

Collaborative Consumption: Uber, Airbnb and the Sharing Economy

2015 SC MUNICIPAL ATTORNEYS ASSOCIATION ANNUAL MEETING
FRIDAY, DECEMBER 4, 2015

Sharing Economy

Sharing Economy – Businesses taking advantage of excess supply to provide goods and services without formal ownership; also use irregular methods rather than normal channels of business



Housing and Lodging- Zoning and Planning

No just Airbnb

Destination communities most impacted

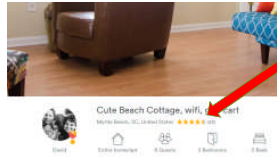
Airbnb query for Saturday, December 5th for private room with single person

- Charleston= 215
- Mt. Pleasant= 213
- Columbia= 39
- Spartanburg= 18
- Aiken= 25
- Myrtle Beach= 31
- Conway= 27

• Note: Myrtle Beach for December 5- December 12 renting entire home= 292 rental options

Supporters of little to no regulation

Let the market dictate the industry
 Government is slow and reactionary in regulating
 "Community" model can provide quality control



Supporters of Regulation/ Concerns

Housing Impacts

- loss of long-term rentals and housing options, reduced owner occupancy

Neighborhood Impacts

- Parking, noise, trash, residential character

Lodging Impacts

- loss of revenue, lack of regulation (health & life safety and taxation), level playing field

A National Issue

Colorado: Durango versus Aspen

San Francisco: Proposition F

Ballot question: "Shall the City limit short-term rentals of a housing unit to 75 days per year regardless of whether the rental is hosted or unhosted; require owners to provide proof that they authorize the unit as a short-term rental; require residents who offer short-term rentals to submit quarterly reports on the number of days they live in the unit and the number of days the unit is rented; prohibit short-term rentals of in-law units; allow interested parties to sue hosting platforms; and make it a misdemeanor for a hosting platform to unlawfully list a unit as a short-term rental?" Source: Ballotpedia

San Francisco, Proposition F		
Result	Votes	Percentage
<input checked="" type="checkbox"/> No	111,348	55.59%
<input type="checkbox"/> Yes	85,945	44.41%

Regulation Options

"Low Regulation" communities generally require:

- A business license
- Sales/lodging tax remittance
- Comply with life safety and trash regulations

"High Regulation" communities generally:

- Limit the location and timeframes for rentals
- Require special signage and/or neighbor notification
- Have special parking requirements

Source: APA CO Housing Presentation

Town of Mount Pleasant

Zoning Use Table adoption 2014

Rental, Short-term : "(1) The rental or lease of a residential dwelling unit for a duration of less than 28 consecutive days; or (2) The use of a residential dwelling unit in return for valuable consideration for a duration of less than 28 consecutive days."

Bed & Breakfast (B&B) : "A portion of an owner-occupied dwelling unit or detached accessory structure offering transient lodging to paying guests on an overnight basis, usually staying seven days or less. The use of a dwelling as a bed and breakfast shall not be considered as an accessory use or a home-based business."

Family : "The following groups of persons and no others: (1) Any number of persons related by blood, marriage, adoption, or under approved foster care, and living and cooking together as a single housekeeping unit, plus not more than two unrelated roomers, boarders, or domestic employees; or (2) No more than three unrelated persons living and cooking together as a single housekeeping unit."

Outside of the Old Village Historic District, there are no prohibitions against short-term rentals in the Town of Mount Pleasant.

Bed and Breakfast

A bed and breakfast requires special exception approval by the Board of Zoning Appeals for properties zoned R1, R2, and MF. A bed and breakfast is a conditional use in RC, RR, CC, CL, and WFGW.

- The property owner is the operator and lives on site;
- No more than six guest rooms are provided;
- Required parking spaces may be constructed of pervious materials;
- Required parking shall be accommodated in the rear yard;
- Required buffers shall be determined by the Zoning Administrator through the Conditional Use approval process, or by the Board of Zoning Appeals through the Special Exception Use approval process, as applicable; and
- Signage shall be limited to one non-internally illuminated hanging sign, similar to that illustrated below. The sign may be either free-standing, mounted on the building, or mounted below the mailbox, and may not exceed four square feet in area and eight feet in height.

Applying Regulations in Mt. Pleasant

What is allowed?

An owner who **does not** live on-site may rent out the house for any length of time.

An owner who lives on-site may have up to two unrelated roomers, boarders, or domestic employees, who must be long-term (i.e., more than 28 days) residents.

An owner who lives on-site and wishes to rent out one or more rooms on a short-term basis is subject to the applicable zoning requirements pertaining to B&Bs.

What is allowed when there is an ADU?

An owner who **does not** live on-site may rent out the entire property for any length of time. The ADU may not be rented out separately from the house.

An owner who lives on-site in either the house or the ADU may rent out the other structure on a long-term basis. Both the property owner and the long-term tenant may have up to two unrelated roomers, boarders, or domestic employees, who must also be long-term residents. Occupancy of an ADU is limited to three people.

An owner who lives on-site and wishes to rent out one or more rooms and/or the ADU on a short-term basis is subject to the applicable zoning requirements pertaining to B&Bs.

BOZA Meeting the "test" for special exception approval

- (3) To permit uses by special exception, subject to such uses being so designated in the use district regulations of this chapter, and to the following specific terms and conditions:
- (a) Adequate provision is made for such items as setbacks, fences, and buffered or planting strips to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion, and similar factors.
 - (b) Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered.
 - (c) Off-street parking and loading areas and the entrance and exits of these areas shall be adequate in terms of location, amount, design, and construction to serve the proposed use.
 - (d) The proposed use shall be compatible with existing uses to the extent that such use will not adversely affect the level of property values, general character or general welfare of the nearby area.
 - (e) In approving a special exception, the Board may attach to it such reasonable terms and conditions as it may consider necessary to accomplish the intent of this section and this entire zoning chapter.

TOMP BOZA

BED & BREAKFAST APPLICATIONS							
TMS	ADDRESS	STREET	SUBDIVISION	ZONING	DATE OF SPECIAL EXCEPTION APPROVAL	BOZA FILE NO.	BOZA CONDITIONS OF APPROVAL
2015							
514-10-00-0166	225	Fourth Avenue	River Watch	R-1	06-29-15	5-04-15	no signage
532-06-00-070	603	Atlantic Street	Old Mount Pleasant	R-2	07-27-15	5-05-15	no signage; applicant must provide non-tandem off-street parking
514-11-00-059	368	Fifth Avenue	Remley's Point	R-1	08-31-15	5-06-15	no signage; no special events held by guests (wedding receptions, etc.)
532-06-00-080	673	Atlantic Street	Old Mount	R-2	08-31-15	5-07-15	no signage
532-06-00-074	601	Atlantic Street	Old Mount	R-2	09-28-15	5-08-15	no signage
532-06-00-122	632	Atlantic Street	Old Mount	R-2	09-28-15	5-09-15	no signage
514-03-00-057	338	Colinbow Drive	Hobcaw Point	R-1	NOT APPROVED	5-11-15	NOT APPROVED
514-10-00-033	242	Sixth Avenue	Remley's Point	R-1	NOT APPROVED	5-13-15	NOT APPROVED

Policy Decision

Community Input

Zoning- Local level

- Enforcement

Business License- Local level (Mt. Pleasant requires a business license)

Accommodations Tax- State level (Mt. Pleasant directs home owners receiving B&B approval to State for this tax)
