

CITY OF SENECA

18
ORDINANCE NO. 2019-10

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 in accordance with 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 the Revised Zoning Ordinance of the City of Seneca is hereby amended to include Section 740 as set forth in the attached document, as well as amendments to Sections 501, 502, 503, 504, 505, 506, 507, 509, and 514, permitting the use 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:

SECTION 740 SHORT-TERM RENTALS

Short-term rental units operating as conditional uses within each of the established residential districts and the core commercial district, including Districts R-20, R-15, R-10, R-6, RG, RO, RM-8, RM-16, and CC, are subject to the following requirements:

740.1 Purpose:

It is the intent of this section that resident property owners in residential districts, as well as all property owners in the core commercial district, within the city limits be provided with a procedure to utilize their property as a short-term rental unit subject to the provisions contained herein.

740.2 Definitions.

Resident. For the purposes of this Section 740, the term "Resident" shall mean the record owner of the property who (1) physically resides at the subject property at least 183 days each year and (2) has designated the subject property as his/her legal voting address and the address of his/her

driver's license. In addition, the subject property must be assessed at the four percent homeowner's assessment ratio according to the records of the Oconee County Assessor's Office.

Local Management Agent. A property manager located within twenty (20) miles of the City of Seneca, or the resident property owner, who is responsible for the requirements and duties outlined in this Section 740.

Short-term Rental. An accommodation for transient guests where, in exchange for compensation, a residential dwelling unit, or any portion of a residential dwelling unit, is provided for lodging for a period of time not to exceed twenty-seven (27) consecutive days. Periods greater than 27 days shall not be considered short-term. Distinguishing characteristics of a short-term rental are: 1) it has all the attributes of a typical dwelling unit including cooking, living, sanitary, and sleeping facilities, and 2) short-term rental uses typically advertise through an online platform, or media, for transient occupancy, accommodations, or lodging of guests paying a fee or other compensation. For the purposes of this definition, a residential dwelling unit shall include one-family dwellings, two-family dwellings (duplexes), and townhouses and shall exclude hotels, motels, bed and breakfast establishments, or inns that are subject to and compliant with the city's business license requirements and other applicable Code of Ordinances and Revised Zoning Ordinance requirements.

Short-term Rental Unit. A residential dwelling unit that complies with the provisions of this Section 740 and other applicable sections of the Official Zoning Ordinance of the City of Seneca, South Carolina, and which has an accepted application for conditional use as a short-term rental.

740.3 Application and Restrictions.

Short-term rental units are permitted as conditional uses in Districts R-20, R-15, R-10, R-6, RG, RO, RM-8, RM-16, and CC subject to the following restrictions.

- a) An application for a short-term rental conditional use may only be submitted by the resident owner(s) of the property sought to be used in any residential district and by the owner(s) of record of the property sought to be used in the core commercial district.
- b) The applicant for a short-term rental conditional use shall submit to the zoning administrator an application for a short-term rental unit. The application shall include:
 - 1) the applicant's name;
 - 2) the address of the proposed short-term rental unit;
 - 3) for all properties in residential districts, proof of the applicant's resident status at the subject property as well as proof of the subject property's tax assessment at the four percent homeowner's assessment ratio;
 - 4) contact information, including a telephone number and address, of the local management agent responsible for management of the short-term rental unit; and

- 5) the applicant's tax identification number.
- c) The maximum total rental occupancy of a short-term rental unit shall be two (2) guests per bedroom, and in no case shall the total rental occupancy of a short-term rental unit exceed twelve (12) guests total.
 - d) Paved parking for one vehicle per bedroom shall be provided onsite, with additional improved parking onsite as needed. The street right-of-way shall not be considered for paved or improved parking.
 - e) The property shall have a local management agent available twenty-four hours per day, seven days per week. 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. A resident property owner acting as a local management agent for their own property shall not be required to have a business license from the City. The local management agent shall be responsible for ensuring that accommodations taxes are collected and remitted.
 - f) The local management agent is responsible for ensuring that any garbage left by renters is properly disposed of. Garbage bags shall be required to be disposed of in appropriate containers as approved by the City of Seneca Sanitation, Recycling, and Street Department. Garbage containers shall not be placed on the curb for collection more than forty-eight (48) hours prior to collection. Garbage containers shall be removed from the curb within twenty-four (24) hours after collection.
 - g) Property owners and the local management agent should be aware of the impacts that their rental activities may have on neighboring properties. Neighboring properties have an expectation of peace and quiet enjoyment of the property free from unlawful disturbances. It shall be the responsibility of the local management agent to be aware of all local laws that may affect the peaceful enjoyment of neighboring properties, including, but not limited to, Chapter 18 Sections 66 and 67 of the City of Seneca, South Carolina's Code of Ordinances. The local management agent shall be responsible for ensuring that persons renting property on a short-term basis are aware of these laws.
 - h) No property used as a short-term rental may display a sign advertising said rental.
 - i) Should any homeowners' association for any neighborhood situated within the city limits of Seneca impose regulations or provisions more restrictive than those contained herein, the more restrictive regulations or provisions shall prevail as provided for by state and federal law. It is the responsibility of the resident property owner to ensure that the property sought to be used as a short term rental is not subject to a covenant or restriction preventing such use.

501.3 Conditional Uses:

- h) Short-term rental units, provided that such use complies with the requirements of Section 740.

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- g) Short-term rental units, provided that such use complies with the requirements of Section 740.

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- c) Short-term rental units, provided that such use complies with the requirements of Section 740 and 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 on the first floor of a building in this District. The resident requirements found in this Section 740 shall not apply to short-term rental units located in this district.

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 September 24, 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 24th day of September 2019.



R. BOATNER BOWMAN, City Attorney


APPROVED AND RATIFIED on First Reading this 25th day of June, 2019 by a vote of

9 YES 0 NO 0 ABSTAIN

APPROVED, RATIFIED and ADOPTED on Second and Final Reading this 24th day of September, 2019 by a vote of

6 YES 2 NO 0 ABSTAIN

Attest:


_____, Mayor Pro Tem

Carol Hall, Clerk