission or city council has said that they intentionally set out to break the law. Many are in favor of paying appropriate taxes and obtaining proper licensing for their home businesses, but just as the current ordinance has made it impossible for many do so, this proposed ordinance would only continue to do the same.

As you continue your deliberation on this very pressing issue I would welcome the opportunity to continue this conversation regarding how best we can move forward together.

From: Jim Morrisette [<mailto:mjmorrisette@comcast.net>]
Sent: Monday, March 12, 2018 9:15 AM
To: Andrea Harris-Long <AHarris@charlestoncounty.org>; Techina Z. Jacques
<TJacques@charlestoncounty.org>
Subject: Short Term Rental Policy Input for March 12th

Andrea and Technica:

Can you please see that Mr. Evans and relevant Planning Commission members get this e-mail pertaining to Short Term Rentals. Unfortunately, I only have e-mail addresses for the two of you to relay information.

Mr. Evans and the Planning Commission and Short-Term Workshop Members:

The most recent version of the Short Term Rental Policy (STRP) retains impreciseness in definitional terms specified below. If not defined precisely, murkiness in these terms will cause problems for the Planning Staff in having to constantly answer questions, enforcement, and confusion in the general public. When the issue goes before County Council discussions will be circuitous unless categories and definitions are clear.

Terms needing definition: owner-occupied, investor owned, renter occupied, whole house rental, non owner occupied, partial house (individual room) rentals. Using a table such as the following and then defining the individual cells could help and also provide a summary.

	Whole house rentals	Individual room rentals	Approved Ancillary Building Rentals	Number of days rentals allowed – “Limited Home Rentals”	Number of days rentals allowed with Special Permit “Extended Home Rental”
Owner Occupied	Conditionally Allowed	Conditionally Allowed	Conditionally Allowed	72	72-144 with special exception
Investor Owned	Special Exception Allowed or not	Special Exception Allowed or not	Special Exception Allowed or not	N/A	72-144 with special exception allowed or not

I and many of my neighbors feel the distinction between “owner occupied” and “investor owned” is not explicitly defined in order to obfuscate the matter. Please incorporate the distinctions in the STRP. The distinction between the two is meaningful for neighborhoods in terms of maintaining neighborhood character, personal involvement in the neighborhood, etc. It is not where the investor lives yet rather the fact that the renters come and go. Bankers and the real-estate industry make clear risk and goal distinctions between the two types of ownership and use.

Investor-Owned short term rentals should not be allowed in R-4 zoned areas.

Other items:

1. Please do not use “renter occupied” as a category for anything. It is not enforceable.
2. Supporting tourism should not be a goal for R-4 zoned neighborhoods; it is not their goal or reason for the zoning’s existence. The tourist industry needs no support in this manner. Hotels and commercial rentals exist for a reason. Owner-occupied short term rentals are fine and sufficient for everyone.
3. Explicitly mention that Investor Owned short term rentals increase the cost of housing which is counter-productive to other activities the county is engaged in.
4. Provide clear rules for the Board of Zoning Appeals to approve or not approve short term rental permits.

Good luck today. I will not be at the meetings.

Regards,
Jim Morrisette
2184 Wappoo Drive
404-272-7110

Sent from [Mail](#) for Windows 10

Charleston County Planning Commission – Short Term Rental Committee
Thoughts, suggestions, questions received since our October 23, 2017 Meeting

- The cap on the number of rental days encourages more short-term stays and discourages longer-term rentals, like snow-bird rentals. ***Maybe a limit on the number of transactions would make more sense than a limit on the number of nights.***
- Multiple people expressed a dislike for the number of categories proposed. This includes many on the City Planning Commission who stated their displeasure in their November 8, 2017 meeting. ***Hopefully we can narrow the categories to one or two to simplify enforcement, public understanding and compliance.***
- Occupancy should be 2 per bedroom plus 2 additional (to accommodate for sleeper sofas). ***Seems reasonable and logical.***
- Does the proposed ordinance conflict with the SC Vacation Rental Act regarding number of nights a property can be rented?
- Minimum rental nights per transaction should be raised to two nights. ***A 36 transactions per year limit would equal the 72 night limit proposed earlier. Would this work better with other laws already on the books?***
- A member of the City of Charleston Short Term Rental Task Force, during the Planning Commission meeting yesterday, suggested the City and the County should be working more closely together to make sure our ordinances are similar and therefore easier for the public to understand and comply with. ***This Task Force member was likely using this as a delay tactic, but it's a valid point that has been made in more than one of our meetings.***
- The same Task Force member yesterday suggested that “the County” said in our October 23, 2017 meeting that we did not intend to enforce our ordinance once passed. ***This was obviously not said in our meeting and is not our intent. Therefore, I intend to bring this matter up in our meeting on Monday so we are on the record refuting his statement.***
- In 6.8.2 A. 1., property management companies do not want to be limited to “within a 75 miles radius” of the STR. They claim their location does not affect their ability to properly manage the property. ***They may have a point here, but lets discuss it.***
- In 6.8.3 A. 1. ADU’s should be considered part of the primary home, as in other parts of the ordinance. Therefore, this line should be stricken. ***I agree.***

**** My thoughts on the above suggestions are in bold above.***

I have not had a chance to review the updated proposed ordinance sent to us yesterday. So, I apologize if some of the above comments are in conflict with the updated document, or are now irrelevant. Will review the updated document this weekend.

Thanks in advance for your thoughts and work on this. Patrick Bell

2184 Wappoo Drive
Charleston, SC 29412
January 4, 2018

Charleston Planning Commission
Charleston County Zoning & Planning Department

County Short Term Rental Comments

As a resident of Riverland Terrace and the past president of its neighborhood association, I would like to make suggestions and comments on the Short Term Rental Policy (STRP) in its form as I found it on the December Planning Commission agenda located in the county website. These are my own opinions and I do not represent the neighborhood association.

When I was the neighborhood president, residents with children were the most vocal about limiting short term rentals. They were concerned for the safety and well-being of their children for the obvious reasons associated with having strangers in the neighborhood. Residents engaged in Air BNB activities were the vocal ones about not wanting their activities restricted in any manner.

Personally, my immediate neighbor has engaged in short term rentals of her house a few times and twice it did not work out well. Once the renters had a huge, excessively noisy party which went on until at least 2 AM with cars parked everywhere. The other time the renters were walking between the pool and house naked during the day. Not a good track record or great for a family neighborhood.

My comments are arranged from the most universal to some detailed items.

1. Consistency with the City of Charleston – Riverland Terrace, and probably a number of areas in the county, has a mixture of city and county parcels. Some consistency in administrative rules where possible would help residents understand and live by the rules the city and county ultimately issue.
2. Use the City's Rule for STRP Designation – the rule to use residential zoned housing (e.g. such as R4, M8, and M12) assessed at the 4% rate or the LLC rule specified by the city seems appropriate. This will ensure that owners with a vested interest in the viability and livability of the neighborhood are the ones who can use STRP benefits.
3. Remove the Vacation (Extended Rental) Policy Designation – community cohesion is lowered with having the STRP allowing more rental days in standard urban residential areas such as R4, M8, and M12 with the Vacation designation. The county needs to apply the STRP "owner occupied" rule and look out first for the majority of residents who do not want their neighborhoods to become full of transient visitors and their negative side effects, including lowering affordable housing. The city's recent move to possibly allow 72 rental days per year is more than desired per year and the county should not have any category exceeding 72 days in residential areas.

Also, the extension of the Vacation Designation to include "residents" in addition to owner-occupied is not warranted. The STRP will be a known set of rules going forward and the inclusion of "residents"

adds complexity to administration and a loophole for undesirable results. Nothing will prevent “non owner occupied” residential housing owners from renting their houses for 30 or more days at a time.

3. If the Vacation (Extended Rental Policy) Designation must remain - then rules defining it must be tightened up. First, it should not exceed 72 days of rentals per year. It should retain its Special Exception status for approval and have a requirement for posting signs when the designation is being applied for including the contact information on the request. Finally, and most importantly, specific guidelines and examples for approval of a Special Exception need to be spelled out to prevent arbitrary approvals such as financial peril, special favors, etc. Approval of all neighbors within some distance (100 yards?) and neighborhood associations, where present, should be required.

4. Homeowner Association rules or deed restrictions more limiting than STRP rules should prevail.

5. Definition of Resident – Living in a dwelling for 270 days in the county is going to be an administrative time consuming item to verify. Also, just because someone is a county resident does not mean they care about my neighborhood or the people in it. Remove any reliance on the definition.

6. STRP Permit – require it to be renewed annually. If the Vacation Rental designation is retained, have its renewal cost be about 10 times higher to help cover the increased negative effects of its more liberal policies.

7. Liability Insurance – have all STRP permit owners have \$1 million (or some appropriate amount) in liability insurance.

8. Primary Residence and Accessory Building – allow only one STRP permit per parcel which can include either the primary residence, accessory building, or both together (and they must be rented together).

9. People Per Bedroom – allowing 2 people per bedroom, not counting children, is plenty adequate. Packing as many people in as possible is not the objective in residential neighborhoods.

Lastly, the STRP policy is important for my neighborhood. Please provide an updated summary and table of its components prior to any voting by the Planning Commission or County Council which can be distributed to my neighbors and other neighborhoods.

Thanks.

Jim Morrisette

Riverland Terrace

From: Jim Morrisette [<mailto:mjmorrisette@comcast.net>]
Sent: Wednesday, May 02, 2018 6:49 PM
To: Kristen L. Salisbury <KSalisbury@charlestoncounty.org>
Subject: Short Term Rental Ordinance Alterations Needed

Ms. Salisbury if you could forward the following e-mail to councilmembers.

Dear Councilmembers:

With the Short Term Rental Policy coming to its initial county council session on May 8th, I would like to offer some input. As we saw with the city's development of their STRP, you will never be able to please everyone on this matter; the problem is finding a middle ground. This issue divides residents between those who own or have a vested interest (real estate agents, developers, etc.) in short term rentals versus typical residents in neighborhoods; the former are the most vocal.

The county's proposal looks to be too lenient in the following areas and various solutions should be available, and I do not know all the answers, just the problems if nothing is corrected. Major areas to be corrected:

1. Non-owner Occupied Housing is Not Sufficiently Controlled

It is rental housing (non-owner occupied housing) which causes the most concern for residents in its use as short term rentals. Owners of rental housing from near and far have little concern for who they rent to resulting in parties, excessive drinking, parking all over, etc. The owners and their short-term renters contribute nothing to the neighborhood (ask yourself, do short term renters help you after a hurricane, help build community gardens, work to build better schools, etc). Large percentages of neighborhoods could be bought and used as short term rentals; which also drives up the cost of affordable housing in the area.

The city short term rental ordinance does not even allow non-owner occupied housing as short term rentals. I would prefer the county not to allow them also. The county Planning Commission says non-owner occupied permits will be controlled in permit reviews required by the Board of Zoning Appeals (BZA). The BZA only has subjective criteria (see number 2 below).

If non-owner occupied short term rentals must be allowed, possible examples of more control options such as the following could work, I am sure more exist:

- a. Only allow non-owner occupied short term rentals on large lots (e.g., 1 acre or more) where their impact on neighbors is minimized.
- b. Sunset non-owner occupied permits for short term rentals by allowing current owners to have them, yet once the property is transferred after a given date, no new owners can apply for a non-owner occupied short term rental permit.

2. Update Board of Zoning Appeals Guidelines

The guidelines of the BZA are defined under section 3.6.5 in the ZLDR. In reviewing section 3.6.5, the guidelines are all subjective and applying rules to the proposed short term rental proposal run the risk of being leniently and/or inconsistently applied. Also, they will be overly dependent on individual views of the board's members which will change over time. For example, how is the board going to consistently decide:

- a. How many, or what percentage, of houses can be non-owner occupied short term rentals in one block of a neighborhood or in the entire neighborhood. Is it 1%, 10%..... Guidelines should be established.
- b. How many neighbors and in what proximity of a rental house seeking non-owner occupied rental status need to oppose the request to have the BZA actually deny the request?
- c. What criteria is going to be used to set the allowable number of days for a non-owner occupied short term rental since they can range from 72 to 144 days?

Other smaller items to improve include making short term rentals have liability insurance of a certain amount; wait until a renter does something terrible and the owner is an LLC with few assets. Also, definitional criteria for “owner occupied” and “non-owner occupied” are needed to avoid confusion. Thirdly, specify that when a short term rental property owner and the county receives complaints from neighbors for inappropriate actions they can be used to remove a permit or deny future ones.

Finally, on a positive note, Joel Evans and staff members Andrea Pietras and Andrea Harris-Long were informative, helpful, and timely in responses to my endless questions.

Jim Morrisette
2184 Wappoo Drive
Riverland Terrace

Sent from [Mail](#) for Windows 10

Sent from [Mail](#) for Windows 10

From: Beth Lovett [<mailto:lovett.beth@gmail.com>]
Sent: Friday, May 04, 2018 7:50 AM
To: Kristen L. Salisbury <KSalisbury@charlestoncounty.org>
Cc: Dave Stickel <treeandgarden@hotmail.com>
Subject: Short Term Rental Request: Please Distribute to Council Members

Dear Council Member,

We're writing in regard to the upcoming County Council meeting on the 8th which will include the topic of short term rentals, and **are asking you to please lift the proposed restriction on the maximum number of days that an owner can rent their residence.**

We have lived on James Island for 13 years and since early-2015 we have been renting a room above our garage consistently throughout the year, averaging 20+ days per month. Starting in 2016 South Carolina started adding a Hospitality Tax to every short term rental in the state. In 2017, the **state collected over \$7,600.00 from our single rental.** That is nearly seven times the amount of our property tax!

In our neighborhood of Riverland Terrace there are currently 70 homeowners with a short a term rental on their property. If we hypothetically assume each is renting as consistently as we are, the tax income for the State is well over \$500,000 annually. If the proposed limit of 70 days/yr. is imposed, that income would drop to less than \$100,000.

Tax revenue for our state, and extra income for your constituents are two reasons why we oppose over-regulating short-term rentals.

The diversity our neighborhood experiences as a result of our guests, is another reason not to over-regulate short-term rentals. One of our very first guests came all the way from Japan just to visit Charleston. We've been fortunate enough to host people from Singapore, Argentina, Canada, Germany, The Netherlands and from several US states. Our neighbors enjoy meeting our guests and we enjoy spending time together and learning about their home cities.

Off the peninsula, there are few neighborhoods with such diversity as Riverland Terrace, both socio-economically and culturally. Our guests only enhance that diversity and make our community a more desirable place to live.

We understand limiting the number of guests per unit is sensible, as is requiring a business license. However, we oppose limiting the number of days one can rent, and all other regulations the prohibit homeowners from honestly earning needed income.

Thank you for your consideration and for your service,

David Stickel & Elizabeth Lovett

**Riverland Terrace
Neighborhood Association
Short-Term Rental Survey,
submitted February 27, 2018**

QUESTIONS

RESPONSES 77

77 responses



Not accepting responses ☐

Message for respondents

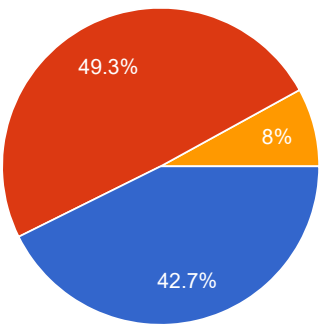
This form is no longer accepting responses

SUMMARY

INDIVIDUAL

For Owner Occupied Homes, I support:

75 responses



- The whole house to be rented
- Multiple Units per property to be rented (i.e. Garage Apartment, Cottage, Carriage House)
- Only Individual Rooms be rented

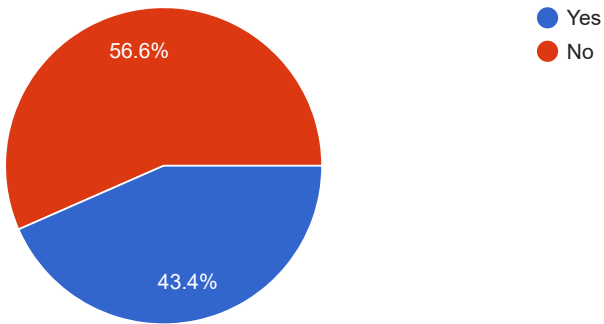
For Owner Occupied Homes, How Many Nights per year should STR be allowed?

76 responses



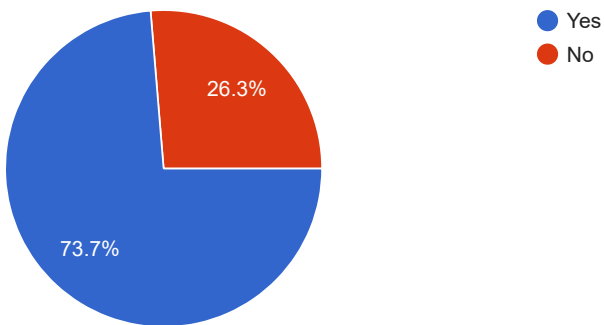
Should STR be subject to additional parking requirements?

76 responses



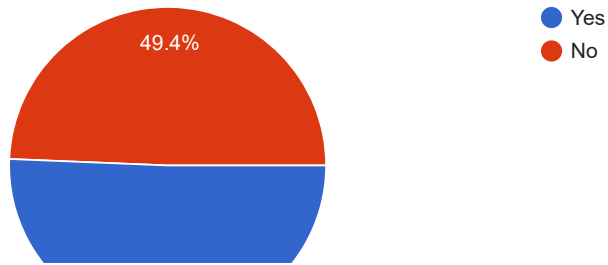
Should there be a maximum number of people per bedroom allowed for STR?

76 responses



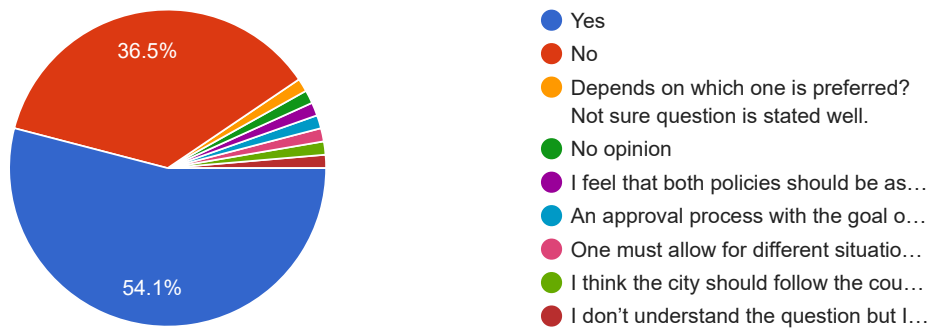
Should Investor Owned Properties be allowed to provide Short Term Rental?

77 responses



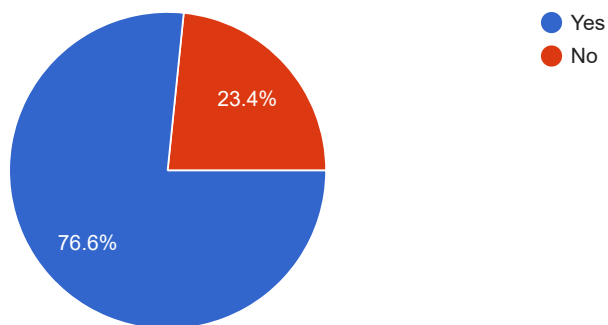
Current Drafts of STR policy in the City of Charleston do not allow for investor owned STR in Residential zoning. Charleston County's draft policy allows for STR through an approval process. Do you believe these two policies should be the same?

74 responses



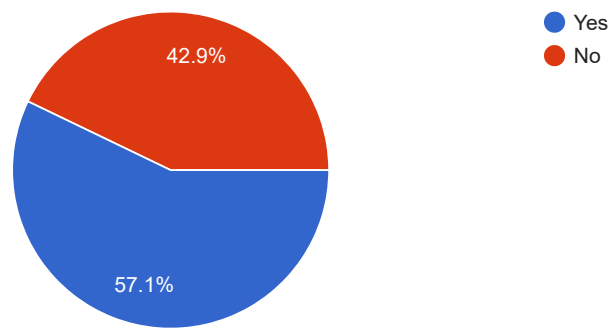
Should a specific contact be provided by City and County Officials to report STR violations or issues?

77 responses



Are you a City of Charleston Resident?

77 responses



On what street do you reside?

69 responses

- Wappoo Drive (4)
- Coker Ave (4)
- Medway (2)
- Edisto Ave (2)
- Edisto (2)
- Golfview (2)
- Wappoo Hall Road (2)
- Welch Ave (2)
- Coker (2)
- Stono Dr (2)
- Medway (2)
- Catalina (2)
- Wappoo
- Saint James dr.
- Saint James Dr.
- Wappoo Hall rd
- Wappoo Hall Rd
- Wappoo Hall rd

Edisto avenue

Old Point

Wappoo Hall

Coker Ave.

Riverland drive

Yates Avenue

Westrivers Road

Minott

.

St. James

Parkway Dr

old point rd.

Fort Pemberton Dr.

Wappoo Drive (please correct both the grammar and the typo in the above question! It should read: On what street do you reside?)

Parkway

Stono Dr 29412

Parkway Dr.

Saint James Dr

Wappoo Dr.

Cheraw Dr

xxx

Medway Road

Medway Rd

Aubrey Drive

Fort Pemberton

Westrivers Rd.

Avondale

Tallwood Rd

Medway Road

Wappo Hall

Wappoo Hall

Medway Rd

emerson st

Edisto Avenue

Edisto Ave.

Please provide any further feedback you have on Short Term Rentals that you feel appropriate to share with County and City officials to aid in their process.

77 responses

none (2)

. (2)

I believe that STR should be allowed for Owner Occupied Homes.

They do not adversely affect the quality of our neighborhood. We already have rentals. The guest in short term rentals is vetted and a high caliber person. Str provided needed income for many poeple. Additionally this is the oldest way of making money in this country. Renting rooms out in your home. No one has the right to prevent you from doing that as long as it's reguates fairly. I support it.

shouldn't be allowed

There definitely needs to be guidelines for STR's but I do believe that they are a great situation for homeowners. STR's are really great if done properly!

Rather than being for or against STR. We need to create a framework where homeowners can exercise this option, should they choose. What's the purpose of homeownership if we don't have the key element, that fee simple right to do with one's property as one sees fit.

Charleston

If you wish to remain the number one tourist city in the US, do NOT limit STR.

Thank you for asking for input

The demand is plenty for STR in our neighborhood so I believe policy around regulations will allow STR to continue without a negative impact.

For tourism purposes you have to allow STR. You don't have enough reasonably priced hotels. The ones you do have are always full.

Owner occupied short term rentals can be easily regulated by the homeowner and should be allowed.

I think it should be allowed, just regulated

STR should not be allowed in residential neighborhoods. They do not fit the atmosphere or security of a neighborhood of homes. We bought our home so that we could live in a neighborhood and know our neighbors. Also, we as homeowners are invested in the neighborhood and we did not buy into a hotel atmosphere of transient neighbors. There would be more traffic, subject to noise and less continuity and not knowing who is just passing through which could make the permanent residents unsure of our peace and security. Long term rentals are more in liking to a residential neighborhood but we feel STR do not have a place in our residential neighborhoods and should not be a part of the fabric of our established neighborhoods.

Great idea. Love Airbnb and use it for every vacation

N/a

Noise ordinance after 10 PM should be required for these rentals

Nothing additional

I do not feel the need to regulate STR in this neighborhood

I have lived in a wide range of housing situations. I been a renter, homeowner, airbnb owner/host, and long term rental landlord. Regarding short term rentals, I have observed short term rental properties actually maintained better than longer term rentals. As they have stricter rules and user/guest accountability due to its sharing platform online.

I do not have a problem with a home owner renting out part of his property. It is getting far to expensive to live here, so anyone who has this opportunity in their home to receive income to put towards taxes, etc. is fortunate. I also feel that if the owner is there, it helps cut down on problems with short term tenants who might not respect that this is a residential area and not a hotel. Investor owners are not on-sight and cannot be there to police their own property.

Airbnb is empowering for residents and good; save the headache and let it be. If you want to slap a fee on it, do it and don't waste time pretending it has to do with anything but city/county revenue.

Non-discrimination language in policy

No further feedback

Short term rentals should be allowed regardless of ownership. Some reasonable restrictions to protect the integrity of the neighborhoods should be enacted.

County and City officials should not regulate STR.

N/A

We do not have a problem with STR as a whole. We believe if there are issues or problems generated by it (i.e. noise, parking) that they should be dealt with on a case by case basis and not prohibited wholly due to one renter causing a disruption.

I'm sorry, but I'll m not so n favor of STR. Everyone is tearing down their garage to build units to rent out now. Neighborhoods are becoming less and less "residential "

I do not believe that one solution will fit all neighborhoods. It should be the right of the neighborhood to set the policy for STR. Also I am not in favor of imposing an added business license requirement on STRs.

People need to gain income because wages in Charleston are substandard & the cost to keep your home is growing each year, taxes, outrageous insurance premiums and general upkeep. Keep govt out of our affairs, it's none of your business! If there is a disturbance to neighbors, then the current way the city handles noise, etc should be used (think about how they deal with unruly college students) noise tickets, etc.

STR's are a fantastic way for people to earn extra income to support themselves and maintain/improve their properties and community.

STRs destroy the fabric of our neighborhoods.

Thank you for coming up with a fair solution for STR. They help a lot of families make ends meet.

Our city-county neighborhood is one community unit and should be regulated as such

If you own a home, you should be able to do what you want with it. This is the future, not hotels. They will be abandoned in years to come. Stop building hotels!!!!

I think a dependency building should be allowed when owner lives in main house. I think number of rental units should be limited to two per property. Question one had no option for this. Also with more allowed on peninsula units in neighborhoods like ours might not be in as much demand as at present.

I think STR should be allowed, by owner occupied homes only, with strict annual number of night limits

Should have to pay the same taxes as hotels and be required to have more insurance to cover any accidents that may occur.

I do not think STR in residential areas are a good idea.

I can imagine a situation, such as the birth of one or more grandchildren, that might motivate my husband and me to move across the country from our beloved house here in Riverland Terrace, perhaps for several months or even years. And while longer-term rentals would certainly be desirable, it might be necessary to arrange short-term rentals to help defray our living expenses. It seems to me that such arrangements should fall within the rights of responsible property owners, and should not be curtailed by government officials.

None at this time

Specific parking spots for STR are important.

I think Riverland Terrace should be able to do short term rentals through an application and neighbor-approval process

Nothing more to add

My main concern is that we don't end up with "party houses" that are loud and a constant nuisance to the neighbors. I believe that the best way to control this is to require that STR owners live on the premises. This will provide immediate access to an accountable party, should problems arise with the renters (ie. noise, parking, large groups).

I also don't want to see investor owned STR, as they dilute the community spirit, and add tension between actual neighborhood residents and entities that don't really have an interest in the neighborhood other than for profit.

STR "owners" need to register their space; provide/pay for additional trash pickup or such. Also Long Term Rentals "owners" have to pay insurance and property tax and is there some equitable way to spread the tax.

I think reasonable restrictions should be put in place to allow owners to rent, but also ensure neighborhoods don't lose their character.

STR's should be allowable in the maximum amount of areas, spread out, and not in one or two commercial/residential zones where they will end up becoming compacted and problematic for one area ie eliotborough/canonborough. Thanks for the opportunity to voice my opinion.

this invites a government official to use any means necessary to spy, entrap, and invade personal property by way of a neighbor's suspicion. be careful what you ask for.

Yes

I think with multiple rentals/garage rentals or even room rentals there should be parking on your property for all owners+occupants staying.

I don't mind property owners being able to do what they want with their houses, but many of the houses surrounding me have turned into short term rentals and it definitely detracts from the sense of community in our neighborhood.

Residents should be permitted to use their property as they see fit.

Short-term rentals allow some people to stay in their homes and help with expenses they may not otherwise be able to afford. I am a single person, living on a single income in a 90+ year-old house. Short-term rentals have allowed me to be able to afford the sometimes large, unexpected expenses involved with maintaining my old home. Furthermore, I see no difference between short-term rentals and long-term rentals, as the owner still has no control over who visits their homes. I have had more issues with long-term roommates than I have ever had with short-term renters. As long as I am not disturbing anyone, I should be able to do what I wish with my own home. This is why I chose to live in a neighborhood with no HOA.

Ok

If short term rentals are not allowed for vacation or investment properties, then there should be some incentive for owners of such properties to rent them long term, such as a reduction or elimination of the 6% tax on those properties

STR must not be allowed in residential neighborhoods like Riverland Terrace. Owner occupied where the environment is set and controlled by the owner. Perhaps a true Bed and Breakfast can be tolerated, also like on the peninsula.

Tourists are running the city. There are enough new hotels to House then.

Home owners should be allowed to provide short term rentals in Charleston County at the very least

Residential zoned properties should not allow investor owned short term rentals, it is like running a hotel with none of the safety precautions and subjects residents to strangers and unwanted behavior in the neighborhood.

Na

Definitely should have a contact for problems and a mechanism to prevent st rentals if there are problems

V

The STRs are squeezing out available long-term rentals and driving up the cost of living in Riverland Terrace (i.e. higher long-term rental rates). We have lived in RT for almost 24 years and also own a long-term rental in the n'hood. We pay significantly higher property taxes on the rental and do not think it is fair for STR to not be charged those same property tax rates.

No issue with rentals

I have a long term rental property that is the same size & value of my resident, and pay 3x the taxes since it is not owner-occupied. I am concerned that people that have STR properties are not paying adequate taxes (accommodations and property taxes), and the ordinance should clearly define the threshold between owner-occupied and rental for property taxes. There should also be a permit for operation of an STR (for a fee) that helps cover the cost of policing compliance. If there is a commercial garbage rate they should pay it to offset the increased load, as the houses with STR appear to generate much more waste.

no further feedback

I believe living in the County should allow for more relaxed regulations in general. Less government control of its citizens.

if you live onsite, you should be allowed to rent out your property...IF YOU LIVE Onsite!

None to add

None

In general, I feel that non-peninsular City and County residents should face little restriction on STRs.
