



CITY OF WALHALLA PLANNING COMMISSION

Chris Grant, Chair
Jessie Bunning
William Tatum

Kelvin Bryant, Vice Chair
Lynn McClain

Monday, May 8, 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 - April 10, 2023
4. Public Hearings - None
5. Public Comments, Non-Agenda Items
6. Other Business
 - a. Short-Term Rental Ordinance
7. Adjournment

City of Walhalla Planning Commission
Monday, April 10, 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: Chris Grant, Kelvin Bryant, Jessie Bunning, Lynn McClain

Members Absent: William Tatum

Staff Present: Brandon Burton and Celia Myers

Call to Order: Chairman Grant 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: Chairman Grant 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: Chairman Grant called for any changes to the Planning Commission minutes of the March 13, 2023 meeting. Hearing none, Ms. Bunning moved to approve the minutes; Mr. Bryant seconded. The minutes were unanimously approved, 2-0, with Chairman Grant and Ms. McClain abstaining, as they were not present at the March meeting.

Public Hearing

Request to rezone the corner of Frank Martin Drive and North Poplar Street from Single-Family Residential (R-25) to Multi-Family (MFR)

Celia Myers presented the staff report and recommendation for the rezoning request. The applicant, Manny Almonte with Palmetto Construction, requested two (2) parcels at the corner of Frank Martin Drive and North Poplar Street (TMS 500-06-01-005 and 500-06-01-007) totaling +/-2.19 acres from R-25 to MFR. The purpose is to construct approximately 12 duplex or quad multi-family homes. The property across the street is currently zoned MFR and two multi-family developments are within 0.3 miles of the location. Due to its compatibility with adjacent zoning of the area and the Housing and Future Land Use chapters of the Comprehensive Plan (2015), staff recommended approval of this request. Chairman Grant opened the public hearing and ask for comments to be brought forth. None were heard. He then closed the public hearing. Chairman Grant called for any discussion among the Commissioners. Mr. Bryant questioned whether the units would be affordable. Mr. Almonte, the applicant, indicated they would be. Ms. Bunning questioned whether the units would be for rent or purchase. Mr. Almonte stated that the units would be rented. Ms. McClain questioned if the potential residents would access 183/Broad Streets. Staff indicated that they may, but other routes were available. Mr. Bryant questioned the timing. Mr. Almonte answered that as soon as the approval was granted, he planned to begin drafting the plans. Ms. Bunning questioned the number of bedrooms. Mr. Almonte stated that they would be two or more, depending on the layout. The Chair moved to accept staff's recommendation of approval; Ms. Bunning seconded. The motion to approve the rezoning request was approved 4-0.

Request to rezone Booker Drive from General Residential (GR) to Office Commercial (OC)

Celia Myers presented the staff report and recommendation for the rezoning request. The City of Walhalla initiated the request to rezone eight (8) parcels along Booker Drive (TMS 500-19-05-001; 500-19-05-002; 500-

19-05-003; 500-19-06-001; 500-19-06-003; 500-19-06-004; 500-19-06-005; 500-19-06-014) totaling +/-3.75 acres from GR to OC The purpose is to better reflect the existing land uses and to provide a transition zone between the established residential and commercial district. The property across the street is currently zoned Core Commercial (CC) and adjacent land to the East is Office Commercial (OC). Due to its previous and current use; its compatibility with the character of the area and the Future Land Use chapter of the Comprehensive Plan (2015); and its ability to act as a transition zone between the established residential (GR) and commercial (CC) districts, staff recommended approval of this request. Chairman Grant opened the public hearing and ask for comments to be brough forth. None were heard. He then closed the public hearing. Chairman Grant called for any discussion among the Commissioners. The Chair mentioned he thought this is been corrected previously. Staff stated that a variance has been granted for one property, but none had been rezone. The Chair moved to accept staff's recommendation of approval; Ms. Bunning seconded. The motion to approve the rezoning request was approved 4-0.

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

Other Business

Mrs. Myers reminded Commissioners of the training requirements and that the ACOG training at the Oconee County office was scheduled for April 11th, beginning at 10AM.

Hearing no further comments, Chairman Grant adjourned the meeting at 5:48PM.

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. 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.
- c. Rooms shall be rented for a maximum of ~~fourteen (14)~~ forty-five (45) consecutive days.

- d. Rental homes should reflect and blend in with the character of the neighborhood.
- e. Owners shall ~~apply for register~~ and receive ~~a Short-Term Rental Permit approval~~ from the City of Walhalla, prior to operating as a short-term rental unit.
- ~~a. 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. Applications may be submitted for forthcoming calendar year beginning November 1.~~
- ~~b.a.~~ b.a. A ~~Short-Term Rental Zoning~~ Permit must be obtained for each short-term rental property that is offered for short-term rental.
- ~~c.b.~~ c.b. ~~Short-Term Rental Permits Approvals~~ are non-transferrable and are only valid for the short-term rental property described in the ~~Short-Term Rental Zoning~~ Permit.
- ~~d.c.~~ d.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 ~~Short-Term Rental Permit approval~~ issued to the Owner.
- ~~e.d.~~ e.d. The ~~application~~ fee for the ~~Short-Term Rental Zoning~~ Permit shall be set each year by the City Council in the annual Budget Ordinance.
- ~~f.e.~~ f.e. The application for ~~registration and~~ a ~~Short-Term Rental Zoning~~ Permit shall be made on ~~a forms~~ published by the City of Walhalla and must be delivered with the ~~application-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 (adults and children) 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 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 Short-Term Rental Agent must be available to appear on the premises to respond to a complaint within ~~thirty (30) minutes~~ one (1) hour of being notified by the Zoning Administrator or other City official. 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 revocation of the short-term ~~permit~~ rental approval.
2. A copy of the fire alarm monitoring contract, if applicable.

~~g.f.~~ Review of ~~an application for a~~ the Zoning Permit and registration for Short-Term Rental ~~Permit approval~~ shall be conducted by the Zoning Administrator, and ~~the Short-Term Rental Permit 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 ~~Permit approval~~ and/or imposition of penalties, including denial of future applications.

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

~~h.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 Permit 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 Permit 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 ~~application for a Short-Term Rental 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, within ~~thirty (30) minutes~~ one (1) hour of notification of a complaint or other matter related to the Short-Term Rental Property; 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. 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. A maximum of six bedrooms shall be allowed with no more than two adults in each room. The maximum number of any rental party (adults and children) shall not exceed twelve (12) people.
 - 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 Permit approval and/or business license.
 - a. When the City determines:
 - i. A Short-Term Rental Permit 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 Permit approval was issued; or,
 - iii. An Owner has obtained ~~a~~ Short-Term Rental Permit approval through any fraud, misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in the Short-Term Rental Permit registration and Zoning Permit application; 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; 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 Permit 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 Permit approval should be revoked.

- b. When the City determines units are operating without approval of the City, the ~~short-term rental 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 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 ~~Permit~~ 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 Permit 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: _____

Comments/questions from the Council Meeting

1. R-25 Zoning - Is this ordinance restricting short-term rental to R-25 districts only?
2. Occupancy - A request to consider removing the occupancy limits.
3. Permit vs Approval - Questions arose regarding the language of the permit.
4. What fee will be set?
5. Definitions would be helpful.
6. Maximum number of days
7. Non-Transferrable - A request to consider allowing the STR conditional approval and zoning permit be transferrable.
8. Property Management Plan – A request to consider eliminating the agent (or owner) be on call.
9. Clarity on Fees – A request for clarity on the fees required for STR and a belief the fee schedule was excessive.
10. Fire Code and Life Safety Inspection - What code is applicable?
11. ATAX Payments - How would ATAX payments be remitted?

STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE)

ORDINANCE 2023-X

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 an~~ 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. 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.

C. Rooms shall be rented for a maximum of fourteen (14) consecutive days.

~~D. Rental homes should reflect and blend in with the character of the neighborhood.~~

Commented [1]: Beauty is in the eye of the beholder. Unless you want to apply design guidelines to all dwellings, delete.

~~E.D.~~ Owners shall apply for and receive a Short-Term Rental Permit from the City of Walhalla, prior to operating as a short-term rental unit.

- a. 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. Applications may be submitted for forthcoming calendar year beginning November 1.
- b. A Short-Term Rental Permit must be obtained for each short-term rental property that is offered for short-term rental.
- c. Short-Term Rental Permits are non-transferrable and are only valid for the short-term rental property described in the Short-Term Rental Permit.
- d. ~~It~~ 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 Short-Term Rental Permit issued to the Owner.
- e. The application fee for the Short-Term Rental Permit shall be set each year by the City Council in the annual Budget Ordinance.
- f. The application for a Short-Term Rental Permit shall be made on a form published by the City of Walhalla and must be delivered with the application 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:

Commented [2]: This could make for a busy Christmas season for city staff and a source of frustration for property owners. Recommend an earlier reporting date.

~~1. The minimum and maximum stay.~~

Commented [3]: Why is this needed?

~~2.1.~~ The maximum number of guests. For primary house rentals, the rentals, the total number of allowed guests (adults and children) is twelve (12). For accessory dwelling rentals, the total number of guests is limited to four (4).

~~3.2.~~ 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 1 per bedroom, maximum of six (6). For accessory dwelling rentals, the maximum number of vehicles is limited to two (2).

4.3. _____ Where guests are to park. The agreement shall specify that guests are to park on-site and not in the street.

5.4. _____ That the City's noise ordinance applies and quiet hours are between 10:00 PM and 7:00 AM.

6.5. _____ Prohibit large gatherings, such as weddings and reunions unless specifically approved by the City.

7.6. _____ 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.

8.7. _____ Rental rules, including use of the sanitation roll-carts, and emergency contact information including the police nonemergency 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, ~~who may be the property owner~~. Where the property owner does not live on the premises, the Short-Term Rental Agent must be available to appear on the premises to ~~respond to~~ a complaint within ~~thirty (30) minutes~~ 48 hours of being notified by the Zoning Administrator or other City official. ~~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 revocation of the zoning permit.
2. ~~A copy~~ The name of the fire alarm monitoring contractor, if applicable.

g. Review of an application for a Short-Term Rental Permit shall be conducted by the Zoning Administrator, and the Short-Term Rental Permit shall be granted unless the

Commented [4]: City staff won't show up within 30 minutes, and they are in the city.

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~~The Zoning Administrator finds 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 Permit and/or imposition of penalties, including denial of future applications.

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

i. Every person or business entity which:

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

ii. 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.

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 Permit 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 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.

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:

Commented [5]: Why is it necessary for the property owner to demonstrate no violations? They city should demonstrate that there are violations.

Commented [6]: Move this statement to another part of the ordinance or delete it.

Commented [7]: Let's keep the local fire marshal out of this.

Commented [8]: This should be in the form of several paragraphs.

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, within thirty ~~hour (30) minutes~~ one hour of notification of a complaint or other matter related to the Short-Term Rental Property; 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. Marketing material that clearly demonstrates the presence of these facilities on the property is evidence of compliance with this paragraph.

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

Commented [9]: We also recommend you separate responding to a complaint while the property is rented from general complaints or inquiries that are not related to the rental of the property.

Commented [10]: Let's keep the fire code out of this. It is designed for commercial applications, not residential.

Commented [11R10]: The building code applies to construction activity. The problem is when the building code changes.

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. **However, parking on a driveway at the front of the property is compliance with this section.** 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 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. A maximum of six bedrooms shall be allowed **to be rented** with no more than two adults in each room. The maximum number of any rental party (adults and children) shall not exceed twelve (12) people.

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.

Commented [12]: This is how you make a low-key short-term rental into a problem in the neighborhood--add a bunch of parking in the backyard.

~~iii. Rental homes should reflect and blend in with the character of the neighborhood.~~

Commented [13]: Beauty is in the eye of the beholder. Unless you want to apply design guidelines to all dwellings, delete.

iv. No on-site signs shall be permitted other than those required for compliance with this ordinance.

~~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.~~

Commented [14]: It is not the city's job to enforce POA rules. And the ordinance already covers the compliance portion of this paragraph.

~~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, other ordinances, laws, regulations, or covenants that may affect the operation of a short-term rental on the property.

Commented [15]: Already stated.

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. Failure to comply with any requirement of this Chapter will result in -

~~i. Suspension or Revocation of the Short-Term Rental Permit.~~

~~a. When the City determines:~~

~~i. A Short-Term Rental Permit has been mistakenly or improperly issued or issued contrary to law; or,~~

Commented [16]: This is not a compliance problem. Needs to be addressed elsewhere.

ii. An Owner has breached any condition upon which the Short-Term Rental Permit was issued; or,

iii. 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,

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; 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 occurring within any twelve (12) month period. ~~Then the City may give written notice to the Owner that the Short-Term Rental Permit 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 Permit should be revoked.~~

b. When the City determines units are operating without ~~approval of the City~~ a permit, and the Owner applies for a permit, the ~~short-term~~ short-term rental 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 application within 60 days of being notified by the City of being in violation of the ordinance, a short-term rental application shall not be approved for a period of 2 years.

c. ~~When the City takes action to suspend or revoke a short-term rental permit, the Owner is entitled to a hearing and the City shall give written notice to the Owner that the Short-Term Rental Permit 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 Permit should be revoked.~~ 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

Commented [17]: What is the standard for this? It's not addressed in the ordinance. Delete.

Commented [18]: We would prefer to see this as the process for all suspensions/revocations.

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 Permit. 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 Permit 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.

Party is defined as the Owner, the Short-Term Rental Agent if applicable, the City, and the complainant.

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.

Exempt activity:

Rental for up to 14 days, not to exceed once per year.

Rental for more than 14 days.

Rental to or occupancy by immediate family members, irrespective of the duration.

Commented [19]: We'd prefer that the Planning Commission or BZA conduct the hearing. City Council is political, and all city-related parties ultimately report to City Council.

Commented [20]: You need to keep the hearing from turning into a circus.

Commented [21]: You need to allow for the occasional short-term rental that is not trying to operate as a business. For example, renting when the property owner is away on vacation.

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.