

**RICHLAND COUNTY
DEVELOPMENT AND SERVICES
COMMITTEE**

AGENDA

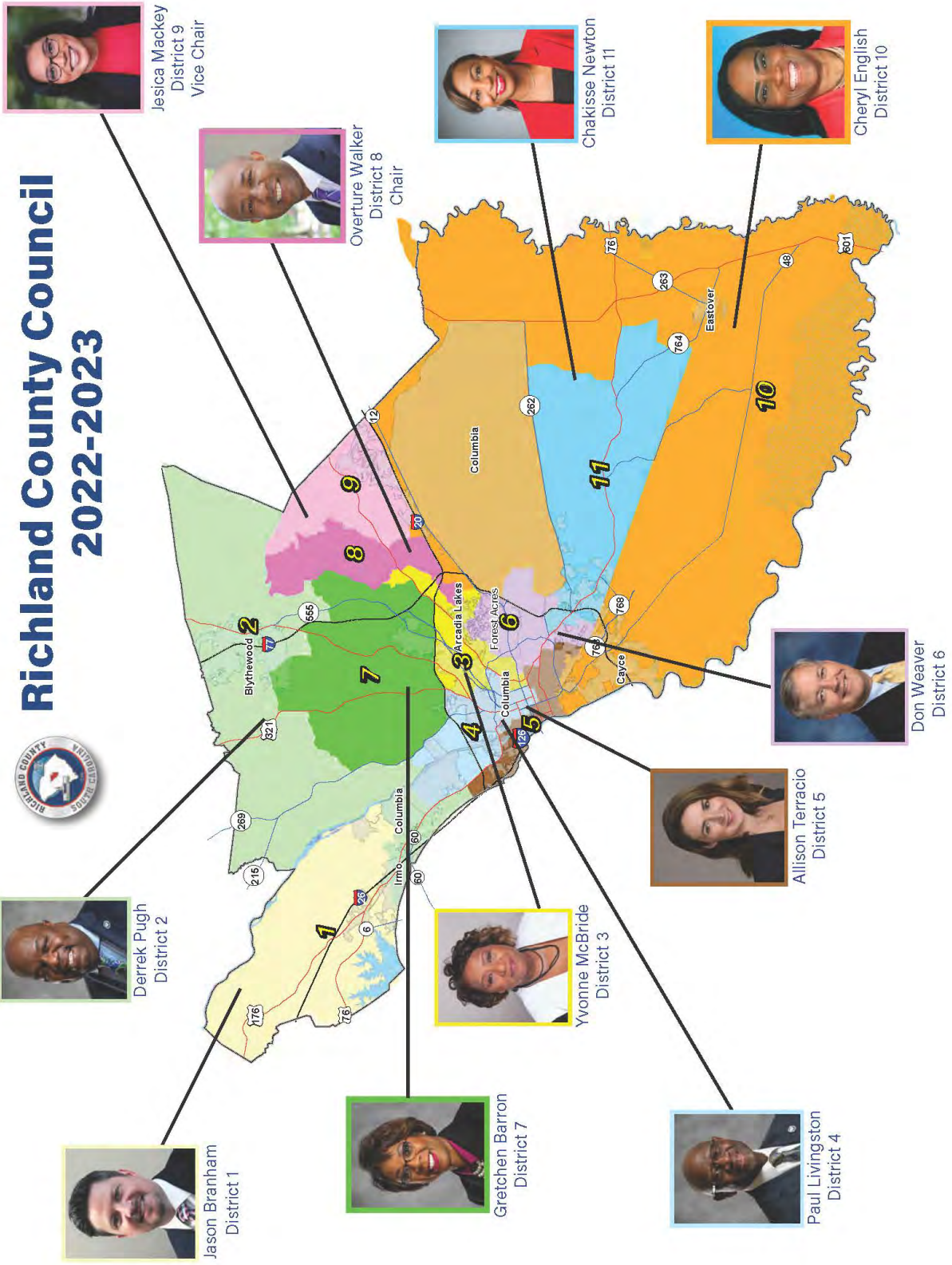


TUESDAY JUNE 27, 2023

5:00 PM

COUNCIL CHAMBERS

Richland County Council 2022-2023



Derrek Pugh
District 2

Jason Branham
District 1

Gretchen Barron
District 7

Yvonne McBride
District 3

Allison Terracio
District 5

Paul Livingston
District 4

Don Weaver
District 6

Overture Walker
District 8
Chair

Chakisse Newton
District 11

Cheryl English
District 10

Jessica Mackey
District 9
Vice Chair



**Richland County
Development and Services Committee**

AGENDA

June 27, 2023 - 5:00 PM
2020 Hampton Street, Columbia, SC 29204

The Honorable Derrek Pugh	The Honorable Allison Terracio	The Honorable Gretchen Barron	The Honorable Cheryl English	The Honorable Chakisse Newton, Chair
County Council District 2	County Council District 5	County Council District 7	County Council District 10	County Council District 11

1. **CALL TO ORDER** The Honorable Chakisse Newton

2. **APPROVAL OF MINUTES** The Honorable Chakisse Newton
 - a. May 23, 2023 [\[PAGES 5-9\]](#)

3. **ADOPTION OF AGENDA** The Honorable Chakisse Newton

4. **ITEMS FOR ACTION** The Honorable Chakisse Newton
 - a. Proposed Land Development Code Zoning Map and Text Amendments [\[PAGES 10-16\]](#)

5. **ITEMS FOR PRELIMINARY ACTION**
 - a. Short-Term Rentals [\[PAGES 17-37\]](#)
 1. Direct the Administrator to create regulations for the operation of Short Term Rentals (STRs) in unincorporated Richland County. Those regulations would be listed as an amendment to the current Ordinance relating to residential rental property regulations similar to the Absentee Landlord Ordinance that is currently being considered. Consideration should be given to licensing, safety measures, number of occupants allowed, effects on infrastructure such as sewer and water, EMS and Law Enforcement potential response and not having them create a nuisance in the neighborhood. [Malinowski - December 6, 2022]

 2. Direct the County Administrator to work with staff to ensure the proposed Short Term Rental Ordinance requires each homeowner who wishes to provide a short-

term rental to obtain a business license and pay accommodation taxes. [Malinowski (Terracio), January 3, 2023]

6. ITEMS PENDING ANALYSIS: NO ACTION REQUIRED

The Honorable Chakisse Newton

- a. I move to direct the Administrator to conduct a review of the rank weeds and vegetation ordinance and recommend any updates that would improve the effectiveness of the ordinance particularly as it relates to safety, enforcement, and blight reduction. [Newton – August 30, 2022] **[PAGE 38]**
- b. Direct the Administrator to research and present to Council current laws and benefits of enacting impact fees in Richland County. The purpose is to help reduce the tax burden on residents by not having to pay the complete cost of development in Richland County. [Malinowski (Pugh; Newton), January 3, 2023] **[PAGE 39]**
- c. I move to direct the Administrator to review and update the illegal dumping ordinance, including raising fines up to \$5,000.00, jail time, and community service (picking up debris on roadways) [English, June 6, 2023]

7. ADJOURNMENT

The Honorable Chakisse Newton



Special Accommodations and Interpreter Services Citizens may be present during any of the County’s meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council’s office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.



Richland County Council
DEVELOPMENT AND SERVICES COMMITTEE
MINUTES
May 23, 2023 – 5:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Chakisse Newton, Chair (participated via Zoom; arrived at 5:30 PM); Derrek Pugh, Gretchen Barron, and Cheryl English

Not Present: Allison Terracio

OTHERS PRESENT: Don Weaver, Jason Branham, Michelle Onley, Ashiya Myers, Angela Weathersby, Patrick Wright, Stacey Hamm, Michael Maloney, Leonardo Brown, Aric Jensen, Anette Kirylo, Lori Thomas, Kyle Holsclaw, Zachary Cavanaugh, Chelsea Bennett, Michael Byrd, John Ansell, Susan O’Cain, Dale Welch, Geo Price, and Shirani Fuller.

1. **CALL TO ORDER** – Councilwoman Gretchen Barron called the meeting to order at approximately 5:00 PM.

Although Ms. Newton was present on Zoom, Ms. Barron noted she would chair the meeting on Ms. Newton’s behalf.

2. **APPROVAL OF MINUTES**

- a. April 25, 2023 – Ms. English moved to approve the minutes as distributed, seconded by Mr. Pugh.

In Favor: Pugh, Barron, English, and Newton

Not Present: Terracio

The vote in favor was unanimous.

3. **ADOPTION OF AGENDA** – Mr. Pugh moved to adopt the agenda as published, seconded by Ms. English.

In Favor: Pugh, Barron, English, and Newton

Not Present: Terracio

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**

- a. Department of Public Works – Engineering Division – Carolina Crossroads – Center Point Rd. Right-of-Way – Mr. Leonardo Brown, County Administrator, stated the recommendation is to approve the staff’s request to transfer the right-of-way on Center Point Road to the South Carolina Department of Transportation for the Carolina Cross Roads Project.

Mr. Pugh moved to forward to Council with a recommendation to approve the transfer of the right-of-way on Center Point Road to the South Carolina Department of Transportation for the Carolina Cross Roads Project, seconded by Ms. English.

In Favor: Pugh, Barron, English, and Newton

Not Present: Terracio

The vote in favor was unanimous.

- b. Department of Public Works – Engineering Division – Lake Dogwood Circle S Right-of-Way – Mr. Brown noted the County has an ordinance that allows for unused right-of-way to be provided to adjacent property owners. This specific request concerns Lake Dogwood Circle South, which contains no road or

other infrastructure. The requestor owns the properties on both sides of the right-of-way in question. He stated staff's recommendation is to transfer the unused right-of-way to Bobby J. and Nancy Y. Spivey.

Ms. English moved forward to Council with a recommendation to transfer the unused right-of-way on Lake Dogwood Circle South to the adjoining property owners, Bobby J. and Nancy Y. Spivey, seconded by Mr. Pugh.

In Favor: Pugh, Barron, English, and Newton

Not Present: Terracio

The vote in favor was unanimous.

5. ITEMS FOR PRELIMINARY ACTION

a. Short-Term Rentals:

1. Direct the Administrator to create regulations for the operation of Short Term Rentals (STRs) in unincorporated Richland County. Those regulations would be listed as an amendment to the current Ordinance relating to residential rental property regulations similar to the Absentee Landlord Ordinance that is currently being considered. Consideration should be given to licensing, safety measures, number of occupants allowed, effects on infrastructure such as sewer and water, EMS and Law Enforcement potential response and not having them create a nuisance in the neighborhood. [MALINOWSKI - December 6, 2022]
2. Direct the County Administrator to work with staff to ensure the proposed Short Term Rental Ordinance requires each homeowner who wishes to provide a short-term rental to obtain a business license and pay accommodation taxes. [TERRACIO - January 3, 2023]

Mr. Zach Cavanaugh, Business Service Center Manager, stated there are two examples of existing short-term rental ordinances. There is the newly adopted City of Columbia ordinance and the Hilton Head Island ordinance, which was adopted a decade ago. He noted the County has a team ready to draft an ordinance but is seeking direction from the body.

Ms. English inquired about the legality of the "number of occupants allowed." She thought that it was governed by fire and other regulatory bodies.

Mr. Cavanaugh acknowledged there are caps on occupants in both ordinances. The City of Columbia's ordinance allows two occupants per bedroom plus an additional two. He indicated a Fire Marshal's Office would typically designate occupancy based on square footage, but since this is residential, the ordinance we adopt would have an occupancy cap. He noted he has received input from the neighbors and those that operate the rentals. Obviously, they have different concerns, and we want to adopt an ordinance with a good balance.

Ms. Barron stated we want to ensure we are in line with our neighbors so there are no drastic differences between the ordinances. She would like to see something that makes ease for the property, while at the same time holding them accountable. She asserted Hilton Head is in a sphere all by itself because it is a destination location. She indicated she would like the committee, as well as the other Council members, to take a closer look at the ordinance(s) and provide input to the Clerk's Office by June 6th. She requested the Clerk's Office email Council members requesting their feedback on the ordinances.

Mr. Pugh declared Columbia poses a unique situation. We are considered a transient town because of the military and schools of higher education population. He noted people purchase property here but no longer reside in Richland County. He wants us to tailor the ordinance to our community and not penalize those property owners. Holding people accountable for maintaining their property is one thing, but we also want to make it palatable for everyone in the community.

From reviewing the briefing document, Ms. Newton stated her impression was that staff would utilize the Hilton Head and Columbia ordinances as inspiration. For the record, she noted she had voted in favor of the previous items.

Mr. Cavanaugh expressed there are things in both ordinances that would work for Richland County. At the same time, other parts would need to be omitted. Therefore, the draft ordinance would be a mixture of the ordinances.

- b. I move that County Council adopt the 2021 Land Development Code text amendments and the zoning map recommended by the Planning Commission by unanimous vote on November 7, 2022, to take effect on the effective date of the full 2021 Land Development Code text and associated maps [BRANHAM – April 4, 2023] – Mr. Brown stated now that Council has turned this over to the Planning Commission, and the Planning Commission has done its work, they are the voice of the recommendations associated.

Mr. Christopher Yonke, Planning Commission Chair, recognized that Commissioners Frierson, Dennis, Johnson, Durant, and Grady were in attendance. He noted there are three topics related to this item: Land Development text, the maps, and the Planning Commission's amendments. The Planning Commission has completed its task of thoroughly reviewing and receiving public input on the Land Development Code.

Ms. Barron mentioned at the last meeting Ms. Newton requested Council members to submit questions and/or concerns to the Clerk's Office. She inquired if the task was accomplished.

Ms. Anette Kirylo, Clerk to Council, responded the Clerk's Office did not receive any feedback.

Ms. Barron inquired if the Clerk's Office or the County Administrator's Office sent a request to Council members for feedback.

Ms. Kirylo and Mr. Brown both responded a request was not sent out to Council members for their offices.

Ms. Barron formally requested the Clerk's Office to email Council requesting input or concerns related to the Land Development Code.

Mr. Pugh thanked the Planning Commission for their hard work on this document. It was brought to his attention the recommendations of the Planning Commission are not verbatim in the documents. He inquired if that was something that could be fixed.

Mr. Brown responded he believes the Planning Commission could do so.

Mr. Pugh inquired if this document leaves the committee, will there still be an opportunity to correct the verbiage?

Mr. Brown responded if there is any information that does not reflect the actions of the Planning Commission, the answer would be yes.

Mr. Branham stated under the Planning Commission's recommendations, RU properties will be divided into three categories: "0-3 Acres", "3-35 Acres", and "35+ Acres." If the property were 35 acres, there would be a question of which category the property falls into. He likes the D&S Committee retaining a level of jurisdiction over the matter, even if some recommendations are made and sent up to Council. He noted some ancillary or additional matters could remain with the committee.

Ms. Barron declared she has a problem with us passing something forward that we know already contains mistakes. If your recommendations are clear, why can we not have that document before this body and then send it to Council? She asserted she is not voting for anything that needs to be cleaned up. She noted there are people across Richland County depending on Council getting it right the first time.

Mr. Pugh inquired if this matter is time sensitive.

The County Attorney, Patrick Wright, responded this motion is not ready to go before Council. He acknowledged that he and Mr. Branham talked to ensure the verbiage was correct for the motion, but this motion should not be before Council until Council has voted on the maps. As he has previously stated, Council has already approved the text for the Land Development Code. The maps go with the text. Once the maps are approved and we have a complete Code, we can make the amendments.

Mr. Pugh inquired if there would be a gap between the maps being approved and this verbiage being approved. Additionally, will the maps be able to be used?

Mr. Wright responded when Council approves the maps, they can delay the implementation of the maps for a time. In the interim, Council can take up the motion for the text amendments.

Mr. Pugh inquired how we got to where we are now in committee if we have not done our due diligence on the maps.

Mr. Wright stated former Councilmember Malinowski made a motion that went to Planning Commission. For the last year and a half, while the Planning Commission dealt with the potential amendments, Council halted the process of approving the maps.

Mr. Pugh noted when he and Ms. Barron took office, they were under the impression this should have been approved. It was almost like they were being force-fed the Land Development Code, and they wanted to understand where they were when it came to the Code. There are a lot of things hanging in the balance. He stated they were told the community gave input, but when he spoke to his community, they indicated they did not have any input. There has also been the Land Development Code tour throughout the County, and it still seems there is no understanding of exactly where we are and what we have going on. He indicated he agrees with Ms. Barron that if we have a document with holes in it, he does not understand why we would approve moving forward.

Mr. Wright acknowledged if there are any concerns with the recommended amendments, those should be dealt with before it goes to Council.

Mr. Branham expressed his desire to see some votes being taken on the recommendations so we can get a sense of where the committee, and potentially Council, stands. He noted this would also help the public know where Council stands. He feels the recommendations of the Planning Commission are sufficiently specific to be able to review and make a recommendation.

Ms. English inquired if the maps' approval and First Reading of the corrected language could be at the same meeting.

Mr. Wright responded in the affirmative.

Ms. English requested a timeline for the process.

Ms. Newton stated this has been an extremely complex and convoluted process. There is a suggested timeline for addressing this process, which would leave these recommendations in committee for a while longer. She noted it could be helpful for staff to address the recommended timeline.

Mr. Aric Jensen, Assistant County Administrator, the important thing to understand is that the maps must be adopted to complete the existing ordinance before the body can make amendments. The timeline is based on Mr. Wright's direction and interpretation. It suggests the County's consultant, Clarion, would start drafting redlined corrections, which would then come to the committee. Essentially, it is suggested the committee forward a zoning map that Council could act on. Council could then do a "moratorium" so the maps would not go into effect until the committee and Council have had a chance to amend the Code. For clarification, the recommendation is for Council to approve the zoning map, the committee to hold the text into committee, and guide the consultant to make any changes the body feels are appropriate.

Ms. Newton restated the recommendation, as follows: because Council approved the original text and did not approve the associated maps within a set timeframe, now Council must approve maps to go along with the Code passed in 2021, so we can make further amendments to the text. The text cannot be amended until maps associated with the 2021 Code are adopted.

Mr. Wright stated the Land Development Code is the text and the maps. Council approved the text in November 2021. Until the maps are approved, Council cannot amend the text. As soon as the maps are approved, Council can begin the text amendment process. The map's effective date can be set for a future date, allowing the amended text and maps to go into effect simultaneously. If it were up to him, he would

suggest approving the maps, so you can amend whatever you wish.

Ms. Newton inquired if approval of the maps would require three readings and a public hearing.

Mr. Wright responded in the affirmative.

Mr. Branham stated the Planning Commission was not operating under this understanding. As such, the version of the map that the Planning Commission recommended included the carrying over of the M-1 District from the 2005 Land Development Code. The M-1 District is not in the 2021 version of the Land Development Code. He inquired if there was anything legally inappropriate about the committee making recommendations about the Planning Commission's version of the map and their suggested amendments.

Mr. Wright responded the problem is not with the recommendation. The problem is that once it goes to Council, they have to act on what the committee recommends. Council cannot act on the recommended amendments if they have not approved the maps.

For clarification, Mr. Branham stated there is a period when they could take that action based on the committee's recommendation and adopt the map with everyone having an understanding the committee's recommendation was to adopt specific Planning Commission recommendations subsequently.

Mr. Wright noted if the committee sends a recommendation to Council, then Council must do something.

Mr. Branham inquired if they would need to defer a vote on the Planning Commission's recommendations once the maps were approved out of necessity.

Mr. Wright replied they would need to, but he could not say they would.

Mr. Brown indicated that sometimes Council gets a report from the committee without Council acting on the item. He suggested that may be a mechanism where the information could be shared.

Ms. Newton acknowledged that she is on board with following the legal process. It is clear the Planning Commission made recommendations and that many members of the body want to adopt those recommendations. She noted the Code that was passed in 2021 is not one we want to be operating under without revisions. In terms of editing the text, what opens the most doors is moving to adopt the map. She suggests adopting the map and immediately applying a "moratorium."

Mr. Wright noted he would not term it a "moratorium." The effective date would be a different date.

Ms. Newton requested that the ledger be attached.

6. **ITEMS PENDING ANALYSIS: NO ACTION REQUIRED**

- a. I move to direct the Administrator to conduct a review of the rank weeds and vegetation ordinance and recommend any updates that would improve the effectiveness of the ordinance particularly as it relates to safety, enforcement, and blight reduction. [Newton - August 30, 2022] - No action was taken.
- b. Direct the Administrator to research and present to Council current laws and benefits of enacting impact fees in Richland County. The purpose is to help reduce the tax burden on residents by not having to pay the complete cost of development in Richland County. [PUGH, BARRON, and NEWTON - January 3, 2023] - No action was taken.

7. **ADJOURNMENT** - Mr. Pugh recognized that Commissioner John Metts was also in the audience.

Mr. Pugh moved to adjourn the meeting, seconded by Ms. Barron.

In Favor: Pugh, Barron, English, and Newton

Not Present: Terracio

The vote in favor was unanimous.

The meeting adjourned at approximately 5:58 PM.



Agenda Briefing

Prepared by:	Aric Jensen	Title:	Assistant County Administrator
Department:	Administration	Division:	
Date Prepared:	June 1, 2023	Meeting Date:	June 27, 2023
Legal Review	Patrick Wright via email	Date:	June 12, 2023
Budget Review	Abhijit Deshpande via email	Date:	June 20, 2023
Finance Review	Stacey Hamm via email	Date:	June 20, 2023
Approved for consideration:	County Administrator	Leonardo Brown, MBA, CPM	
Meeting/Committee	Development & Services		
Subject	Proposed Land Development Code Zoning Map and Text Amendments		

RECOMMENDED/REQUESTED ACTION:

The Planning Commission has completed its review of the proposed Zoning Map and Land Development Code text amendments as requested by the County Council and recommends that the D&S Committee:

- Review the recommended zoning map and text amendments forwarded by the Planning Commission;
- Forward the proposed zoning map with modifications as appropriate;
- Review the attached ledger of recommended text amendments from the Planning Commission;
- Determine which text amendments, if any, that the Committee desires to forward to the County Council;
- Direct Clarion and Associates to prepare redline versions of the text amendments that the Committee wants to forward to Council for consideration.

Request for Council Reconsideration: Yes

FIDUCIARY:

Are funds allocated in the department’s current fiscal year budget?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
If not, is a budget amendment necessary?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

Clarion and Associates, who drafted the 2021 LDC on behalf of the County Council, will prepare and draft any text amendments recommended by the Committee. It is anticipated this service will not exceed 12 months and \$25,000.

The Department has funds available in FY23 which can be rolled over into FY24 if appropriately encumbered. If the department is unable to roll over the funds, there is a sufficient budget in FY24 to cover the expenditure. The Budget Director recommends the department roll over FY23 funds to FY24.

Applicable department/grant key and object codes: 1100230000-526500

OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:

Not applicable.

COUNTY ATTORNEY’S OFFICE FEEDBACK/POSSIBLE AREA(S) OF LEGAL EXPOSURE:

The County Attorney has expressed concern that the approval of the maps related to the already approved text of the 2021 LDC is being conflated with the recommended text amendments. The amendments must come after the maps are approved. The maps must be approved to complete the 2021 Land Development Code. Following the completion thereof, amendments can be made.

There are no additional legal concerns other than those already stated.

REGULATORY COMPLIANCE:

In consideration of any Zoning Map amendment or Land Development Code text amendment, Richland County is obligated to follow all of the provisions of Title 6, Chapter 29, SC Code of Laws. Furthermore, the County Attorney has stated on the record that the Council must first complete the ordinance process associated with the adoption of the 2021 LDC text by adopting a zoning map before amendments to the 2021 text can be considered.

MOTION OF ORIGIN:

“I move that County Council adopt the 2021 Land Development Code text amendments and the zoning map recommended by the planning commission by unanimous vote on November 7, 2022, to take effect on the effective date of the full 2021 Land Development Code text and associated maps.”

Council Member	The Honorable Jason Branham, District 1
Meeting	Regular Session
Date	April 4, 2023

STRATEGIC & GENERATIVE DISCUSSION:

In 2016, the Richland County Council directed the County Administrator and his staff to prepare an update to the 2005 Richland County Land Development Code as recommended in the Comprehensive Plan. This process was substantially completed when the Coronavirus pandemic occurred in early 2020, but the disruption thereof affected the timing and public input process. In November 2021, the County Council approved the written portion of the new Land Development Code, but not the Zoning Map. Concurrently, a group of citizens approached the Council concerned that - due to the pandemic and the length of time elapsed since the process started - additional public participation was needed.

In March 2022, the County Council directed the County Administrator and his staff to “restart” the zoning map design process. In addition, the Council recommended that the Planning Commission (PC) consider and recommend amendments to the previously adopted 2021 Land Development Code (LDC) text.

In November 2022, the Planning Commission completed its portion of the “restart” process, and recommended a new Zoning Map and several Land Development Code text amendments to the Council.

From February 2023 through April 2023, Community Planning & Development staff held public information meetings throughout Richland County to inform the community of the proposed zoning map amendments.

On April 04, 2023, the County Council received a presentation from Planning Commission Chair Christopher Yonke on the proposed Zoning Map and LDC text amendments. At the same meeting, Council Chair Overture Walker assigned the proposed zoning map and LDC text amendments to the Development & Services (D&S) Committee for consideration and a recommendation to the full Council.

On May 23, 2023, the D&S Committee discussed the proposed zoning map, text, and approval process at length. There were no successful motions, and so the items carried forward to the next agenda. However, the Committee requested that the Planning Commission confirm the accuracy of the LDC text amendment ledger and correct any errors, and then resubmit it to the Committee.

On June 05, 2023, the Planning Commission Chair entered into the record a final version of the LDC text amendment ledger as requested by the Committee. A conforming copy of that documented is attached.

Below is a bulleted summary of the Planning Commission’s recommendations to the County Council:

Zoning Map

- The Planning Commission (PC) recommended zoning map is a translation of zoning classifications from the 2005 LDC to their equivalent in the 2021 LDC as based on the “translation table” in the adopted 2021 LDC. The PC directed staff to exactly follow the translation table with one exception and one note.
- *Exception:* The Commission recommended that the Council add the M-1 Zone back into the 2021 LDC text instead of following the translation table.
- *Note:* The translation table had more than one possible translation for rural zones, so the Commission had to create a metric for determining whether rural properties should be classified as AG, HM, or RT. The rule was applied to both Rural and Rural Residential zones and is based on size/acreage:
 - 35 acres or larger = AG;
 - 3 – 35 acres = HM;
 - 0 – 3 acres = RT.

Text

- In the 2021 LDC as adopted, the RT Zone currently has a density equal to 1.3 acres per lot; the Planning Commission recommended a density equal to 1.0 acre. The HM Zone currently has a density equal to 3 acres per lot; the Planning Commission recommended a density equal to 1.5 acres per lot. The AG Zone currently requires a density equal to 6.7 acres per lot; however, the Commission recommended a density equal to 3 acres per lot.
- The Planning Commission recommended to remove 2-, 3-, and 4-dwelling unit structures and manufactured homes from the R-2, R-3, and R-4 zones. The Commission also recommended to remove townhouses from the R-4 zone.
- Both the existing 2005 LDC and the 2021 LDC as adopted allow a property owner to subdivide property into residential building lots that are smaller than was possible prior to 2005 as long as certain “clustering” criteria are met. The adopted 2021 LDC restricted this to a certain extent, and the Planning Commission’s current recommendation further reduces the ability to reduce minimum lot sizes and/or increase density without rezoning the property.

Process and Next Steps

At this time, staff and the PC recommend that the Committee take the following steps in the following general order:

May Meeting (Completed)

1. Determine if the Commission's methodology for creating the proposed Zoning Map is consistent with the adopted 2021 Land Development Code.

June Meeting

1. Determine if the Commission's methodology for creating the proposed Zoning Map is consistent with the adopted 2021 Land Development Code;
2. Determine if the Commission's recommendation to keep the M-1 zoning designation on the proposed Zoning Map and to not follow the translation table from the adopted 2021 Land Development Code which recommends the EMP Employment zone designation is practical and lawful;
3. Make a successful motion to forward a proposed zoning map to the Council for consideration;
4. Review the LDC Proposed Text Amendment Ledger affirmed by the Planning Commission at its 05Jun2023 meeting;
5. Direct the County's consultant, Clarion and Associates, to prepare redlined versions of the 2021 LDC text, as appropriate.

July Meeting

1. Review any proposed Zoning Map modifications requested by the Committee;
2. Review any redline text amendments prepared by Clarion;
3. Make a motion to recommend approval of the proposed Zoning Map as drafted, or direct the Administrator to make further revisions and bring them back at a future meeting for consideration;
4. Make motion to recommend approval of the redline text amendments as drafted, or direct Clarion and Associates to make additional revisions and bring them back at a future Committee meeting for consideration.

ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INITIATIVE:

Objective 4.1: Establish plans and success metrics that allow for smart growth

ATTACHMENTS

1. Final LDC Text Amendment Ledger
2. Zoning Designation Translation Table utilized by the Planning Commission

2021 LDC Zone Map Restart

Ledger of Recommended Text Amendments as Approved on November 07, 2022

Final Draft

Discussion Date	Topic	Recommendation
06-Jun-2022	Residential Uses	Remove duplex, 3-plex, and 4-plex uses from R2, R3, R4 zone designations; and to remove townhouse use from R4 zone.
08-Sep-2022	Residential Uses	Remove manufactured homes from R2 zoning district.
08-Sep-2022	Rural Lots	Increase the maximum lot density of the new AG zoning district from 0.15 dwelling units per acre to 0.33 dwelling units per acre.
08-Sep-2022	Rural Lots	Increase the maximum lot density of the new HM zoning district from 0.33 dwelling units per acre to 0.66 dwelling units per acre.
08-Sep-2022	Rural Lots	Increase the maximum lot density of the new RT zoning district from 0.67 dwelling units per acre to 1.0 dwelling units per acre.
08-Sep-2022	Subdivision Design	Delete subsection 26-3.1(f)(5) which provides for the complete elimination or massive reductions on minimum lot width requirements in instances involving cluster development and any other provisions for cluster development of single-family dwellings.
03-Oct-2022	Rural Uses	Add "Animal shelter" permitted by right, subject to special requirements in the AG and HM zoning districts.
03-Oct-2022	Rural Uses	Add "Animal services; Veterinary hospital or clinic" permitted by right subject to special requirements in the AG, HM, RT zoning districts.
03-Oct-2022	Subdivision Design	Amend subsection 26-3.1(f)(4) which provides for zero lot line development and any other provisions for zero lot line development of detached single-family dwellings; and continue to allow zero lot line development where attached single-family dwelling units (e.g. townhomes) are allowed.
07-Nov-2022	Other	Add a M-1 zoning district to the text of the 2021 Land Development Code to have all the same standards currently provided for in the existing Richland County Land Development Code originally adopted in 2005 and to have all parcels zoned M-1 at the time of adoption by county council of the final official zoning map continue to be labeled as M-1.
07-Nov-2022	Rural Lots	Amend AG Zone standards: gross average lot size 130,680 square feet (3 acres); min lot size 98,000 square feet.
07-Nov-2022	Rural Lots	Amend HM Zone standards: gross average lot size 66,211.2 square feet (1.51 acres); min lot size 50,000 square feet.
07-Nov-2022	Rural Lots	Amend RT Zone standards: gross average lot size 43,560 square feet (1.0 acres); min lot size 32,670 square feet.
07-Nov-2022	Subdivision Design	Delete Sec 26-5.13 (c) (1) a. 1. For residential structures, an additional one story or 15 feet.
07-Nov-2022	Subdivision Design	Amend Sec 26-5.13 (c) (1) b. maximum allowable residential density by from 25 percent to 10 percent in the R2, R3, R4, R5, R6, MU1, MU2, MU3 and GC.
07-Nov-2022	Subdivision Design	Amend Sec 26-5.13 (c) (1) b. residential density in AG, HM, RT, and R1 from 30 percent to 15%.
07-Nov-2022	Subdivision Design	Amend Table 26-5.13(e) Energy Conservation Schedule A "Use Central air conditioners that are SEER 17 or above.
07-Nov-2022	Subdivision Design	Amend Table 26-5.13(e) Schedule B "Use vegetation or vegetated structures to shade HVAC Units for non-residential structures."
07-Nov-2022	Subdivision Design	Delete Table 26-5.13(e) Alternative Energy Schedule A "Pre-wire a minimum of 75 percent of residential dwelling units in the development for solar panels".
07-Nov-2022	Subdivision Design	Delete Table 26-5.13(e) Alternative Energy Schedule B "Pre-wire a minimum of 50 percent of residential dwelling units in the development for solar panels".

07-Nov-2022	Subdivision Design	Amend Table 26-5.13(e) Transportation Schedule A "Provide minimum of four electric vehicle (EV) level 3 charging stations that are made available in a parking structure or off-street parking lot to those using the building."
07-Nov-2022	Subdivision Design	Amend Table 26-5.13(e) Transportation Schedule A "Provide minimum of four electric vehicle (EV) level 2 charging stations that are made available in a parking structure or off-street parking lot to those using the building."
07-Nov-2022	Subdivision Design	Amend R1: gross average lot size 32,750 square feet (.752 acre); min/max lot size range 24,500 – 40,000 square feet.
07-Nov-2022	Subdivision Design	Amend R2: gross average lot size 14,500 square feet (.33 acre); min/max lot size range 11,000 – 18,000 square feet.
07-Nov-2022	Subdivision Design	Amend R3: gross average lot size 7,260 square feet (.167 acre); min/max lot size range 5,500 – 9,000 square feet.

Richland County Planning Commission
Zone Map and LDC Comprehensive Revision Process
 Zoning District Equivalencies PC Recommendation Nov 2022

Former Zoning District	New Zoning District
PR: Parks & Recreation	OS: Open Space
TROS: Traditional Recreation Open Space	OS: Open Space
RU: Rural RR: Rural Residential	AG: Agricultural (35 acres+) HM: Homestead (3-35 acres) RT: Residential Transition <3 acres)
RS-E: Residential Single-family Estate	R1: Residential 1
RS-LD: Residential Single-family Low-Density	R2: Residential 2
RS-MD: Residential Single-family Medium-Density	R3: Residential 3
RS-HD: Residential Single-family High-Density	R4: Residential 4
RM-MD: Residential Multi-family Medium-Density	R5: Residential 5
RM-HD: Residential Multi-family High-Density	R6: Residential 6
MH: Manufactured Home	Closest Matching R Zone
OI: Office & Institutional	EMP: Employment INS: Institutional
NC: Neighborhood Commercial	MU1: Neighborhood Mixed-Use
None/New	MU2: Corridor Mixed-Use
None/New	MU3: Community Mixed-Use
RC: Rural Commercial	RC: Rural Crossroads
GC: General Commercial	GC: General Commercial
M-1: Light Industrial	M-1: Light Industrial
LI: Light Industrial	LI: Light Industrial
HI: Heavy Industrial	HI: Heavy Industrial
CC: Crane Creek	CC: Crane Creek
PDD: Planned Development	PD: Planned Development
TC: Town & Country	None/Deleted
None/New	PD-EC: Planned Development Employment Campus
None/New	PD-TND: Planned Development Traditional Neighborhood Design
AP: Airport Height Restrictive Overlay	AHR-O: Airport Height Restrictive Overlay
C: Conservation Overlay	WR-O: Water Resources Overlay
EP: Environmental Protection Overlay	WR-O: Water Resources Overlay
FP: Floodplain Overlay	FP-O: Floodplain Overlay
RD: Redevelopment Overlay	None/Deleted
CRD: Corridor Redevelopment Overlay	NC-O: Neighborhood Character Overlay
DBWP: Decker Boulevard/Woodfield Park Neighborhood Redevelopment Overlay	NC-O: Neighborhood Character Overlay
None/New	MI-O: Military Installation Overlay



Informational Agenda Briefing

Prepared by:	Zach Cavanaugh	Title:	Director
Department:	Community Planning & Development	Division:	Business Service Center
Date Prepared:	June 6, 2023	Meeting Date:	June 22, 2023
Approved for consideration:	Assistant County Administrator	Aric A Jensen, AICP	
Meeting/Committee	Development & Services		
Subject:	<p>Short Term Rental Ordinance</p> <ol style="list-style-type: none"> 1. Direct the Administrator to create regulations for the operation of Short-Term Rentals (STRs) in unincorporated Richland County. Those regulations would be listed as an amendment to the current Ordinance relating to residential rental property regulations similar to the Absentee Landlord Ordinance that is currently being considered. Consideration should be given to licensing, safety measures, number of occupants allowed, effects on infrastructure such as sewer and water, EMS and Law Enforcement potential response and not having them create a nuisance in the neighborhood. [Malinowski, 06 December 2022] 2. Direct the County Administrator to work with staff to ensure the proposed Short-Term Rental Ordinance requires each homeowner who wishes to provide a short-term rental to obtain a business license and pay accommodation taxes. [Malinowski (Terracio), 03 January 2023] 		

At the May 23, 2023 Committee meeting, staff presented a comparison of the Short-Term Rental (STR) ordinances from the City of Columbia and from the Town of Hilton Head Islands. After substantive discussion, the Committee requested the opportunity to share the information with other interested County Council members with the intent of providing collective feedback to the Business Service Center by June 6, 2023. Upon receipt of the feedback, staff would draft an ordinance that aligns with adopted policy and Council direction.

As a reminder, Council will likely need to either amend the 2005 Land Development Code (LDC) or complete the 2021 LDC adoption process to address the provisions of South Carolina bill H3253 which effectively precludes local government jurisdictions from banning STR in zoning designations where residential dwellings are permitted.

Process Schedule

May 23, 2023	Staff presentation and Committee discussion
June 6, 2023	Council comments due to staff; none provided
July 25, 2023	STR Ordinance draft submitted to the Development & Services Committee for modifications and/or approval
September 19, 2023	1st reading by County Council
October 10, 2023	2nd reading by County Council
October 17, 2023	3rd reading & Public Hearing by County Council

ATTACHMENTS:

1. City of Columbia Short Term Rental Ordinance
2. Hilton Head Island Short Term Rental Ordinance
3. South Carolina Bill H3253

ORDINANCE NO.: 2023-037

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 5, Buildings and Buildings Regulations, to add Article IX, Short Term Rentals

WHEREAS, City Council finds that there is a growing national interest for short-term accommodations in traditional neighborhood settings and that the provision of such accommodations can be beneficial to the public if potential negative impacts are managed. Short-term rentals also serve to bolster the city's tourism industry by providing alternatives to traditional hotels and motels for the traveling public; and

WHEREAS, when properly regulated, City Council finds that short-term rentals provide a means of assisting property owners with keeping properties in good order and repair, which in turn, assists in stabilizing home ownership, and maintaining property values in neighborhoods; and

WHEREAS, City Council finds that it is necessary to protect the residential character of city neighborhoods. Absent appropriate controls on the manner of short-term rentals, neighborhoods stand to be harmed by undue commercialization and disruption to the primary and overarching purpose of a neighborhood being first and foremost a residential community.

BE IT ORDAINED by the Mayor and City Council of the City of Columbia, South Carolina this ___ day of _____, 2023, that the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 5 is hereby amended by adding Article IX to read as follows:

ARTICLE IX. SHORT TERM RENTALS**Sec. 5-400. Scope of Article.**

Unless otherwise specified, the requirements and provisions of this Article shall apply to owner-occupied and non-owner-occupied short-term rentals (collectively called "short-term rentals") made available to occupants for periods of less than 30 consecutive days in the municipal limits of the City. This Article does not apply to hotels, motels, bed and breakfast establishments, or inns that are subject to and compliant with the City's business license and other applicable Code requirements. Unless otherwise specified, this Article does not apply to rentals that are rented for a period of 30 days or greater and that are subject to the City's rental housing regulations found in Chapter 5, Article VIII of the Code.

Sec. 5-401. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purposes of this Article, have the meanings shown in this section. Where terms are not defined, through the methods authorized by this section or Code, such terms shall have ordinarily accepted meaning such as the context implies.

Citation means a charge or formal written accusation of violation of a City, state or federal law, regulation or ordinance.

Dwelling unit means any structure or portion of a structure arranged or designed to provide independent living facilities for living, sleeping, and personal hygiene and that may legally be used for habitation by humans.

Guest means any person who occupies a short-term rental.

Owner-occupied means a dwelling unit that is lawfully classified as owner-occupied by Richland County and is receiving the 4% special assessment ratio.

Non-owner-occupied means a dwelling unit that is not owner-occupied and is used and/or advertised for rent for transient occupancy by guests.

Residential district means residential base zoning district as defined by Section 17-3.2 of the Unified Development Ordinance

Responsible local representative means a person having his or her place of residence or business office within 45 miles of the short-term rental property and designated by the property owner as the agent responsible for operating such property in compliance with the City's ordinances and having been authorized by appointment to accept service of process on behalf of the owner pursuant to Rule 4(d)(1) of the South Carolina Rules of Civil Procedure.

Short-term rental (STR) means the use and enjoyment of a dwelling unit, or portion thereof, for a duration of less than 30 consecutive days in exchange for valuable consideration. Hotels, motels, bed and breakfast establishments, and inns are excluded from this definition.

SEC. 5-402. SHORT-TERM RENTAL REGULATIONS

The following regulations apply to all dwelling units being used as a short-term rental in the City:

- (a) Determination of Short-Term Rental Offering: Any advertisement for an STR by the owner or responsible local representative is sufficient to determine that a dwelling unit is being offered as a short-term rental.
- (b) Business License Required: The owner or responsible local representative offering a dwelling unit as a short-term rental shall obtain a business license and comply with all business license and revenue collection laws of the City of Columbia, Richland County, and State of South Carolina.
- (c) Code Compliance Required: The owner of a permitted STR shall ensure the STR property and dwelling unit is in compliance with all City ordinances at all times, which include, but are not limited to:

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- (1) Animal Control, Chapter 4;
- (2) Building and Building Regulations, Chapter 5;
- (3) Environmental Health and Sanitation, Chapter 8;
- (4) Fire Prevention and Protection, Chapter 9;
- (5) Unified Development Ordinance, Chapter 17; and
- (6) Solid Waste Management, Chapter 19.

(d) Safety Inspection: A safety inspection to ensure compliance with the regulations in this Article may be performed by the City if deemed necessary and with 24-hour notice to the permit holder.

(e) Records Required: The property owner shall maintain the following which shall be made available to the City upon request:

- (1) For a period of two years, records demonstrating compliance with these provisions, including but not limited to, information demonstrating residency, if required; the number of days per calendar year the residential unit has been rented as an STR; and compliance with the insurance requirement in this section; and
- (2) The name and phone number of each short-term guest that booked the STR for the previous two years.

(f) Contact: The property owner must be willing to take phone calls at all times to address issues with the short-term rental; or the owner must provide the name, mailing address, and telephone number of a designated responsible local representative who is willing to take phone calls at all times if needed to address issues with the short-term rental use, and who is authorized to accept service of process on behalf of the owner.

(g) Permits are non-transferrable: If ownership of a permitted dwelling unit changes, the new owner must obtain a new permit before operating any part of the dwelling unit as an STR.

(h) Minimum Guest's Age: The guest making the booking or reservation for an STR shall be at least eighteen (18) years of age.

(i) Minimum Stay Duration: The short-term rental shall not be available for occupancy for a period of less than one night.

(j) Permit Number in Advertisement: Any online advertisement for an STR must include the current STR permit number, as issued by the City, within the description section of the advertisement.

(k) House Manual: At a minimum, the following shall be made available to each short-term guest:

- (1) Emergency contact numbers;
- (2) The name and contact information for the owner or responsible local representative;
- (3) Instructions or a diagram of the designated parking space(s); and
- (4) The house rules imposed on guests by the owner.

(l) Parking Spaces Required: Two parking spaces per dwelling unit must be made available and designated on an STR property. Guests must be notified of the parking plan and the maximum number of vehicles allowed

(m) Maximum Occupancy: The maximum overnight occupancy of an STR shall not exceed two persons, excluding minor children, per bedroom, plus two additional people per dwelling unit.

(n) Identity Verification: The owner or responsible local representative shall be responsible for determining that any guest occupying the STR is listed in the booking or reservation for the STR.

(o) Neighbor Notification: The owner or responsible local representative of an STR shall notify each household immediately adjacent to the STR and any neighborhood association, if the STR is located in a neighborhood with such an association, that the property is being operated as an STR and must provide such households and association with the address of the STR and the phone number of the owner or responsible local representative.

SEC. 5-403. SHORT-TERM RENTAL PERMIT REQUIRED

(a) No dwelling unit in the City shall be operated as a short-term rental without a current STR permit issued by the City of Columbia. The permitting process shall begin 30 days after enactment of this Article. Current owners of a STR must obtain a permit within 120 days of the beginning of the permitting process. Permits are to be issued and renewed on an annual basis and will only be issued or renewed to an owner or responsible local representative having his or her place of residence or business office within 45 miles of the STR property. If residing outside of 45 miles of the STR property, the owner may only obtain a permit if he or she has a responsible local representative.

(b) An STR permit authorizes the permit holder to operate one dwelling unit as an STR. Any person seeking to operate multiple STR's shall be required to obtain a separate STR permit for each dwelling unit address sought to be operated as an STR.

(c) Applications for renewals of STR permits must be submitted by July 1, of each year, except that any holder of a permit issued before July 1, 2023, will have until July 1, 2024, to submit an application for renewal. Beginning in 2024, any application for a permit renewal not submitted by July 31, will result in the loss of the permit.

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(d) STR permits are non-transferable. A new owner or responsible local representative of a permitted STR shall be required to obtain a new and separate permit for the dwelling unit by submitting a new STR permit application.

(e) The permits required by this Article are regulated privileges, not rights, and can be revoked by the City in accordance with the provisions provided in this Article.

SEC. 5-404. SHORT-TERM RENTAL PERMIT APPLICATION & FEES

(a) An application is required for initial permit issuance and permit renewal and must be submitted on a form provided by the City. A separate application is required for each permit or renewal being sought. The STR application shall contain, at a minimum, the following information:

- (1) The address of the dwelling unit;
- (2) The number of bedrooms in the dwelling unit;
- (3) The names, mailing addresses, and phone numbers, of the owner(s) and any responsible local representative;
- (4) The address where the owner or responsible local representative will accept notices and orders;
- (5) An affidavit signed by the property owner certifying the property complies with all fire and building code ordinances;
- (6) Certification that the owner has read applicable city regulations, including, but not limited to, those found in Section 5-402(c) of this Article;
- (7) Certification that the owner is aware that penalties may be assessed for violations by guests; and
- (8) Copy of general liability insurance.

(b) The permit fees shall be paid at the time of application submission. These fees are established by City Council and may be changed from time to time. These fees include the following:

- (1) A non-refundable application fee of \$50; and
- (2) For an owner-occupied STR, a non-refundable STR permit registration fee of \$100.00; or
- (3) For a non-owner-occupied STR, a non-refundable STR permit registration fee of \$250.00 per dwelling unit.
- (4) Any permit renewal application and associated fees submitted after July 1, will incur a late fee of \$100.

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(c) An STR permit holder shall notify the City of any changes to the information submitted in the application within 30 days after any such change occurs.

SEC. 5-405. CRITERIA FOR PERMIT ISSUANCE

(a) Unless otherwise provided for by this Article, the City shall issue an STR permit, within 30 days from application submission, to an applicant if the following criteria are met:

- (1) The City has determined that the STR application is complete and all permit fees have been paid;
- (2) The dwelling unit listed in the application has been certified by the applicant that the dwelling unit complies with all applicable fire and building codes. If, however, the City has reason to believe a safety inspection is deemed necessary, the dwelling unit must pass a safety inspection;
- (3) The City has determined that all requirements of this Article are satisfied; and
- (4) Issuance of the permit will not violate any other provision of this Article.

SEC. 5-406. SHORT-TERM RENTAL PERMIT EQUIVALENCY

An STR permit issued pursuant to this Article shall be considered the equivalent of a rental permit for the purposes of Section 5-326. A holder of a current and valid STR permit may rent the dwelling unit for periods of 30 days or greater without obtaining a separate rental permit as required under Section 5-326 so long as all requirements of Chapter 5, Article VIII are satisfied and the permit holder notifies the City that the dwelling unit is being rented for periods of 30 days or greater

SEC. 5-407. VIOLATIONS

(a) STR owners or their responsible local representative are ultimately responsible for the conduct of their occupants and guests, regardless of whether the owners are present at the dwelling unit. Violations include, but are not limited to:

- (1) Intentionally providing false or inaccurate information about a dwelling unit or short-term rental to the City;
- (2) Failure to have a valid STR permit for any dwelling unit at a time when it is used in whole or in part as a short-term rental;
- (3) Violation of any part of this article;
- (4) Violation of any City or Richland County ordinance or state or federal law by owners, responsible local representatives, operators, lessors, agents,

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occupants, or guests of short-term rentals but any such violation must have a nexus to the dwelling unit subject to the violation.

(b) Violations shall apply as points towards revocation of the permit for as follows:

(1) Single-household dwellings and townhouses. Violations that occur anywhere on the premises shall apply to the permitted dwelling unit.

(2) Multi-unit structures.

a. Violations that occur within an individual unit shall apply to that unit.

b. Violations occurring outside of the units shall be assigned to the unit responsible as determined by the investigating party for the offense.

(c) In the event a citation or violation takes place at an STR or dwelling unit regulated by this article, such violation shall be grounds for the accumulation of points as follows:

(1) For one or more written warnings given in any 24-hour period for one or more of the violations listed above, points will be assessed on the permit for that STR or dwelling unit in accordance with following:

a. First offense. One point will be assessed for the first occurrence of a citation, violation, or offense.

b. Second offense and each offense thereafter. Five points will be assessed for a second occurrence and each occurrence thereafter of a citation, violation, or offense within the last 12 months.

c. Serious offense. Ten points will be assessed for any serious violation or offense that could result in serious bodily injury or death to occupants as determined by the chief of police. A serious offense includes failure to comply with any Emergency Order issued by the City of Columbia, any Executive Order issued by the Governor of the State of South Carolina, or any local, state or federal law, regulation or mandate to address a health or safety concern including but not limited to a public health outbreak (including a pandemic or wide-spread and/or infectious disease outbreak), natural disasters, war, terrorist act, strike, fire, release of nuclear material or dangerous substance into the environment or other catastrophic event.

(2) After points are assessed on a permit for a dwelling unit, the police chief or designee will send a written warning to the owner or responsible local representative. Each warning will specify which ordinance or law has been violated and will state that further warnings or violations could lead to a revocation of the permit. Each warning will be sent by regular mail to the address of the owner or responsible local representative, as identified on the permit application, as well as a copy of the warning mailed to the property address of the subject property.

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(3) A fee of \$100.00 will be assessed per point for each point accumulated due within 30 days of assessment and no later than any renewal of the permit.

(4) If a person is found not guilty, or the case against them for a violation is dismissed, then the point shall be removed from the permit as if it had not been assessed.

SEC. 5-408. REVOCATION OF PERMIT

(a) Accumulation of 15 or more points on a STR permit within a 12 month period shall subject the owner to proceedings to revoke the permit and the following procedure shall be followed:

(1) The police chief or designee shall cause to be served written notice to show cause why the permit should not be revoked. Service shall be deemed complete if personally delivered upon the owner or responsible local representative by any officer authorized by law to serve process or a duly appointed law enforcement officer of the city police department. The person serving process shall make proof of service within the time during which the person served must respond to the process. If service cannot be personally made within the city, then service may be made by notice posted on the property and mailed certified return receipt to the last known address of record.

(2) The owner or responsible local representative shall have 15 days from the date of service to request a hearing to appeal the revocation of the permit. The request shall be sent to the police chief by certified mail, return receipt requested. If such request is not timely made, the revocation shall take effect on the 21st day after the date of service to show cause.

(3) Upon request for a hearing, the police chief or designee is authorized to schedule the appeal with the property maintenance board of appeals (PMBoA) at the next regularly scheduled meeting or special called meeting by the board.

(4) Once the hearing is scheduled, the property should be posted to announce the hearing date to the general public.

(5) In conducting the hearing, the PMBoA shall have the power to administer oaths, issue subpoenas, compel the production of books, paper, and other documents, and receive evidence. All parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to the PMBoA's recommended order, and to be represented by counsel or other qualified representative. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The lack of actual knowledge of, acquiescence to, participation in, or responsibility for, a public nuisance at common law or a noxious use of private property on the part of the owner

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or responsible local representative shall not be a defense by such owner or responsible local representative.

- (6) If the PMBoA finds that the violations resulting in the accumulation of 15 or more points did in fact occur and that 15 or more points have accumulated on the permit within a 12-month period, then PMBoA shall prepare a recommended order.
- (7) If the PMBoA finds 15 or more points have not accumulated on the permit within a 12-month period, the PMBoA will prepare a recommended order to dismiss the revocation action and recommend which points, if any, should be rescinded from the permit based upon the actions taken by the owner to seek compliance with the City's ordinances.
- (8) The PMBoA's recommended order shall consist of findings of fact, conclusions of law and recommended relief. The police chief or designee shall transmit the recommended order to the city manager and the owner or responsible local representative. The owner or responsible local representative shall have 15 days from the date of the hearing officer's order to submit written exceptions to the PMBoA's recommended order. The city manager shall review such order and any written exceptions by the owner and may set forth any deficiencies he/she finds with respect to the order. Said deficiencies shall be limited to determinations that the findings were not based upon competent, substantial evidence, or that the proceedings on which the findings were based did not comply with the essential requirements of law. In reviewing such recommended order, the city manager shall not have the power to receive or consider additional evidence and shall not have the power to reject or modify the findings of fact or conclusions of law contained in the recommended order. The city manager may remand the recommended order along with the delineated deficiencies back to the PMBoA for consideration of the deficiencies. The PMBoA shall address the deficiencies in an addendum to the recommended order. The city manager shall then either: (a) adopt the recommended order and addendum, if applicable, in its entirety; or (b) adopt the findings of fact and conclusions of law in the recommended order and addendum, if applicable, and reject or modify the recommended relief. The action of the city manager shall be the final order of the city.
- (9) The city manager or designee shall provide notice of the final order within five days of the date of the final order.
- (10) In addition to the above-described procedures, the city attorney is authorized to file for injunctive relief to abate the public nuisance at common law or noxious use of private property pursuant to law.
- (11) The final order of the city is subject to certiorari review in a court of competent jurisdiction in Richland or Lexington County, South Carolina.

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SEC. 5-409. PERMIT APPLICATION AFTER REVOCATION

Upon revocation of an STR permit of a dwelling unit, the owner or responsible local representative of the dwelling unit will not be eligible to apply for a new permit for the dwelling unit subject to permit revocation until six months have passed from the date of revocation. The City shall not issue an STR permit for a dwelling unit that has been subject to a permit revocation more than once.

Requested by:

Councilman Duvall _____

Mayor _____

Approved by:

City Manager

Approved as to form:



City Attorney

ATTEST:

City Clerk

Introduced:

Final Reading:

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Chapter 2 SHORT-TERM RENTALS

Sec. 10-2-10. Purpose and intent.

It is the purpose and intent of this chapter to establish regulations for privately owned residential property used as vacation homes and rented to transient occupants for periods of less than thirty (30) days in the municipal limits of the Town of Hilton Head Island, South Carolina, so as to minimize the adverse effects of short-term rental uses on surrounding residential properties and neighborhoods, and to preserve the character, integrity, and stability of residential neighborhoods in which short-term rental properties are located. This chapter is not intended to regulate hotels, motels, hospitals or interval occupancy uses [as defined in section 16-10-103(D)(2), *Municipal Code of the Town of Hilton Head Island, South Carolina* (1983)].

(Ord. No. 2022-08, § 1, 5-17-22)

Sec. 10-2-20. Definitions.

In this chapter, the following terms are defined terms and when capitalized in the text of this chapter, mean:

- (1) *Owner* means any individual, firm, partnership, limited liability partnership, limited liability company, cooperative non-profit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, who or which owns one or more short-term rental properties.
- (2) *Short-term lessee* means any person occupying all or any part of a short-term rental property or any other property under any lease or other form of agreement for a period of less than thirty (30) days.
- (3) *Short-term rental* means the leasing of any short-term rental property or permitting the occupancy of any short-term rental property or any other property by a lease or any other form of agreement.
- (4) *Short-term rental agent* means a person authorized by an owner to act on the owner's behalf in connection with any short-term rental property or short-term rental.
- (5) *Short-term rental permit* means an annual permit that an owner must obtain from the Town of Hilton Head Island, South Carolina for each of an owner's short-term rental properties, described in section 10-2-20 below. It is a violation of this chapter to offer any short-term rental property or any other residential property in the municipal limits of the Town of Hilton Head Island, South Carolina, for short-term rental without first obtaining a short-term rental permit from the Town of Hilton Head Island, South Carolina for any such property.
- (6) *Short-term rental property* means any residential property in the municipal limits of the Town of Hilton Head Island, South Carolina, that, in whole or in part, is offered for lease or occupancy under a lease or any other form of agreement, for periods of less than thirty (30) days.

The defined terms include the plural of any term set out in this section 10-2-20.

(Ord. No. 2022-08, § 2, 5-17-22)

Sec. 10-2-30. Short-term rental permit.

- (a) Any owner who offers any short-term rental property for short-term rental must first obtain a short-term rental permit from the Town of Hilton Head Island, South Carolina.
- (1) Short-term rental permits shall be valid from January 1 to December 31 of any calendar year and shall only be valid for the calendar year during which the short-term rental permit is issued, irrespective of the date on which the short-term rental permit is issued.
 - (2) A short-term rental permit must be obtained for each short-term rental property that is offered for short-term rental.
 - (3) Short-term rental permits are non-transferrable and are only valid for the short-term rental property described in the short-term rental permit.
 - (4) It is the duty of the owner to notify the Town of Hilton Head Island, South Carolina, of any changes to the contact information of the owner and any short-term rental agent employed or engaged by the owner for each short-term rental permit issued to the owner.
 - (5) The application fee for a short-term rental permit shall be set each year by the town council in the annual budget ordinance.
 - (6) The application for a short-term rental permit shall be made on a form published by the Town of Hilton Head Island, South Carolina, and must be delivered with the application fee.
 - a. Any application for a short-term rental permit for a single-family detached residence must include a site plan showing compliance with the requirements of section 10-2-50(c) and 10-2-50(d).
 - (7) Review of an application for a short-term rental permit shall be conducted by the Town of Hilton Head Island, South Carolina, and the short-term rental permit shall be granted unless the owner fails to meet the conditions and requirements of this chapter, or otherwise fails to demonstrate:
 - a. Compliance with this chapter; or
 - b. There are no outstanding citations for any activities occurring at or connected with the short-term rental property; or
 - c. Any other town ordinance or any relevant state or federal law regarding activities at the short-term rental property.
- Any false statements or inaccurate or untrue information in the application are grounds for revocation or suspension of the short-term rental permit and/or imposition of penalties, including denial of future applications.
- (b) Every person or business entity which:
- (1) Acts as a short-term rental agent, and
 - (2) Submits an application for short-term rental permit on behalf of any owner, must submit a complete application that includes all the information required in the form of the application and which has been signed by the owner.

(Ord. No. 2022-08, § 3, 5-17-22)

Sec. 10-2-40. Licenses, permits, payment of fees and taxes fees required.

No owner may offer any short-term rental property for short-term rental without initially and on a continuing basis:

- (1) Obtaining a valid and current short-term rental permit from the Town of Hilton Head Island, South Carolina; and
- (2) Obtaining a valid and current business license for short-term rental of property from the Town of Hilton Head Island, South Carolina; and
- (3) Paying all applicable fees and taxes associated with any application for a short-term rental permit or business license, and all sales or other similar taxes in connection with any short-term rental, paying all *ad valorem* taxes for any short-term rental property.

(Ord. No. 2022-08, § 4, 5-17-22)

Sec. 10-2-50. Regulations for short-term rentals and short-term rental properties.

(a) *General regulations.* During any lease of any short-term rental property, the owner, or the short-term rental agent:

- (1) Shall be available during any short-term rental period to respond to a complaint or other matter related to the operation or behavior of any short-term lessee of the short-term rental property; and
- (2) Shall be available by telephone at all times during the short-term rental period and capable of being physically present at the short-term rental property, or taking other responsive action, within one (1) hour of notification of a complaint or other matter related to the short-term rental property; and
- (3) Shall prominently display in the short-term rental unit contact information for the owner or short-term rental agent responsible for responding to complaints; and
- (4) Shall maintain fully operable and building and fire code compliant smoke and carbon monoxide detectors in the short-term rental property as required by law; and
- (5) Shall maintain at least one (1), or such other number as is required by any applicable building, fire or other applicable code, fully operable and charged fire extinguisher; and
- (6) Shall maintain unobstructed escape routes from the short-term rental property in the event of fire; and
- (7) Shall notify all prospective short-term lessees in writing of the existence of any swimming pool or hot tub at the short-term rental property and any safety equipment related to the swimming pool or hot tub prior to making any agreement for any short-term rental.

(b) *Noise regulations.* During any lease of any short-term rental property, the owner, or the short-term rental agent:

- (1) Shall display the following information in a prominent location in the short-term rental property:
 - a. In the Town of Hilton Head Island, South Carolina, it is unlawful to unreasonably disturb the peace and quiet of those in their homes and public places (Title 17, Chapter 4, Town Code); and
 - b. Quiet hours are between 10:00 p.m. and 7:00 a.m., though town noise regulations are in force twenty-four (24) hours each day (Title 17, Chapter 4, Town Code).
- (2) Shall notify all prospective short-term lessees in writing of the provisions of subsection (b)(1)(a)(b) above to the short-term lessee prior to making any agreement for any short-term rental.

-
- (c) *Trash regulations.* During any lease of any short-term rental property, the owner, or the short-term rental agent:
- (1) Shall maintain a designated trash storage area for use of short-term lessees at the short-term rental property.
 - a. The designated trash storage area shall be fenced or screened so that trash containers are not seen from public streets and neighboring property, except during designated pick-up times; and
 - b. The owner shall prominently display instructions for managing trash disposal, including designated pick-up times and, if applicable, relevant property owner association requirements in the short-term rental property.
 - c. The owner shall ensure any outdoor trash containers remain secured to avoid spills and pests.
 - d. The owner shall ensure that trash containers are not placed curbside more than twenty-four (24) hours prior to scheduled pick-up times and will be removed no more than twenty-four (24) hours after pick-up.
- (d) *Parking regulations.* During any lease of any short-term rental property:
- (1) The owner must designate the number of vehicles allowed to be parked on the premises during any short-term rental and designate the on-site areas available for parking of vehicles. The areas for parking of vehicles must be improved with either a pervious or impervious surface. Parking areas must include a space at least nine (9) feet by eighteen (18) feet for each vehicle allowed to be parked on the premises and improved with an impermeable or semi-impermeable surface. Areas for parking must comply with all applicable requirements of section 16-1-101, et seq., Municipal Code of the Town of Hilton Head Island, South Carolina (1983).
 - (2) The owner must notify all prospective short-term lessees in writing of the maximum number of vehicles permitted at the short-term rental property prior to making any agreement for any short-term rental.
 - (3) The owner must ensure that no vehicles associated with the short-term lessee will park off-site, including in adjacent rights-of-way, during the short-term rental lease.
- (e) *Miscellaneous regulations.* During any short-term rental lease of any short-term rental property:
- (1) The owner shall prominently display in any short-term rental property any town-provided outreach and awareness materials related to applicable town requirements.
 - (2) Short-term rental properties must be properly maintained and regularly inspected by the owner or short-term rental agent to ensure continued compliance with this chapter and all other applicable zoning, building, health and life-safety code requirements.
- (f) In addition to the requirements of this chapter, any short-term rental property must also comply with all other statutes, ordinances, regulations or private covenants applicable to the short-term rental property. Nothing in this chapter is intended to authorize waiver of or limitations on compliance with any such requirements.

(Ord. No. 2022-08, § 5, 5-17-22)

Sec. 10-2-60. Violations.

- (a) *Violations.* It shall be a violation of this chapter to:
- (1) Lease any short-term rental property for a short-term rental without complying with the requirements of this chapter.

-
- (2) Advertise any residential property for a short-term rental without first complying with the requirements of this chapter.
 - (3) Fail to comply with any requirement of this chapter.
- (b) Violations of this chapter are subject to the penalties and remedies available under section 1-5-10, General penalty; continuing violation, section 10-1-150, Business and professional licenses; suspension or revocation of license, section 9-1-111, Public nuisance; prohibition, *et seq.* These remedies are in addition to any other remedies available at law or in equity for a violation.

(Ord. No. 2022-08, § 6, 5-17-22)

Sec. 10-2-70. Suspension or revocation of short-term rental permit.

- (a) When the town determines:
- (1) A short-term rental permit has been mistakenly or improperly issued or issued contrary to law; or,
 - (2) An owner has breached any condition upon which the short-term rental permit was issued; or,
 - (3) An owner has obtained a short-term rental permit through any fraud, misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in the short-term rental permit application; or,
 - (4) An owner is delinquent in the payment to the municipality of any tax or fee; or,
 - (5) The operation of a short-term rental property has been declared a nuisance; or,
 - (6) More than two (2) convictions for violations of the Municipal Code of the Town of Hilton Head Island, South Carolina, arising from any activities at, or connected with, a short-term rental property occur within any twelve-month period.

Then the town may give written notice to the owner that the short-term rental permit is suspended and may be revoked, pending a single hearing before town council for the purpose of determining whether the suspension should be upheld and whether the short-term rental permit should be revoked.

- (b) The written notice of suspension and proposed revocation shall state the time and place at which the hearing before town council is to be held and shall contain a brief statement of the reasons for the suspension and proposed revocation and a copy of the applicable provisions of this chapter. The written notice shall be delivered by personal service to the owner or short-term rental agent, or by certified mail, return receipt requested, addressed to the owner or short-term rental agent at the address for the owner or short-term rental agent shown on the application for the short-term rental permit. The written notice will be deemed to have been delivered on the date of personal service of the written notice as documented on an affidavit of service, or on the date that the certified mail return receipt is signed for by, or on behalf of, the owner or short-term rental agent.
- (c) The hearing before town council on the suspension and proposed revocation of any short-term rental permit shall be held by town council within thirty (30) days after delivery of the written notice described in this section 10-2-60. The hearing shall be held upon written notice at a regular or special meeting of town council. The hearing may be continued to another date by agreement of all parties. At the hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by town council shall govern the hearing. Following the hearing, town council by majority vote of its members present, shall render a written decision setting out its findings of fact and conclusions. The written decision shall constitute the final decision of town council. The written

decision shall be delivered to the owner unless a different person and method of delivery is requested by the owner at the hearing.

- (d) The written decision of town council may be appealed in the same manner as appeals are made from the decisions of other administrative bodies of the Town of Hilton Head Island, South Carolina. An appeal, in and of itself, does not stay the effect of town council's decision.

(Ord. No. 2022-08, § 7, 5-17-22)

South Carolina General Assembly
125th Session, 2023-2024

H. 3253

STATUS INFORMATION

General Bill

Sponsors: Reps. Hewitt, Oremus, Kilmartin, May, Atkinson, Hayes, Connell, Hager, Kirby, Bailey, Schuessler, Haddon and Robbins

Document Path: LC-0082PH23.docx

Introduced in the House on January 10, 2023

Currently residing in the House

Summary: Short-term rentals

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
12/8/2022	House	Prefiled
12/8/2022	House	Referred to Committee on Medical, Military, Public and Municipal Affairs
1/10/2023	House	Introduced and read first time (House Journal-page 110)
1/10/2023	House	Referred to Committee on Medical, Military, Public and Municipal Affairs (House Journal-page 110)
2/1/2023	House	Member(s) request name added as sponsor: J. Moore
2/16/2023	House	Member(s) request name added as sponsor: May, Atkinson, Hayes, Connell, Hager, Kirby, Bailey, Schuessler
2/21/2023	House	Member(s) request name removed as sponsor: J. Moore
3/1/2023	House	Member(s) request name added as sponsor: Haddon
3/29/2023	House	Member(s) request name added as sponsor: Robbins

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VERSIONS OF THIS BILL

12/08/2022

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A BILL

11 TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 6-1-195 SO AS
12 TO PROHIBIT A GOVERNING BODY OF A MUNICIPALITY, COUNTY, OR OTHER
13 POLITICAL SUBDIVISION OF THE STATE FROM ENACTING OR ENFORCING AN
14 ORDINANCE, RESOLUTION, OR REGULATION THAT PROHIBITS THE RENTAL OF A
15 RESIDENTIAL DWELLING TO A SHORT-TERM GUEST, TO PROVIDE PENALTIES, AND TO
16 DEFINE TERMS.

17
18 Be it enacted by the General Assembly of the State of South Carolina:

19
20 SECTION 1. Article 1, Chapter 1, Title 6 of the S.C. Code is amended by adding:

21
22 Section 6-1-195. (A) Notwithstanding another provision of law, a governing body of a
23 municipality, county, or other political subdivision of the State may not enact or enforce an ordinance,
24 resolution, or regulation that prohibits the rental of a residential dwelling to a short-term guest.

25 (B) A municipality, county, or other political subdivision of the State that enacts or enforces an
26 ordinance, resolution, or regulation that violates the provisions of subsection (A) may not:

27 (1) assess or collect the six percent property assessment ratio for qualifying real property pursuant
28 to Section 12-43-220(e); and

29 (2)(a) receive any distributions from the Local Government Fund pursuant to Chapter 27, Title 6;
30 and

31 (b) the Office of the State Treasurer shall withhold the municipality’s, county’s, or political
32 subdivision’s State Aid to Subdivisions Act distribution until the ordinance, resolution, or regulation
33 in violation of subsection (A) is repealed.

34 (C) This section supersedes and preempts any ordinance, resolution, or regulation enacted by a
35 municipality, county, or other political subdivision of the State that purports to prohibit the rental of a
36 residential dwelling to a short-term guest.

37 (D) For purposes of this section:

38 (1) “Residential dwelling” means any building, structure, or part of the building or structure, that
39 is used or intended to be used as a home, residence, or sleeping place by one or more persons to the
40 exclusion of all others.

41 (2) “Short term rental” means a residential dwelling that is offered for rent for a fee and for fewer

1 than twenty-nine consecutive days.

2 (3) “Short term guest” means a person who rents a short-term rental.

3

4 SECTION 2. This act takes effect upon approval by the Governor.

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Item Pending Analysis

Prepared by:	Aric Jensen, AICP	Title:	Assistant County Administrator
Department:	Administration	Division:	
Date Prepared:	April 6, 2023	Meeting Date:	April 25, 2023
Approved for Consideration:	County Administrator	Leonardo Brown, MBA, CPM	
Committee:	Development & Services		
Agenda Item/Council Motion:	I move to direct the Administrator to conduct a review of the rank weeds and vegetation ordinance and recommend any updates that would improve the effectiveness of the ordinance particularly as it relates to safety, enforcement, and blight reduction. [Newton – 30 August 2022]		

EXECUTIVE SUMMARY (NARRATIVE STATUS):

County staff previously provided an update for the April 2023 Committee Meeting which included a proposed schedule that remains unchanged (see below). In summary, it is anticipated that the Committee will be provided draft ordinance revisions at the September 2023 Meeting, and that staff will also lead a discussion at that meeting on an alternative, civil penalty system of code enforcement.

KEY ACCOMPLISHMENTS/MILESTONES:

- Existing code analyzed;
- Local and national examples reviewed and analyzed;
- Text amendment draft circulated internally.

PENDING ACTIONS/DELIVERABLES AND ANTICIPATED COMPLETION DATES:

September 2023 Text amendments to the Committee for first review
November 2023 Discussion on process with Committee



Item Pending Analysis

Prepared by:	Aric Jensen, AICP	Title:	Assistant County Administrator
Department:	Administration	Division:	
Date Prepared:	April 6, 2023	Meeting Date:	April 25, 2023
Approved for Consideration:	County Administrator	Leonardo Brown, MBA, CPM	
Committee:	Development & Services		
Agenda Item/Council Motion:	Direct the Administrator to research and present to Council current laws and benefits of enacting impact fees in Richland County. The purpose is to help reduce the tax burden on residents by not having to pay the complete cost of development in Richland County. [Malinowski (Pugh; Newton), 03 January 2023]		

EXECUTIVE SUMMARY (NARRATIVE STATUS):

Research has begun and is ongoing. The initial analysis suggests that there are limited opportunities for impact fee collections given that impact fees in South Carolina typically must fund new facilities for school districts, recreation districts, and utilities, and cannot be used for ongoing operations. As such, an impact fee program may not significantly benefit Richland County. County staff will provide copies of previous studies on the topic and updated analysis at the September committee meeting.

KEY ACCOMPLISHMENTS/MILESTONES:

- A review of previous research and reports conducted by the County is in process.

PENDING ACTIONS/DELIVERABLES AND ANTICIPATED COMPLETION DATES:

September 2023 – Report to committee on possible options and opportunities.