CITY OF BEAUFORT

1911 BOUNDARY STREET
BEAUFORT, SOUTH CAROLINA 29902
CITY COUNCIL WORKSESSION
December 7, 2010

Planning Conference Room-1st Floor
1911 Boundary Street

I. **Call to Order** – Mayor Billy Keyserling **5:00 PM**

II. **Boards and Commissions** - Interview

III. **Council Discussion Items**
   A. Discussion regarding Bladen Street Redevelopment District
   B. Discussion regarding Short Term Rentals
   C. Discussion regarding Parking
   D. Discussion regarding Boards and Commission Appointments

IV. **Executive Session**
   Pursuant to Title 30, Chapter 4, and Section 70 (a) (2) of the South Carolina Code of Laws: Receipt of Legal Advice

V. **Adjourn**

NOTE: IF YOU HAVE SPECIAL NEEDS DUE TO A PHYSICAL CHALLENGE, PLEASE CALL IVETTE BURGESS 525-7070 FOR ADDITIONAL INFORMATION

STATEMENT OF MEDIA NOTIFICATION

"In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, all local media was duly notified of the time, date, place and agenda of this meeting."

City of Beaufort Department of Planning and Development Services

M E M O R A N D U M

TO: **Scott Dadson, City Manager**

FROM: **Libby Anderson, Planning Director**

DATE: **December 3, 2010**

SUBJECT: Status Report on Short Term Rental Ordinance Revision

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At Council's direction, staff formed a focus group to provide input in the proposed short term rental amendment. Initially, the group was comprised of representatives of The Point, Old Commons, and Northwest Quadrant neighborhood association, a representative from the Redevelopment Commission and the Planning Commission, as well as representatives from the Historic Beaufort Foundation. Initially, the ordinance was to be limited to the Historic District. Once the recommendation was made to broaden the ordinance to apply city-wide, representatives from other neighborhoods where invited to attend the focus group.

The focus group had three meetings. The committee began to discuss conditions that might be applied to the permitting of short term rentals if these were to be permitted city-wide (see attachment), but there was no consensus on this issue. The Point Neighborhood Association has gone on record as not wanting short term rentals in their neighborhood, and much discussion occurred at the last meeting as to how various neighborhoods (ex., The Point, Battery Shores and Battery Point), might be excluded from the ordinance and whether that was appropriate (all did not agree on this point; some felt that a city-wide ordinance should apply city-wide). There was also a suggestion that a condition be added to the approval process, that if the majority of the owners abutting the property proposed for a short term rental do not want the dwelling used for that purpose (including the owners across the street), that the application could not be approved.

Staff held a public meeting on the ordinance amendment on November 30. The purpose of the meeting was to provide information on the proposal and to record public comment. The "minutes" of that meeting are not available at the time of this writing, but I have attached a copy of the comments that have come in via e-mail.

The Council asked that the Planning Commission reconsider the amendment based on the changes that have been made to the proposal since their initial recommendation in August. The Planning Commission will take up this issue at their meeting on December 13.

Please contact me with any questions on this issue.

Short Term Rental in Residential Neighborhoods
Proposed Minimum Conditions

1. A. Within a residential zoning district (R-1 to R-4, GR, and TBR), only one short term rental is permitted per block or every 400 linear feet, whichever is less. *(A block includes both sides of the street, for example, the 700 block of Duke Street. This is to prevent an entire block or street from becoming primarily short term rentals.)*
   OR:
   B. A short term rental unit must be located within 400', measured via street frontage *(about one block)* of a commercially zoned lot. *(This would prohibit short term rentals from locating in the middle of a residential neighborhood, but would allow them to locate a certain distance from a commercial corridor.)*
   OR:
   C. Short term rentals are only permitted in accessory dwelling units where the owner lives on the premises in the primary dwelling. *(This would provide de-facto management of the unit and would limit short term rentals to those lots that include an accessory dwelling unit. In this case, the units might be permitted as conditional use—review by staff—rather than going through the special exception process.)*
   OR:
   A and C, or B and C.

2. Occupancy to be determined on a case-by-case basis during the special exception process based on the number of bedrooms in the structure and parking availability. Maximum occupancy 6 persons.

3. Minimum 2-night stay.

4. Adequate on-site parking based on the number of adults that are permitted in the unit. Parking must be located to the side or rear of the dwelling (i.e., the front yard cannot be used for parking). Tenants must use the on-site parking and not park in the street.

5. On-site signage is prohibited.

6. No pets left unattended outside.

7. No outside amplified music.

8. A property management plan must be developed and approved as part of the special exception process.

9. Smoke alarms must be installed in each bedroom and outside each bedroom and on each additional story in accordance with Section 313.2 of the International Residential Code.

10. An ABC fire extinguisher must be located in the kitchen area.

11. Before the business license is renewed for an approved short term rental unit, an administrative review of any complaints or property maintenance will be conducted. In addition, the unit must undergo an annual Safety Inspection performed by the Building Codes Office and must meet the International Property Maintenance Code (see attached checklist).

12. Approval of the special exception runs with the ownership of the property. If the property ownership changes, approval of the special exception is null and void and a new special exception will be needed to use the dwelling for short term rental.

CITY OF BEAUFORT SHORT TERM RENTAL CHECKLIST

Property Address: _____

Date of Inspection: _____

- ☐ One room minimum 12 sq. ft. (10 x 12)
- ☐ No double key dead-blots on exit doors
- ☐ Sleeping rooms have two forms of egress
- ☐ Smoke detectors in sleep rooms and halls
- ☐ Ceiling height 7 ft. minimum
- ☐ Dwelling unit properly heated
- ☐ Windows, intact, screens (if supplied) intact
- ☐ Doors & hardware functional, keyed locks
- ☐ Window-bars/quick release all bedrooms
- ☐ Windows operable in habitable rooms

- ☐ Sinks, tubs, & showers drain properly and are waterproof with no leaks
- ☐ Water heater vented with seismic straps & adequate combustion air
- ☐ No plumbing or sewage leaks
- ☐ Hot & cold running water
- ☐ No damaged electrical fixtures
- ☐ Electrical cover plates installed
- ☐ Kitchen stove & sink in good repair
- ☐ Minimum 1 toilet, sink, tub/shower
- ☐ Wall & floor coverings in good condition
- ☐ All units clean & sanitary

- ☐ Fire extinguishers installed/charged/inspected annually
- ☐ GFCI electrical receptacles (if supplied) in kitchen and bath
- ☐ Foundation vent screens intact
- ☐ Paint & roofing in good condition
- ☐ Halls, stairwells & exits will be lighted
- ☐ Adequate exterior lighting
- ☐ Exits clear and not blocked
- ☐ Dwelling units open to hall or outside
- ☐ No insects, rodents or vermin

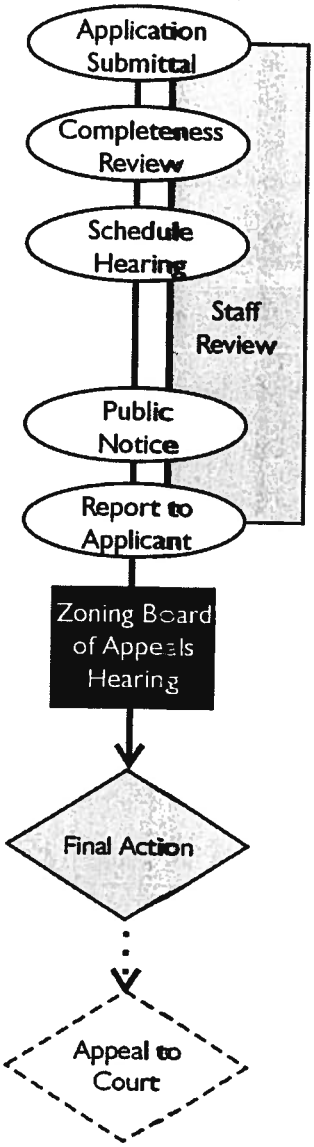
- ☐ Grass cut (6" maximum)
- ☐ Lot free of debris
- ☐ Roll-cart and recycling bin present

- ☐ No unlicensed or inoperable vehicles on premises

3.16 Special Exceptions

A. Purpose

Special exceptions shall be used to permit uses subject to the terms and conditions for the uses set forth for such uses in this UDO. Uses permitted by special exception are declared to possess characteristics which require certain controls in order to insure compatibility with other uses in the zoning district within which they are proposed. The Zoning Board of Appeals shall hear and decide requests for special exceptions.



B. Application

A special exception application form as published by the Administrator and appropriate fee as required by Section 3.1 shall be required, along with such accompanying material as is required to ensure compliance with the criteria listed below.

C. Approval Process

1. Staff Review and Report

The Administrator shall prepare a staff report that reviews the proposed development in light of the Comprehensive Plan, the review criteria listed below, and the requirements of this UDO. A copy of the report shall be provided to the Zoning Board of Appeals and the applicant before the scheduled hearing.

2. Mailed Notice

A courtesy notice of any Special Exception Application shall be provided by US Mail to all property owners within 200 feet of the subject property. Failure to provide such notice shall not be considered a jurisdictional defect, provided that published notice in accordance with Section 3.1 has been provided.

3. Action by Board of Zoning Appeals

a. Following posted and mailed notice in accordance with Section 3.1 Approval Procedures, the Zoning Board of Appeals shall hold a public hearing on the Special Exception application.

b. After review of the application and the public hearing, the Zoning Board of Appeals shall make a written finding and approve, approve with modifications or conditions, or disapprove the request.

c. If approval, or approval with modifications or conditions is granted, the decision shall be communicated in writing within 15 days to the applicant, and the applicant shall then be authorized to submit a development permit application consistent with this ordinance.

D. Special Exception Review Criteria

The Zoning Board of Appeals may approve an application for a Special Exception where it reasonably determines that there will be no significant negative impact upon residents of surrounding property or upon the general public. The Board shall consider the following criteria in its review:

1. Whether the proposed use is compatible with existing land uses in the surrounding area;
2. Whether the proposed site plan, circulation plan, and schematic architectural designs are harmonious with the character of the surrounding area;
3. The likely impact on public infrastructure such as roads, parking facilities, and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to adequately service the proposed use without negatively impacting existing uses in the area and in the City;
4. Whether the proposed use and designs are in general conformity with the City's Comprehensive Plan and any other plans officially adopted by the City;
5. Likely impact on public health and safety; and
6. Potential creation of noise, lights, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts.

E. Conditions

The Zoning Board of Appeals may impose such conditions and restrictions upon the application as may be necessary to minimize or mitigate any potential adverse impacts of the proposed use.

F. Appeal

Any party aggrieved by the Zoning Board of Appeals' decision may appeal such determination to the Circuit Court of Beaufort County by filing with the Clerk of the Court a written petition within 30 days after the decision of the Board is postmarked, in accordance with the procedures found in Section 3.17 of this UDO.