



CITY OF WALHALLA PLANNING COMMISSION

Chris Grant, Chair
Jessie Bunning
William Tatum

Kelvin Bryant, Vice Chair
Lynn McClain

Monday, June 12, 2023

Planning Commission Meeting

5:30 PM

206 North Church Street

Walhalla, South Carolina 29691

AGENDA

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes - May 8, 2023
4. Election of Officers
5. Public Hearings - None
6. Public Comments, Non-Agenda Items
7. Other Business
 - a. Short-Term Rental Ordinance
8. Adjournment

City of Walhalla Planning Commission
Monday, May 8, 2023 • 5:30 PM
Council Chambers • City Hall
Walhalla, South Carolina
Minutes

In accordance with the South Carolina Freedom of Information Act, Section 30-4-10 et seq., South Carolina Code, 1976, the media was duly notified of the date, time, and place of the meeting.

Planning Commission Members Present: Kelvin Bryant, Jessie Bunning, Lynn McClain

Members Absent: Chris Grant and William Tatum

Staff Present: Celia Myers

Call to Order: Vice-Chair Bryant called the meeting to order at 5:30PM, with a quorum present to conduct the meeting and welcomed all present to the meeting.

Approval of Agenda: Vice-Chair Bryant called for any changes to the agenda. Hearing none, he moved to approve the agenda; Mr. Bryant seconded. The agenda was unanimously approved.

Approval of Minutes: Vice-Chair Bryant called for any changes to the Planning Commission minutes of the April 10, 2023 meeting. Hearing none, Ms. Bunning moved to approve the minutes; Ms. McClain seconded. The minutes were unanimously approved, 3-0.

Public Hearing: None

Public Comments, Non-Agenda Items: No comments were presented at this time.

Other Business

Short-Term Rental Ordinance

Vice-Chair Bryant called upon staff for a report. Mrs. Myers shared comments gathered from the Council meeting both from Council members and audience members, as well as comments provided by the Western Upstate Association of Realtors. At the Commission's direction, Mrs. Myers addressed each comment or question raised, including R-25 zoning designation, occupancy rates, permit vs approval, fees, maximum number of days, transferability, agent on call, clarity, fire and life safety codes, ATAX, etc.

Mr. Jared Ketterman questioned whether he could ask questions or provide comments. Vice-Chair Bryant stated he could do so at that time. Mr. Ketterman stated that the occupancy rate limit was fine. He requested the agent on site be changed to notified, opposed to requiring onsite within a time frame. He also questioned where to find certain references in the Code of Ordinances and how proposed regulations would be enforced at the Lofts, one of his businesses. Mrs. Myers provided the Code locations and stated that the Lofts, in the Core Commercial zoning district, were considered commercial versus residential and therefore permitted as lodging (boutique hotel) and not subject to the proposed short-term rental regulations.

Ms. Bunning moved to make the following amendments:

1. Change ...Short-term rental agent must be available to appear on the premises to respond to a complaint within one (1) hour of being notified by the Zoning Administrator or other City official" to "the Owner or Short-Term Rental Agent shall be capable of being physically present onsite after

notification of an emergency or other issue determined by a City Department Head to require the owner's or agent's presence"

2. Change "A maximum of six (6) bedrooms shall be allowed with no more than two (2) adults in each room. The maximum number of any rental party (adults and children) shall not exceed twelve (12) people" to "The maximum number of any rental party shall not exceed twelve (12) people; children under two (2) years of age are exempt."
3. Change "Parking shall be provided on-site and located to the side or rear of the dwelling" to "Parking shall be provided on-site and located to the side or rear of the dwelling, with exception to existing driveways in front of the home."
4. Change "The operation of a short-term rental property has been declared a nuisance" to "The operation of a Short-Term Rental Property has been declared a nuisance by the Chief of Police."

Ms. McClain seconded the motion to amend. The Commissioners then discussed options for how to proceed with their recommendation. Mrs. Myers informed them that they could recommend the ordinance, as amended, back to Council or they could defer it until June, in order to see the changes made.

Ms. Bunning withdrew her original motion and moved to table the item until the June meeting, when they could see the stated changes incorporated into the ordinance. Ms. McClain seconded. Hearing no further discussion, the motion passed 3-0.

Hearing no further comments, Vice-Chair Bryant adjourned the meeting at 6:44PM.

Respectfully Submitted,

Celia Boyd Myers, AICP
Community Development Manager

STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE)

ORDINANCE 2023-07

CITY OF WALHALLA)

AN ORDINANCE TO AMEND THE ZONING CHAPTER OF THE MUNICIPAL CODE OF THE CITY OF WALHALLA, SOUTH CAROLINA TO PROVIDE FOR SHORT-TERM RENTALS, ESTABLISHING REGULATIONS FOR SUCH USE, AND OTHER MATTERS RELATING THERETO

Whereas, the City of Walhalla has seen as increase in demand for short-term rentals within City limits; and

Whereas, the City wishes to establish regulations to provide for privately owned residential property to be used as vacation homes or other short-term rentals;

Whereas, the City desires 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; and

Whereas, under SC Code Ann.§ 5-7-30 (Supp. 2021), the City Council is authorized to adopt ordinances on any subject which appears to it necessary and proper for the security, general welfare and convenience of the municipality or for preserving health, peace, order and good government in it; and

Whereas, the City Council has determined that the regulations set out in this Ordinance are in the best interest of the public health, safety, and welfare of the citizens of the City of Walhalla

NOW THEREFORE: it is ordained and enacted that: by the Mayor and Council members of the City of Walhalla, in Council assembled, that the following ordinance, shall be as follows:

Subsection (6) of *Conditional uses*. *The following uses shall be permitted in any R-25 Zoning District, subject to the conditions of this Part 1:*

Short-term rental units that meet the following requirements:

- a. Detached single-family dwellings and accessory dwellings may be rented. Manufactured homes are not eligible for short-term rental.
- b. The maximum number of any rental party shall not exceed twelve (12) people; children under two (2) years of age are exempt.
- c. Rooms shall be rented for a maximum of forty-five (45) consecutive days.
- d. Rental homes should reflect and blend in with the character of the neighborhood.

- e. Owners shall register and receive Short-Term Rental approval from the City of Walhalla, prior to operating as a short-term rental unit.
 - a. A Zoning Permit must be obtained for each short-term rental property that is offered for short-term rental.
 - b. Approvals are non-transferrable and are only valid for the short-term rental property described in the Zoning Permit.
 - c. It is the duty of the Owner to notify the City of Walhalla of any changes to the contact information of the Owner and any Short-Term Rental Agent employed or engaged by the Owner for each approval issued to the Owner.
 - d. The fee for the Zoning Permit shall be set each year by the City Council in the annual Budget Ordinance.
 - e. The applications for registration and Zoning Permit shall be made on forms published by the City of Walhalla and must be delivered with the zoning permit fee and following documentation:
 - i. A site plan showing compliance with the requirements of this Chapter;
 - ii. A copy of the rental agreement with rental rules. The rental agreement shall specify the following:
 1. The minimum and maximum stay.
 2. The maximum number of guests. For primary house rentals, the total number of allowed guests is twelve (12). For accessory dwelling rentals, the total number of guests is limited to four (4).
 3. The maximum number of vehicles permitted at the unit--which shall be based on the number of bedrooms and the design of the driveway. For primary house rentals, the number of vehicles is limited to one (1) per bedroom, maximum of six (6). For accessory dwelling rentals, the maximum number of vehicles is limited to two (2).
 4. Where guests are to park. The agreement shall specify that guests are to park on-site and not in the street.
 5. That the City's noise ordinance applies and quiet hours are between 10:00 PM and 7:00 AM.
 6. Prohibit large gatherings, such as weddings and reunions unless specifically approved by the City.
 7. Pets, if permitted, are not to be left outside unattended and must abide by the regulations set forth in the Animal Chapter of the City Code.
 8. Rental rules, including use of the sanitation roll-carts, and emergency contact information including the police non-emergency number, shall be posted in a conspicuous location

in the unit.

iii. A copy of the property management plan:

1. The property management plan shall identify a Short-Term Rental Agent. Where the property owner does not live on the premises, the Owner or Short-Term Rental Agent shall be capable of being physically present onsite after notification of an emergency or other issue determined by a City Department Head to require the owner's or agent's presence. Where the property owner lives on the premises, a back-up Short-Term Rental Agent must be identified unless the owner certifies the unit will not be rented when the owner is out of town. The Zoning Administrator shall be notified when management of the unit changes. Failure to comply with the approved property management plan shall result in the suspension of the short-term rental approval.

2. A copy of the fire alarm monitoring contract, if applicable.

f. Review of the Zoning Permit and registration for Short-Term Rental approval shall be conducted by the Zoning Administrator, and approval shall be granted unless the Owner fails to meet the conditions and requirements of this Chapter, or otherwise fails to demonstrate:

i. Compliance with this Chapter; or

ii. There are no outstanding citations for any activities occurring at or connected with the Short-Term Rental Property; or

iii. Compliance with any other City 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 approval and/or imposition of penalties, including denial of future applications.

g. Short-Term Rental approval shall not be issued prior to a scheduled inspection with the Fire Marshal and approval obtained.

h. Every person or business entity which:

i. Acts as a Short-Term Rental Agent, and

ii. Submits an application to register for Short Term Rental approval on behalf of any Owner, must submit a complete registration application that includes all the information required in the form of the application and which has been signed by the Owner.

f. Licenses, Permits, Payment of Fees and Taxes Fees Required.

a. No Owner may offer any Short-Term Rental Property for Short-Term Rental without initially and on a continuing basis:

- i. Obtaining a valid and current Short-Term Rental **approval** from the City of Walhalla, South Carolina; and
 - ii. Obtaining a valid and current business license for Short-Term Rental of property from the City of Walhalla, South Carolina; and
 - iii. Paying all applicable fees and taxes associated with any **Zoning** 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.
 - g. 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:
 - i. 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
 - ii. 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, after of notification of an emergency or other matter related to the Short-Term Rental Property deemed to require the owner's or agent's presence by a City Department Head; and**
 - iii. 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
 - iv. 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
 - v. 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
 - vi. Shall maintain unobstructed escape routes from the Short-Term Rental Property in the event of fire; and
 - vii. 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. Trash Regulations: During any lease of any Short-Term Rental Property, the Owner, or the Short-Term Rental Agent:
 - i. Shall maintain a designated trash storage area for use of Short-Term Lessees at the Short-Term Rental Property.
 - ii. 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
 - iii. 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.

- iv. The Owner shall ensure any outdoor trash containers remain secured to avoid spills and pests.
 - v. 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.
- c. Parking Regulations. During any lease of any Short-Term Rental Property:
- i. Parking: Parking shall be provided on-site and located to the side or rear of the dwelling, with exception to existing driveways in front of the home. On-site parking shall be clearly delineated with an improved surface such as pavement, gravel, or another method approved by the zoning administrator. 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 Sections 330-1.31 through 330-1.38.
 - ii. 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.
 - iii. 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.
- d. Miscellaneous Regulations: During any Short-Term Rental Lease of any Short-Term Rental Property:
- i. The maximum number of any rental party shall not exceed twelve (12) people, children under the age of two (2) are exempt.
 - ii. 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.
 - iii. Rental homes should reflect and blend in with the character of the neighborhood.
 - iv. No on-site signs shall be permitted.
 - v. For properties located in a neighborhood with a property owners' association, written confirmation from the association president that short-term rentals are permitted in the neighborhood is required. The facility shall comply with all business license, revenue collection, and health laws of the City of Walhalla, Oconee County and the state of South Carolina.
- e. 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 Section is intended to authorize waiver of or limitations on compliance with any such requirements.
- h. Violations. It shall be a violation of this Chapter to:
- a. Lease any Short-Term Rental Property for a Short-Term Rental without complying with the requirements of this Chapter.
 - b. Advertise any residential property for a Short-Term Rental without first complying with

the requirements of this Chapter.

- c. Fail to comply with any requirement of this Chapter.
- i. Suspension or Revocation of Short-Term Rental approval and/or business license.
 - a. When the City determines:
 - i. A Short-Term Rental **approval** has been mistakenly or improperly issued or issued contrary to law; or,
 - ii. An Owner has breached any condition upon which the Short-Term Rental **approval** was issued; or,
 - iii. An Owner has obtained Short-Term Rental **approval** through any fraud, misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in the Short-Term Rental **registration and Zoning Permit**; or,
 - iv. An Owner is delinquent in the payment to the municipality of any tax or fee; or,
 - v. The operation of a Short-Term Rental Property has been declared a nuisance **by the Chief of Police**; or,
 - vi. More than two convictions for violations of the Municipal Code of the City of Walhalla, South Carolina, arising from any activities at, or connected with, a Short-Term Rental Property occur within any twelve (12) month period.

Then the City may give written notice to the Owner that the Short-Term Rental **approval** is suspended and may be revoked, pending a single hearing before City Council for the purpose of determining whether the suspension should be upheld and whether the Short-Term Rental **approval** should be revoked.

- b. When the City determines units are operating without approval of the City, the **zoning permit** application fee shall be double the stated fee or \$1,000, whichever is higher. If the property owner chooses not to submit a short-term rental **registration** application within 60 days of being notified by the City of being in violation of the ordinance, a short-term rental **registration** application shall not be approved for a period of two (2) years.
- c. The written notice of suspension and proposed revocation shall state the time and place at which the hearing before City 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 to the Owner or Short-Term Rental Agent 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 **approval**. The written notice will be deemed to have been delivered on the date that the certified mail return receipt is signed for by, or on behalf of, the Owner or Short-Term Rental Agent.
- d. The hearing before City Council on the suspension and proposed revocation of any Short-Term Rental **approval** shall be held by City Council within thirty (30) days after delivery of the written notice described in this Section. The hearing shall be held upon written notice at a regular or special meeting of City 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. Following the hearing, City 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 City Council. The written decision shall be delivered to the Owner unless a different person and method of delivery is requested by the Owner at the hearing.

- e. The written decision of City Council may be appealed in the same manner as appeals are made from the decisions of other administrative bodies of the City of Walhalla, South Carolina. An appeal, in and of itself, does not stay the effect of City Council's decision
- j. Severability. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.
- k. Effective Date. This Ordinance shall be effective on its adoption by the City Council for the City of Walhalla, South Carolina, but the enforcement of the regulations set out in this Ordinance shall begin on January 1, 2024.
- l.

AND IS DONE AND RATIFIED in Council Duly assembled this _____ Day of _____ 2023.

Danny Edwards, Mayor

(seal)

ATTEST:

Timothy B. Burton, City Administrator

Introduced By: _____

First Reading: _____

Public Hearing,
Second Reading
And Adoption: _____