




**Resource Considerations for
Planning and Zoning Officials**

May 17, 2018




**SOUTH CAROLINA
ASSOCIATION OF COUNTIES**
Local Leaders. Statewide Strength®



SOUTH CAROLINA RURAL INFRASTRUCTURE AUTHORITY

Infrastructure Resources



RIA
South Carolina
Rural Infrastructure Authority

SC Association of Counties
May 17, 2018

WHY INFRASTRUCTURE MATTERS

- Quality of Life
- Economic Impact
- Community Sustainability



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INVEST IN INFRASTRUCTURE

Problem

- Aging infrastructure
- Water loss and service disruptions
- Infiltration and inflow
- Outdated technology
- Increasing regulations
- Lack of system capacity

Opportunity

- Improved economy
- Jobs
- New residents and businesses
- Economic opportunity

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WHERE TO BEGIN: PLANNING

- Identify existing needs
- Forecast future demand
- Identify range of alternative solutions
- Prepare cost estimates
- Select the most cost effective solution
- Develop a financial strategy
- Develop a timeline

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INFRASTRUCTURE FINANCING ALTERNATIVES

- Cash Revenues from the system
- Bond financing
- Private lender loans
- Government lender loans
- Grants

Many projects require multiple funding sources.

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SC RURAL INFRASTRUCTURE AUTHORITY

Mission:

Assist in financing qualified water, sewer and storm water infrastructure projects

- ✓ Grants
- ✓ Loans
- ✓ Technical Assistance



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GRANT PROGRAMS



Basic



Economic

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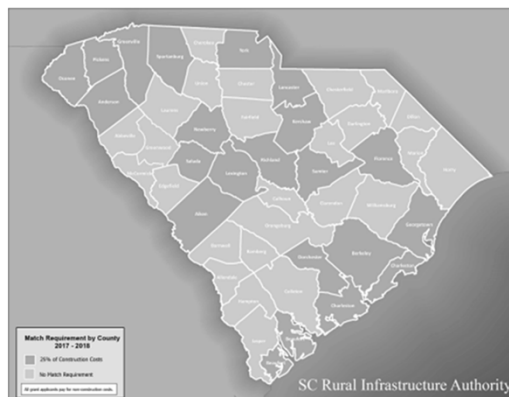
FUNDING AVAILABLE

Grant Program Category	Amount
Basic Infrastructure	\$15,000,000
Economic Infrastructure	\$10,000,000
Total Funds Available	\$25,000,000

Grant Amounts: \$500,000

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MATCH REQUIREMENTS



**ALL Applicants must pay for
non-construction costs**

In addition....

**Tier I and II Counties
must pay for
25% of total construction
costs**

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Priorities:

Basic Infrastructure

EPA or DHEC Consent Orders or Unsatisfactory ratings as well as projects that resolve an imminent threat.

System components identified in DHEC surveys or inspections as “needing improvement” or violations.

Existing infrastructure that has reached the end of its useful life or is severely deteriorated and negatively impacting the system.

Other system needs that pose potential concerns and are supported by appropriate documentation.

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Mill Village Sewer Replacement

RIA:

\$281,373

Total Project:

\$1,061,123

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CITY OF EASLEY



**Wastewater
Treatment
Plant
Expansion**

RIA: \$500,000

**Total Project:
\$3,361,000**



CITY OF WALTERBORO

Priorities:

Economic Infrastructure

Economic development projects that create impact through job creation and investment.

Expand system capacity to help existing businesses create or retain jobs or to accommodate reasonable growth.

Support development of publically-owned industrial sites or industrial parks that have or are pursuing site certification.

Serve other publically-owned properties or projects with demonstrated potential to create or retain jobs and private investment.

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ANDERSON COUNTY

Techtronic Industries

\$75 Million
250 Jobs

Sewer Extension

RIA: \$500,000



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FAIRFIELD COUNTY

COMMERCE INDUSTRIAL PARK

Sewer Upgrades

RIA: \$350,000

Bomag


121 jobs



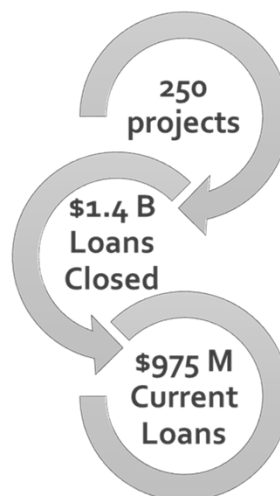
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Why Use SRF Financing?				
Below market interest rate	Fixed rate financing	Up to 30 year term	100% financing of eligible costs	Low closing cost

SOUTH CAROLINA

STATE REVOLVING FUND

SRF Funding Summary 1989 to 2017



\$158 Million in 2017

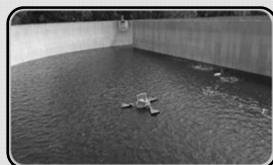
Largest amount of loans closed in program history



SRF PROJECTS



Myrtle Beach
Ocean Outfall
(4th Ave.)
\$12 M Loan
Completed 2016



North Augusta
WTP
Improvements
Phase 1
\$13 M
Completed 2017

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OTHER RESOURCES



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INFRASTRUCTURE FUNDERS



South Carolina
Department of Commerce

Just right for business.

Community
Development
Block Grant



Committed to the future of rural communities.



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American Planning Association
South Carolina Chapter

Making Great Communities Happen



Community Planning Assistance Team (CPAT)



CPAT in Brief

- **A multidisciplinary team of SC planners provides pro bono assistance**
- **Work with community leaders and stakeholders to address local issues or concerns**
- **Any community in South Carolina with limited access to planning resources and expertise**





How does it work?

- The community describes the problem and makes an application
- Applications are reviewed and notification of acceptance is made
- Agree to a project scope
- Schedule the event
- CPAT team arrives and conducts the project!



For More Information on CPAT

Community Applications Available Here:

<http://scapa.org/community-planning-assistance-teams-cpat/>

***Next Application
Deadline: February 2019***

Questions?

Email: scapa@scapa.org



Recruitment and Onboarding of Board/Commission Members

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Governing Body's Responsibilities



- Decide how the community will grow and develop
- Create local boards and commissions by ordinance to include:
 - Purpose, roles, and responsibilities
 - Number and terms of members
 - Minutes of board/commission meetings
 - Reference to orientation and continuing education requirements as outlined in S.C. Code § 6-29-1340

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Governing Body's Responsibilities

- Educate the public about local boards/commissions and promote involvement
 - Create a simple marketing piece on local boards/commissions
 - Discuss the importance serving at council meetings
 - Recognize retiring and incoming board/commission members



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Governing Body's Responsibilities

- Work with staff and board/commission chairs to determine required or desirable skills and experience needed
 - Ensure the clerk to council or another staff member maintain a list of appointees with terms and notifies the council quarterly of those appointees with terms expiring
 - Consider diversity when making appointments

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Governing Body's Responsibilities

- Provide resources to help the boards/commissions be successful
- Carefully consider the advice and recommendations provided by the boards/commissions and staff

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Planning and Zoning Board/Commission Responsibilities

- Notify council of members with terms expiring within 6 months and provide recommendations for new members
- Provide orientation for new members a month before their terms begin
- Ensure new members receive orientation training within a year of term beginning, and receive 3 hours of continuing education annually

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Planning and Zoning Board/ Commission Responsibilities

- Provide orientation for new members a month before their terms begin and provide the following information:
 - Copy of appointive letter
 - County ordinance creating the board/commission
- Federal, state, and local planning and zoning statutes
- Board/commission bylaws and adopted rules of procedure



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Planning and Zoning Board/ Commission Responsibilities

- Provide orientation for new members a month before their terms begin and provide the following information:
 - Overview of FOIA and the state ethics act
 - Minutes from past 6 months
 - Schedule of meeting dates
 - Contact information for board/commission members and essential staff



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Planning and Zoning Board/ Commission Responsibilities

- Additional orientation components:
 - Pair a new member with a seasoned member
 - Prepare a tour for new members
 - Host a transition meeting or work session
 - Contact information for board/commission members and essential staff

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Proposed Short-Term Rental Regulations: Charleston County

SCAC Resource Considerations for Planning and Zoning Officials

May 17, 2018



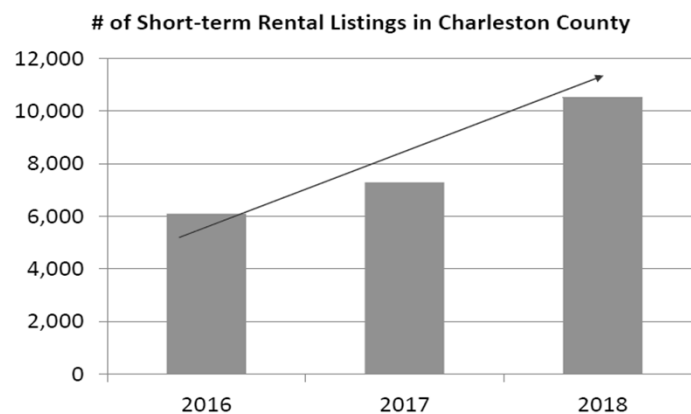
What is a Short-Term Rental?

- **What is a Short-Term Rental?**
 - General Industry Definition: The rental of a shared room, single room, multiple rooms or an entire property for a period of less than thirty (30) days.
 - Proposed Ordinance Definition: A residential dwelling or any part thereof that is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members), for a fee or any form of compensation, for intervals of 29 days or less during a calendar year.
- In recent years, the County has received some complaints from residents around the County regarding Short-Term Rentals operating in their neighborhoods.
- The County's Zoning and Land Development Regulations Ordinance (ZLDR) currently does not regulate Short-Term Rentals, so they can occur on any unincorporated property.

Short-Term Rentals in Charleston County

- Popularity of Charleston County:
 - Charleston was named No. 1 Small City in the US by the Conde Nast Readers Choice Awards in 2017.
 - Charleston was named No. 1 Travel Destination in the US by the Conde Nast Readers Choice Awards in 2011, 2012, 2013, 2014, 2015, 2016 and 2017.

Charleston County has seen 72% growth in the number of Short-term rental listings since 2016



Sources: Host Compliance proprietary data



There are currently 10,517 short-term rental listings in Charleston County, representing 6,558 unique short-term rental units

	<u>STR Listings</u>	<u>STR Uniques</u>		<u>STR Listings</u>	<u>STR Uniques</u>
Unincorporated Areas	538	473	Town of McClellanville	9	7
City of Charleston	2654	1926	Town of Meggett	3	3
City of Folly Beach	1177	671	Town of Mount Pleasant	743	648
City of Isle of Palms	2181	1184	Town of Ravenel	8	7
City of North Charleston	391	336	Town of Rockville	4	3
Town of Awendaw	4	3	Town of Seabrook Island	991	393
Town of Hollywood	5	5	Town of Sullivan's Island	72	50
Town of James Island	132	117	Town of Summerville**	94	80
Town of Johns Island	N/A	N/A	Town of West Ashley	N/A	N/A
Town of Kiawah Island	1511	652	Ladson	N/A	N/A
Town of Lincolnville*	0	0			
Total Charleston County			10517	6558	

Sources: [Wikipedia Charleston County Community Breakdown](#), Host Compliance proprietary data

* partly in Dorchester County

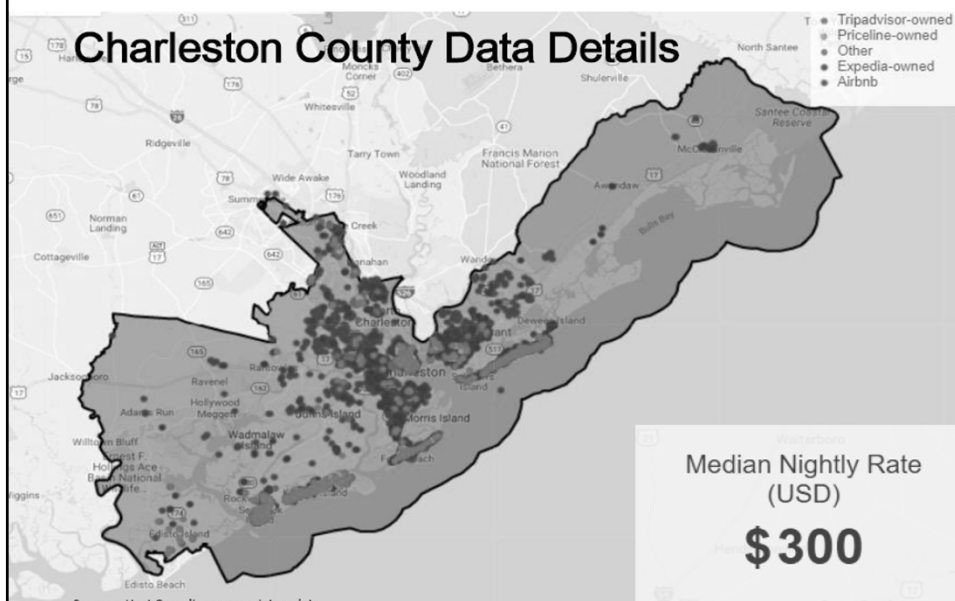
** partly in Dorchester County and Berkeley County



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Charleston County Data Details



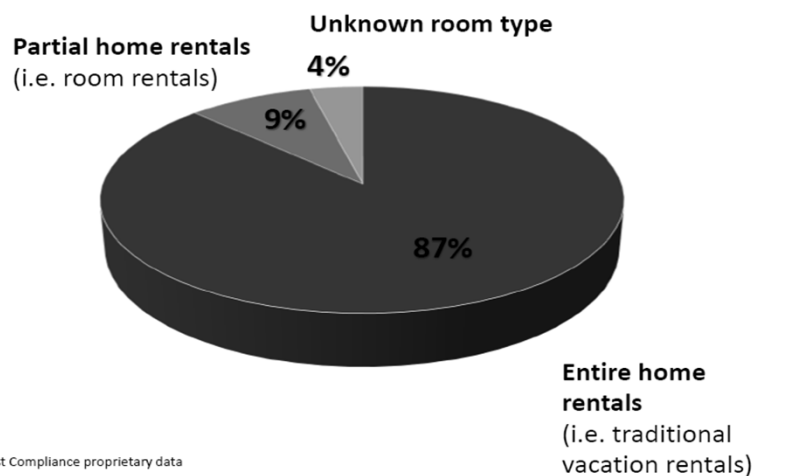
Sources: Host Compliance proprietary data



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87% of Charleston County STRs are entire home rentals, which are the types of rentals that generate the most revenue (and have the biggest negative impact on housing affordability the neighbors' quality of life)



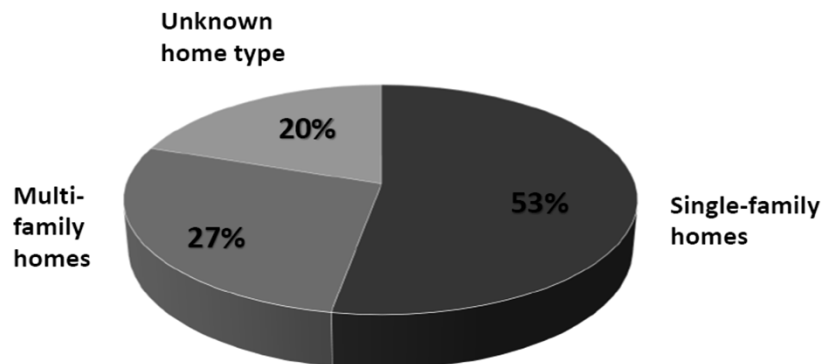
Sources: Host Compliance proprietary data



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53% of Charleston County's short-term rentals are single family homes



Sources: Host Compliance proprietary data



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Short-Term Rental Operations in Charleston County

- Statistics from Airbnb (County-wide):
 - Number of Short-Term Rental Properties (STRPs) is approx. 3,400.
 - *Whole house or room rentals.*
 - Average cost per night is \$193.70.
 - Average stay is 3 nights.
- Statistics from HomeAway/VRBO (County-wide):
 - Number of STRPs is approx. 4,300.
 - *Whole house rentals only.*
 - Average cost per night is \$340.00.
 - Average stay is 5 nights.
- Because STRPs are not currently regulated by the ZLDR, Zoning Permits for such uses are not required. However, STRPs are a Class 7 Business License where the Business License fee is calculated based on gross receipts:
 - Base License fee is \$60.00 for first \$2,000 in gross receipts.
 - Each \$1,000 thereafter is an additional \$2.65.
- Unincorporated County has a 2% accommodations tax on gross receipts collected, and the SC sales tax, as well as a 2% state accommodations tax are payable.
- 2016 calendar year total revenue collected for STRPs in Unincorporated Charleston County was \$33,500 approx.:
 - Business License fees = \$8,500 approx.
 - Accommodations Tax = \$25,000 approx.

Approximate Potential Annual Revenue (Unincorporated Charleston County)

Potential Minimum

Zoning Permits - \$23,650
 County Accommodations Tax - \$16,082
 Business Licenses - \$28,380

Potential Revenue Total - \$68,112

Potential Maximum

Zoning Permits - \$283,800
 County Accommodations Tax - \$94,600
 Business Licenses - \$37,935


Potential Revenue Total - \$416,335

Note: The above estimates do not include state sales or accommodations taxes.

Reasons for Short-Term Rental Regulations

- Transient nature of once established single-family neighborhoods.
- Impetus for gentrification and loss of single-family residential neighborhoods.
- Outside traffic into and through the neighborhood.
- Increase in on-street parking, noise complaints, and trash issues.
- No longer just home sharing but increasing number of commercial operators (investors, etc.) that purchase properties strictly for short-term rental use, and who have multiple entire-home listings.
- The use of properties as short-term rentals removes them from the housing market (decreasing supply), which leads to increasing housing prices. (There are at least 3,500 whole home rentals in the County; these are properties that are off the market to homebuyers or long-term tenants). (Source: Post and Courier Opinion Editorial "Putting numbers on Charleston's short-term rental problem", dated March 25, 2018)

Short-Term Rental Regulations Nationally

 Charleston County, SC Zoning and Land Development Regulations (ZLDR)							
Regulatory Provisions	Nashville	Philadelphia	Portland	Redding	San Francisco	Santa Fe	Savannah
Designated owner, agent, or rep.	X	X		X			X
Non-transferable	X			X	X	X	
On-site full time resident			X				
Owner liability					X		
Rental registration / permit	X	X	X	X	X	X	X
Business license		X		X			X
Permit cap	X		X	X		X	
Occupancy limits	X	X	X	X	X	X	
Standards of conduct	X	X	X	X	X		X
Penalty provisions	X	X	X	X	X	X	X
District Limitations	X		X			X	
Spacing Between Units				X			
Parking Restrictions	X			X		X	X
Posted or Mailed Notice	X		X			X	X
Inspections			X		X	X	
Taxes (Sales, Occupancy, etc.)	X	X		X	X	X	X
Site Plan Required				X		X	

Short-Term Rental Regulations from Municipalities within Charleston County			
Requirement	City of Isle of Palms	City of Folly Beach	Town of Kiawah Island
Zoning Districts	Allowed on all properties	By-right use in all zoning districts.	All residential zoning districts (R-E, R-1, R-2, R-3)
Occupancy/Management Responsibility	Do not need to be owner-occupied	Not addressed	Legally binding "Rental Application Package" filed by owner or rental agent
Amount of Unit that can be used for Rental	The entire house/dwelling must be rented by one group	Rental of the entire home is allowed; however, multiple rooms can't be rented under individual contracts.	The entire unit may be rented, based on number of bedrooms and guests per bedroom. No specific provision for partial rental.
Special Events	House cannot consistently be advertised or used as an event space	Permitted with standards to be met.	Not addressed
Maximum Number of Rental Days per Year	No limit	No limit	Not addressed
Minimum Number of Rental Days per Transaction	No limit	No limit	Not addressed
Maximum Guest Occupancy	2 people/bedroom plus 2 people; 1 person/250 sf.; 6 people.	2 per bedroom plus 2 per unit (people under 18 don't count towards the limit).	Max. 2 per bedroom + 2 guests per dwelling
Parking	Max. number of vehicles allowed between 11 pm and 9 am (1/bedroom or 1 for every 2.5 people).	Not addressed	Per parking requirements Off-street, paved driveway or garage

Short-Term Rental Regulations adopted by City of Charleston (April 9, 2018)	
Requirement	Development Standard
Zoning Districts	Commercial Short-Term Rentals – Only permitted on Commercially zoned properties within the Short-Term Overlay District (wholly located on the peninsula) Residential Short-Term Rentals – Divided into Class 1, Class 2 and Class 3 categories. Class 1 and 2 are located on the peninsula, and Class 3 are all areas of the City located outside the peninsula.
Occupancy	Commercial Short-Term Rentals – Owner or resident not required to be living on the property. Residential Short-Term Rentals Class 3 – Owner shall be residing on the property (owner/occupied).
Amount of Unit that can be used for Rental	Commercial Short-Term Rentals – Whole property to one family. Residential Short-Term Rentals Class 3 – One or more rooms.
Special Events	None specified
Maximum Number of Rental Days per Year	None specified
Minimum Number of Rental Days per Transaction	None specified
Maximum Guest Occupancy	Commercial Short-Term Rentals – 4 unrelated people. Residential Short-Term Rentals Class 3 – 4 adults.
Parking	Commercial Short-Term Rentals – No additional parking spaces required. Residential Short-Term Rentals Class 3 – 1 space + the required off-street parking for existing use on the property.
Use Classification	Commercial Short-Term Rentals – Commercial. Class 3 Residential Short-Term Rentals – Incidental residential use to the Principal residential use of the property.

Charleston County Short-Term Rental Regulations History

- February 8, 2016: The Planning Commission established a Short-Term Rental Committee (STRC) to investigate Short-Term Rental regulations.
- February 8, 2016 to March 12, 2018: The STRC, Planning Commission, consultant and staff developed the Draft Short-Term Rental Ordinance being considered by Council.
- In addition, staff met with representatives from both HomeAway and Airbnb during this process, and notified them of each STRC and Planning Commission meeting.

March 12 Planning Commission meeting: Recommended approval of the Draft Short-Term Rental Ordinance and related ZLDR amendments (8-1) and Fee Ordinance amendments (9-0)

Proposed Ordinance - Article 6.8, Short-Term Rentals

- Short-Term Rental Properties (STRPs) are proposed to replace Bed & Breakfast Inn uses. Bed & Breakfast Inn uses will be deleted from the ZLDR, however, the following exceptions apply:
 - Legally permitted, existing Bed & Breakfast Inns will be “grandfathered” (Chapter 10, *Nonconformities*).
 - Properties will keep this status until / unless Business License is discontinued for 12+ consecutive or 18 months cumulative within any three-year period.
- Rooming and Boarding House uses will be deleted from the ZLDR.
- Upon adoption of the proposed Ordinance, all STRPs, whether or not they are operating under a valid and current Business License, will have 30 calendar days to submit applications to comply with the Ordinance and an additional 90 calendar days to obtain all required Zoning Permits for the STRP use.

Proposed Ordinance - Article 6.8, Short-Term Rentals

Table 6.8.4 Short-Term Rental Property (STRP) Standards			
Standard or Requirement	Limited Home Rental (LHR)	Extended Home Rental (EHR)	Commercial Guest House (CGH)
Zoning Districts (pursuant to Table 6.1.1, Use Table)	Use Subject to Conditions of Art. 6.8: RM, AG-15, AG-10, AG-8, AGR, RR-3, S-3, R-4, M-8, M-12, MHS	Special Exception Use (subject to conditions of Art. 6.8): S-3, R-4, M-8, M-12, MHS	Use Subject to Conditions of Art. 6.8: OR, OG, CN, CR, CT, CC
Occupancy Type	Property must be owner-occupied	Property must be owner- or non-owner occupied	Not applicable
Special Events	See ZLDR Article 6.7, Special Events Use		
Maximum Number of Rental Days	72	144	No limit
Zoning Permit Process	See ZLDR Table 6.1.1, Use Table		
Review Type	Administrative Review	Full Site Plan Review and Special Exception	Full Site Plan Review

Proposed Ordinance - Article 6.8, Short-Term Rentals

- Operating Requirements:
 - Must obtain all Zoning and Building permits, and a Business License, prior to advertising the STRP.
 - Short-Term Rental Tenant notice shall be posted in each room where tenants may lodge. The notice shall include contact information of the owner, Zoning Permit number, trash location and schedules, and fire and emergency evacuation routes.
- General Standards:
 - Legally-permitted Principal Dwelling Units and Accessory Dwelling Units may be used as STRPs, even when located on the same lot.
 - Accessory structures (sheds, barns, etc.) shall not be used as STRPs.
 - Parking for rental guests is one space per permitted bedroom plus the required parking for the applicable use (Art. 9.3).
 - Signage advertising STRPs is prohibited in Residential Zoning Districts.
- Advertisement:
 - Whether by a hosting platform, via Internet or paid advertising, or other postings, advertisements, or announcements, the availability of a STRP shall include County-issued Zoning Permit Number and Business License Number.

Proposed Ordinance - Article 6.8, Short-Term Rentals

- Annual Zoning Permit Renewal:
 - Zoning Permits for all STRPs must be renewed annually.
 - Must include the application fee and a notarized affidavit stating that the type of STRP use, and the information submitted for the previous year's Zoning Permit, has not changed in any manner, and that the STRP use complies with the most recently adopted version of the STR Ordinance.
 - By the end of January of each calendar year an annual renewal notice will be mailed to owners of STRPs informing them that they must renew their Zoning Permit for the STRP use on or before April 1st of the same calendar year, or their existing permit will expire.

Proposed Ordinance - Article 6.8, Short-Term Rentals

- Application Submittal Requirements:
 - Name, address, email, and phone number of the property owner.
 - Required fee(s).
 - STRP application signed by the property owner.
 - Restrictive Covenants Affidavit signed by applicant/owner.
 - Address and Property Identification Number of the property on which the STRP is located.
 - Type of STRP (LHR, EHR, CGH).
 - Type of dwelling unit to be used as a STRP, and the maximum number of bedrooms in the dwelling unit to be used as a STRP.
 - Documentation of Zoning Permit and Building Permit approvals for the structure(s) to be used as a STRP.

Note: Additional applications, fees, and processes may be required pursuant to the requirements of this Article (Site Plan Review, Special Exception).

Proposed Ordinance - Article 6.8, Short-Term Rentals

- Enforcement:
 - Provisions of Chapter 11, Violations, Penalties and Enforcement, apply to all STRPs.
 - Permit Revocation – Three-Offense Rule: Determination by Zoning and Planning Director that a STRP has violated the Ordinance on three or more occasions within any 12-month period, shall result in the revocation of the Zoning Permit and Business License applicable to the STRP.
 - A Zoning Permit can be immediately revoked if the Zoning and Planning Director determines:
 - The STRP has a building code violation;
 - There is no Business License for the STRP use;
 - The property is being used in a manner not consistent with the Zoning Permit issued; and/or
 - The advertisement does not include the Zoning Permit Number and Business License Number.

Proposed Ordinance - Article 6.8, Short-Term Rentals

- If a STRP Zoning Permit has been revoked:
 - A STRP owner may appeal the decision to the Board of Zoning Appeals (BZA) within 30 calendar days from the date of revocation.
 - No new permit for a STRP use shall be issued for the same property for a period of one year from the date of revocation. Upon expiration of the revocation period, a new Zoning Permit application for the STRP use shall be submitted.

Adoption Schedule

- March 12, 2018: Planning Commission recommendation (vote: 8-1)
- May 8, 2018: County Council Public Hearing (4 people spoke in favor; 1 spoke against)
- May 31, 2018: County Council Planning & Public Works Committee meeting
- June 5, 2018: 1st reading
- June 19, 2018: 2nd reading
- July 24, 2018: 3rd reading

Proposed Short-Term Rental Regulations: Charleston County

SCAC Resource Considerations for Planning and Zoning Officials

May 17, 2018



State & Federal Issues Update

Webcast for Planning & Zoning Officials

Federal Legislation

- ▶ Federal infrastructure proposal
 - 10 year proposal to add \$1 trillion in public/private infrastructure investment
 - Administration worked directly with local planners to assess need & plan projects
 - No funding provided in 2018 federal budget
- ▶ Federal budget/spending plan
 - Increases in CDBG, transportation infrastructure, brownfields and disaster mitigation & relief funding
 - http://www.naco.org/sites/default/files/documents/NACo%20FY18%20Omnibus%20Analysis%20Final_3.pdf

State Legislation

- ▶ SC Economic Opportunity Zones
 - 135 zones – at least 1 in every county
 - Based on income & employment rates by census track
 - Created as part of the 2017 federal tax reform bill
 - Creates EO Funds to increase economic activity
 - <http://scoportunityzone.com/>
- ▶ Industrial nuisance bill
 - Passed in 2018 – no Zoning ordinance provisions
- ▶ Lot cleanup bill – H3896 failed to get 2nd reading in the Senate

State & Federal Cases

- ▶ SCDOR v. Richland County (transportation penny case)
 - Expect counties to be required to enact spending controls & more SCDOR oversight!
- ▶ Annexation
 - What is “contiguous”
- ▶ Sullivan’s Island BZA decision
 - Cautionary tale: ensure that your text matches what you actually want to regulate!
- ▶ Hilton Head National Redevelopment case



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