

The Town of James Island held a Workshop for discussion of amending the Zoning and Land Development Regulations Ordinance regarding Short-Term Rentals and Accessory Dwelling Units. The Workshop was held on Wednesday, January 17, 2024 at 5:00 p.m. in person at the Town Hall, 1122 Dills Bluff Rd., James Island, SC. The Workshop was live-streamed on the Town's website, www.jamesislandsc.us/livestream-town-meetings.

The following members of Council were present: Boles, Dodson, Mignano, Mullinax, and Mayor Lyon, who presided. Also, Planning Director, Kristen Crane, Planner II, Flannery Wood, and Town Clerk, Frances Simmons.

Call to Order: Mayor Lyon called the workshop to order at 5:00 p.m. She announced that short-term rentals were a "hot" topic during this election and the Council wanted to address the issue sooner rather than later. She thanked everyone for attending to express their concerns. Mayor Lyon asked those who wished to join in the prayer followed with the Pledge of Allegiance.

Public Comments: The following people expressed their concerns and opinions regarding the pros and cons of short-term rentals in the Town and for the Town to develop an ordinance that would benefit everyone. Comments in its entirety www.jamesislandsc.us/livestream-town-meetings.

Not in Favor

Frank Edwards, 555 Schooner Rd:
Harlen F. Woods, Sr. 558 Lynn Ave:

In Favor (with some wanting restrictions)

Sean Oddis, 825 Fred St.
Adam Moore, 954 Nabors Dr,
Chris Benson, 991 White Point Blvd. (also provided document to Council)
Jonathan Taylor, 1059 Renwood Dr.
Sarah Young, 1071 Harbor View Rd.
Paul Comar, 1231 Chuka Ct.
Ellen Babb, 1257 Midvale Ave.
David Vernon, 1429 Ft. Johnson Rd.

Presentation of Short-Term Rental: Planning Director, Kristen Crane: Ms. Crane provided a slide presentation on short-term rentals in the Town of James Island; what is allowed/not allowed per Town Ordinance. She also shared general information on how short-term rentals are handled by other municipalities, and the Municipal Association of SC's undertaking of how short-term rentals are handled by other municipalities in the state. She touched on things that Council should consider should this change be granted. Ms. Crane provided information on ADU's (Accessory Dwelling Units). Her opinion is that it should not be lumped in with short-term rentals, though they may come together at some time. As it is now, it is not defined in the zoning ordinance, and it is not listed in the Use Table, but it needs to be addressed. She offered to obtain information on ADUs from other municipalities if that is the desire of the Council to see what their rules are. Presentation attached.

Questions and discussion regarding amending the Zoning and Land Development Regulations Ordinance with respect to Short-term Rentals and Accessory Dwelling Units.

Councilman Dodson noted that ADU's are not included; what about duplexes. Ms. Crane said there are duplexes in the Town; however, they are not allowed in RSL. She said most of the older ones are grandfathered, for example, those in the Bayfront s/d. She noted some legal ADU's because they were granted in previous iterations of the Town at some time. The owner having approval permits is helpful.

Councilwoman Mignano said State law says if you are a primary homeowner, you can only rent a short-term rental for 72 days per year as a cap. She asked if that is for a personal home or if someone has an ADU. Ms. Crane answered if they want to keep the 4% tax. Councilwoman Mignano asked about the entire home being rented and Ms. Crane said if the entire home is rented, the 4% would not be given; rather 6%. Councilwoman Mignano asked about studio apartments and Ms. Crane answered that it would depend on the property owner whether it is legal; when it was built/converted, and whether permits were issued for it to be done.

Councilman Dodson asked if monies from these business licenses/permit fees are earmarked as a specific category or do they go into the General Fund. Ms. Crane was unsure but would find that out.

Councilwoman Mignano said she has been looking into short-term rentals as well as affordable housing. She is in favor of property rights; but doesn't want to see the Town become like Hilton Head where it is all short-term rentals and have no character. She moved to James Island because it is a bedroom community. She asked Ms. Crane if someone has a studio apartment over a garage, she doesn't see how that would increase density. She asked if that is something that we could look at in the ordinance. It would not be a short-term rental but it could be rented as a mother-in-law suite to a fireman, teacher, college student, or a couple. Ms. Crane said yes, and questioned the maintenance and enforcement the property owner would have by doing this. Councilwoman Mignano added that by doing this it would not increase land coverage, stormwater, or flooding onto a neighbor because the building already exists. It would provide passive income for property owners and affordability for people who want to live here. Ms. Crane said she has thoughts of how this could be done through software that may be available.

Councilman Dodson said moving forward we need to separate ADU's and short-term rentals and figure a way to do each. He said they are two separate things and offered suggestions on both short-term rentals and ADU's that are owner occupied, legal conforming, and new construction. He asked Ms. Crane where in the ordinance is the one kitchen per dwelling and she said it is under the dwelling unit.

Ms. Crane defined the term "innkeeper on premises" to Councilwoman Mignano under the commercial district.

Councilman Boles said one of the things he did not see as a suggestion is a rule in Nashville that all contiguous property owners have to approve a permit application. He said some neighborhoods feel the same and others don't. As an example, he said in Lighthouse Point, or some portion of it, people may feel differently from Harbor Woods or Clearview. He said while it is helpful to have clear rules (he doesn't think the rules we have now are clear to his satisfaction), clear rules are good, but it leaves out some things that are more granular in decision making by each neighborhood. He asked to keep this in mind because it addresses the concerns that people have to influence what is happening next door to them. Ms. Crane compared this rule to the notifications that the County and our BZA sends to residents within a designated number of feet about a property and liked the idea.

Councilman Dodson asked how much of the 6% tax the Town receives. Ms. Crane was unsure and would ask Merrell Roe, Finance Officer.

Councilman Dodson said he has a short-term rental. When he moved to James Island the property that he bought had three units on it. His family moved into the house and there is an additional house in the back with its own driveway there since 1960. They permitted some renovations and got licenses. This is how he can live on James Island with his family. His property is owner occupied and there has never been a complaint. He shared that a neighbor asked when he was going to begin doing short-term rentals and he had been doing it for six months but the neighbor had no idea because there were no complaints. He is on the property to handle issues immediately. He does not want long term rentals because they have huge

impacts on the property and the neighborhood. He believes in balanced reason and doesn't want to see our island turned into a non-bedroom community. We need to help the people who live here to have their property rights but not go crazy with it. Moving forward he would like to see the neighborhood notified when someone applies for a license; the three-strike rule, lessen some restrictions in the commercial district. Lastly, the City of Charleston, Folly Beach, and Charleston County are taking a 2% accommodations tax and James Island does not, but we could bump those taxes up to beautify our town. We want to build a beautiful city center here and make it the heart of James Island and this is money to help us to do that. We could make sure that we get monies from licenses, accommodations tax, and property tax that would not go into the General Fund. This may include another staff person. Councilman Dodson said he would like to see short-term rentals and ADU's separated.

Councilman Boles spoke of having an easy way to tackle affording housing vs. building new structures. He agrees with Councilman Dodson to separate short-term rentals and accessory dwelling units. Money from accommodations tax is good for the Town but primarily, make rules work for the people who live here. The term "Bed and Breakfast" is old and outdated, no one is doing that, and he would like to undo the vote for that. He appreciates the work staff did in preparing for this workshop.

Mayor Lyon said she heard a lot of diverse feelings from the public and would like to come to a happy medium. She realizes that not everyone will be happy with everything that is done. She spoke of living in garage apartments when she lived in Wilmington. She noted that every place has rules, and she believes in property rights. She feels strongly that short-term rentals be owner occupied. She shared situations as the President of Lighthouse Point about short-term rentals in the neighborhood and having to call the police about disturbances. She noted that the people feel strongly about short-term rentals, both for and against, but there needs to be a balance. Short-term rentals offer a way for people to be able to stay in their homes. She would like to have the wording "Bed and Breakfast" removed from the ordinance.

Councilman Mullinax shared his views on short-term rentals and affordable housing. He noted that many good points were brought forward tonight about them.

Councilwoman Mignano spoke about having a balance to maintain the James Island character that we have. Short-term rentals should be owner occupied; people owning the home should be able to make a profit. She looks forward to delving into this more.

Mayor Lyon encouraged the Council to send bullet points regarding short-term rentals and accessory dwelling units to Clerk Simmons for compilation. She thanked the staff for their work and the public for their participation.

The workshop adjourned at 6:36 p.m.

Submitted by: Frances Simmons
Town Clerk

