

**RICHLAND COUNTY  
DEVELOPMENT AND SERVICES  
COMMITTEE**

**AGENDA**



**TUESDAY MAY 23, 2023**

**5:00 PM**

**COUNCIL CHAMBERS**

# Richland County Council 2022-2023



Jessica Mackey  
District 9  
Vice Chair



Overture Walker  
District 8  
Chair



Chakisse Newton  
District 11



Cheryl English  
District 10



Derrek Pugh  
District 2



Jason Branham  
District 1



Gretchen Barron  
District 7



Yvonne McBride  
District 3



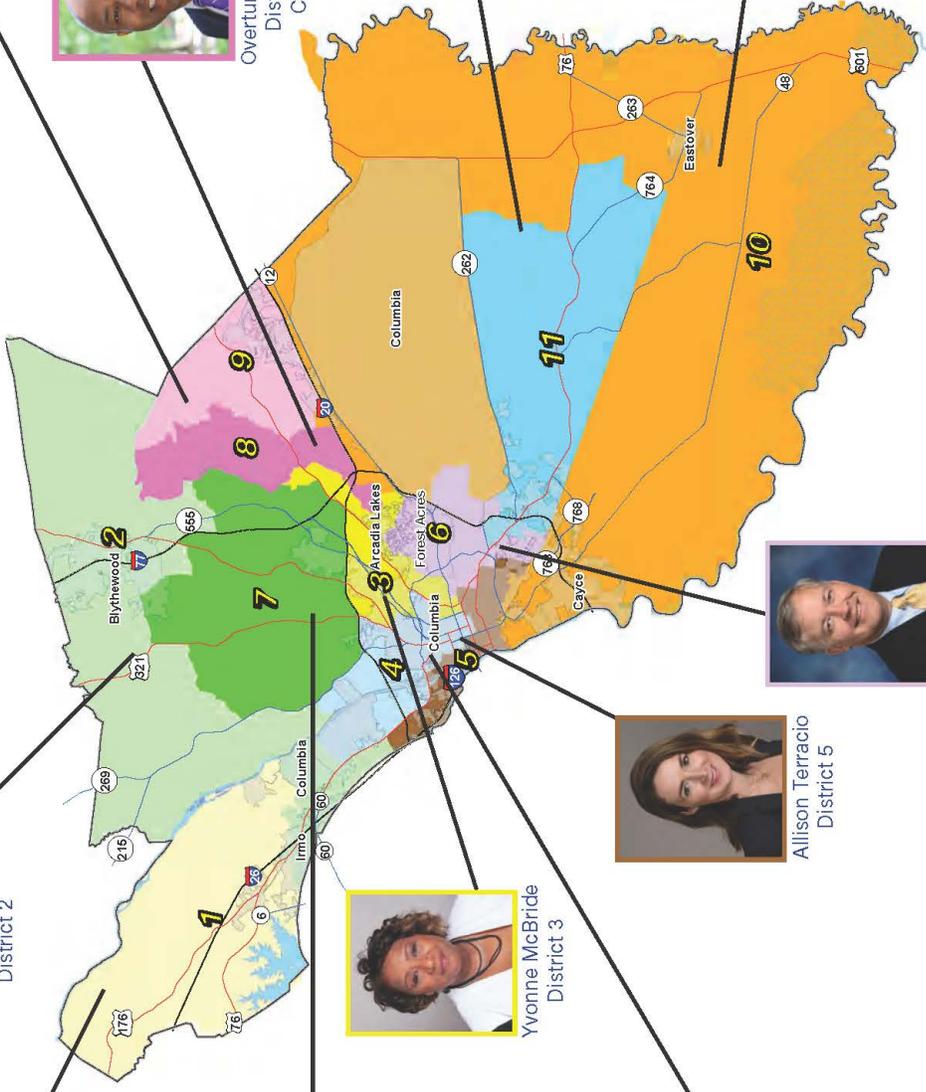
Allison Terracio  
District 5



Paul Livingston  
District 4



Don Weaver  
District 6





**Richland County  
Development and Services Committee**

**AGENDA**

May 23, 2023 - 5:00 PM  
2020 Hampton Street, Columbia, SC 29204

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

1. **CALL TO ORDER** The Honorable Chakisse Newton
  
2. **APPROVAL OF MINUTES** The Honorable Chakisse Newton
  - a. April 25, 2023 **[PAGES 6-10]**
  
3. **ADOPTION OF AGENDA** The Honorable Chakisse Newton
  
4. **ITEMS FOR ACTION** The Honorable Chakisse Newton
  - a. Department of Public Works - Engineering Division - Carolina Crossroads - Center Point Rd Right-of-Way **[PAGES 11-16]**
  - b. Department of Public Works - Engineering Division - Lake Dogwood Circle S Right-of-Way **[PAGES 17-23]**
  
5. **ITEMS FOR PRELIMINARY ACTION** The Honorable Chakisse Newton
  - a. Short-Term Rentals: **[PAGES 24-45]**
    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]

- 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]  
[\[PAGES 46-49\]](#)

**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]  
[\[PAGE 50\]](#)

- 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 and Newton - January 3, 2023] [\[PAGE 51\]](#)

**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**  
April 25, 2023 – 5:00 PM  
Council Chambers  
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Chakisse Newton, Chair; Allison Terracio, Gretchen Barron, and Cheryl English

Not Present: Derrek Pugh.

OTHERS PRESENT: Overture Walker, 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, Bill Davis, Dante Roberts, Zachary Cavanaugh, Chelsea Bennett, and Shirani Fuller.

1. **CALL TO ORDER** – Chairwoman Chakisse Newton called the meeting to order at approximately 5:00 PM.
2. **APPROVAL OF MINUTES**
  - a. **March 28, 2023** – Ms. Terracio moved to approve the minutes as distributed, seconded by Ms. English.  
In Favor: Terracio, Barron, English, and Newton  
Not Present: Pugh  
The vote in favor was unanimous.
3. **ADOPTION OF AGENDA** – Ms. Terracio moved to adopt the agenda as published, seconded by Ms. English.  
In Favor: Terracio, Barron, English, and Newton  
Not Present: Pugh  
The vote in favor was unanimous.
4. **ITEMS FOR ACTION**
  - a. **Department of Public Works – Engineering Division – Traffic Calming Policy Update** – Ms. Shirani Fuller, County Engineer, noted speeding complaints are one of the most frequent complaints Public Works receives. This has been an internal policy for approximately ten years, but no record of the policy came before Council.

Ms. Newton requested Ms. Fuller to describe some key changes in how we would operate by officially adopting this policy.

Ms. Fuller responded that if a resident called, we would put them on a list, which would be addressed on a first-come, first-served basis. We would go out and do the traffic study and then analyze the data. Often, we found only 10% of the speeding complaints met the criteria. They are considering moving the petition, which shows the community support of the neighborhood, to the top. They will then do a desktop or field review to determine if there is a possible place to install traffic-calming devices. They would put you on the list to fill out a petition when that is determined. The community would fill out the petition. Once the support is received, you will move to the next step in the process, the installation of the traffic calming device.

Ms. Newton stated her understanding is that part of the intent for making this change is the list of communities who want speed humps is so long, and then they do not always get them at the end.

With the traffic calming policy, we hope to speed up getting them information and make it a faster, more efficient process.

Ms. Fuller noted there is also the aspect of resources. This is not a full-time job but a portion of someone's job. We are limited in the amount of time we can spend on these. Right now, we spend time and resources when we do not have roads meeting the criteria to have placement of a calming device.

Ms. English mentioned traffic studies do not always capture what the residents observe.

Ms. English moved forward this item to Council with a recommendation to approve Public Work's request to adopt the Traffic Calming Policy, as revised on March 1, 2023, seconded by Ms. Barron.

In Favor: Terracio, Barron, English, and Newton

Not Present: Pugh

The vote in favor was unanimous.

## 5. **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] - Staff estimates they will be able to bring amendments to the committee for review in September.

Mr. Leonardo Brown, County Administrator, stated, when you consider this ordinance, we want you to be aware that this particular enforcement mechanism may be similar to one before. We might need to discuss what steps will be appropriate when people do not meet the criteria outlined in the code. We may discover our current process is not prohibitive enough or does not allow for enough encouragement for individuals to comply. If the committee can provide input along the way that speaks to how the current penalties meet or fail to meet the level of encouragement we think should be there. The briefing document points out that this is not a criminal issue but a civil one. As a result, individuals feel the system takes longer than they want it to take. He is requesting the committee to consider these things as you think about what kind of input you may want in terms of an enforcement mechanism to make failure to comply with the code more encouraging for individuals.

Ms. Newton inquired if there is any additional documentation or other information staff would like to provide to the body for them to react to during the intervening months.

Mr. Brown responded they could highlight the penalties to determine if the body feels they are appropriate. The initial review by staff pointed out that some of the best practices are reflected in the current ordinance. If we are not getting the level of compliance we want from the current ordinance, there might need to be more improved encouragement. As you think about what you want to do with the ordinance, you will have that as a focal point and not wait on what staff may provide.

Ms. Newton inquired if it would be appropriate for a future briefing document to outline some of the best practice options.

Mr. Brown responded in the affirmative. He remarked he has staff members taking notes so that they will include that in the next iteration of the briefing document.

Ms. Newton mentioned there is legislation at the State House being considered that would allow counties to add penalties to property tax rolls in the case of nuisance, which she would see as a further inducement for compliance.

Mr. Brown stated that two County staff members worked on drafting and submitting some language associated with that. We support that as an option for improved encouragement to comply.

- b. 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] -
- c. 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. Aric Jensen, Assistant County Administrator, stated he has requested the Business Service Center Manager, Zach Cavanaugh, to lead the effort to prepare the proposed short-term rental ordinance. Mr. Cavanaugh has been meeting and coordinating with the City of Columbia to draft their ordinance so that we can bring back a similar ordinance so that

individuals with short-term rentals in the City and the County will have some familiarity, and it will not be a shocking difference between the two.

Mr. Cavanaugh noted he has been working with the City of Columbia's legal division and the Community Planning and Development Department to discuss items in their recently passed ordinance that may translate to the County. He is in the process of reviewing that with the Legal Department. He anticipates making a presentation to the D&S Committee in May.

Ms. Newton inquired if we know if other municipalities in Richland County also have short-term licensing.

Mr. Cavanaugh responded he was not aware of any other short-term rental ordinances. He attended a Webinar with the Town of Hilton Head. They have been in the short-term rental game for a long time. He obtained some information from them, and we may transfer some of that language to our ordinance. In his opinion, it would be nice to mirror what we can from the City of Columbia's ordinance and then edit things that would not transfer.

Ms. Terracio mentioned she had been made aware of the possibility that the Accommodations Tax associated with the rentals being utilized for affordable housing measures. She inquired if staff was aware of the effort and could be kept in the back of our minds as we look at the short-term rentals.

Mr. Brown responded he believes she is referring to S.284 and that staff would keep Council informed about its progression. Affordable housing has been a question of the members of the body, so any opportunity that may come out of that, they will certainly inform Council.

Mr. Cavanaugh indicated the current legislation in the State House is a ban on a ban. The City of Columbia amended its ordinance not to cap non-owned occupied short-term rentals. They removed the cap to align their ordinance language with what may come from the State House.

Ms. Barron thinks it is important that we align our ordinance with those around us. She stated, as a reminder, that we are the capital county. So being the capital county, there may be some measures that we need to step outside of what the City of Columbia or others are doing and have them align with us and be more proactive. She knows the City of Columbia already has a solid plan in place. She does think there are some things we can include in ours.

Mr. Cavanaugh stated that next month's presentation would have some information on what other jurisdictions in Richland County are doing as a jumping-off point to start the discussion.

Ms. Newton inquired if staff would only present the City of Columbia's ordinance at the May committee meeting or if a Richland County draft ordinance would also be presented.

Mr. Cavanaugh replied that both ordinances would be presented.

- d. 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] – Mr. Brown stated in the initial review of this item, based on how impact fees can be used and what they can be used for, it looks like there are limitations. While we are doing our internal research, it may be important for the committee to consider other experts in this area. From what we see, based on how impact fees can be used, it may not have the transformative value we hoped for.

For clarification, Ms. Barron stated that when Mr. Brown spoke of other resources, was he suggesting this is something that we may need an outside consultant or expert to work alongside staff so we can achieve better results?

Mr. Brown responded he does think it is something that would be worthwhile. He believes there is a thought that impact fees could be implemented and provide a resource to the County. He wants to ensure we do not miss anything as we go through this process. He would like to ensure it is a good, clean research and overview of what is possible and the benefits to the County.

Ms. Barron inquired if this was something Mr. Brown needed before bringing this item back to the body in September. To her, it appears it would give us more substance if we had an expert that worked alongside staff before presenting anything back to the body. Noting that Mr. Brown mentioned there may be some limitations, we might want to do this now.

Mr. Brown stated it is his understanding that the body, on some level, believes that impact fees may be a viable option for the County, and they want them explored. As a result, we want to ensure that staff does exactly what needs to be done to assess that, which would require external resources.

Ms. Barron indicated that as we look forward to the 3-7 years in development, it would be great if we find this helpful and profitable for the County. She would encourage the body to push this forward. This is an excellent time to do so.

Mr. Weaver stated it would be shameful if the revenues poured into the General Fund without a specific purpose. What will happen is there will be more fees going in during the good times. The revenue will build up, and then we will have a recession. He suggested that when staff does their research, they find

out how other counties and governments handle it. He thinks it would be wiser to put the funds into a capital projects trust fund to offset the costs in the future.

Mr. Brown noted the Executive Summary states the funds cannot be used for ongoing operations. Some of the limitations we referenced are for specific uses, which is another area we are finding and pointing out. What would be helpful is if, beyond what we see and think we have found, individuals who deal specifically with this could also clearly articulate what those utilizations are and what the impacts look like for Richland County. This removes what benefit it is for Administration to share with you. It allows for a cleaner review of this matter.

Ms. Newton thanked her colleagues for addressing her questions and concerns. She noted Mr. Brown has certain things that fall under his purview where he is able to act and expend funds without Council action. She inquired if he desired a motion to empower him to bring in this resource.

Mr. Brown responded that he would like a motion because it specifically says you want it done and find it important or necessary. To the intent that the funding is beyond his threshold, it could then be reported to Council if it exceeds his authority.

Ms. Newton stated she believes this is important for Richland County as we fulfill our goals of the Strategic Plan, specifically regarding sustainable and smart growth.

Ms. Barron moved to direct the Administrator to secure outside sources or resources to support the request made by the committee, seconded by Ms. English.

In Favor: Terracio, Barron, English, and Newton

Not Present: Pugh

The vote in favor was unanimous.

- e. 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. Branham reminded the committee the recommendations were outlined in the previous Council meeting agenda packet. He encouraged everyone to think about what is going on with three (3) different components. The first one is the base 2021 adopted text. The second component is the zoning map that needs to be adopted before anything can take effect. The third component is any and all Planning Commission recommendations Council decides to adopt. He stated that one of the Planning Commission's recommendations regarding the map relies on one of their recommendations for the text amendment. The recommendation is that the M-1 zoning district would carry forward from the old code and zoning map to the new code and zoning map. The idea is that all three of those components would take effect simultaneously. He noted he had a great meeting with the County Administrator, the County Attorney, and Chairman Walker about the process. His motion was specifically worded out of the conversation with that group, hoping that we could have the effective date of those three components be at the same time so there was as little disruption as possible once the new map and text take effect.

Ms. Barron inquired if the November 7, 2022, recommendations also included the motions that came through Council in September 2022. She noted there were a number of motions authored by Mr. Branham's predecessor. When she started to look at the list and the information presented, it appeared that some motions were not addressed by the commission that, either existing Council members or past Council members had. She indicated she would like those items to be addressed if they have not been.

Mr. Branham inquired if Ms. Barron had the motions.

Ms. Barron responded she did not have a copy with her, but there were approximately 15. We have had a lot of conversations about the November 7, 2022, meeting, but the two lists are not matching up somewhere along the line. She wants to ensure that we have not lost some along the way.

Mr. Wright stated that certain motions made were determined to be improper. The purpose of the motion(s) was to undo the vote that had taken place in November 2021, which was past the point where that could be done. The motions that went to the Planning Commission were the motions that were properly made.

Ms. Barron inquired how Council would know if that was the case.

It was Mr. Wright's understanding this was discussed, and it was determined they were improper, so they did not move on.

Ms. Barron noted she would get the list of questions and have them to ensure we are comparing apples with apples. She indicated she is concerned about us passing all three of these at one time when we already know there are things we need to go back and fix. We should fix them now, have a solid document, and vote on them. She acknowledged that she wants to trust the system to ensure the plethora of changes needed will occur, but she does not want it to get lost. She indicated for her district; this document is critically important. She noted she could not support something that appeared incomplete from the beginning. She knows we have had conversations that we cannot split them up. She inquired if a State statute says we cannot do that.

Ms. Newton stated that Ms. Barron's questions and concerns are fundamentally about process and order, which is what we must do and in what order. Does State statute define it? Do we have to do it the way we are going to do it? The other part of the question is, regardless of what process we use, how do we ensure all of the recommendations and proposals are incorporated into the document that will come before us for a vote?

Mr. Wright responded State statute does require this body to redo the Land Development Code at least every ten years. There is a specific process that has to be gone through, which includes the Comprehensive Plan.

Ms. Newton stated that she understands we must update the Comprehensive Plan every ten years, but not the Land Development Code.

Mr. Wright noted that you can only update the Land Development Code through a Comprehensive Plan. It is the same process.

Ms. Newton stated there is so much confusion when you say Land Development Code. If we just leave it that the Land Development Code has to be updated every ten years, that could cause a lot of confusion. The Comprehensive Plan piece is required to be updated every ten years, which is a part of the Land Development Code process.

Mr. Wright stated the County had a Comprehensive Plan, which resulted in a vote in November 2021, wherein the body approved the text. Both the text and maps could have been approved. The purpose of the maps is that they match the text. It is past the point where you can undo it. The text is set in stone. What we have to do at this point is approve the maps to match the text. Once you have the complete Land Development Code, you can make adjustments or amendments. You cannot make the amendments before you adopt the maps because the text has already been approved. We have been operating under the 2005 Code because that is the interim procedure, but the 2021 Code has been passed. He noted the maps were supposed to take effect in May 2022 automatically, but that process was halted. This did not change the fact that the text was approved in November 2021; the maps were just halted, so we have been operating under interim procedures for the past 1 ½ years. Until the process is completed, we cannot make the amendments requested by the Planning Commission.

Mr. Branham stated, for clarification, that there is an opportunity for us to delay the effective date of the zoning map to allow Council time to review and vote on the Planning Commission's recommendations and then have them take effect simultaneously.

Mr. Wright responded the text is already in place, so once the maps are approved, we can delay the effective date of the new Land Development Code, which would allow Council the opportunity to consider the amendments and conduct the Three Readings and Public Hearing. He indicated both would then take effect at the same time, so there was no delay.

For clarification, Ms. Barron stated the recommendations for the map being suggested by the Planning Commission match the text approved in November 2021.

Mr. Branham responded in the affirmative but with one exception. The 2021 version of the text does not include a zoning district that is M-1. The Planning Commission's version of the zoning map includes parcels continuing to have the zoning label M-1.

Ms. Barron stated that if that is the case, and there is an exception, then what we are doing is different from what Mr. Wright has said we need to do, which is her challenge. Her challenge is that, on the one hand, we are saying we need to accept both of these documents together. Today Mr. Wright shared that the two documents must match. If they must match, there cannot be an exception. If the Commission is asking for an exception, what you are asking for is something we cannot do.

Ms. Newton acknowledged this process has been extremely convoluted. For those who have been with us from day one, if there are questions in your mind, she understands why. One of the challenges is that initially, when the Code was passed in November 2021, the intention was that within a short amount of time, we would come back and put the maps together. In response to an outcry from the public, we delayed the process. Her suggestion would be for this committee to set a specific date for questions to be submitted to staff, so the answers can be brought forward when we meet again. She requested FAQs about this document.

The Clerk's Office was requested to coordinate the date for submitting questions.

6. **ADJOURNMENT** – Ms. Barron moved to adjourn the meeting, seconded by Ms. Terracio.

In Favor: Terracio, Barron, English, and Newton

Not Present: Pugh

The vote in favor was unanimous.

The meeting adjourned at approximately 5:58 PM.

**RICHLAND COUNTY  
ADMINISTRATION**

2020 Hampton Street, Suite 4069  
Columbia, SC 29204  
803-576-2050



**Agenda Briefing**

<b>Prepared by:</b>	Shirani Fuller	<b>Title:</b>	County Engineer
<b>Department:</b>	Public Works	<b>Division:</b>	Engineering
<b>Date Prepared:</b>	May 2, 2023	<b>Meeting Date:</b>	May 23, 2023
<b>Legal Review</b>	Patrick Wright via email	<b>Date:</b>	May 9, 2023
<b>Budget Review</b>	Abhijit Deshpande via email	<b>Date:</b>	May 15, 2023
<b>Finance Review</b>	Stacey Hamm via email	<b>Date:</b>	May 9, 2023
<b>Approved for consideration:</b>	Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCEM	
<b>Meeting/Committee</b>	Development & Services		
<b>Subject</b>	Carolina Crossroads - Center Point Rd Right-of-Way		

**RECOMMENDED/REQUESTED ACTION:**

Public Works is requesting that County Council transfer the right-of-way (as detailed in attachments) on Center Point Rd to the South Carolina Department of Transportation (SCDOT) for the Carolina Cross Roads Project.

Request for Council Reconsideration:  Yes

**FIDUCIARY:**

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

**ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:**

There is no associated cost.

*Applicable department/grant key and object codes:*

**OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:**

Not applicable.

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

There are no legal concerns regarding this matter.

**REGULATORY COMPLIANCE:**

Not applicable.

**MOTION OF ORIGIN:**

There is no associated Council motion of origin.

**STRATEGIC & GENERATIVE DISCUSSION:**

The SCDOT is requesting 9,041 square feet of the County maintained road, Center Pointe Rd, at the intersection of Burning Tree Dr to be transferred to its ownership for the re-alignment of I-26 and I-20 (Carolina Cross Roads Project). An exhibit is attached to the quit-claim illustrating the request. Public Works has no issue with this request.

**ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INTIATIVE:**

Goal 1.5: Collaborate with other governments

Goal 4.3: Create excellent facilities

**ATTACHMENTS:**

1. Quit-claim
2. Exhibit A
3. Waiver of Rights

**THE STATE OF SOUTH CAROLINA**

**COUNTY OF RICHLAND**

Road/Route **I-20/I-26/I-126**  
Project ID No. **P027662**  
Tract **177**

**QUITCLAIM**  
Approximate Survey Stations

9332+00	To	9333+00 Left
S-1841 (Burning Tree Drive)		
	To	
	To	

**KNOW ALL MEN BY THESE PRESENTS**, that I (or we) **Richland County - 400 Powell Road, Columbia, SC 29203**, for and in consideration of the sum of **One and no/100s Dollars (\$1.00)** to me (or us) in hand paid, receipt of which is hereby acknowledged, do hereby remise, release and quitclaim unto the South Carolina Department of Transportation, its Successors and Assigns, all my (or our) right, title, and interest in and to the following described property:

All that certain piece, parcel or lot of land, including all improvements thereon, if any, containing 9,041 square feet of land, owned by Richland County, and shown as the "Area of Acquisition" on Exhibit "A", attached hereto and made a part hereof. Property herein conveyed is along a relocated centerline as shown on the plans for the project between approximate survey stations 9306+02.22 and 9383+15.11, Road S-1841 (Burning Tree Drive). This being a portion of the property acquired from Nations Bank of North Carolina, NA, as Trustee for the NCNB Real estate Fund by Easement and Right of Way Deed dated September 23, 1993 and recorded November 18, 1993 in Book 1170 at page 145 in the ROD Office for Richland County.

**GRANTEE'S ADDRESS: SCDOT, Director, Rights of Way, P. O. Box 191, Columbia, SC 29202-0191**

Date Checked \_\_\_\_\_ By \_\_\_\_\_  
Project ID No. P027662 Tract 177





**THE STATE OF SOUTH CAROLINA** )  
 )  
**COUNTY OF SOUTH CAROLINA** )

**WAIVER OF RIGHTS**

Road/Route **I-20/I-26/I-126**  
Project ID No. **P027662**  
Tract **177**

I have been fully informed of my right to receive just compensation for the above referenced property pursuant to the U. S. and S. C. Constitutions and the S. C. Code of Laws Section 28-2-370, as amended. However, I hereby willingly and voluntarily agree to waive my right to receive just compensation for the property and choose to donate the property necessary for an easement or right of way for the referenced project. I also hereby release the South Carolina Department of Transportation from the obligation of performing or delivering an appraisal of said property.

Witness our hand and seal this \_\_\_\_\_  
day of \_\_\_\_\_, 2023.

In the presence of:

**Richland County**

\_\_\_\_\_  
1<sup>st</sup> Witness

\_\_\_\_\_  
(L.S.)

By Its: County Administrator

\_\_\_\_\_  
2<sup>nd</sup> Witness

Leonardo Brown  
Print or Type Name Here

**RICHLAND COUNTY  
ADMINISTRATION**

2020 Hampton Street, Suite 4069  
Columbia, SC 29204  
803-576-2050



**Agenda Briefing**

<b>Prepared by:</b>	Shirani Fuller	<b>Title:</b>	County Engineer
<b>Department:</b>	Public Works	<b>Division:</b>	Engineering
<b>Date Prepared:</b>	May 2, 2023	<b>Meeting Date:</b>	May 23, 2023
<b>Legal Review</b>	Patrick Wright via email	<b>Date:</b>	May 9, 2023
<b>Budget Review</b>	Abhijit Deshpande via email	<b>Date:</b>	May 15, 2023
<b>Finance Review</b>	Stacey Hamm via email	<b>Date:</b>	May 9, 2023
<b>Approved for consideration:</b>	Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCEM	
<b>Meeting/Committee</b>	Development & Services		
<b>Subject</b>	Lake Dogwood Circle South Right-of-Way		

**RECOMMENDED/REQUESTED ACTION:**

Public Works is requesting County Council to approve the transfer of unused right-of-way on Lake Dogwood Circle South to the adjoining property owners Bobby J and Nancy Y Spivey.

Request for Council Reconsideration:  Yes

**FIDUCIARY:**

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

**ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:**

There is no associated cost.

*Applicable department/grant key and object codes:*

**OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:**

Not applicable.

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

There are no legal concerns regarding this matter.

**REGULATORY COMPLIANCE:**

Richland County Code of Ordinances, Sec. 21-14. Abandonment of public roads and right-of-ways.

**MOTION OF ORIGIN:**

There is no associated Council motion of origin.

**STRATEGIC & GENERATIVE DISCUSSION:**

Per Richland County Code of Ordinances Sec. 21-14(c), any person wishing to acquire unused right-of-way in the county may submit a petition to County Council. If determined by both Planning and Public Works that the right-of-way will not be utilized by the County for road purposes, County Council may approve a quit-claim deed conveying interest to the owners of the adjoining properties.

This is unused right-of-way in this section of Lake Dogwood Circle South contains no road or other infrastructure. The requestor owns the properties on both sides of the right-of-way in question. The unused right-of-way being requested is 0.173 acres as shown on survey prepared by Walker Land Surveying Inc dated March 7, 2023, revised April 12, 2023, and recorded in the Office of Register of Deeds for Richland County in plat book 282, page 1683.

Community Planning concurred with the request on April 13, 2023; County Engineering concurred on April 20, 2023.

**ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INTIATIVE:**

Goal 5.5: Ensure residents have a clear understanding of County Government functions. - Per ordinance 21-14(c) property owners are allowed to request that unused right-of-way be transferred from the County to the adjoining property.

**ATTACHMENTS:**

1. Deed with Exhibit A
2. Survey

STATE OF SOUTH CAROLINA                    )  
   )  
 COUNTY OF RICHLAND                        )       QUITCLAIM DEED  
   )       (Non-Abstracted Title to Real Estate)

THIS QUITCLAIM DEED, executed this \_\_\_\_\_ day of \_\_\_\_\_, 2023 by Richland County, South Carolina (“Grantor”), to Bobby J.& Nancy Y. Spivey, (“Grantee”).

WITNESSETH, that the said Grantor, for and in consideration of the sum of One Dollar (\$1.00), in hand paid by the Grantee, the receipt of which is hereby acknowledge, does hereby remise, release, and quitclaim unto the Grantee, their heirs, successors, and assigns, forever, all its right, title, interest, claim and demand which Grantor has in and to the following described lot, piece, or parcel of land, situated, lying and being near the town of Eastover, in the County of Richland, State of South Carolina, to wit:

Legal Description:

See Exhibit A

TO HAVE AND TO HOLD the same together with all and singular the rights, members, hereditaments and appurtenances to the premises belonging, or in anywise incident or appertaining.

WITNESS the hand and seal of the Grantor this \_\_\_ day of \_\_\_\_\_, 20\_\_.

WITNESSES:

GRANTOR

RICHLAND COUNTY, SOUTH CAROLINA

\_\_\_\_\_  
 (Witness #1)

By \_\_\_\_\_  
 Its     County Council Chair

\_\_\_\_\_  
 (Witness #2/Notary)





# Exhibit A

That certain piece parcel or strip of land lying and being North of Eastover, being a portion of Lake Dogwood Circle South, 50' Right of Way, with metes and bounds as described;

Starting in the Southwest region, at a point of beginning then turning  $N28^{\circ}17'25''E$  for a distance of 37.29', then turning  $N54^{\circ}52'25''E$  for a distance of 61.40', then turning  $N60^{\circ}30'38''E$  for a distance of 89.87', then turning  $S25^{\circ}46'07''E$  for a distance of 44.84', then turning  $S64^{\circ}13'53''W$  for a distance of 81.30', then turning to a point of closure  $S57^{\circ}15'47''W$  for a distance of 67.83'. Being more accurately described and designated as, Area "1", on a Boundary Survey prepared for Bobby J. & Nancy Y. Spivey, by Walker Land Surveying, Inc., dated March 7, 2023, revised April 12, 2023, recorded in the Office of Register of Deed for Richland County in plat book 2828, Page 1683.

Also,

Starting in the northwest region, at a point of beginning then turning  $N57^{\circ}15'47''E$  for a distance of 70.84', then turning  $N64^{\circ}13'53''E$  for a distance of 83.62', then turning  $S33^{\circ}44'43''E$  for a distance of 5.21', then turning  $S60^{\circ}30'38''W$  for a distance of 89.87', then turning  $S54^{\circ}52'25''W$  for a distance of 61.40', then turning to a point of closure  $N45^{\circ}18'45''W$  for a distance 13.14'. Being more accurately described and designated as, Area "2", on a Boundary Survey prepared for Bobby J. & Nancy Y. Spivey, by Walker Land Surveying, Inc., dated March 7, 2023, revised April 12, 2023, recorded in the Office of Register of Deed for Richland County in plat book 2828, Page 1683.

NO TITLE EXAM PERFORMED BY OR PROVIDED TO SURVEYOR.  
 A PORTION OF THE SUBJECT PROPERTY IS LOCATED IN A ZONE AE DESIGNATION, A AREA SUBJECT TO THE 100 YEAR FLOOD, AS DETERMINED FROM FEMA FIRM PANEL MAP #45079C0430L DATED DECEMBER 21, 2017

REFERENCES:  
 PLAT BOOK X Pg 1917  
 PLAT BOOK 1279 Pg 216  
 PLAT BOOK 1734 Pg 3503

Book 2828-1683  
 2023015049 04/13/2023 09:24:47:973  
 Fee: \$25.00 County Tax: \$0.00 State Tax: \$0.00  
 John T. Hopkins II  
 Richard County R.O.D.  
 2023015049



TOTAL AREA = 0.173 ACRES

BOBBY J. & NANCY Y. SPIVEY ARE CLAIMING THE ROAD R/W AS SHOWN ON THIS PLAT. THE EXISTING ROAD ACCESS THEIR PROPERTY AND THE LAKE DOGWOOD DAM. A 30' ACCESS EASEMENT IS RESERVED FOR LAKE DOGWOOD PROPERTY OWNERS ASSOCIATION, INC. FOR ACCESS TO THE DAM.

N/F LAKE DOGWOOD PROPERTY OWNERS ASSOCIATION, INC.

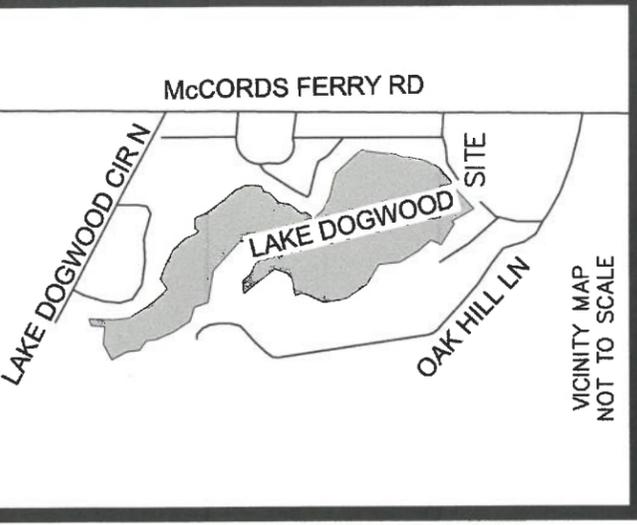
**LAKE DOGWOOD**  
 (AKA MURRAY LAKE)  
 TMS No. R35581-01-35

N/F BOBBY J. & NANCY Y. SPIVEY  
 PB 1279 Pg 216  
 TMS No. R35581-01-34

GATE HOUSE

AREA 2  
 0.032 Acres

AREA 1  
 0.141 Acres



N/F T. MOFFATT BURRISS  
 LOT 1 BLOCK B  
 LAKE DOGWOOD  
 PB X Pg 1917  
 TMS No. R35581-01-21

N/F BOBBY J. & NANCY Y. SPIVEY  
 PB 1734 Pg 3503  
 TMS No. R35581-04-05

AREAS 1 & 2 ARE TO BE COMBINED WITH AND BECOME A PART OF TAX PARCEL R35581-04-05

PLANNING & DEVELOPMENT SERV  
 RICHLAND COUNTY SOUTH CAROL

APPROVED FOR RECORDING

Date 4/13/2023

RCF # A123007

Signature MAR

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	760.50'	89.92'	89.87'	S 60°30'38" W	6°46'29"
L1		S 33°44'43"	E 5.21'		
L2		N 45°18'45"	W 13.14'		

LEGEND:

- SD = STORM DRAIN LINE
- SS = SANITARY SEWER LINE
- OHE = OVERHEAD ELECTRIC LINE
- UGE = UNDERGROUND ELECTRIC LINE
- WF = WIRE FENCE
- #5 REBAR (O) = #5 REBAR (O) (UNLESS OTHERWISE NOTED)
- #5 REBAR (S) = #5 REBAR (S)
- ⊕ = STORM DRAIN MANHOLE
- ⊙ = SAN. SEWER MANHOLE
- = CATCH BASIN
- ⊗ = FIRE HYDRANT
- ⊗ = WATER METER
- ⊗ = WATER VALVE
- PP = POWER POLE

BOUNDARY SURVEY

PREPARED FOR:

**BOBBY J. & NANCY Y. SPIVEY**

DESCRIPTION:

**ABANDONED ROAD RIGHT OF WAY**

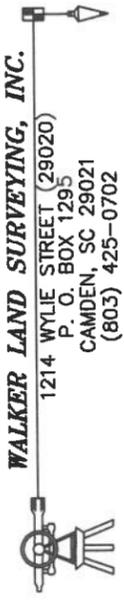
7.4 MILES NORTH OF EASTOVER, RICHLAND COUNTY, SOUTH CAROLINA

DATE: MARCH 7, 2023 REVISED APRIL 12, 2023 PER COUNTY COMMENTS

ADJOINS TAX MAP #: R35581-04-05 & R35581-01-34 JOB #: 2015-063

THE SAME BEING SHOWN ON A PLAT PREPARED FOR LAKE DOGWOOD ASSOCIATES, INC., BY B. P. BARBER & ASSOCIATES, INC., DATED MAY 4, 1972 AND RECORDED IN THE REGISTER OF DEEDS OFFICE FOR RICHLAND COUNTY IN PLAT BOOK X AT PAGE 1917.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL OF PRACTICE FOR LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN. ALSO, THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.



J. HENRY WALKER III, PLS 14532

**RICHLAND COUNTY  
ADMINISTRATION**

2020 Hampton Street, Suite 4069  
Columbia, SC 29204  
803-576-2050



**Agenda Briefing**

<b>Prepared by:</b>	Zach Cavanaugh	<b>Title:</b>	Director
<b>Department:</b>	Community Planning & Development	<b>Division:</b>	Business Service Center
<b>Date Prepared:</b>	May 2, 2023	<b>Meeting Date:</b>	May 23, 2023
<b>Legal Review</b>	Patrick Wright via email	<b>Date:</b>	May 9, 2023
<b>Budget Review</b>	Abhijit Deshpande via email	<b>Date:</b>	May 15, 2023
<b>Finance Review</b>	Stacey Hamm via email	<b>Date:</b>	May 9, 2023
<b>Approved for consideration:</b>	Assistant County Administrator	Aric A Jensen, AICP	
<b>Meeting/Committee</b>	Development & Services		
<b>Subject</b>	Short Term Rental Ordinance		

**RECOMMENDED/REQUESTED ACTION:**

Staff recommends review the attached ordinances from the City of Columbia and the City of Hilton Head as well as the analysis contained within this agenda briefing to then direct the County Administrator to prepare a draft ordinance for unincorporated Richland County.

Request for Council Reconsideration:  Yes

**FIDUCIARY:**

Are funds allocated in the department’s current fiscal year budget?	<input type="checkbox"/>	Yes	<input checked="" 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:**

There are no budget considerations regarding this item currently.

*Applicable department/grant key and object codes:*

**OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:**

Not applicable.

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

There are no legal concerns regarding this matter.

**REGULATORY COMPLIANCE:**

Draft ordinances should comply with proposed South Carolina Bill H3253.

**MOTIONS OF ORIGIN:**

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]

Council Member	The Honorable Bill Malinowski, formerly of District 1
Meeting	Regular Session
Date	December 6, 2022

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]

Council Member	The Honorable Allison Terracio, District 5
Meeting	Special Called
Date	January 3, 2023

**STRATEGIC & GENERATIVE DISCUSSION:**

Short term residential rentals (STRs), which are generally defined as the leasing of residential property for periods of less than 30 days, is a rapidly growing trend in many areas of Richland County and the United States. Currently, STRs are not lawful in unincorporated Richland County; however, proposed South Carolina Bill H3253 would effectively make banning STRs unlawful. County Council has directed the Administrator to research and prepare an ordinance regulating short term rentals for the safety and welfare of both rental occupants and surrounding neighbors. As proposed, this would be a two-track process:

*Land Use.*

The current 2005 Land Development Code (LDC) does not allow STR's to operate within unincorporated Richland County, but the 2021 Land Development allows them with certain limitations. The Council will need to either amend the 2005 LDC or finish enacting the 2021 LDC to allow STRs. Depending on the final language of H3253, additional amendments may still be necessary.

*Business Licensing & fee collection ordinances.*

Staff reviewed the new ordinance from the City of Columbia and the "seasoned" ordinance from Hilton Head Islands to gain an understanding of the options available to Richland County.

In reviewing the two ordinances, staff found Columbia's ordinance to be more complex and difficult to administer than that of Hilton Head. The assumption is that the Hilton Head ordinance has been tested and refined over the past 10+ years, while Columbia's is less than two months old and is, therefore, relatively untested.

While it may be counter-intuitive, the staff recommendation is to draft an ordinance that more closely follows the example from Hilton Head Islands. The reasoning is that the benefits of simple and efficient administration outweigh the benefits of a more complex ordinance that closely parallels the City of Columbia.

**ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INITIATIVE:**

- Objective 1.5: Collaborate with other governments
- Objective 3.1: Align budget to priorities and seek alternative revenue sources
- Objective 4.1: Establish plans and success metrics that allow for smart growth
- Objective 5.5: Ensure residents have a clear understanding of what County Government functions are and are not.
- Objective 6.7: Address current and future resource needs

**ADDITIONAL COMMENTS FOR CONSIDERATION:**

Ensure the STR ordinance drafted is a product that fits all identified needs of properly regulating STR's within unincorporated Richland County. The primary functions of a drafted ordinance would include proper taxation, enforceable regulations that do not conflict with H3253, protection of the citizens of Richland County, and permitted land use.

**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.**

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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

LEGAL DEPARTMENT DRAFT

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.

LEGAL DEPARTMENT DRAFT

**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:

LEGAL DEPARTMENT DRAFT

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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)

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## 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)

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**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.

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- (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.

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- (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

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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 <b>Medical, Military, Public and Municipal Affairs</b>
1/10/2023	House	Introduced and read first time (House Journal-page 110)
1/10/2023	House	Referred to Committee on <b>Medical, Military, Public and Municipal Affairs</b> (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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**Agenda Briefing**

<b>Prepared by:</b>	Aric Jensen	<b>Title:</b>	Assistant County Administrator
<b>Department:</b>	Administration	<b>Division:</b>	
<b>Date Prepared:</b>	April 25, 2023	<b>Meeting Date:</b>	April 18, 2023
<b>Legal Review</b>	Patrick Wright via email	<b>Date:</b>	May 17, 2023
<b>Budget Review</b>	Abhijit Deshpande via email	<b>Date:</b>	May 15, 2023
<b>Finance Review</b>	Stacey Hamm via email	<b>Date:</b>	May 9, 2023
<b>Approved for consideration:</b>	County Administrator	Leonardo Brown, MBA, CPM	
<b>Meeting/Committee</b>	Development & Services		
<b>Subject</b>	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;
- Propose changes to the proposed zoning map as appropriate;
- Request the preparation of redline versions of the recommended 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 that this service will not exceed 12 months and \$25,000.

*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.

**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.

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*

1. Engage in discussion led by Planning Commission Chair Christopher Yonke;
2. Receive procedural guidance from the County Attorney's Office;
3. Determine if the Commission's methodology for creating the proposed Zoning Map is consistent with the adopted 2021 Land Development Code;
4. 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;
5. Review the list of recommended text amendments and decide which ones should be forwarded to the Council for approval as-is or with modifications, as appropriate;
6. Direct the County Administrator to have staff prepare modifications to the proposed Zoning Map, as appropriate;
7. Direct Clarion and Associates to prepare redline versions of any proposed text amendments for further committee review.

### *June Meeting*

1. Review any proposed Zoning Map modifications requested by the Committee;
2. Review any redline text amendments prepared by Clarion;
3. Continue the review and discussion of the proposed Zoning Map and text amendments;
4. Direct the County Administrator to have staff prepare additional modifications to the proposed Zoning Map, as appropriate.
5. Direct the County's consultant, Clarion and Associates, to prepare additional redlined versions of the adopted 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



**Item Pending Analysis**

<b>Prepared by:</b>	Aric Jensen, AICP	<b>Title:</b>	Assistant County Administrator
<b>Department:</b>	Administration	<b>Division:</b>	
<b>Date Prepared:</b>	April 6, 2023	<b>Meeting Date:</b>	April 25, 2023
<b>Approved for Consideration:</b>	County Administrator	Leonardo Brown, MBA, CPM	
<b>Committee:</b>	Development & Services		
<b>Agenda Item/Council Motion:</b>	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 has completed a study and review of ordinances from comparable jurisdictions within the state and nation, and prepared a draft amendment which is currently being internally circulated and reviewed. The staff involved with this effort are the same persons performing the Land Development Code update, which currently has priority over this endeavor and therefore impacts the process schedule.

Regardless, there are definite limitations to what any code update will accomplish, meaning that the existing County code already contains the basic provisions found in a typical weed and refuse abatement ordinance, and so any proposed amendments will not result in transformative changes. For example, best practices dictate that a code have simple, easily to enforce metrics, such as vegetation height, vegetation type, and vegetation location. Richland County’s ordinance already has these types of standards. The larger issue is the process by which codes are enforced; referring to the current criminal/magistrate enforcement system, versus a civil penalty/administrative enforcement system.

It can be argued that charging someone criminally for not cutting their lawn or a similar violation is unreasonable and places an undo burden on the court systems that are dealing with more serious offenders. In addition, for reasons better explained by the County Attorney’s Office, criminal and civil processes have different thresholds of evidence/proof and different enforcement mechanisms. Civil enforcement is almost exclusively a financial penalty and typically does not involve the threat of incarceration. If the Committee is not content with the current enforcement outcomes, it may behoove it to explore if a civil enforcement process.

**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**

<b>Prepared by:</b>	Aric Jensen, AICP	<b>Title:</b>	Assistant County Administrator
<b>Department:</b>	Administration	<b>Division:</b>	
<b>Date Prepared:</b>	April 6, 2023	<b>Meeting Date:</b>	April 25, 2023
<b>Approved for Consideration:</b>	County Administrator	Leonardo Brown, MBA, CPM	
<b>Committee:</b>	Development & Services		
<b>Agenda Item/Council Motion:</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), 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.