

Special Planning Commission Meeting

- November 16, 2017

- **October 23 Short Term Rental and Historic Preservation Committee meetings**
- **Proposed Short-Term Rental Ordinance**
 - Staff and Consultant Overview Presentation
 - Planning Commission discussion
 - Public comments
- **Proposed Historic Preservation Ordinance**
 - Staff and Consultant Overview Presentation
 - Planning Commission discussion
 - Public comments
- **Next steps and meeting dates**
- **Adjourn**

Short-Term Rental Ordinance

– *Getting to this point*

- **Staff initiated research into short-term rentals**

- Collected data and information
 - APA articles
 - Best practices research
 - Legal restrictions
 - Webinars
- Met with HomeAway and Airbnb
- Initial work on the Bed & Breakfast Inn regulations

- **Consultant Assistance**

- Issued RFP in September 2016
- Consultant work initiated March 2017
 - Short-Term Rental Committee meeting / Planning Commission workshop (April 2017)
 - Strategic Assessment presented (July 2017)
 - Draft STR ordinance presented to Short-Term Rental Committee (October 2017)
 - Planning Commission public meeting (November 2017)

Short-Term Rental Industry

– *Context and Backdrop*

- **Staff Findings**

- Complaints vary by location, i.e. established neighborhoods vs rural areas or waterfront communities.
- Common complaints: noise, the number of people renting at one time, parties, character changing to a transient neighborhood, and STRs are a commercial enterprise in a residential area.
- Trend - buying houses to rent in STR form, instead as supplementary income.
- Comparable uses include hotels or bed and breakfast inns in the ZLDR.
- Rental management companies and individuals obtaining business licenses for STR operations.
- Commercial vs. residential use determined to address nonresidential use on residential properties
- County cannot issue a Zoning permit for a use if deed restrictions prohibit it.

Maintaining Neighborhood Integrity

– *Common Concerns*

- **Nuisances**

- Hotels in neighborhoods – operating as a business venture
- Transient nature of the use - over-occupancy - outside traffic into and through the neighborhood
- Events programming
- On- or off-site parking
- Light and noise
- Property care and maintenance
- Conduct of guests

Maintaining Neighborhood Integrity

– *Common Concerns*

- **Economic Impact Study**

- Accommodations revenue doubled from 2004 to 2014
- 2014 Visitor Survey:
 - 20.7% short-term rentals
 - 9,000 unique properties listed
- \$59.4 million direct spending on lodging by STR guest

- **Value Impacts**

- Absentee ownership and percent of rental usage – no vested interest
- Introduction of commercial valuation into residential neighborhoods - affordability
- Impacts on property values and ability to sell owner-occupied units
- Overall decrease in property value as single-family neighborhood

Common Regulatory Provisions

- Peer Communities

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

Common Regulatory Provisions

- *International Communities*

Regulatory Provisions	Barcelona	Berlin	Hobart	London	Paris	Toronto*	Vancouver*	Victoria*
Designated owner, agent, or rep.	X	X				X	X	
Non-transferable								
Principal Residence					X	X	X	X
Owner liability								
Rental registration / permit	X	X			X	X		
Business license						X	X	X
Permit cap								
Occupancy limits	X		X				X	X
Standards of conduct			X			X	X	
Penalty provisions		X		X			X	
District Limitations	X		X					
Spacing Between Units								
Parking Restrictions			X				X	
Posted or Mailed Notice								
Inspections	X	X				X	X	
Taxes (Sales, Occupancy, etc.)	X				X	X		
Night Cap			X	X	X			

Requirement	City of Charleston (proposed ordinance as of 10/24/17)
Proposed Ordinance Permitted Zoning Districts	Allowed in all zoning districts as a by-right accessory use; must be owner-occupied primary residence, owner must be present while renting home, building must be more than 50 years old ; takes the place of existing B&B uses.
Zoning Process	Site Plan Review; new construction for STR not allowed, so Technical Review Committee (TRC) is not required
Occupancy/Management Responsibility	Must be owner-occupied , primary residence
Amount of Unit that can be Used for Rental	All of a unit could be rented as long as the owner is present in another unit on the property at the time; otherwise, only a portion can be rented
Special Events	Special events are not allowed
Non-Resident Employees Permitted (during rental)	Allowed but the owner would still have to be on-site while renting the property
Max. # Rental Days/Year	No maximum (other than trigger to go from 4% to 6%)
Minimum Number of Rental Days per Rental Transaction	No minimum
Max. Guest Occupancy	4 persons
Use Classification (Zoning)	“Commercial accessory use to a primary residential use”

Requirement	City of Isle of Palms
Permitted Zoning Districts	Allowed on all properties and defined as units being rented for three months or less
Occupancy/Management Responsibility	Do not need to be owner-occupied (“made available by the owner”)
Amount of Unit that can be Used for Rental	The entire house/dwelling must be rented by one group (owners should not be offering one room for rent)
Special Events	House cannot consistently be advertised or used as an event space
Non-Resident Employees Permitted (during rental)	Not addressed
Max. # Rental Days/Year	No limit
Minimum Number of Rental Days per Rental Transaction	No limit
Max. Guest Occupancy	2 people/bedroom plus 2 people; 1 person/250 sf.; 6 people no more than 40 people can be at the home at any one time (parties, etc.); Max. number of vehicles allowed between 11 pm and 9 am (1/bedroom or 1 for every 2.5 people)
Use Classification (Zoning)	Residential

Requirement	City of Folly Beach
Permitted Zoning Districts / Licenses	By-right use in all zoning districts ; business license, STR registration, and accommodations tax registration required
Amount of Unit that can be Used for Rental	Rental of the entire home is allowed; however, multiple rooms can't be rented under individual contracts
Special Events	Special events over 25 people must send a notification form to the City with contact info and info on the event; Currently proposing that the total size of a special event at a STR be limited to 49 people and prohibiting amplified outdoor music
Non-Resident Employees Permitted (during rental)	No on-site employees are allowed
Max. # Rental Days/Year	No limit
Minimum Number of Rental Days per Rental Transaction or Min. Night Stay	No limit
Max. Guest Occupancy	Proposing to limit to 2 per bedroom plus 2 per unit (people under 18 don't count towards the limit)
Use Classification (Zoning)	Residential

Requirement	Town of Kiawah Island
Permitted Zoning Districts/Licenses	<p>All residential zoning districts (R-E, R-1, R-2, R-3)</p> <p>Annual, non-transferable business license required (> 14 days)</p> <p>Owner or renter-occupied may be allowed</p> <p>Periodic inspections for compliance</p>
Occupancy/Management Responsibility	<p>Legally binding “Rental Application Package” filed by owner or rental agent</p> <p>Town rules and regulations attached to each rental contract</p>
Parking	<p>Per parking requirements</p> <p>Off-street, paved driveway or garage</p> <p>Cargo vans, RVs, buses, etc. are prohibited</p> <p>Driveways inspected for fire truck clearance</p>
Amount of Unit Used for Rental	<p>The entire unit may be rented, based on number of bedrooms and guests per bedroom.</p> <p>No specific provision for partial rental</p>
Max. Guest Occupancy	<p>Maximum 2 occupants per bedroom plus an additional two guests per dwelling.</p> <p>Temporary conversion of rooms is not allowed.</p>
	<p>Must subscribe to backdoor trash collection twice per week</p> <p>Receptacles in garage or screen enclosure</p> <p>Personal articles may not be visible from street</p>

Short-Term Rental Regulations Adopted by Area Jurisdictions

- **Sullivan's Island:** Vacation Rentals are prohibited. Nothing shall be construed to permit any Principal Building or other structure to be used as a Vacation Rental. All legally established Vacation Rentals are interpreted to be Nonconforming Uses.

Short-Term Rentals

- *Summary of Peers*

- **Best Practices**

- Prominent regulations

- Occupancy limits; taxes; and penalties
 - Rental registration / permit
 - Designated owner, agent, or representative
 - Inspections
 - Non-transferable, standards of conduct, and district limitations
 - Post or mailed notice
 - Parking restrictions and permit cap
 - Business license and owner liability

- Limited requirements

- On-site, full-time resident

- Spacing between units
 - Site plan

Charleston County, SC

- Case Study

Statistics

Airbnb

HomeAway (VRBO)

– Number of STRPs	3,500	4,300
– Average per night cost	\$193.70	\$340.00
– Average stay	3 nights	5 nights
– Average age of traveler	-	50

- Zoning Permit Fee = \$50 to \$250, based on the type/tier of STR
- STR Class 7 Business License; fee calculated on gross receipts
 - Base license = \$60.00 for first \$2,000 in gross receipts
 - Each \$1,000 thereafter is \$2.65
- Unincorporated County has a 2% accommodations tax of gross receipts collected
- SC sales tax as well as a 2% state accommodations tax
- 2016 calendar year
 - Business license fees = \$45,000
 - Local accommodations tax = \$51,000
 - TOTAL = \$96,000

Charleston County, SC

- Case Study

Statistics

County-Wide

Charleston

Unincorporated

Number of STRPs

7,907

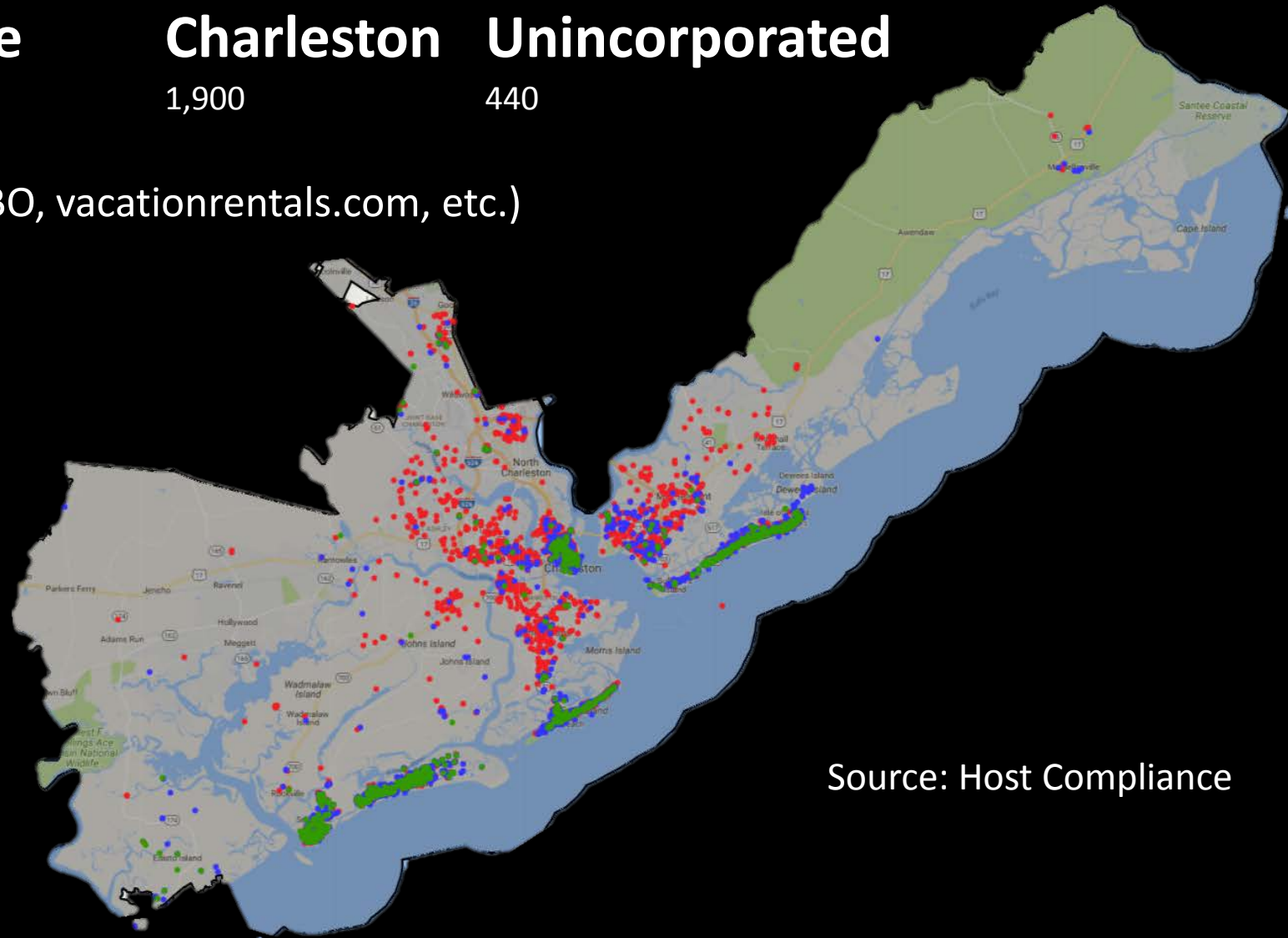
1,900

440

- Cross-listed properties (e.g. Airbnb, VRBO, vacationrentals.com, etc.)
- 5,363 unique rentals
- 93% for entire units (7% room rentals)
- 69% are single family homes
- \$36 million annual rental revenue

Revenues

- \$804,450 zoning/permit fees
- \$321,780 business license fees
- \$2.6 million County revenue
- \$6.2 million total revenue (all sources)



Source: Host Compliance

Proposed Short-Term Rental Ordinance

Summary of October 23, 2017 Short-Term Rental Committee

- *Recommendations*

- Delete Hosted Homestay STRP type
- Allow Residential Home Rental (RHR) as use subject to conditions in RM, AG-15, AG-10, AG-8, AGR, RR-3, S-3, R-4, M-8, M-12 and MHS
- Delete minimum number of rental transactions; minimum (“Rental Day”) requirement
- Allow ADUs as STRPs; allow live-in ADUs and renting of principal dwelling
- Change the length of permit revocations (subsequent application) from 2 years to 1 year
- Revise the fee schedule based on the type of STRP
- *Following the Oct. 23rd meeting, comments from the Legal Dept. were incorporated*

Proposed Ordinance: Art. 6.8, Short-Term Rentals

- STRPs proposed to replace Bed & Breakfast Inn uses (deleted from ZLDR)
 - Legally permitted, existing Bed & Breakfast Inns will be “grandfathered” (Chapter 10, *Nonconformities*)
 - Properties will keep this status until / unless business license is discontinued for 12+ consecutive or 18 months cumulative within any three-year period
- Rooming and Boarding House uses (deleted from ZLDR) - no zoning permits issued
- STRPs operating under a valid and current business license may continue under the terms and conditions of the license; must comply upon annual business license renewal
- STRPs not operating under a valid and current business license must come into compliance following adoption of the STRP Ordinance; otherwise, provisions of ZLDR Chapter 11, *Violations, Penalties, and Enforcement*, apply

Requirement	Residential Home Rental (RHR)	Vacation Home Rental (VCR)	Commercial Home Rental (CHR)
Proposed Ordinance Permitted Zoning Districts	Use Subject to Conditions of Art. 6.8: RM, AG-15, AG-10, AG-8, AGR, RR-3, S-3, R-4, M-8, M-12, MHS	Special Exception Use (subject to conditions of Art. 6.8): S-3, R-4, M-8, M-12	Use Subject to Conditions of Art. 6.8: OR, OG, CN, CR, CT, CC
Zoning Process	Site plan required	Site Plan Review & Special Exception Approval required	Site Plan Review required
Occupancy/Management Responsibility	Property Owner (owner-occupied)	Owner- or resident-occupied	Can rent entire home (STRA, owner- or resident-occupied)
Amount of Unit that can be Used for Rental	May rent all or a portion of a principal dwelling unit (however, RHR properties must be owner-occupied and VCR properties must be owner or resident occupied)		
Special Events	Must comply with ZLDR Art. 6.7, <i>Special Events Use</i>		
Non-Resident Employees Permitted (during rental)	No	No	Yes
Max. # Rental Days/Year	36	72	No limit
Minimum Number of Rental Days per Rental Transaction	2 Rental Days	2 Rental Days	1 Rental Day
Max. Guest Occupancy (<i>does not include children under 5</i>)	2 persons/bedroom up to 6 persons total	2 persons/bedroom up to 10 persons total	2 persons/bedroom up to 15 persons total
Use Classification (Zoning)	Residential	Residential	Commercial

Proposed Ordinance: Art. 6.8, Short-Term Rentals

- *Operating Requirements*

- Permanent resident on-site during term of rental or a Short-Term Rental Agent (STRA) available 24-hours per day, in person or by phone or email
 - Notify the STRT(s) within 15 minutes of receipt of any complaint about the STRT(s)
- Obtain all zoning / building permits and business license
- Comply with all County, State, and Federal laws, including the County Building Inspections Services Department Code

Proposed Ordinance: Art. 6.8, Short-Term Rentals

- Use Limitations and Standards

- Legally-permitted ADUs may be used as STRPs
- Accessory structures shall not be used as STRPs
- STRP shall maintain a residential character
- Parking for rental guests is one space per bedroom (Art. 9.3)
- Signage:
 - Residential districts: Prohibited
 - Commercial districts: A single 2 sf. placard affixed securely and flat against a wall
- Noise (Chapter 3, Article II, Noise Offenses)

Proposed Ordinance: Art. 6.8, Short-Term Rentals

- Property Owner Responsibilities

- Property owner responsible for ordinance compliance
- Taxes and fees: All owners responsible for registrations, licenses, and permits or approvals, and paying required fees and accommodations taxes
- Property owner responsible for STRTs being informed of all applicable requirements
 - Updated 24-hour contact information
 - County-issued STRP registration (zoning permit and business license account numbers)
 - Map showing locations and instructions for on-site parking
 - Reference to County's Noise Ordinance (Ch. 3, Art. II, Noise Offenses)
 - Trash collection location and schedule
 - Fire and emergency evacuation routes

Proposed Ordinance: Art. 6.8, Short-Term Rentals

- *Application Submittal Requirements*

- Name, address, email, and phone number of the property owner
 - For VHRs and CHRs: If the permanent resident is someone other than the owner, that permanent resident's contact information is required
- STRP application signed by the property owner
- Current, recorded deed
- Restrictive Covenants Affidavit signed by applicant/owner
- Contact info for the Short-Term Rental Agent (as applicable)
- Type of STRP (RHR, VHR, CHR)
- Number of bedrooms to be rented and the maximum occupancy
- Documentation of payment of all taxes, including real property taxes, business license, state accommodations, sales and local accommodations for the STRP
- Other information deemed necessary by the Planning Director

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

Proposed Ordinance: Art. 6.8, Short-Term Rentals

- Advertisement

Whether by a hosting platform, via Internet or paid advertising, or other postings, advertisements, or announcements, the availability of a STRP shall clearly state the maximum number of occupants allowed and shall include County-issued registration number (zoning permit and business license account numbers)

Proposed Ordinance: Art. 6.8, Short-Term Rentals

- *Enforcement*

- Provisions of Chapter 11, *Violations, Penalties and Enforcement*, apply to all STRPs
- Permit Revocation – Three-Offense Rule
 - Determination by Zoning and Planning Director that a STRP has violated the Ordinance on three or more occasions within any 12-month period shall result in the revocation of County-issued permits and licenses applicable to the STRP

Proposed Ordinance: Art. 6.8, Short-Term Rentals

- *Enforcement*

- If one or more of the following has been found to have occurred, the County shall revoke County-issued permits and licenses applicable to the STRP immediately without the three-offense rule:
 - Building code violations
 - Failure to pay all taxes, including real property taxes, business license, state accommodations, sales and local accommodations for the STRP
 - Using the property inconsistently with the information provided by the property owner at the time of Zoning Permit issuance; and/or
 - Failure to comply with the property owner and STRA responsibilities pursuant to Section 6.8.3.C of this Ordinance
- Revocation may be appealed to Board of Zoning Appeals (BZA); for the BZA to overturn a permit revocation, must find the County erred in the determination of the violation(s)
- Once a permit has been revoked, no new permit shall be issued to the applicant for the same property for a period of one year from the date of revocation, and all applicable application processes and fees of the Ordinance shall apply

Proposed Ordinance: Art. 6.8, Short-Term Rentals

- *Related ZLDR Amendments*

- Art. 5.5.15, Mount Pleasant Overlay Zoning District, Sweetgrass Basket Stand Special Consideration Area, Village Commercial Area (Hamlin Road to Porcher's Bluff Road), which extends back 500' from Highway 17 North:
 - Delete Bed & Breakfast Inn and Rooming/Boarding House uses and replace with Commercial Home Rentals subject to the STRP regulations of Art. 6.8
- Art. 5.10, Highway 17 North Corridor Overlay Zoning District:
 - Replace Bed & Breakfast Inn use with Commercial Home Rentals (subject to the STRP regulations of Art. 6.8) in the 10-Mile Neighborhood Node, Sewee Road Node, and McClellanville Commercial District Node (where B&B uses are currently allowed)

Proposed Ordinance: Art. 6.8, Short-Term Rentals

- Related ZLDR Amendments

- Art. 5.13, DuPont-Wappoo Area Overlay Zoning District: Replace Bed and Breakfast Inn use with STRPs (all subject to the STRP regulations of Art. 6.8):
 - Allow Residential Home Rentals in the Residential Areas
 - Allow Vacation Home Rental as a Special Exception use in the Residential Areas
 - Allow Commercial Home Rentals in the Community Commercial and Light Commercial District
- All other overlay zoning districts reference existing ZLDR zoning districts (do not have specific use tables); therefore, no amendments to those Articles are required
- Table 6.1-1, *Use Table*:
 - Delete Bed and Breakfast Inn and Rooming/Boarding House uses
 - Add STRPs (RHR and VHR under “Residential” uses and CHR under “Commercial: Accommodations”) as shown below

Requirement	Residential Home Rental (RHR)	Vacation Home Rental (VCR)	Commercial Home Rental (CHR)
Zoning Districts	Use Subject to Conditions of Art. 6.8: RM, AG-15, AG-10, AG-8, AGR, RR-3, S-3, R-4, M-8, M-12, MHS	Special Exception Use (subject to conditions of Art. 6.8): S-3, R-4, M-8, M-12	Use Subject to Conditions of Art. 6.8: OR, OG, CN, CR, CT, CC

Proposed Ordinance: Art. 6.8, Short-Term Rentals

- *Related ZLDR Amendments*

- Sec. 6.5.11.D, Home Occupations, Prohibited Uses: Clarify that STRPs shall not be considered home occupations
- Table 7.5.A, Form-Based Zoning District Use Table: Delete Bed and Breakfast Inn use
- Table 9.3.2, Off-Street Parking Schedule: Add STRP parking requirement (1 parking space per available bedroom)

Proposed Ordinance: Art. 6.8, Short-Term Rentals

- *Related ZLDR Amendments*

- Chapter 12, Definitions - Add definitions for:
 - Commercial Home Rental
 - Habitable
 - Rental Day
 - Rental Party
 - Rental Transaction
 - Resident
 - Resident Occupied
 - Residential Character
 - Residential Home Rental
 - Short-Term Rental Agent
 - Short-Term Rental Property
 - Short-Term Rental Tenant
 - Vacation Home Rental

Proposed Fee Ordinance Amendments – Short-Term Rental Property Applications

Service	Fee
<p>G. ZONING PERMITS</p> <p><i>Note: Based on permit fees for Home Occupations and Temporary Uses</i></p>	
<p>7. Short-Term Rental Permit: Residential Home Rental (RHR)</p> <p><i>Note that additional applications, processes, and fees may apply pursuant to the requirements for Short-Term Rentals contained in the Charleston County ZLDR.</i></p>	<p>\$50.00 (Zoning Permit fee)</p>
<p>8. Short-Term Rental Permit: Vacation Home Rental (VHR)</p> <p><i>Note that in addition to the VHR Zoning Permit application and fee, Site Plan Review and Special Exception applications and required fees must be submitted pursuant to the requirements and processes contained in the ZLDR. Zoning Permits for VHRs will not be issued until/unless the Site Plan Review application is approved and the Board of Zoning Appeals approves the Special Exception application.</i></p>	<p>\$100.00 (Zoning Permit fee)</p> <p><i>(Plus \$250 for SPR application and \$250 for Special Exception application; totals \$600)</i></p>
<p>9. Short-Term Rental Permit: Commercial Home Rental (CHR)</p> <p><i>Note that in addition to the CHR Zoning Permit application and fee, a Site Plan Review application (with the required fee) must be submitted pursuant to the requirements and processes contained in the ZLDR. Zoning Permits for CHRs will not be issued until/unless the Site Plan Review application is approved.</i></p>	<p>\$150.00 (Zoning Permit fee)</p> <p><i>(Plus \$250 - \$500 for SPR application; totals \$400 - \$650; note that commercial assessment applies)</i></p>

Planning Commission Points of Discussion

- Clarify that multiple rooms cannot be rented under individual contracts?
- Specify exemption for all STRPs from accommodations tax for rental less than 15 days per calendar year or handled separately by the Assessor's Office?
- Regulate by number of transactions or days? (Consideration is amount of in/out traffic)
 - No limit on number of transactions provided a cap on total rental days annually?
 - Limit number of transactions by minimum number of days per rental?
- Types of Short-Term Rentals
 - RHR – permitted by right subject to review
 - VHR – permitted by special exception, with site plan
 - CHR – Permitted by right in commercial districts, with site plan
- Occupancy @ two per bedroom plus two additional, no set maximum?
- Others?

Planning Commission Discussion

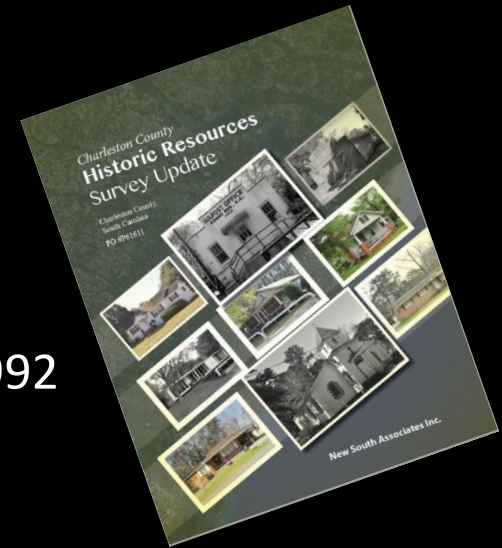
Public Comments

Proposed Historic Preservation Ordinance

Historic Preservation Proposed Ordinance

– *Getting to this point*

- Historic Resources Inventory
 - Grant in 2015 to update Charleston County Historical / Architectural Survey from 1992
 - Adopted Sept. 2016; last updated in 1992
 - Historic Preservation Committee (HPC) established in 2014
 - National Register of Historic Places (NRHP) and National Historic Landmarks (NHL)
 - County-wide: 183 individually-listed NRHP properties and historic districts; 76 NHL
 - Unincorporated: 59 individually-listed NRHP properties and historic districts; five NHL
 - Eligible: one individual property, one district, and a corridor of African American communities
- Recommendations: Amend the ZLDR to implement historic preservation
 - Preserve and enhance the settlement patterns of the historic African American communities
 - Establish a process for maintaining a local historic resources inventory
 - Coordinate with municipalities and SCDAH to create a database of historic resources
 - Consider expanding historic preservation regulations to apply to properties eligible for listing on the NRHP, as well as those in a local historic resources inventory
 - Apply to become a Certified Local Government (CLG)



Historic Preservation Proposed Ordinance

– *Certified Local Government (CLG) Program*

- Purpose: Promote preservation planning and heritage education
- 35 CLGs in South Carolina (Charleston, McClellanville, Mt. Pleasant, and Sullivan's Island)
- 1,867 CLGs nationally
- Partnerships:
 - State Historic Preservation Office (SHPO)
 - National Park Service (NPS)
- Benefits
 - Eligible for Federal grant funds
 - States receive annual appropriations from the Federal Historic Preservation Fund
 - States are required to give at least 10% of their funding to CLGs as sub-grants
 - Grants can fund surveys, NR nominations, rehabilitation, design guidelines, education, training, feasibility studies, etc.
 - Technical help and training for the design review committee (board of architectural review)
 - Participate in statewide preservation planning programs
 - Comment on nominations to NRHPs before the nominations considered by the State Review Board



Historic Preservation Proposed Ordinance

– *Certified Local Government (CLG) Program*

- Program Requirements:

- Pass a Historic Preservation Ordinance that meets state guidelines for CLGs

- Set out criteria and processes for designating districts and landmarks of historic and/or pre-historic significance

- Define the authority by which its provisions are carried out

- Set out criteria and processes for the review and approval or disapproval of:

- Alteration, demolition, and relocation of designated landmarks

- Alteration of designated sites

- Construction of new structures within designated districts

- Other actions that may affect locally designated properties

- Set out procedures for enforcing decisions

- Make provisions for rights of appeal



Historic Preservation Proposed Ordinance

– *Certified Local Government (CLG) Program*

- Program Requirements:

- Establish a qualified Historic Preservation Commission (now a 4-person committee of Planning Commission)
 - Role of the HPC:
 - **Educate** the community about their own historic resources
 - Authority in the ZLDR to **review and render decisions** on all proposed alterations, relocations, demolitions, and new construction affecting designated historic preservation conservation areas or individually designated local landmarks
 - First **review and evaluation** of all proposed National Register nominations within its jurisdiction
 - **Seek expertise** by professionals when considering actions, e.g., archaeological site
- Maintain a system for the survey and inventory of historic properties
- Provide for adequate public participation in the historic preservation program, e.g., nominations

Summary of October 23, 2017 Historic Preservation Committee

- *Recommendations*

- Designation of Historic Property process:
 - Historic Preservation Commission (HPC) nominates districts, sites, buildings, structures, or objects for designation without property owner signature (property owner signature required for all other applications)
 - Historic districts: Requires a simple majority (51%) of the owners of unincorporated properties within the district to sign the application or submit a written consent
 - For applications for designations of historic districts where properties do not have clear titles, the signature(s) or written consent of the person(s) paying taxes on the property, as verified by Charleston County Assessor data, shall be deemed to meet the requirement
- Certificate of Historic Appropriateness process: Require Certificates for Site Plan Review applications for properties located within 300' of an NRHP or locally-designated property or district

Summary of October 23, 2017 Historic Preservation Committee

- Revisions since October 23rd

- Deleted the appeals process for Designations of Historic Property
 - Does not apply to decisions made by County Council
- Deleted the Hardship Waiver process for Certificates of Historic Appropriateness (CHA)
 - Two avenues available if a Certificate of Historic Appropriateness is denied: re-application and appeal
- All changes are reflected in the November 16th draft ordinance

Current Historic Preservation Ord.

- Only applies to National Register of Historic Places (NRHP) listings
- Requires Special Exception approval by the Board of Zoning Appeals (BZA) for: Demolition, relocation, rehabilitation, new construction, exterior alterations, subdivisions located within 300' of NRHP properties/districts

Proposed Historic Preservation Ord.

- Applies to NRHP listings and locally-designated sites/districts
- Requires a “Certificate of Historic Appropriateness”
 - Approved by the Historic Preservation Commission (HPC) for:
 - Demolition, relocation, rehabilitation, new construction, exterior alterations
 - Prior to zoning, sign, and building permits (with exceptions)
 - Site Plan Review and subdivision applications for properties located within 300' of NRHP and locally designated historic sites/properties
- New process for local designation of historic districts, sites, structures, objects and districts:
 - HPC may nominate without property owners' signatures; otherwise, property owner signature required
 - 51% of property owner signatures required for applications for historic district designations
 - Recommendation from the HPC
 - Approval by County Council
- Allows HPC to conduct first review and evaluation of proposed nominations for NRHP properties within the unincorporated County

Historic Preservation Proposed Ordinance

- Historic Preservation Commission (HPC)

- Nine members appointed by County Council
 - Demonstrated interest, competence, or knowledge in historic preservation
 - Five appointed for 4-year terms
 - Four appointed for 2-year terms
- Review and make recommendations on:
 - Designations of (local) Historic Property and Districts (recommendations made to County Council)
 - First review and evaluation of proposed NRHP nominations (recommendations made to the State Board of Review)
- Final Decision-Making Authority on:
 - Certificates of Historic Appropriateness

Historic Preservation Proposed Ordinance

- Designation of Historic Property

- Purpose: Set up a process and criteria for the County to designate historic districts, sites, buildings, structures, and objects
- HPC may nominate districts, sites, buildings, structures, or objects for designation without property owner signature
- Applications for designation require the property owner signature
 - Historic districts: Require a simple majority (51%) of the owners of unincorporated properties within the district to sign the application or submit their written consent
 - When applications for designations of historic districts and ownership of properties is undetermined, the signature(s) or written consent of the person(s) paying taxes on the property, as verified by Charleston County Assessor data, shall be deemed to meet the requirement of property owner signature(s)

Historic Preservation Proposed Ordinance

- Designation of Historic Property

- **Process:**

- Pre-application meeting with staff
- Application submittal
- Review and report by the Historic Preservation Officer to the Historic Preservation Commission (HPC)
- HPC review and recommendation to County Council
- County Council Public Hearing, Planning and Public Works Committee recommendation, and final determination by Council (adopted by ordinance)
- Notification to owner and designation in permitting and mapping systems

- **Notifications:** Owners of property within 300' of the subject parcel/district and all those on the applicable Interested Parties' List would be notified prior to the HPC meeting and public hearing

Historic Preservation Proposed Ordinance

- *Designation of Historic Property*

- Approval Criteria – must meet one or more:
 - Has significant inherent character, interest, history, or value as part of the rural county or heritage of the county, state or nation
 - Is of an event significant in history
 - Is associated with a person or persons who contributed significantly to the culture and development of the county, state or nation
 - Exemplifies the cultural, political, economic, social, ethnic, or historic heritage of the county, state or nation
 - Individually or collectively embodies distinguishing characteristics of a type, style, or period in architecture or engineering
 - Is the work of a designer whose work has significantly influenced the development of the county, state or nation
 - Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation
 - Is part of or related to a square or other distinctive element of community planning
 - Represents an established and familiar visual feature of the neighborhood or community
 - Has yielded, or may be likely to yield, information important in pre-history or history
 - Is deemed eligible for or already listed on the NRHP

Historic Preservation Proposed Ordinance

- Removal of Designation of Historic Property or District

- Removal of Designation of Historic Property/District:
 - Follows same process as Designation of Historic Property/District (HPC recommendation and Council approval)
 - HPC or property owner(s) may initiate
 - A simple majority (51%) of the owners of unincorporated properties within the district shall be required to sign the application or submit written consent (for properties for which ownership is undetermined, the signature(s) or written consent of the person(s) paying taxes on the property, as verified by Charleston County Assessor data, shall be deemed to meet the requirement of property owner signature(s)).

Historic Preservation Proposed Ordinance

- *Removal of Designation of Historic Property or District*

- Removal of Designation of Historic Property/District:
 - Criteria is different from designation process – one or more must be met:
 - The property has ceased to meet the criteria for designation as described in Section 3.19.8, *Approval Criteria*, because the qualities which caused it to be originally designated have been lost or destroyed
 - An error in professional judgment occurred regarding whether the property met the criteria for designation at the time it was designated
 - There was a procedural error in the designation process

Benefits to Property Owners

- **State Tax Savings:** 25% state historic rehabilitation tax credit
- **Federal Tax Savings:** Federal income tax credit equal to 20% of the rehab costs for historic buildings used to produce income
- **Special Property Tax Assessments:** State law allows the County to offer such assessments
- **Historic Preservation Easements:** Can be established to preserve properties in exchange for a one-time federal income tax credit and reduced federal estate taxes
- **Increased Home Prices and Sustained Value:** Research from Columbia, Beaufort and Greenville indicates home value increases ranging on average from 21% - 50%

Potential Drawbacks for Property Owners

- **Limitations on Renovations:** Renovations may be limited based on local and state/federal requirements
- **Skilled Craftsmen:** Qualified craftsman well-versed in preservation work may be needed and they can be a more expensive option
- **Material Availability:** Qualifying materials may be more difficult to locate or expensive to replace to maintain the authenticity of the property
- **Code Compliance:** Building codes that require changes to historic structures may jeopardize Federal tax credits
- **Insurance:** Some personal insurance companies may not offer the type of coverage needed to insure a historic home, meaning the historic property insurance may be required

Historic Preservation Proposed Ordinance

- Certificate of Historic Appropriateness

- **Purpose:** To ensure that any alteration, modification, relocation, demolition, addition to, new construction, rehabilitation, or restoration of a locally-designated or NRHP property/district, or subdivision or development of property located within 300' of a locally-designated or NRHP property/district, is in keeping with the historical, cultural, and architectural character of the historic property/district
- Required before:
 - A zoning permit, including a sign permit or building permit, may be issued, except:
 - Zoning permits to upgrade and/or add mechanical, electrical, and plumbing systems, and other code-required work to make properties functional
 - Building permits compliant with approved Certificates of Historic Appropriateness
 - Changes in the use classifications of any part of a structure or lot

Historic Preservation Proposed Ordinance

- Certificate of Historic Appropriateness

- Also required before:
 - The issuance of permits for the demolition, alteration, modification, addition to, new construction, rehabilitation, relocation or restoration to a locally-designated or NRHP property/district including construction of new structures in Historic Districts
 - Approval of site plan review and subdivision plat applications for properties located within 300' of a locally-designated or NRHP property/district
- This process mirrors current Art. 9.8 requirements for demolition, relocation, rehabilitation, new construction, exterior alterations, and subdivisions located within 300' of NRHP properties/districts, which are all decided upon by the BZA, with a few differences:
 - Applies requirements to locally-designated properties and specifies applicability prior to zoning/building permit issuance (with exemptions)
 - Requires Certificates for Site Plan Review applications for properties within 300' of NRHP or locally-designated properties/districts
 - Changes the decision-making body from the BZA to the HPC

Historic Preservation Proposed Ordinance

- Certificate of Historic Appropriateness

- **Process:**

- Pre-application conference with staff
- Application submittal (with property owner signature)
- Review and report by the Historic Preservation Officer to the HPC
- HPC public hearing and final determination
- Notification of decision to property owner

- **Notifications:** Owners of property within 300' of the subject parcel/district and all those on the applicable Interested Parties' List would be notified prior to the HPC meeting

Historic Preservation Proposed Ordinance

- Certificate of Historic Appropriateness

- **Approval Criteria** – The HPC shall take into account:
 - The historic, cultural, and architectural significance of the district, site, building, structure, or object under consideration
 - The exterior form and appearance of any proposed additions or modifications, as well as the effect of such addition or modification upon other structures in the Historic District, as applicable
 - When considering applications for new construction, alteration, repair, rehabilitation, or restoration, the HPC shall use the Secretary of the Interior's Standards for the Treatment of Historic Properties
 - For subdivisions proposed to be located within 300' of a NRHP or locally-designated structure, site or district, the HPC shall require that potential negative impacts of nearby development be minimized through the location of vehicular access points, screening treatments, buffering treatments; and other site design tools (same as current ZLDR requirement)

Historic Preservation Proposed Ordinance

- *Certificate of Historic Appropriateness*

- If an application is denied by the HPC, there are two options:
 - A new application affecting the same property may be submitted only if the Historic Preservation Officer determines that substantial change has been made in the plans for the proposed work
 - Appeal to the Circuit Court of Appeals

Historic Preservation Proposed Ordinance

- Nomination to NRHP

- The HPC may conduct first review and evaluation of all proposed nominations for the NRHP on unincorporated properties prior to consideration by the State Board of Review
 - NRHP nominations would be submitted to the State Board of Review, and then forwarded to the HPC for review and evaluation
 - The HPC would send its recommendations to the State Board of Review
 - The HPC would only review nominations and would not nominate properties for the NRHP

Historic Preservation Proposed Ordinance

- Related Amendments

- **Sec. 2.1.2, Council Decision-Making Authority:** Add Designation of Historic Property
- **Sec. 2.4.1, Planning Director Review Authority:** Add Zoning Variances, Certificates of Historic Appropriateness, Nominations to the National Register of Historic Places, and (local) Designations of Historic Property
- **Sec. 3.1.4:** Add HPC application deadlines
- **Sec. 3.1.6:** Add notification requirements
- **Sec. 3.1.12:** Include a process and requirements for requests to postpone HPC applications
- **Sec. 3.7.1 and 3.7.5:** Include requirement for Certificates of Historic Appropriateness for Site Plan Review applications for properties within 300' of an NRHP or locally designated property
- **Sec. 8.1.2:** Include requirement for Certificates of Historic Appropriateness for subdivision applications for properties within 300' of an NRHP or locally designated property
- **Chapter 12, Definitions** - Add definitions for: Certificate of Historic Appropriateness; Historic District; Historic Property; Rehabilitation; Repair; and Restoration

Historic Preservation Proposed Ordinance

- Fee Ordinance Amendments

Service	Fee
O. HISTORIC PRESERVATION APPLICATIONS & PERMITS <i>Note: Based on current residential zoning permit fees</i>	
1. Certificate of Historic Appropriateness	\$25.00
2. Designation of Historic Property/District	\$25.00

Planning Commission Points of Discussion

- The draft ordinance is written to allow the HPC to nominate properties/districts for local designation without property owners' signatures; otherwise, applications for designations can be submitted, but only with property owners' signatures
 - State Historic Preservation Office (SHPO) stance is that if the property owner must consent to being listed on the local register, then the historic preservation ordinance does not comply with the requirements for the jurisdiction to become a Certified Local Government (CLG) even if the HPC can nominate properties
 - Historic Preservation Committee voted to recommend pursuing CLG status at their July 24, 2017 meeting
- Does the Planning Commission want to recommend to Council that the County pursue CLG status?
 - If so, the proposed ordinance must be revised to allow the submission of applications for Designation of Historic Property without property owner signatures

Benefits to CLG Status

- **Federal Grants:** Eligible to apply for Federal allocation for preservation - \$50,000 to \$60,000 yearly
 - Design guidelines (Anderson)
 - Historic resource survey (Greenville)
 - Weatherize historic theatre (Dillon)
- **Assistance:** Technical help and training for HPC and staff
- **Readiness:** CLGs demonstrate a commitment to preservation
- **Preservation Programs:** Participation in statewide programs
- **National Register of Historic Places:** Comments on nominations before considered by State Review Board

Potential Limitations of CLG Status

- **Ongoing Commitment:** Requires annual reporting on HPC activities; SHPO monitors and reviews every four years
- **Administration:** Staff resources required to support HPC and to conduct reviews, maintain financial management systems for HPF allocation
- **Decertification:** SHPO may decertify the program for inadequate performance
- **Matching Funds:** Use of HPF funds require a 50% local match
- **Requirements:** Historic Preservation Ordinance must meet certain requirements to qualify for CLG status

Planning Commission Discussion

Public Comments