



## **CITY OF SENECA**

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**Edward R. Halbig, AICP**  
Director

### **SENECA PLANNING COMMISSION**

#### **Agenda**

**Monday, May 20<sup>th</sup>, 2019**  
**Council Chambers – City Hall**  
**6:00 PM**

- I. Opening**
- II. Approval of Minutes**
- III. Docket Number:**

**Docket No 1:**

**ZA 2019-06**

**Short Term Rental Textual Amendment,  
Sections 501.3(h); 502.3(h); 503.3(h);  
504.3(h); 505.3(k); 506.3(k); 507.3(h);  
509.3(g), and 514.3(c).**

- IV. New Business**
- V. Old Business**
- VI. Adjourn**

**“City of Smiles, City with Style”**

## Staff Report

**To:** Seneca Planning Commission  
**From:** Edward R. Halbig, A.I.C.P.

**Date:** May 09, 2019  
**Public Hearing:** May 20, 2019  
**Docket:** ZA 2019-06

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### Textual Amendment

AN ORDINANCE TO AMEND THE OFFICIAL REVISED ZONING ORDINANCE OF THE CITY OF SENECA TO REGULATE SHORT-TERM RENTALS OPERATING WITHIN THE CITY LIMITS OF SENECA

This ordinance amends the following sections of the Zoning Ordinance: 501.3(h); 502.3(h); 503.3(h); 504.3(h); 505.3(k); 506.3(k); 507.3(h); 509.3(g), and 514.3(c).

In all sections that allow as a conditional use a “bed and breakfast” use, “Short term rental” use is to be allowed as a conditional use.

In addition, Core Commercial, which currently permits “residential” use, will allow short term rental as a conditional use.

### Analysis

The conditions set forth in this proposal are similar to those required in a “bed and breakfast” use, in that it limits guests, designates parking, and requires availability, accessibility and proximity of an owner or manager to respond to (1) the needs of both the guests and the neighbors and (2) the requirements of the city.

The proposal differs significantly from many other conditional uses in that it does not require parcel sizes that are greater than those that are required for permitted uses.

The city has been wrestling with short term rentals (STR) for several years, arguing that as use that is not permitted in residential districts that it is therefore prohibited. The city’s enforcement has been complaint-driven, relying on local residents to report STR activity. In these instances, the complaints involved noise, trespass, trash and traffic violations. These issues are ones for which there are municipal services to address them (such as police and sanitation) – regardless of the status of the building occupants as owners or renters.

The proposed ordinance includes an application requirement which is intended to serve two objectives: first, it provides the city and public with contact information for the parties responsible to address complaints. Those responsible parties are intended to be in such proximity to the STR that they can address issues in a timely manner. Second, the responsible parties (and ultimately the STR consumers) can be made aware of the expectations for operating an STR within the city.

The addition of STR as a conditional use in Core Commercial is intended to allow visitors to the downtown as the city attempts to make it a destination. Core Commercial exists only in the downtown. As there are currently no hotel or other similar offerings in the downtown, STR downtown is seen as a distinct use and not in competition with the hotel offerings on the 123 bypass.

**Staff Recommendation**

The planning staff recommends approval of the request.

Full ordinance follows as attachment.

CITY OF SENECA

ORDINANCE NO. 2019-

AN ORDINANCE TO AMEND THE OFFICIAL ZONING ORDINANCE OF THE  
CITY OF SENECA, SOUTH CAROLINA, TO PERMIT SHORT-TERM  
RENTAL UNITS OPERATING WITHIN THE CITY LIMITS

WHEREAS, in pursuance of authority conferred by the General Statutes of South Carolina, 1976 Code of Laws, Title VI, Chapter 29, the City of Seneca finds it desirable and appropriate to amend the Official Zoning Ordinance of the City of Seneca, South Carolina, to permit short-term rental units operating within the city limits pursuant to the comprehensive plan. The purpose of these provisions is to provide dwelling owners with a procedure to rent their property on a short-term basis as a conditional use. The regulation of short-term rental units as provided herein is not intended to restrict homeowners from continuing to utilize their dwelling in any other manner permitted by The Official Zoning Ordinance of the City of Seneca, South Carolina, for the type of zone in which a particular dwelling is located. Similarly, this article does not restrict businesses from operating legal year-round transient accommodations in the form of hotels or motels located in appropriate commercial zones and pursuant to the appropriate licenses.

NOW, THEREFORE, upon motion of City Council, and BY SENECA CITY COUNCIL, in Council duly assembled, and with a quorum present and voting, BE IT ORDAINED that Sections 501, 502, 503, 504, 505, 506, 507, 509, and 514 of the Official Zoning Ordinance of the City of Seneca, South Carolina, are hereby amended to permit the operation of short-term rental units as conditional uses in Districts R-20, R-15, R-10, R-6, RM-8, RM-16, RG, RO, and CC, respectively, as follows:

501.3 Conditional Uses:

- h) Short-term rental units, provided that:
  - 1) such use is located on a lot having an area of at least twenty thousand (20,000) square feet in area;
  - 2) the applicant for a short-term rental unit conditional use shall submit to the zoning administrator an application for a short-term rental unit; the application shall include: the applicant's name, the address of the proposed short-term rental unit, contact information, including a telephone number and address, of the local management agent responsible for management of the short-term rental unit, and the applicant's tax identification number;
  - 3) the maximum total rental occupancy of the short-term rental unit is two (2) guests per bedroom, and in no case shall the total rental occupancy of the short-term rental unit exceed twelve (12) guests total;
  - 4) required paved parking be provided onsite for one vehicle per bedroom, with additional improved parking onsite as needed; street right-of-way shall not be considered for paved or improved parking;

- 5) the property has a local management agent available twenty-four hours per day, seven days per week. Local management agent shall mean, for the purposes of this Section 501.3, a property manager located within twenty (20) miles of the City of Seneca or a property owner located within seventy-five (75) miles of the City of Seneca. A property manager acting as a local management agent shall be required to have a business license from the City, either individually or as part of a professional agency, and shall be responsible for ensuring that accommodations taxes are collected and remitted. A property owner acting as a local management agent shall not be required to have a business license with the City if they are managing fewer than two (2) short-term rental units, but is responsible for ensuring that accommodations taxes are collected and remitted. A property owner managing two (2) or more short-term rental units shall be required to have a business license from the City.

502.3 Conditional Uses:

- h) Short-term rental units, provided that:
  - 1) such use is located on a lot having an area of at least fifteen thousand (15,000) square feet in area;
  - 2) the applicant for a short-term rental unit conditional use shall submit to the zoning administrator an application for a short-term rental unit; the application shall include: the applicant's name, the address of the proposed short-term rental unit, contact information, including a telephone number and address, of the local management agent responsible for management of the short-term rental unit, and the applicant's tax identification number;
  - 3) the maximum total rental occupancy of the short-term rental unit is two (2) guests per bedroom, and in no case shall the total rental occupancy of the short-term rental unit exceed twelve (12) guests total;
  - 4) required paved parking be provided onsite for one vehicle per bedroom, with additional improved parking onsite as needed; street right-of-way shall not be considered for paved or improved parking;
  - 5) the property has a local management agent available twenty-four hours per day, seven days per week. Local management agent shall mean, for the purposes of this Section 502.3, a property manager located within twenty (20) miles of the City of Seneca or a property owner located within seventy-five (75) miles of the City of Seneca. A property manager acting as a local management agent shall be required to have a business license from the City, either individually or as part of a professional agency, and shall be responsible for ensuring that accommodations taxes are collected and remitted. A property owner acting as a local management agent shall not be required to have a business license with the City if they are managing fewer than two (2) short-term rental units, but is responsible for ensuring that accommodations taxes are collected and remitted. A property owner managing two (2) or more short-term rental units shall be required to have a business license from the City.

503.3 Conditional Uses:

- h) Short-term rental units, provided that:
- 1) such use is located on a lot having an area of at least ten thousand (10,000) square feet in area;
  - 2) the applicant for a short-term rental unit conditional use shall submit to the zoning administrator an application for a short-term rental unit; the application shall include: the applicant's name, the address of the proposed short-term rental unit, contact information, including a telephone number and address, of the local management agent responsible for management of the short-term rental unit, and the applicant's tax identification number;
  - 3) the maximum total rental occupancy of the short-term rental unit is two (2) guests per bedroom, and in no case shall the total rental occupancy of the short-term rental unit exceed twelve (12) guests total;
  - 4) required paved parking be provided onsite for one vehicle per bedroom, with additional improved parking onsite as needed; street right-of-way shall not be considered for paved or improved parking;
  - 5) the property has a local management agent available twenty-four hours per day, seven days per week. Local management agent shall mean, for the purposes of this Section 503.3, a property manager located within twenty (20) miles of the City of Seneca or a property owner located within seventy-five (75) miles of the City of Seneca. A property manager acting as a local management agent shall be required to have a business license from the City, either individually or as part of a professional agency, and shall be responsible for ensuring that accommodations taxes are collected and remitted. A property owner acting as a local management agent shall not be required to have a business license with the City if they are managing fewer than two (2) short-term rental units, but is responsible for ensuring that accommodations taxes are collected and remitted. A property owner managing two (2) or more short-term rental units shall be required to have a business license from the City.

504.3 Conditional Uses:

- h) Short-term rental units, provided that:
- 1) such use is located on a lot having an area of at least six thousand (6,000) square feet in area;
  - 2) the applicant for a short-term rental unit conditional use shall submit to the zoning administrator an application for a short-term rental unit; the application shall include: the applicant's name, the address of the proposed short-term rental unit, contact information, including a telephone number and address, of the local management agent responsible for management of the short-term rental unit, and the applicant's tax identification number;

- 3) the maximum total rental occupancy of the short-term rental unit is two (2) guests per bedroom, and in no case shall the total rental occupancy of the short-term rental unit exceed twelve (12) guests total;
- 4) required paved parking be provided onsite for one vehicle per bedroom, with additional improved parking onsite as needed; street right-of-way shall not be considered for paved or improved parking;
- 5) the property has a local management agent available twenty-four hours per day, seven days per week. Local management agent shall mean, for the purposes of this Section 504.3, a property manager located within twenty (20) miles of the City of Seneca or a property owner located within seventy-five (75) miles of the City of Seneca. A property manager acting as a local management agent shall be required to have a business license from the City, either individually or as part of a professional agency, and shall be responsible for ensuring that accommodations taxes are collected and remitted. A property owner acting as a local management agent shall not be required to have a business license with the City if they are managing fewer than two (2) short-term rental units, but is responsible for ensuring that accommodations taxes are collected and remitted. A property owner managing two (2) or more short-term rental units shall be required to have a business license from the City.

505.3 Conditional Uses:

k) Short-term rental units, provided that:

- 1) the applicant for a short-term rental unit conditional use shall submit to the zoning administrator an application for a short-term rental unit; the application shall include: the applicant's name, the address of the proposed short-term rental unit, contact information, including a telephone number and address, of the local management agent responsible for management of the short-term rental unit, and the applicant's tax identification number;
- 2) the maximum total rental occupancy of the short-term rental unit is two (2) guests per bedroom, and in no case shall the total rental occupancy of the short-term rental unit exceed twelve (12) guests total;
- 3) required paved parking be provided onsite for one vehicle per bedroom, with additional improved parking onsite as needed; street right-of-way shall not be considered for paved or improved parking;
- 4) the property has a local management agent available twenty-four hours per day, seven days per week. Local management agent shall mean, for the purposes of this Section 505.3, a property manager located within twenty (20) miles of the City of Seneca or a property owner located within seventy-five (75) miles of the City of Seneca. A property manager acting as a local management agent shall be required to have a business license from the City, either individually or as part of a professional agency, and shall be responsible for ensuring that accommodations taxes are collected and remitted. A property owner acting as a local management agent shall not be required to have a business license with

the City if they are managing fewer than two (2) short-term rental units, but is responsible for ensuring that accommodations taxes are collected and remitted. A property owner managing two (2) or more short-term rental units shall be required to have a business license from the City.

506.3 Conditional Uses:

- k) Short-term rental units, provided that:
- 1) the applicant for a short-term rental unit conditional use shall submit to the zoning administrator an application for a short-term rental unit; the application shall include: the applicant's name, the address of the proposed short-term rental unit, contact information, including a telephone number and address, of the local management agent responsible for management of the short-term rental unit, and the applicant's tax identification number;
  - 2) the maximum total rental occupancy of the short-term rental unit is two (2) guests per bedroom, and in no case shall the total rental occupancy of the short-term rental unit exceed twelve (12) guests total;
  - 3) required paved parking be provided onsite for one vehicle per bedroom, with additional improved parking onsite as needed; street right-of-way shall not be considered for paved or improved parking;
  - 4) the property has a local management agent available twenty-four hours per day, seven days per week. Local management agent shall mean, for the purposes of this Section 506.3, a property manager located within twenty (20) miles of the City of Seneca or a property owner located within seventy-five (75) miles of the City of Seneca. A property manager acting as a local management agent shall be required to have a business license from the City, either individually or as part of a professional agency, and shall be responsible for ensuring that accommodations taxes are collected and remitted. A property owner acting as a local management agent shall not be required to have a business license with the City if they are managing fewer than two (2) short-term rental units, but is responsible for ensuring that accommodations taxes are collected and remitted. A property owner managing two (2) or more short-term rental units shall be required to have a business license from the City.

507.3 Conditional Uses:

- h) Short-term rental units, provided that:
- 1) such use is located on a lot having an area of at least ten thousand (10,000) square feet in area;
  - 2) the applicant for a short-term rental unit conditional use shall submit to the zoning administrator an application for a short-term rental unit; the application shall include: the applicant's name, the address of the proposed short-term



- rental unit, contact information, including a telephone number and address, of the local management agent responsible for management of the short-term rental unit, and the applicant's tax identification number;
- 3) the maximum total rental occupancy of the short-term rental unit is two (2) guests per bedroom, and in no case shall the total rental occupancy of the short-term rental unit exceed twelve (12) guests total;
  - 4) required paved parking be provided onsite for one vehicle per bedroom, with additional improved parking onsite as needed; street right-of-way shall not be considered for paved or improved parking;
  - 5) the property has a local management agent available twenty-four hours per day, seven days per week. Local management agent shall mean, for the purposes of this Section 507.3, a property manager located within twenty (20) miles of the City of Seneca or a property owner located within seventy-five (75) miles of the City of Seneca. A property manager acting as a local management agent shall be required to have a business license from the City, either individually or as part of a professional agency, and shall be responsible for ensuring that accommodations taxes are collected and remitted. A property owner acting as a local management agent shall not be required to have a business license with the City if they are managing fewer than two (2) short-term rental units, but is responsible for ensuring that accommodations taxes are collected and remitted. A property owner managing two (2) or more short-term rental units shall be required to have a business license from the City.

509.3 Conditional Uses:

- g) Short-term rental units, provided that:
  - 1) the applicant for a short-term rental unit conditional use shall submit to the zoning administrator an application for a short-term rental unit; the application shall include: the applicant's name, the address of the proposed short-term rental unit, contact information, including a telephone number and address, of the local management agent responsible for management of the short-term rental unit, and the applicant's tax identification number;
  - 2) the maximum total rental occupancy of the short-term rental unit is two (2) guests per bedroom, and in no case shall the total rental occupancy of the short-term rental unit exceed twelve (12) guests total;
  - 3) required paved parking be provided onsite for one vehicle per bedroom, with additional improved parking onsite as needed; street right-of-way shall not be considered for paved or improved parking;
  - 4) the property has a local management agent available twenty-four hours per day, seven days per week. Local management agent shall mean, for the purposes of this Section 509.3, a property manager located within twenty (20) miles of the City of Seneca or a property owner located within seventy-five (75) miles of the City of Seneca. A property manager acting as a local management agent shall be required to have a business license from the City, either individually or

as part of a professional agency, and shall be responsible for ensuring that accommodations taxes are collected and remitted. A property owner acting as a local management agent shall not be required to have a business license with the City if they are managing fewer than two (2) short-term rental units, but is responsible for ensuring that accommodations taxes are collected and remitted. A property owner managing two (2) or more short-term rental units shall be required to have a business license from the City.

514.3 Conditional Uses:

- c) Short-term rental units, provided that:
- 1) such use does not occur on the first floor of the building. The first floor shall be determined by the property's main access to the street or streets on which the building fronts. No short-term rental units shall be permitted to operate on the first floor of a building in this district;
  - 2) the applicant for a short-term rental unit conditional use shall submit to the zoning administrator an application for a short-term rental unit; the application shall include: the applicant's name, the address of the proposed short-term rental unit, contact information, including a telephone number and address, of the local management agent responsible for management of the short-term rental unit, and the applicant's tax identification number;
  - 3) the maximum total rental occupancy of the short-term rental unit is two (2) guests per bedroom, and in no case shall the total rental occupancy of the short-term rental unit exceed twelve (12) guests total;
  - 4) required paved parking be provided onsite for one vehicle per bedroom, with additional improved parking onsite as needed; street right-of-way shall not be considered for paved or improved parking;
  - 5) the property has a local management agent available twenty-four hours per day, seven days per week. Local management agent shall mean, for the purposes of this Section 509.3, a property manager located within twenty (20) miles of the City of Seneca or a property owner located within seventy-five (75) miles of the City of Seneca. A property manager acting as a local management agent shall be required to have a business license from the City, either individually or as part of a professional agency, and shall be responsible for ensuring that accommodations taxes are collected and remitted. A property owner acting as a local management agent shall not be required to have a business license with the City if they are managing fewer than two (2) short-term rental units, but is responsible for ensuring that accommodations taxes are collected and remitted. A property owner managing two (2) or more short-term rental units shall be required to have a business license from the City.

DONE AND DULY ORDAINED BY THE municipal Council for the City of Seneca, in Council duly assembled on the date hereinafter set forth.

Effective Date:

This ordinance shall become effective on \_\_\_\_\_, 2019, provided that it is appropriately approved, ratified, and adopted as required by State law and the City of Seneca Municipal Code prior to that time.

PROPOSED ORDINANCE APPROVED AS TO FORM this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
R. BOATNER BOWMAN, City Attorney

APPROVED AND RATIFIED on First Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by a vote of

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ ABSTAIN

APPROVED, RATIFIED and ADOPTED on Second and Final Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by a vote of

\_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ ABSTAIN

\_\_\_\_\_, Clerk

Attest:

\_\_\_\_\_, Mayor