

AN ORDINANCE

AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED: CHAPTER 5, OVERLAY AND SPECIAL PURPOSE ZONING DISTRICTS, TO AMEND TEXT IN ARTICLE 5.2.3, NATURAL RESOURCE MANAGEMENT DISTRICT, EXCEPTIONS, DEWEES ISLAND, TO ALLOW THE SHORT-TERM RENTAL USE OF THE HUYLEY HOUSE (273 OLD HOUSE LANE).

WHEREAS, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Section 6-29-310 et seq., of the South Carolina Code of Laws, 1976, as amended, authorizes the County of Charleston to enact or amend its zoning and land development regulations to guide development in accordance with existing and future needs and in order to protect, promote and improve the public health, safety, and general welfare; and

WHEREAS, the Charleston County Planning Commission has reviewed the proposed amendments to the text of Chapter 5, Article 5.2, Section 5.2.3, of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) in accordance with the procedures established in South Carolina law, and has recommended that the Charleston County Council (County Council) approve the proposed amendments to the text of the ZLDR as set forth herein; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, County Council held at least one public hearing, and after close of the public hearing, County Council approved the proposed text amendments based on the Approval Criteria of Section 3.3.6 of Article 3.3 of the ZLDR; and

WHEREAS, County Council has determined the proposed text amendments meet the following criteria:

- A. The proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition; and
- B. The proposed amendment is consistent with the adopted Charleston County Comprehensive Plan and goals as stated in Article 1.5; and
- C. The proposed amendment is to further the public welfare in any other regard specified by County Council.

NOW, THEREFORE, be ordained it by the Charleston County Council, in meeting duly assembled, as follows:

SECTION I. FINDINGS INCORPORATED

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

SECTION II. AMENDMENTS TO THE TEXT OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE

The Charleston County Zoning and Land Development Regulations Ordinance is hereby amended to include the text amendments attached hereto as Exhibit "A" and made part of this Ordinance by reference.

SECTION III. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately following third reading by County Council.

ADOPTED and APPROVED in meeting duly assembled this 6th day of October, 2020.

CHARLESTON COUNTY COUNCIL

By: _____
J. Elliot Summey
Chairman of Charleston County Council

ATTEST:

By: _____
Kristen L. Salisbury
Clerk to Charleston County Council

First Reading: September 8, 2020
Second Reading: September 22, 2020
Third Reading: October 6, 2020

EXHIBIT A

Chapter 5, Overlay and Special Purpose Zoning Districts: Article 5.2.3, Natural Resource Management Zoning District, Exceptions, Dewees Island.

Chapter 5, Overlay and Special Purpose Zoning Districts
Article 5.2, NRM, Natural Resource Management District
Sec. 5.2.3 Exceptions

A. RM District Standards...

B. Dewees Island

For residential property located on Dewees Island, the Planning Director shall be expressly authorized to issue permits for development that complies with the Dewees Island Architectural and Environmental Design Guidelines (date October 25, 1996) instead of the Planned Development procedures and standards of this Ordinance.

Short-term rental use of the Huyler House shall be allowed as described below. The requirements of Art. 6.8, Short-Term Rentals, of this Ordinance shall not apply; however, the use shall comply with all other applicable sections of this Ordinance and other County Ordinances.

For the purposes of this Section, short-term rental use shall mean rentals for intervals of 29 days or less regardless of: (1) the occupancy status of the property; and (2) whether rental fees are charged or other forms of compensation are offered or required.

1. The Huyler House shall only be rented to Dewees Island property owners and their guests and guests of the Dewees Island Property Owners Association (POA);
2. Rental of the Huyler House shall only be advertised through the POA intranet site and shall not be marketed or advertised through any other means including, but not limited to, online advertisements or advertisements through rental agencies, realtors, brokers or other third party entities;
3. There is no cap on the number of days the Huyler House can be rented per calendar year;
4. A STRP Zoning Permit shall be required to establish the short-term rental use of the property. Administrative review shall be required to establish the use and the following requirements apply:
 - a. The Building Inspections Services Department may require a building safety inspection and/or Building Permit;
 - b. A minimum of four parking spaces are required. The location of the required parking shall be indicated and parking agreements necessary to facilitate off-site parking shall be submitted with the STRP Zoning Permit application; and
 - c. Each room where tenants may lodge shall contain a notice providing the following information:
 - i. Contact information for the owner of the property;
 - ii. Zoning Permit Number and Business License Number for the short-term rental use of the property for the current year;
 - iii. Trash collection location and schedule; and

iv. Fire and Emergency evacuation routes.

5. Once the STRP Zoning Permit is issued, a Business License must be obtained;
6. The STRP Zoning Permit must be renewed by December 31st of each year or the existing STRP Zoning Permit will expire. The STRP Zoning Permit will terminate on December 31st of each year regardless of whether or not the applicant receives notice from the Zoning and Planning Director. The STRP Zoning Permit annual renewal application must include:
 - a. The STRP Zoning Permit renewal application fee; and
 - b. A notarized affidavit signed by the property owner stating that the STRP use and the information submitted as part of the application for the previous year's STRP Zoning Permit has not changed in any manner whatsoever and that the STRP use complies with the requirements of this Section.

A new STRP Zoning Permit application must be filed if the aforementioned requirements are not met.

7. Notwithstanding the provisions of Chapter 11 of this Ordinance, the STRP Zoning Permit may be administratively revoked by the Zoning and Planning 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, the STRP Zoning Permit may be immediately revoked if the Zoning and Planning Director determines the STRP has Building Code violations, there is no Business License for the property, the STRP is being advertised or marketed on the POA intranet site in a manner not consistent with this Section, the advertisement for the STRP does not include the County issued Zoning Permit Number and Business License Number, the STRP is being advertised on a platform other than the POA intranet site, or the property is being used in a manner not consistent with the Zoning Permit issued for the STRP use.
8. If the STRP Zoning Permit is administratively revoked, the STRP owner (or authorized agent) may appeal the Zoning and Planning Department Director's administrative decision revoking 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.
9. Subsequent Application. Once the STRP Zoning Permit and/or Business License has been revoked, no new STRP Zoning Permit and/or Business License 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 STRP Zoning Permit application must be submitted in accordance with this Section.