

MAYOR:
John Labriola

TOWN ADMINISTRATOR:
Stephanie Monroe Tillerson

TOWN ATTORNEY:
Joseph Wilson



TOWN COUNCIL MEMBERS:
John Moffitt
Bradley D. Belt
Michael Heidingsfelder
Russell A. Berner

Town Council Workshop
Municipal Center Council Chambers
Immediately following Ways and Means
October 3, 2023

AGENDA

- I. Call to Order:**
- II. Roll Call**
- III. New Business:**
 - A. Discussion of Proposed Amendments to the Short-Term Rental Ordinance**
- IV. Citizens' Comments:**
- V. Adjournment:**

THE TOWN OF KIAWAH ISLAND

ORDINANCE 2023-__

AN ORDINANCE TO AMEND ARTICLE 14 , GENERAL OFFENSES, CHAPTER 8, SHORT-TERM RENTAL PERMIT AND REGULATIONS

WHEREAS, the Town of Kiawah Island Municipal Code currently contains Article 14, General Offenses, Chapter 5, Short-Term Rental Permit and Regulations, Sections 14-501, through 14-510, and;

WHEREAS, the Town Council believes that establishing specific regulations and licensing requirements for short-term rental units is necessary to protect the public health, safety, and welfare; and

WHEREAS, the Town wishes to continue regulating the use of residential property as short term rentals, and;

WHEREAS, the Town Council wishes to amend the current sections relating to the regulation of residential property as short term rentals.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF SAID COUNCIL.

Section 1 Purpose

The purpose of this Ordinance is to amend Article 14, General Offenses, Chapter 5, Short Term Rental Permit and Regulations by amending Sections 14-501, 14-503, 14-506, 15-507, and 15-509 as follows. [Discussion Purposes Only, Per the Town Council Retreat Amendments in red type]

Section 2 Ordinance

Section 14-501 amended as follows:

An *authorized agent* means an owner, the owner's agent, or the owner's designee who is normally available and authorized to respond to any issues arising from a short-term rental unit within two hours and who is authorized to receive written notice on behalf of the owner. If an authorized agent engages in other businesses within the Town, such as acting as a real estate sales agent, the authorized agent must obtain a separate Class 7 rental

management business license for the management of short-term rentals. Rental management business licenses are subject to the following requirements:

- (1) A rental management business license application shall be completed by all authorized agents. The signed rental management business license application shall be a legal and binding agreement acknowledging that all town ordinances and rental regulations shall be adhered to for the duration of the rental management business license. The rental management business license application shall be submitted, and subject to review, annually.
- (2) The annual application fee for the rental management business license is \$500.00.
- (3) An authorized agent is required to inform the property owner of any warnings or violations related to the use or rental of the property, as well as any notices of denial or revocation of either the owner's short-term rental business license or the authorized agent's short-term rental management business license.

Section 14-503 amended as follows:

- (a) It shall be the ~~sole~~ responsibility of ~~both~~ the STR owner ~~directly or through his or her authorized agent and the authorized agent~~ to notify and educate the guests of all applicable STR rules and regulations, including all rules encompassed in section 14-506.

Section 14-506(c) is hereby amended as follows:

- (c) Maximum occupancy. The maximum occupancy for all short-term rental properties is two occupants per code-compliant bedroom. ~~Two additional occupants are allowed per dwelling unit. As an example, a four-bedroom rental property shall have a maximum of ten occupants.~~ Children under the age of two are not included in calculating maximum occupancy.

Section 14-506(d) is hereby amended as follows:

- (d) Parking and driveways. The maximum number of vehicles permitted for ~~overnight~~ parking ~~any time of the day or night~~ for each single-family dwelling unit shall be in accordance with the number of parking spaces as defined on the rental application.
 - (1) Vehicles may only be parked on permanent paved or gravel parking surfaces, as approved by the town or other entity having jurisdiction. Parking on grass or landscaped areas is prohibited at all times.

- (2) Vehicles must be parked in a manner that permits the free passage of emergency vehicles. ~~Overnight P~~parking in driveways must allow emergency vehicles to within 25 feet of the residence.
- (3) If a garage is utilized to determine allowable parking, access shall be provided at all times that the short-term rental is operational.
- (4) Parking for villa units shall be in parking lots that are integral to the villa complex.
- (5) Pickups greater than one-half ton, and cargo vans greater than 12 passengers, recreation vehicles (RVs), buses, trailers, boats, and other large vehicles are prohibited from parking ~~overnight~~ at residential dwellings. Vehicles shall not be used for sleeping or overnight accommodations.
- (6) STR properties must comply with St. Johns Fire District requirements and applicable architectural review board regulations for residential zoning districts (R-1, R-2, and R-3) which require that driveway clearance for fire trucks be a minimum of ten feet wide for straight drives and have a height clearance of 13.6 feet.

Section 14-507 is hereby amended as follows:

(a) It shall be a violation of this chapter to:

- (1) Operate ~~or manage~~ a rental property without complying with the requirements of this chapter and the town code of ordinances;
- (2) Make a misrepresentation on a short-term rental business license application ~~or short-term rental management business license application~~;
- (3) Advertise, offer, or otherwise make available, a property as being available as a rental without first complying with the requirements of this chapter; excluding properties exempt from these provisions of the rental program not exceeding 14 calendar days on an annual basis;
- (4) Expand the allowable occupancy or parking of a rental unit without obtaining a new license;
- (5) Advertise a rental property as being available for more overnight occupants than have been permitted pursuant to this chapter;

- (6) Advertise or rent separate guest houses or pool houses as an independent rental unit. Such units can be included under a rental business license issued to a single address, but it cannot be rented as a stand-alone unit;
- (7) Rent out a portion only of the rental or individual rooms of a property, to include detached homes, villas, cottages, and any other property designation. No rental business license will be issued unless the subject property is to be rented in its entirety. Owners are permitted to lock off closets or bedrooms from guest access;
- (8) Operate a commercial business in a STR property. Examples include, but are not limited to catering, telemarketing, or distribution of goods; and
- (9) Prune or otherwise alter vegetation and dunes without the required permits from the town or other applicable jurisdiction (Kiawah Island Community Association, or the Kiawah Island Architectural Review Board).

(b) Both the owner and/or the manager of any particular property are legally responsible for these violations. The officer issuing the citation has the option to issue citations to either the owner or the manager or to both.

Section 14-509 is hereby amended as follows:

In addition to applicable fines and penalties:

- (1) The failure of ~~the~~ a short-term rental business licensee or a short-term rental management business licensee to comply with any sections of this chapter shall constitute grounds for the suspension or revocation of the license. Any action to suspend or revoke the license shall be conducted by the treasurer or designee in accordance with municipal code, chapter 3, municipal business license, section 4-315.
- (2) Any property licensee with three violations of this chapter during any 12-month rolling period and found guilty by admissions or by the municipal judge will be considered cause for license revocation. The ~~owner or agent~~ licensee may reapply for a new STR license no sooner than 12 months after revocation, subject to all provisions contained herein.

On receipt of notice of revocation or suspension, the owner (or authorized agent) shall immediately stop the operation of the short-term rental establishment. All advertisements for future short-term rentals shall immediately cease. If such property is advertised or

occupied by short-term renters after the revocation or suspension of the STR license, fines shall be levied against the owner and agent.

Section 3 **Severability**

If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind property, circumstances or set of circumstances, such holding shall not affect the circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances

Section 4 **Effective Date and Duration**

This Ordinance shall be effective upon its enactment by Town Council for the Town of Kiawah Island.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS ___ DAY OF _____, 2023.

John Labriola, Mayor

Petra S. Reynolds, Town Clerk

1st Reading:

2nd Reading: