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SHORT TERM RENTALS

§ 156.340 PURPOSE, DEFINITIONS AND APPLICABILITY.

(A) *Purpose.* The purpose of this subchapter is to regulate the use of residential dwelling units as short-term rentals (STR) in order to:

- (1) Protect the integrity of the residential character of the town's existing neighborhoods and the quality of life of its citizens;
- (2) Establish a system to track and manage STR inventory in the town; and
- (3) To protect the health and safety of occupants of STR units.

(B) *Definitions.* For purposes of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) **RESIDENTIAL DWELLING UNIT.** Building or portion of a building arranged or designed to provide complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- (2) **SHORT-TERM RENTAL.**

(a) The rental or lease for valuable consideration of a residential dwelling unit, or portion thereof, for a duration of less than 30 consecutive days;

(b) Home-based businesses and tourist accommodations, including hotels (includes motel and extended stay), boutique hotels (includes inn), and similar accommodations located on property in a commercial zoning district are not considered defined as **SHORT TERM RENTALS**.

(c) This subchapter and its requirements shall apply to any, and all, businesses that qualified were previously defined as a bed and breakfast under the previous earlier town ordinances.

(C) *Maximum number allowed.* At no time shall the maximum number of STR dwellings exceed more than 400.

(Ord. 19048, passed 8-13-19; Am. Ord. 21019, passed 4-13-21)

§ 156.341 APPLICATION, PERMIT, BUSINESS LICENSE, TAXES AND OTHER TAX REQUIREMENTS.

(A) *Short term rental permit.* Each STR shall obtain a permit which must be renewed applied for on an annual basis as follows:

(1) *STR permit requirements.* ~~The STR permit requires the following for issuance~~
The following requirements must be met prior to issuance of an STR Permit.

- (a) The approved **STR** application; and
- (b) Payment of STR permit registration **application** fees; **and**
(c) Payment of Business License fees for permits held the previous year.

(2) *Annual registration.* The STR permit application and registration fees shall be paid at the time the application is submitted. Any outstanding penalty fees must be paid prior to an application being reviewed. ~~For 2021, a~~ **For current STR Operators, re-**
applications must be submitted, and associated fees paid starting November 15th and
ending midnight December 15th July . Re-applications received from **current STR**
Operators after December 15th July 30 will **not be** subject to a late fee of \$100
exempted from the cap and will be treated as a New STR Operator application. If
there are permits remaining after current STR Operators have completed their re-
applications, staff will begin processing applicants on the waitlist. ~~Every year~~
~~after, the application must be submitted and associated fees must be paid starting~~
~~January 1, and reapplications received from existing STR Operators after January 30~~
~~will be subject to a late fee of \$100. Any application received for an STR that was~~
~~illegally operating the prior year must pay~~ **will be assessed** a penalty fee of \$500 in
addition to the **standard** permit **fees.** **If an application is found to be incomplete, the**
primary contact will be notified, and will have five (5) days to submit missing
information. If not received within five (5) days of notification, the application will
be denied.

(3) *Change in registered owner information.* STR Permits shall not transfer upon conveyance **of** the property. ~~and a~~ **A** new owner of a dwelling registered as a STR **by**
the previous owner shall be required to submit a new STR application and review
associated fee. Upon approval, **and based on availability,** the STR permit will **may** be issued.

~~(4) *Inaccurate or incomplete registration information.* It shall be a violation of this subchapter for an owner to intentionally provide inaccurate information for the registration of rental dwellings, or to fail to provide information required by the application form.~~

~~(5) *Designation of local agent.* The owner of a rental dwelling shall designate an agent who shall be responsible for operating the rental dwelling in compliance with the law. Official notices may be served on the local agent and/or the owner; however, any notice served on the agent shall be deemed to have been served upon the owner of record.~~

- (a) Nothing shall prevent the owner of rental property from designating himself or herself, or a properly formed and registered business entity, as the agent.

The agent must be able to physically respond to the site within 60 minutes in case of emergency.

- (b) **If a local agent is not designated, the owner of the property shall be recognized as the designated local agent, with all responsibilities of the agent assigned.**
- (c) **The designated local agent must be able to physically respond to the site within 60 minutes in case of an emergency. Failure to do so will result in an automatic violation.**

~~(75)~~ *More than one owner or ownership by entity.* Where more than one person has an ownership interest in a STR, the required information shall be provided for each owner. In those cases, in which the owner is not a person, the information required for the applicant shall be provided for the organization owning the rental dwelling, and for the president, general manager, or other chief executive officer of the organization.

(B) *Annual renewal **application** requirements.* An application must be renewed **submitted** annually by **to** the Department of Planning, Land Use and Neighborhoods.

(1) *Information required.* The STR application shall contain the following information:

(a) The address of the rental dwelling;

(b) **The type of rental:**

1. **Part-time Rental: A part-time rental allows the STR Operator to rent a minimum of 15 days and no more than 72 days per year. The rental days can be consecutive or nonconsecutive. If the Permit holder exceeds the 72-night maximum, they must remit the difference in cost between the part-time permit fee and the full-time permit fee and be recategorized as a full-time operator until the permit expires.**
2. **Full-time Rental: A full-time rental allows the STR Operator to rent more than 72 days per year.**

(b) ~~(c)~~ The total number of individual rental dwelling units; for the purposes of this section, an individual rental dwelling unit shall apply to the following three scenarios. One "entity" or "guest" shall refer to a single contractual agreement:

(1) A STR operator may rent his or her residential dwelling, in its entirety, to one "guest" or "entity";

(2) A STR operator **may rent one to six bedrooms** may reside in his or her residential dwelling, ~~while renting one bedroom, and up to six bedrooms,~~ to separate "guests" or "entities", in the fashion of a traditional bed and breakfast; **the STR Owner must reside on-site during these rentals;** or

(3) Where there is a legally established accessory dwelling unit, ~~which requires the property owner to live on site,~~ a STR operator may **do the following:**

(a) Rent his or her accessory dwelling unit, in its entirety, to one "guest" or "entity"; ~~OR a STR operator may~~

- (b) Rent his or her principal dwelling unit, in its entirety, to one "guest" or "entity", but in no case shall the STR operator rent **the principal dwelling and accessory dwelling** separately.; **or**
- (c) **Rent bedroom(s) in the principal dwelling while residing in the principal dwelling during the rentals and rent the ADU at the same time to a separate entity. This would require a STR permit for both structures. The maximum occupancy per bedroom is two (2) guests.**
- (d) As described in § **156.110**, either the principal structure or the accessory dwelling unit must be owner-occupied and serve as the owner's primary residence, and occupancy of an accessory dwelling unit shall be limited to no more than three persons.

(**d**)The number of bedrooms in each rental dwelling unit;

(**e**)The number of parking spaces provided on site. **At least one additional off-street parking space shall be required for every dwelling rented on a short-term basis** and a photo of parking area for each rental dwelling. **The STR Owner must designate and assign a maximum allowable number of STR Lessee vehicle parking space(s) on the premises during any rental period and submit a photo of designated parking spaces with the STR application.**

(1) The STR Owner must disclose in their advertising as well as 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.

(2) Vehicles associated with STR Lessee(s) may only utilize designated off-street parking assigned the STR property. Failure to do so, will result in a violation against the STR Owner.

(f) The maximum overnight occupancy of each rental dwelling, which shall not exceed two persons per bedroom, plus two additional people **for a whole-house rental**. per rental dwelling. **For example, a two-bedroom rental would have a maximum of six (6) occupants. The maximum overnight occupancy for an ADU (regardless of the number of bedrooms) is three (3) occupants**

(g) The names, mailing addresses, business phone numbers, personal phone numbers, and business addresses of the **each** owner and local agent, if handled **managed** through an outside agency;

(h) The address of the primary residence if other than the rental address where the owner and/or **designated** local agent will accept notices and orders from the town.

(i) An affidavit signed by the property owner certifying the property complies with all town fire and building ordinances, and neighborhood Covenants and Restrictions;

(j) Certification that the owner has read applicable town and state regulations, including, but not limited to, those regarding taxes, noise, trash, parking, alcohol, animals, litter, and golf carts;

(k) Certification that the owner has prominently posted within the property a summary of applicable town regulations, including, but not limited to, those regarding noise, trash, parking, alcohol, animals, litter, and golf carts;

(l) Certification that the owner is aware that penalties may be assessed for violations by tenants as detailed in § [156.344](#).

(m) Copy of general liability insurance.

(n) Copy of neighborhood Covenants and Restrictions, **shall be made available by the applicant upon request from the Town.**

(C) ~~Permit registration~~ **application** fee. At the time of the application, ~~the~~ **a non-refundable application** ~~permit registration~~ fee shall be paid. These fees described below are established by Town Council and may be changed from time to time. The fee ~~s~~ **includes the following:** shall be: a

(1) ~~Non-refundable application fee: \$50; and~~ **Part-time rental: \$250**

(2) ~~Non-refundable STR permit registration fee: \$200.00.~~ **Full-time rental: \$500**

(D) *Business license required.* Business licenses must be obtained and renewed annually by the submittal of a business license application and tax as established by the town in Title XI: Business Regulations, [Chapter 110](#): General Licensing. A business license will only be issued after the STR permit has been issued. The business license account number and the maximum occupancy for each STR must be prominently displayed in the rental unit. **Additionally, all local designated agents who receive payment for any STR management services, must have a valid Business License.**

(E) *Other taxes.* Owners of STRs are subject to local, county, and state taxes, including, but not limited to property, sales, use, and accommodations taxes, and are liable for the payment thereof as established by state law and this Code of Ordinances.

(1) STR applicants may be required to provide account statements from Charleston County showing local accommodations tax payment statements.

(2) The Town reserves the right to audit any STR at any time during the permit period.

(F) Current STR Operators. Current STR operators that submit a re-application by the December 15th deadline, and are able to provide proof that all taxes were paid, and all requirements were met during the previous operating year, may be considered exempt from the cap.

(G) New STR Applications. Beginning January 1st new STR Applications on the waitlist may be considered for issuance of a permit based on the availability of permits and all other application requirements.

(Ord. 19048, passed 8-13-19; Am. Ord. 21019, passed 4-13-21; Am. Ord. 21042, passed 5-11-21)

§ 156.342 ADDITIONAL REQUIREMENTS FOR SHORT TERM RENTALS.

(A) All owners and/or agents responsible for the leasing of STRs shall be required to maintain the following:

(1) The name, address, and other contact information of each signatory on the rental agreement;

(2) A document signed by the owner and/or agent responsible for renting the dwelling, certifying the number of persons intended to occupy the dwelling;

(3) The information required by this section shall be updated by the owner and/or agent for each rental to different tenants or occupants.

(B) The owner and/or agent shall provide the following to each person signing a rental agreement as a responsible party for a STR:

(1) The address of the STR and emergency contact numbers;

(2) The name and contact information for the owner or designated agent; and

(3) A copy of the Town's rules and regulations regarding noise, trash, parking, litter, maximum occupancy, and state golf cart regulations.

~~(C) At least one additional off-street parking space shall be required for every dwelling rented on a short term basis.~~

(C) The current STR Permit number and current Business License number must appear in all online advertisements for the rental, within the description of the ad, and within the rental.

(D) If the property issued a STR Permit is sold, it is the responsibility of the property owner to notify the Town of Mount Pleasant of the sale. The new owner of a property that held a STR permit which has scheduled rentals, must honor the rentals for 90 days from closing of property, SC State Code, Section 27-50-210, The South Carolina Vacation Rental Act. The Town must be notified of the rental dates previously scheduled.

(E) Property owner may be required to provide proof of property taxes, if paid at 6%, for the last three (3) years of ownership

(Ord. 19048, passed 8-13-19; Am. Ord. 21019, passed 4-13-21)

§ 156.343 PROHIBITIONS.

(A) The use of any structure as a STR that does not meet the definition of a dwelling shall be prohibited. **All dwellings must have a Certificate of Occupancy (CO).**

(B) STRs shall be prohibited within any neighborhood that specifically prohibits short-term rental activity by way of their enforceable covenants and restrictions. **Prior to submitting a STR Application, it is the responsibility of the property owner to**

verify that their Covenants and Restrictions allow STR's to operate within their neighborhood.

(C) The use of any structure as a STR that is either defined in § [156.007](#) as a multi-family dwelling is prohibited.

(D) The hosting of events such as weddings, parties, or similar gatherings, consisting of more than the maximum overnight occupancy of each rental dwelling, ~~which shall not exceed two persons per bedroom, plus two additional people per rental dwelling, are prohibited.~~

(Ord. 19048, passed 8-13-19; Am. Ord. 21019, passed 4-13-21)

§ 156.344 VIOLATIONS, PENALTIES AND APPEALS.

(A) *Violations.* It shall be a violation of this subchapter to:

(1) Operate a STR without complying with the requirements of this subchapter and the town Code of Ordinances;

(2) Expand the allowable occupancy of a STR without obtaining a new permit;

(3) Advertise, hold-out, offer or otherwise make available, a property as being available as a STR without first complying with the requirements of this subchapter; including the following:

(a) Advertise a STR as being available for more overnight occupants than have been permitted pursuant to this subchapter;

(b) Advertise more STR units on a property than have been permitted pursuant to this subchapter;

(c) Advertise a property as a STR, "special event/***party***" house or similar use for events or parties exceeding the maximum overnight occupancy of each rental dwelling.

(4) Operate a STR that has received four or more notifications by the town of occupant or guest violations, ***including but not limited to***, the town's noise ordinance, unreasonable ***excessive*** trash or debris, or exceeding maximum occupancy during any rolling one-year period.

~~—(a) Conveyance of the property to a new owner shall cause the rolling one-year period to restart unless the new owner retains some common ownership interest with the prior owner.~~

(a) For the purpose of determining the total number of notifications to the owner, all written warnings and violations occurring within a single rental contract period shall be considered one violation.

(5) Intentionally provide inaccurate information for the registration of rental dwellings, or to fail to provide information required by the application form.

(6) Obtain a STR permit through any fraud, misrepresentation, a false or misleading statement or evasion or suppression of a material fact in the STR rental permit application.

(7) Delinquent in the payment to the municipality of any tax or fee

(B) *Penalties.* No permit may be issued or approved unless the requirements of this chapter, or any ordinance adopted pursuant to it, have been met.

(C) A violation of this subchapter may result in a penalty pursuant to the general penalty provisions of § [10.99](#), revocation or suspension of a business license pursuant to § [110.34](#) of this Code, or the non-renewal of the license.

(1) STR permittee shall be subject to graduated penalties as the permittee receives notifications as provided in this section. The permittee may respond within ten days of receiving ~~the certified~~ notice with evidence that demonstrates that the notice was issued in error and town staff may reconsider and withdraw the notice. Final decisions shall be made by the **Zoning Administrator**, or his or her designee, in writing and shall be provided to the permittee, or his or her agent, within 30 days of the permittee's request. The notice of violation shall be rescinded should the town fail to respond within the proscribed time period. The graduated penalties are:

(a) *First violation.* A description of the violation and a warning that progressive action shall be taken by the town in the case of further violations.

(b) *Second violation.* A description of the violation and a second warning that progressive action shall be taken by the town in the case of further violations.

(c) *Third violation.* A description of the violation, a penalty of \$500, and a third warning that progressive action shall be taken by the town in the case of further violations.

(d) *Fourth violation.* A description of the violation, **notice of STR Permit revocation**, and initiation by the town of business license revocation procedures pursuant to § [110.34](#) of this Code, or notice that the license will not be renewed.

(D) *Administrative revocation.* Notwithstanding the general penalty provisions of § [10.99](#) of this Code, a STR permit may be administratively revoked by the Zoning Administrator or his designee if the STR has violated the provisions of this subchapter on three or more occasions during a rolling one-year period. Provided however, a STR permit may be immediately revoked if the Planning Director determines the STR has building code violations, there is no business license for the property, the property is being used in a manner not consistent with the permit issued for the STR use, or the advertisement for the STR does not include the town-issued permit number and business license number.

(E) *Appeals.* If a permit is administratively revoked or an application is administratively denied, a STR owner (~~or authorized agent~~) may appeal the Zoning Administrator's administrative decision revoking or denying the permit to the Board of

Zoning Appeals within 30 calendar days from the date of the denial or revocation. All appeals shall be addressed in accordance with the appeal procedures of § [156.411](#) et seq.

(F) *Subsequent applications.* Once a town-issued permit and/or a business license for STR use has been revoked, no new permit and/or business license for a STR use shall be issued to the applicant for the same property for a period of one year from the date of revocation. Upon expiration of the revocation period, a new permit application for a STR use must be submitted in accordance with this subchapter.

(G) If found guilty of operating a short-term rental without a permit, a STR permit cannot be applied for within one year from the date of conviction.

(Ord. 19048, passed 8-13-19; Am. Ord. 21019, passed 4-13-21)

§ 156.345 NONCONFORMITIES.

All STR dwellings legally in existence as of the effective date of this subchapter shall be subject to the provisions of § [156.140](#). Satisfactory documentation evidencing legal existence is subject to review and approval by the Zoning Administrator, or his or her designee.

(Ord. 19048, passed 8-13-19; Am. Ord. 21019, passed 4-13-21)

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