

THE TOWN OF KIAWAH ISLAND

ORDINANCE 2017-09

AN ORDINANCE TO AMEND ARTICLE 15, GENERAL OFFENSES, CHAPTER 8, SHORT-TERM RENTAL PERMIT AND REGULATIONS

WHEREAS, the Town of Kiawah Island Municipal Code currently contains Article 15, General Offenses, Chapter 8, Short-Term Rental Permit and Regulations, Sections 15-801, 15-802, 15-803, and 15-804, and;

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

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

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

Section 1 Purpose

The purpose of this Ordinance is to repeal and replace Article 15, General Offenses, Chapter 8, Short Term Rental Permit and Regulations, Sections 15-801, 15-802, 15-803, and 15-804 with new language.

Section 2 Ordinance

The Town hereby repeals Article 15, General Offenses, Chapter 8, Short Term Rental Permit and Regulations, Sections 15-801, 15-802, 15-803, and 15-804.

Article 15, General Offenses, Chapter 8, Rental Application and Regulations, Sections 15-801, 15-802, 15-803, and 15-804 is hereby created as follows:

Sec. 15-801 Rental Application Package (RAP)

- (a) The intent of these regulations is to promote public health, safety, and welfare and to discourage nuisance and behavioral issues associated with ***all Residential Zoning Districts, R-1, R-2, and R-3.***
- (b) An owner or its agent is required to obtain an annual Class 7 business license from the Town of Kiawah Island for each dwelling unit prior to renting any dwelling unit. A license is nontransferable between owners. A change in ownership of the rental unit shall require the new owner or its agent to obtain a new license for the unit.
- (c) No owner or its agent may advertise their unit in such a way that would result in a violation of this Chapter.
- (d) All commercial advertisements for rental units shall display the current business license number in the text of their advertisements.

- (e) The Town of Kiawah Island Municipal Code Article 4, “Municipal Business Licenses” regulates all business licenses. The following additional regulations apply specifically to rental dwelling units:
- (1) A “Rental Application Package (RAP) shall be prepared for each rental unit by the owner or its rental agent and placed on file with The Town of Kiawah Island Business License Permit Clerk. The Signed Rental Residence Data Sheet shall be a legal and binding testimonial that all Town ordinances and rental regulations shall be adhered to for the duration of the business license. A RAP shall be submitted annually with the business license application.
 - (2) A copy of the Town rules and regulations applicable to rentals shall be attached to each rental contract. Applicable rules and regulations provided in the RAP shall be the sole responsibility of the owner or its agent of such unit(s) to notify and educate the guests. Owner or its agent must have a 24-hour contact number posted in each unit.
- (f) The owner or its agent completing the Application shall complete page 5 (Rental Residence Data Sheet) of the Rental Application Package.
- (g) The maximum number of occupants permitted includes children of all ages, with exception of children under two years of age. The standard for all rental dwelling units is based on two occupants per code compliant bedroom. Two additional occupants can be added per dwelling unit. As an example, a 4 BR rental unit shall have a maximum of 10 occupants. The number of bedrooms deemed to exist in a rental dwelling unit shall be based on Charleston County records. Should a rental business license applicant claim more bedrooms than shown on Charleston County records, the owner or its agent shall petition the Town of Kiawah Code Enforcement Office in writing for review and determination prior to renting the unit. Such review will consider the additional bedrooms per the building code requirements. Temporary conversion of rooms such as dining rooms, living rooms, studies, etc. for use as bedrooms for rental purposes is not permitted.
- (h) The maximum number of vehicles permitted for each single-family dwelling unit shall be in accordance with Section 12-128 to include Table 4F of the Town of Kiawah Island Zoning Ordinance. In addition, a maximum of two vehicles shall be permitted to be parked single file in the driveway. All overnight parking shall be off-street, in a garage, on a paved driveway, on a platted driveway or, on a driveway bump-out. Should an applicant claim more bump-outs than shown in the original building plan documents, he or she shall petition the Town of Kiawah Island Zoning Officer for review and determination. In all cases, unencumbered driveway access to structures must be maintained for fire department and other emergency vehicles. Driveways must allow emergency vehicles to within 25 feet of the unit.
- (i) Parking for villa units shall be in parking lots that are integral to the villa complex. Should cottages have no garage, and in some cases, only a short driveway, overnight vehicle parking may be permitted under the dwelling unit and/or on the driveway in compliance with this chapter.
- (j) Pickups greater than ½ ton, and cargo vans greater than 12 passengers, recreation vehicles (RVs), buses, trailers, boats and other large vehicles are prohibited from parking overnight at residential dwellings. Vehicles shall not be used for sleeping or overnight accommodations.

- (k) The Town of Kiawah Island Municipal Code Article 9, Section, Fire Code, and Architectural Review Board regulations for residential driveways shall require all residential driveways to comply with the following:
- (1) Prior to the issuance of a new business license, all driveways shall be inspected by St. Johns Fire District to ensure compliance.
 - (2) Fire District requirements for single-family residential zoning districts (R-1, R-2, and R-3) require that driveway clearance for fire trucks be a minimum of 10 feet width for straight drives, and have a height clearance of 13.6 feet high.
 - (3) For safe conduct of operations, all single-family and cottage rental dwelling units shall meet these requirements as a condition of qualifying for a rental business license. Villas shall meet all state and county fire code requirements.
 - (4) Existing driveways found to be in violation of Section 15-801 (k)(2) shall be granted thirty days to make necessary corrections. No business license shall be issued until the driveway is compliant.
 - (5) NONCOMPLIANCE - Any person who violates this ordinance shall be subject to a fine of no less than \$100 or more than \$500 per each non-compliant incident. The Owner of the unit shall be responsible for all fines for noncompliance of Town of Kiawah Island ordinance 4-315 (business license suspension or revocation of license section). Habitual noncompliance substantiated by the code enforcement officer designated by the Town of Kiawah Island will result in the loss of business license and shall forfeit owner's right to rent for the next calendar year.
 - a. Exception: Dwellings available for rent for a period not to exceed 14-calendar days during a calendar year.

Sec. 15-802 Notice of rental residence rules and regulations

The Town shall promulgate and distribute rules and regulations applicable to the rental of residential property. Further, an owner (or his agent) who rents residential property shall furnish a copy of the rules and regulations to each rental guest, and each rental guest shall acknowledge receipt of such rules and regulations. In addition, the owner (or his agent) shall post a copy of the rules and regulations in a clearly visible location within each rental unit. Any person convicted of violating this provision shall be subject to a fine of not less than \$100.00 nor more than \$500.00. Each day of violation shall be considered a separate offense.

- (a) The Town of Kiawah Island Municipal Code, Article 8 "Health and Sanitation," regulates trash collection. Rental dwelling units shall subscribe to backdoor trash collection two (2) times per week including recycling service. After emptying, trash containers shall be returned by the contractor to the "backdoor" or storage location. Trash receptacles shall be stored in an enclosed garage or approved screened enclosure whereby the receptacles are not visible from the street.

Villas shall use provided dumpsters for trash disposal. Dumpster pickup service shall be sufficiently frequent to avoid trash overflow. Dumpsters shall be stored on an approved, screened pad.

- (b) Bicycles, beach gear, and other personal articles shall not be visible from street side for all single-family dwellings, for multi-family dwellings these articles shall be placed in the appropriate storage location overnight and shall not be left in a driveway, yard, or parking lot. No articles of clothing, beach towels, or other items shall be draped over railings or deck chairs or be visible beyond property lines.

Villa complexes shall provide adequate bicycle racks for overnight bicycle storage. All other gear shall be stored indoors or in provided storage closets.

- (c) All exterior lighting shall comply with Municipal Code, Article 16, Chapter 1, Section 16-101 through 16-106, which regulates beach lighting to protect sea turtle hatchings.

Sec. 15-803 Business License

- (a) An owner (or its agent) shall apply to the town and obtain a business license for each calendar year that his residential property is used as a rental; provided, however, that the town shall not grant a business license until the following conditions are satisfied:

- (1) If the applicant is someone other than an owner, the applicant shall submit a copy of the owner's written authorization of his right to apply for the business license.

- (2) The owner (or its agent) shall provide a written acknowledgement that a violation of the town's rental regulation provisions, by either the applicant, property manager or rental guest, shall be considered a violation by the owner.

- (3) All rental properties shall remain complaint with the current edition of the International Property Maintenance Code. Rental properties will be subject to periodic inspections to ensure compliance. Random compliance inspections will be performed prior to the issuance of a Rental Permit.

- (4) A fire extinguisher meeting the requirements as a 1-A: 10-B:C shall be mounted under the kitchen sink in all rental units.

Sec. 15-804 Appeals to Town Council

- (a) A person aggrieved by the Town's decision to revoke or deny a business license may appeal the decision to the Town Council. The appeal must be filed in writing within 30 calendar days after the revocation, suspension, or denial and it shall set forth a concise statement of the reasons for the appeal. Timely filing of an appeal shall stay the revocation, suspension, or denial, pending a decision on the appeal by the Town Council.

- (b) The Town Council shall consider the appeal in an open hearing at a regular or special meeting within 30 calendar days after receipt of a request unless otherwise agreed to, in writing, by the Town and the aggrieved party. The Town Council shall prescribe the rules of evidence and testimony and the procedures applicable to the conduct of the hearing. All interested parties shall have the right to be represented by counsel, to present evidence and testimony, and to cross-examine witnesses. The proceedings shall be electronically recorded and transcribed at the expense of the party so requesting. The Town Council shall render a decision by a majority vote of members present. The decision shall be in writing based upon findings of fact and the application of relevant standards. The decision shall be served upon all parties or their

designated representatives and shall be final unless appealed to a court of competent jurisdiction within ten days after service.

Section 3 Severability

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


Section 4 Effective Date and Duration

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

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS 7th DAY OF NOVEMBER, 2017.



Craig Weaver, Mayor



Petra S. Reynolds, Town Clerk

10/03/2017 1st Reading Approval

11/07/2017 2nd Reading Approval