REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: May 21, 2021

Agenda Item: 2A	Prepared for: Mike Mahaney, City Manager
Agenda Section: Business: Ordinance. Second Reading	Date: May 21, 2021
Subject: Transient parking in residential neighborhoods	Division: Administration

Background:
Attached for Council's consideration is an ordinance to address parking concerns related to short-term rentals in residential neighborhoods.

Recommended Action:
Approve the ordinance on second reading

Reviewed by Department Head	Reviewed by City Manager	Reviewed by City Attorney

Council Action:
Motion By_____ 2nd By_____ To_____

AN ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 21, ARTICLE II, SECTION 21 TO ADD SUBSECTION (d) AND (e) IN SECTION 21-31.1 AND TO ADD SECTION 21-44 THROUGH 21-51 TO THE CODE OF ORDINANCES FOR THE CITY OF NORTH MYRTLE BEACH AS FOLLOWS:

Whereas, in approximately 2008, Airbnb began operating an online marketplace for lodging, primarily for vacation rentals, which connects property owners (hosts) with persons (guests) seeking short-term rental accommodations; and

Whereas, the Airbnb platform allows a host to list his or her property as a short-term rental wherever the property exists including in neighborhoods that rarely, if ever, had short-term rentals prior to the creation of Airbnb; and

Whereas, other companies such as VRBO and Homeaway have created online short-term rental platforms similar to Airbnb; and

Whereas, the City of North Myrtle Beach currently has approximately 4,097 housing units that are offered as short-term rentals through online platforms such as Airbnb and Homeaway; and

Whereas, guests who have rented properties within North Myrtle Beach through the various short-term rental online platforms often bring and/or allow multiple automobiles to be parked on the grounds of the short-term rental property and/or within the right-of-way adjacent to or near the short-term rental property; and

Whereas, numerous vehicles parked on-site of a short-term rental or within the ROW adjacent to or near the short-term rental property can create safety issues as well as disturb the quiet enjoyment of persons located next to or near the short-term rental property; and

Whereas, the City has an interest in protecting the safety of its residents and visitors from parking practices that cause unsafe conditions and interfere with the quiet enjoyment of a person or persons located next to or near a short-term rental site; and

Whereas, the City recognizes that short-term rentals are a vital part of the City's economy and are an integral part of the City's tourist industry; and

Whereas, for the health, safety and welfare of the City's residents and visitors and to foster a symbiotic environment between the short-term rental industry and the City's residents and visitors;

Chapter 21, Article II, Section 21-31.1(d) – Parking Standards the existing (d) shall become (e) and (d) shall be added to read as follows:

(d) Parking spaces on corner lots shall not encroach into a sight distance triangle measuring fifteen (15) feet along each street front as measured from the property corner.

Chapter 21, Article II, Section 21-44 through 21-51. - Transient parking in residential neighborhoods shall be added to read as follows:

Sec. 21-44. – Transient parking in residential neighborhoods.

When engaging in transient parking in residential neighborhoods owners and guests shall maintain compliance with safety regulations determined by City and State codes, and the sections of this article.

Sec. 21-45. – Definitions.
The following words, terms, and phrases, when used in this section, shall have the meaning ascribed herein:

Transient parking means any parking of a motor vehicle, camper, trailer, or recreational vehicle on a short-term basis, typically a week or less.

Parking space means a location that is designated for *parking* on private residential property, not within a City right-of-way or encroaching upon a sidewalk.

Short-term Rental means a dwelling unit offered for overnight accommodations that is rented for a period of less than ninety (90) days, for financial or any other consideration.

Sec. 21-46. – Parking standards.
In addition to all other parking regulations set forth in this Chapter, transient parking shall also be subject to the following rules and requirements.

A. Where the City allows shoulder parking within street rights-of-way, no car shall be parked within thirty (30) feet from the edge of the roadway pavement on the approach leg to any intersection.

B. Where the City allows shoulder parking within street rights-of-way, no part of any vehicle shall extend across or overhang the edge of roadway pavement.

C. "Stacked" parking (i.e., vehicles parked end-to-end) is permissible. However, in no event shall any part of the vehicle overhang onto the sidewalk, right-of-way, or extend beyond the property line.

D. Under no circumstance shall a property owner, managing party or any guest attempt to reserve, inhibit, prevent or discourage parking within the street right-of-way where allowed by the City.

E. No parking shall be permitted in landscape beds in such a manner as to in any way obstruct a sidewalk, or in a manner which overhangs adjoining private or public property.

Sec. 21-47. – Designation of parking spaces on-site.
At the time of application for, or renewal of, a short-term rental business license:

A. Short-term rental property owners shall report to the City the total number of parking spaces on-site that comply with the regulations of this section. The total number of parking spaces on-site that comply with this section is also the maximum number of vehicles permitted to park on-site. In the event the short term rental is subject to a homeowners association, a property owners association and or recorded deed restrictions that limit the number of parking spaces for each residential unit, the owner of the short term rental shall certify on the application that the reported number of parking spaces is consistent with the number of parking spaces authorized by the homeowners association, property owners association and or the recorded deed restrictions.

B. Parking spaces reported to the City must be located within the owner's private property, are not shared with an adjacent property and are not located within a right-of-way.

Sec. 21-48. – Advertisements, contracts and posting the number of spaces.
Property owners shall designate a maximum number of vehicles permitted to park on-site. Such information and instructions shall be prominent in all advertisements and agreements and shall be conspicuously posted inside the dwelling unit.

Sec. 21-49. – Transient parking; violations.
It shall be a violation of this ordinance to advertise a short-term rental online, or in any written materials, electronic communications or on rental platforms in a manner inconsistent with this ordinance.

Sec. 21-50. – Transient parking; penalties.
Section 21-42 and Section 21-43 of the City of North Myrtle Beach Code of Ordinances shall apply in their entirety.

Sec. 21-51. – Penalties.
All violations of this ordinance, other than a transient parking violation, shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with Chapter 1, General Provisions, Section 1-6. Each day of any violation of this article shall constitute a separate offense.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA:

Section 1: The amendment to the ordinance is hereby approved.

Section 2: The ordinance shall be effective upon the date of passage.

DONE, RATIFIED AND PASSED, THIS _____ DAY OF _____, 2021.

_____
Mayor Marilyn Hatley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

REVIEWED:

_____
City Manager

FIRST READING: 5-14-2021
SECOND READING: 5-21-2021

ORDINANCE: 21-17