

PLANNING COMMISSION
June 8, 2022

The public may view the public meeting at:
www.youtube.com/user/cityofisleofpalms

Public Comment: Citizens may provide public comment here:
<https://www.iop.net/public-comment-form>

AGENDA

The Isle of Palms Planning Commission will hold its regular meeting on Wednesday, June 8, 2022, at **4:30 p.m.** in Council Chambers of City Hall, 1207 Palm Boulevard.

- A. Call to order and acknowledgment that the press and the public were duly notified in accordance with state law
- B. Welcome new member Jeffrey Rubin
- C. Nomination and election of Vice Chairman
- D. Approval of minutes May 11, 2022
- E. New business Discuss and consider short term rental recommendations of implementing cap
- F. Old business Discuss Transportation Element of Comprehensive Plan update
- G. Miscellaneous business new Code of Conduct adopted by City Council

Tentative date for Council workshop 6/21
- H. Adjourn



**Planning Commission Meeting
4:30pm, Wednesday, May 11, 2022
1207 Palm Boulevard, Isle of Palms, SC and
broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

MINUTES

1. Call to Order

Present: Steve Corney, Ron Denton, David Cohen, Marty Brown, Sue Nagelski, Sandy Stone, and Douglas Kerr, Director of Planning

2. Approval of minutes

Mr. Corney made a motion to approve the minutes of the April 20, 2022 regular meeting. Mr. Cohen seconded the motion. The motion passed unanimously.

3. New Business

Discuss and consider short-term rental recommendations of implementing a cap

Director Kerr reviewed a redline version of the ordinance Kiawah Island has put in place to implement rental caps in certain areas of the island. The draft suggests differing caps in different zones, the inability to transfer rental licenses upon the sale of property if the cap in that area has been met, the requirement to show proof of rental income, and establishing caps 20% higher than the actual number of licenses in each zone.

Mr. Corney pointed out that the zones on the map were created to sort data and not meant to be regulatory in any way. He said that Kiawah Island kept their existing zones and applied caps rather than create a new overlay.

Commissioners discussed the pros and cons of caps in different zones and if a 20% cap was too high. They agreed that a cap of 10% higher than the number of rental licenses in each zone would be appropriate. The cap will apply to zones 3, 5, 9, and the portion of 6 north of Palm Boulevard. They also agreed that a rental license should convey with the property when sold.

The next draft of the ordinance will also include an occupancy cap of 8 people maximum in newly constructed short-term rental homes in areas with caps.

While not part of the ordinance, the Commissioners agreed an annual review of short-term rental data should be done to evaluate the effect of the caps and any changes in the makeup of the locations of short-term rentals.

Following another review of the proposed ordinance by the Planning Commission, Director Kerr said there will be a joint meeting in June between the Planning Commission and City Council

where the Commissioners can discuss the process and data that has brought them to these recommendations.

4. Old Business

A. Discuss alternatives uses of front beach commercial parking lot

Director Kerr reported that PRT said the deed restriction on the municipal parking lot could be transferred to another City property as long as the City could show the same level of recreational utility. Director Kerr suggested that the deed restriction could be placed on the property where the Recreation Center sits.

Commissioners discussed alternate uses and the impact of additional traffic and loss of parking revenues should the lot be used for something other than parking. Seasonal and mixed lot uses were considered.

Commissioners agreed that the best alternative would be upgraded landscaping and open-air sheds similar to Mt. Pleasant's Farmer's Market area. Using some of the tree fund monies to plant trees and create a park-like atmosphere at the back of the lot was also suggested. The idea will be relayed back to the Real Property Committee and engage landscape designers to make a plan for the area.

B. Discuss Transportation Element of Comprehensive Plan Update

Director Kerr said he will have a revised draft of the Transportation Element available for the Commissioners to review at their June meeting.

5. Miscellaneous Business

The election of a new Vice Chair (upon the election of former Vice Chair Scott Pierce to City Council) will be held at the next meeting.

6. Adjournment

Mr. Stone made a motion to adjourn, and Mr. Corney seconded the motion. The meeting was adjourned at approximately 6:41pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

ARTICLE 9. SHORT-TERM RENTALS

Sec. 5-4-201. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cap means the maximum number of properties that may be issued a business license for short-term rental use within each Short-Term Rental Zone as shown in the Table of Short-Term Rental Caps in section 5-4-202.

Short-term rental means the use of any dwelling, including the lot upon which the dwelling is located, anywhere within the City whereby the dwelling is leased or otherwise made available by the owner to another person for a term of three (3) months or less. Any reference in this article to dwelling, residence or rental shall mean a short-term rental.

Short-Term Rental Zone means the areas shown on the Short-Term Rental Zone Map, which is hereby adopted by reference and incorporated as a part of this article. Copies of the Short-Term Rental Zone Map are available on the City's website and at the City's office of Building, Planning and Zoning.

;

CAP is the maximum number of properties that may be licensed for short term rental use within each Short Term Rental Zone as shown in the Table of Short Term Rental Caps table below.

(Ord. No. 2007-2, § 2(5-4-201), 3-27-2007)

Sec. 5-4-202. Short-Term Rental Business License.

(a) Title 7, Licensing and Regulation, Chapter 1, Business Licenses, Article A regulates all City business licenses. The following additional regulations apply specifically to short-term rental business licenses.

(b) A short-term rental business license expires annually on April 30th. License holders must renew each year and have until April 30th to renew their license without penalty. As of May 1st, if the holder of an expired license submits a renewal request, one of the following conditions shall apply:

(1) If the property is in a Short-Term Rental Zone, and the license cap in the Table of Short-Term Rental Caps has not been reached, the license is renewable subject to a late fee pursuant to section 7-1-12, plus all applicable fees.

(2) For properties in all other zones, the license is renewable subject to a late fee pursuant to 7-1-12, plus all applicable fees.

(3) If the property is in a Short-Term Rental Zone subject to caps, and the City is unable to issue a short-term rental business license solely due to the license caps established herein, (see Table of Short-Term Rental Caps below), a new application can still be filed, and the applicant will be placed on a waiting list. If a permit becomes available, the City will notify the applicant who has been on the waiting list the longest and allow him/her seven business days to provide the City with any and all information necessary to ensure the application is current and otherwise complies with the ordinance. If the applicant fails to respond and/or provide current information within seven business days, the City shall remove the applicant from the waiting list and repeat the process until a short-term rental business license has been issued, or all of the applicants on the waiting list have been notified.

(c) A license holder shall provide proof of accommodation tax payments for the previous year at the time of license renewal. Failure to pay all required accommodation taxes constitutes grounds to not renew a short-term rental business license.

(d) All fees related to short-term rental business licenses must be paid in full at the time of application. Upon the closing of the license, the licensee is responsible for notifying the town and properly closing their account.

Sec. 5-4-2013. Short-Term Rental Property Caps

Short-term rental cCaps are ~~established~~ set forth in the Table of Short-Term Rental Caps below for each Short-Term Rental Zone as established by the Short-Term Rental Zone Map. The limitations and requirements of this section apply to short-term rental properties in the City's SR1, ~~and~~ SR2, and PDD -zoning districts.

(1) License cCaps. Business lLicenses for short-term rental properties shall be distributed on a first-come, first-served basis. Active business licenses expire annually on April 30th of each year. Applications received after April 30th are subject to late fees as defined in ~~Sec. section 7-1-12xxxxxxx~~.

a. Properties holding a ~~currentrental~~ business license will have first preference to renew by April 30th to maintain their license, as long as the license is in good standing with the City.

b. Available business licenses are subject to the maximum number of short-term rentals ~~licenses~~ allowed within the Short-Term Rental Zone as established by the Table of Short Rental Caps below.

c. If a license cap is reached within ~~the~~a Short-Term Rental Zone, the applicant will be placed on a waiting list until a business license becomes available in that zone.

d. ~~Short term rental~~Business licenses for short-term rentals are not transferable. In the event of the transfer of property ownership, including the transfer of interests in corporations or partnerships that own a licensed property, the new owner may apply for a new ~~Short term re~~business ntal license, subject to Section 7-1-5 and all other provisions of ~~this~~ business license ordinance and this article. Exception: Intra-family transfers of property ~~are excluded from this section and~~ can include the transfer of a business license for a short-term rental~~can be transferred~~.

e. A business license may be subject to expiration or may not be renewed should an owner report <\$3,000 of annual rental revenue. In the event of annual revenue below \$3,000, an owner will need to demonstrate the short-term rental property was available and advertised for rental throughout the previous year.

<u>Table of Short-Term Rental Caps</u>	
<u>Short-Term Rental Zone</u>	<u>Maximum Number of STR's Allowed</u>
<u>1</u>	<u>81</u>
<u>2</u>	<u>150</u>
<u>3</u>	<u>236</u>

THESE NUMBERS REPRESENT MOST RECENT COMPLETE YEAR + 10% (5/20/22)

Sec. 5-4-~~2022~~04. Maximum overnight occupancy.

- a. The maximum overnight occupancy of an existing residence for which the owner is holding a valid ~~short-term rental~~ business rental license on June 22, 2010, shall be limited to the greater of:
 - (1) Two (2) people per bedroom, plus two (2) people.
 - (2) One person per two hundred fifty (250) square feet of gross heated floor area in the entire house.
 - (3) Six (6) people.
- b. The maximum overnight occupancy of an existing residence for which the owner is not holding a valid ~~business~~ short-term rental license on June 22, 2010, shall be limited to the greater of:
 - (1) Two (2) people per bedroom, plus two (2) people.
 - (2) Six (6) people.
- c. The maximum overnight occupancy of a residence permitted for new construction after June 22, 2010 shall be the same as prescribed in section 5-4-~~2022~~03(b) or twelve (12) people, whichever is fewer. The maximum overnight occupancy of a residence permitted for new construction in a Short-Term Rental Zone after 2022, shall be limited to eight (8) people.
- d. The maximum overnight occupancy of an existing residence that is altered or reconstructed after June 22, 2010, shall be prescribed as follows:
 - (1) If the maximum overnight occupancy of the residence prior to alteration or reconstruction was less than twelve (12) people, then the maximum overnight occupancy of the altered or reconstructed residence may be increased to the number of people prescribed in:
 - (a) Section 5-4-~~2022~~03(a) or twelve (12) people, whichever is fewer, if the owner was holding a valid ~~short-term rental~~ business license on June 22, 2010.
 - (b) Section 5-4-~~2022~~03(b) or twelve (12) people, whichever is fewer, if the owner was not holding a valid ~~short-term rental~~ business license on June 22, 2010.
 - (2) If the maximum overnight occupancy of the residence prior to alteration or reconstruction was twelve (12) people or more, then the maximum overnight occupancy of the altered or reconstructed residence shall not be increased.

(3) If the alteration or reconstruction results in a decrease in number of bedrooms or floor area of the residence, then the maximum overnight occupancy shall be reduced as prescribed in:

(a) Section 5-4-~~202~~203(a), if the owner was holding a valid ~~short-term rental~~business license on June 22, 2010.

(b) Section 5-4-~~202~~203(b), if the owner was not holding a valid ~~short-term~~business ~~rental~~ license on June 22, 2010.

e. Children under two (2) years of age shall not be included in determining the maximum overnight occupancy.

(Ord. No. 2007-2, § 2(5-4-202), 3-27-2007; Ord. No. 2010-08, § 1, 6-22-2010)

Sec. 5-4-~~203~~205. Maximum occupancy at any time.

Notwithstanding any other provision of this article to the contrary, at no time shall the total number of persons at a residence exceed forty (40) persons, including children, or twice the maximum overnight occupancy as determined by section 5-4-~~202~~203, whichever is less.

(Ord. No. 2007-2, § 2(5-4-203), 3-27-2007; Ord. No. 2020-04, § 1, 8-25-2020)

Sec. 5-4-~~204~~206. Maximum number of vehicles.

The maximum number of vehicles that may be located at a residence between the hours of 11:00 p.m. to 9:00 a.m. shall be limited to one (1) vehicle per approved bedroom or one (1) vehicle for every two and one-half (2½) people allowed under the maximum overnight occupancy. In no instance shall the number of vehicles allowed be less than two (2).

(Ord. No. 2007-2, § 2(5-4-204), 3-27-2007)

Sec. 5-4-~~205~~207. Written notices to be conspicuously posted inside and outside residence; Penalties for removing notices.

A written notice provided by the city which contains information about certain ordinances generally impacting tenants of Short-term Rentals shall be affixed to a conspicuous location inside the residence located within fifteen (15) feet from the main entrance to the residence and maintained at such location by the owner and displayed at all times. A written notice provided by the city which contains information about the city's noise ordinance shall be weatherproofed and affixed to a conspicuous location on any exterior deck, porch, patio, pool or other gathering area of the residence and maintained at such location by the owner and displayed at all times. It shall be unlawful for any person to destroy, hide, obstruct, conceal or remove the notices required by this section.

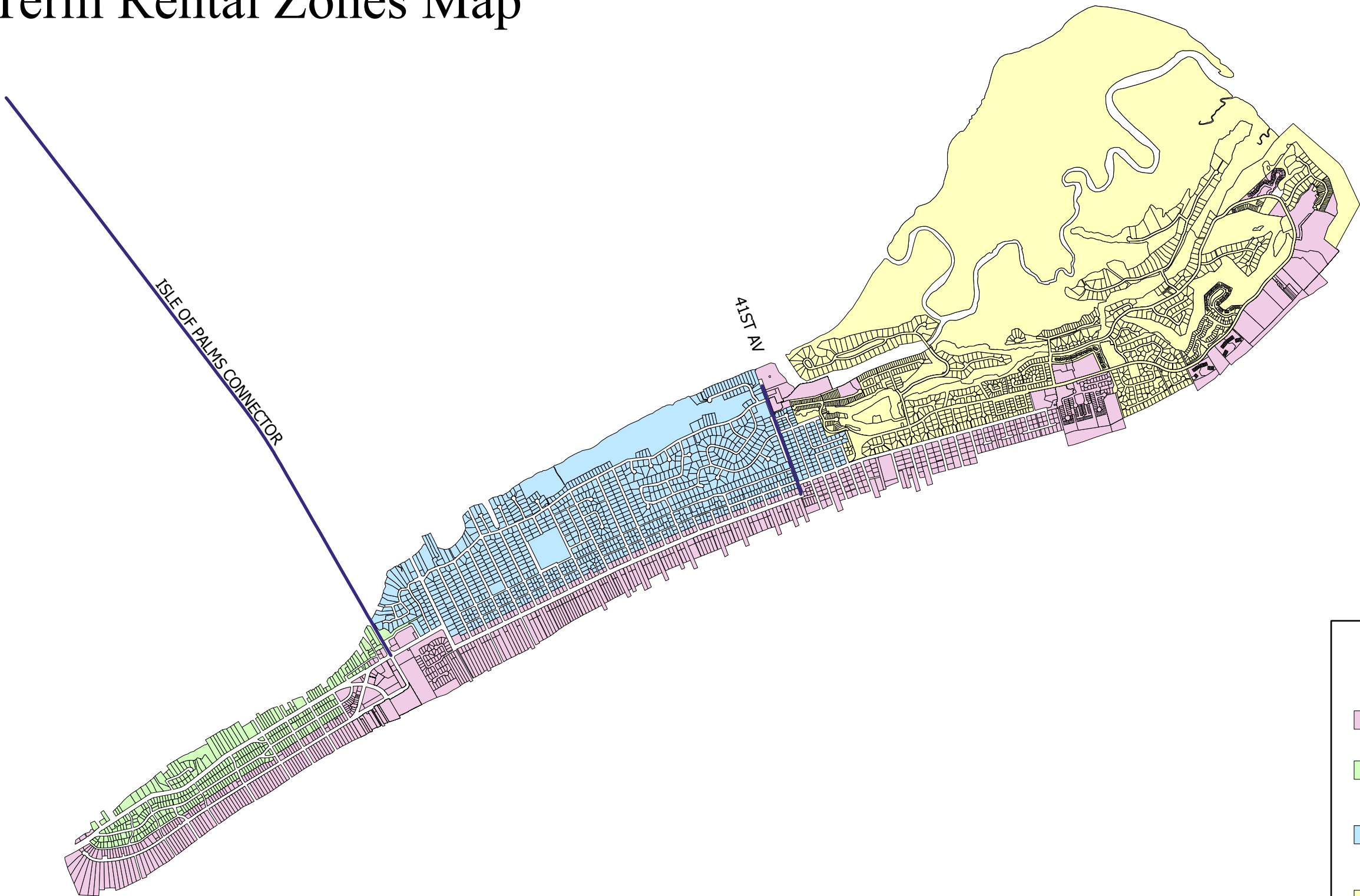
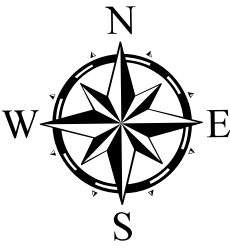
(Ord. No. 2007-2, § 2(5-4-205), 3-27-2007; Ord. No. 2009-14, § 1, 10-27-2009; Ord. No. 2015-07, § 1, 7-28-2015)

Editor's note(s)—Ord. No. 2015-07, § 1, adopted July 28, 2015, changed the title of § 5-4-205 from "Written notice to be conspicuously posted in residence; Penalties for removing notice" to read as set out herein.

Sec. 5-4-~~206~~208. Provisions are cumulative.

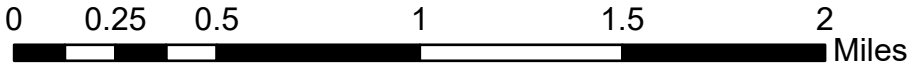
All provisions contained in this article shall be cumulative to all other Federal, State and City laws, ordinances and regulations to which an owner or tenant may be subject regarding the ownership, use, rental or occupancy of a residence.

City of Isle of Palms Short-Term Rental Zones Map



Legend

- No Cap Zone
- Short-Term Rental Zone 1
- Short-Term Rental Zone 2
- Short-Term Rental Zone 3



**CITY OF ISLE OF PALMS
CODE OF CONDUCT
FOR ELECTED AND APPOINTED OFFICIALS**

Policy Purpose

The City Council of the City of Isle of Palms adopts this Code of Conduct to provide a uniform set of standards so that elected and appointed officials, while exercising their respective offices, shall conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of the City's government. The provisions in this Code of Conduct shall not supersede state law but are intended to supplement the same. To the extent any provisions contained in this Code of Conduct and state law are in conflict, state law shall apply.

A. GENERAL CONDUCT GUIDELINES AND STANDARDS

Members of the City Council and appointed members of Boards and Commissions (hereinafter collectively referred to as "Members") shall conduct themselves in accordance with the following standards:

- (1) **Act in the Public Interest.** Members shall work for the common good of the residents and visitors of the City and not for any private or personal interest, and they will ensure fair and equal treatment of all persons, claims and transactions coming before them.
- (2) **Comply with both the spirit and the letter of the law.** Members shall comply with the laws of the United States, the State of South Carolina and the City of Isle of Palms in the performance of their public duties.
- (3) **Conduct of Members.** The professional and personal conduct of Members while exercising their office must be above reproach and avoid the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other Members, the City Staff or public. Members shall practice civility and decorum during public debate.
- (4) **Respect for Process.** Members shall perform their duties in accordance with the processes and rules set forth in the Rules of Order and Procedure in the City Code, Robert's Rules of Order, and the Rules of Conduct in the South Carolina Ethics Reform Act. Members shall honor the role of the Chairperson in maintaining order during public meetings.
- (5) **Decisions Based on Merit.** Members shall base their decisions on the merits and substance of the matter at hand. When making decisions, Members shall maintain an open mind until the conclusion of the hearing on the matter and shall base their decisions on the facts presented at the hearing and the law.

- (6) **Conflict of Interest.** Members shall avoid any conflicts of interest, or the appearance thereof, in compliance with the City Code and South Carolina law.
- (7) **Gifts and Favors.** Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general and shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action, or give the appearance of being compromised, in compliance with South Carolina law.
- (8) **Confidential Information.** Members must maintain the confidentiality of all written materials and verbal information provided to Members which is confidential or privileged under South Carolina law, including information provided during executive session, legal advice provided by the City's legal counsel, and any information otherwise protected by South Carolina law. Members shall not disclose confidential information without proper legal authorization, or use such information to advance their personal, financial or other private interests.
- (9) **Use of Public Resources.** Members shall not use public resources which are not available to the public in general (e.g., City Staff time, equipment, supplies or facilities) for private gain or for personal purposes not otherwise authorized by law.
- (10) **Representation of Private Interests.** Members shall not appear on behalf of the private interests of third parties before the Council or any Board, Committee, Commission or proceeding of the City, in compliance with South Carolina law.
- (11) **Advocacy.** Members shall represent the official policies or positions of the City to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Members shall explicitly state that said position is not endorsed by the City of Isle of Palms.
- (12) **Policy Role of Members.** Members shall respect and adhere to the council form of City government as provided in the City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City Staff, Boards, Committees and Commissions, and the public. Members shall not interfere with the administrative functions of the City or the professional duties of City Staff; nor shall they impair the ability of City Staff to implement Council policy decisions.

(13) Independence of Boards, Committees and Commissions. Because of the value of independent advice of Boards, Committees and Commissions to the public decision-making process, Members shall refrain from using their position to unduly influence the deliberations or outcomes of board, committee and commission proceedings. Councilmembers shall refrain from attending meetings of Boards, Committees and Commissions, of which they are not members, to avoid the appearance of undue influence or Freedom of Information Act violations. Councilmembers shall not contact a Board, Committee or Commission member to lobby or advocate on behalf of or against an individual, business, or other applicant appearing before any City body or any matter of business that will ultimately come before Council for final decision.

(14) Positive Workplace Environment. Members should make every effort to be cooperative and show mutual respect for the contributions made by each individual for the good of the community. Members shall support the maintenance of a positive and constructive workplace environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City Staff and make every attempt to avoid creating the perception of inappropriate direction to City Staff.

(15) Social Media. Members who engage in personal social media activity (i.e., Facebook, Twitter, YouTube, blogs, message boards, chat rooms, electronic newsletters, online forums, social networking sites, etc.) that makes reference to the City, a Member's own official capacity with the City, any other elected or appointed City official, City Staff, City property, or any other City-related business, shall conduct themselves in accordance with all applicable laws and City policies. Members engaging in such activity should make it clear that they are speaking for themselves and not on behalf of the City. Members shall not engage in any form of unlawful harassment, discrimination, or intimidation or use slurs, profanity, personal insults or negative comments regarding City officials or City Staff that convey personal opinions and grievances, entice unproductive attitudes and behavior, or disrupt the harmony of the City's workplace.

B. APPLICABILITY AND SANCTIONS

Acknowledgement of Code of Conduct

Acknowledgement and acceptance of this Code of Conduct is voluntary. All Councilmembers and appointed members of Boards and Commissions are encouraged to execute the same in order to foster a positive environment and to promote fair and impartial governance.

Behavior and Conduct

The Code of Conduct expresses standards of ethical conduct expected for members of the City Council and members of the City's Boards and Commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The Mayor and Council have the additional responsibility to intervene when actions of Members that appear to be in violation of this Code of Conduct are brought to their attention.

Compliance and Enforcement

- (1) A public disciplinary hearing against a Member for violation of the Code of Conduct may be held only upon resolution of Council moved and adopted according to the following procedures: (1) a Member must move to hold a public disciplinary hearing; (2) two additional Members must second the motion; and (3) Council must approve the motion by a vote of at least two-thirds (2/3) of Members present and voting.
- (2) A Member charged with conduct constituting a violation of the Code of Conduct shall be entitled to a public disciplinary hearing. Notice of such hearing shall be published in one or more newspapers of general circulation in the municipality at least one week in advance of the hearing. After the hearing, the question to be considered by Council shall be: *"Based on the evidence presented during the hearing, has the Member (a) intentionally violated the Code of Conduct; and/or (b) committed a serious violation of the Code of Conduct?"* If the question is answered in the affirmative by at least two-thirds (2/3) of the Members present and voting, Council shall proceed to consider one or more of the following sanctions, which shall be imposed by majority vote of the members present and voting: (a) censuring the Member; and/or (b) removing the Member's seniority/committee status.
- (3) Unless prohibited by applicable law, the Member accused and/or charged with conduct constituting a violation of the Code of Conduct may vote on the motion to set a public disciplinary hearing, the motion to determine whether the Member violated the Code of Conduct, or any sanctions.
- (4) Nothing herein shall preclude City Council from voting to go into executive session to receive legal advice regarding the interpretation or application of the Code of Conduct.
- (5) A violation of this section shall not be considered a basis for challenging the validity of a Council or Committee decision, nor shall this section create additional rights in third parties or members of the public.

C. IMPLEMENTATION

This Code of Conduct is intended to be self-enforcing and is an expression of the standards of conduct expected by the City for all elected and appointed officials.

This document shall be included in the regular orientations for candidates elected to City Council and newly appointed members to Boards and Commissions. Members should sign a statement (example below) acknowledging they have read and understand the Code of Conduct. In addition, the Code of Conduct shall be periodically reviewed by the City Council and may be amended or updated by City Council as necessary.

Adopted on _____, 2022 by Resolution No. _____

**CITY OF ISLE OF PALMS
CODE OF CONDUCT
FOR ELECTED AND APPOINTED OFFICIALS**

I affirm that I have read and acknowledge and accept the City of Isle of Palms Code of Conduct for Elected and Appointed Officials.

Signature _____

Date _____

