

# **CITY OF FOLLY BEACH, SC**

## **Zoning & Subdivision Ordinance Revisions**

### **Annotated Outline**

---

### **Public Review Draft**

***CLARION ASSOCIATES, LLC***

1526 East Franklin Street Suite 102  
Chapel Hill, NC 27514  
919.967.9188  
919.967.9077 fax

**April 30, 2007**



# ***CONTENTS***

PART I: INTRODUCTION.....	1
PART II: ANNOTATED OUTLINE .....	1
CHAPTER 160. GENERAL PROVISIONS.....	1
CHAPTER 161. DEFINITIONS.....	4
CHAPTER 162. ADMINISTRATION .....	5
CHAPTER 163. ZONING DISTRICTS .....	13
CHAPTER 164. USE STANDARDS .....	21
CHAPTER 165. DIMENSIONAL STANDARDS .....	25
CHAPTER 166. DEVELOPMENT STANDARDS.....	26
CHAPTER 167. SUBDIVISION STANDARDS.....	36
CHAPTER 168. NONCONFORMITIES.....	37
CHAPTER 169. ENFORCEMENT.....	39



# ***PART I: INTRODUCTION***

The City of Folly Beach is primarily a barrier island beach community south of Charleston, South Carolina. The community remained relatively “undiscovered” until its first major hotel was built on the beach in the 1980’s. The island is primarily single-family residential in character. Most of the island’s coastline is occupied either by single-family homes or recreation areas. There is a compact “downtown” occupied primarily by small nonresidential and mixed uses, most less than three stories in height. One of the most unique aspects of the community is the lack of large, multi-story residential and hotel uses in areas proximate to the beach and waterways. The same is true of most of the existing single-family residential dwellings, which tend to be one- and two-story homes of 2,500 square feet or less. Because most of these homes are served by on-site water and water utilities, the lots tend to be larger than in other similar beach communities well-served by centralized public utilities. While there are some newer multi-family structures, the vast majority of housing is single-family in nature. The street system is arranged in a grid pattern parallel to the shoreline, and the City enjoys 44 public beach accessways. All of these attributes combine to give Folly Beach a “small-town” community feel, which has proved to be very desirable over the years. Prices for homes on ocean-front lots have climbed from an average of \$60,000 in the late 1980’s to over \$1.5 million today.



Because of its proximity to a major metropolitan area (Charleston), its large lots, its small-town atmosphere, and the series of multi-million dollar beach renourishment projects occurring over the last twenty years, Folly Beach is undergoing great change. The area’s popularity as a vacation destination and location for vacation homes increased dramatically over the last decade. Unfortunately, this popularity, when combined with the rising costs of land, and new Federal regulations related to flood damage prevention, has resulted in the destruction of some of the island’s modest cottages and single-family homes in favor of new large-scale structures that are being built as second homes or as vacation rentals. These new homes are designed to be spacious and provide excellent views, and as a result, are often completely out-of-scale with surrounding structures. Because of their size and desirability, these homes are often rented to families or groups of families on a weekly basis through the summer tourist season.



Increased traffic, environmental degradation, and a rise in the number of single-family homes being utilized as vacation rentals have had a negative impact on the quality of life for many of the City’s residents. The City’s development regulations are somewhat outdated, and were not designed to address many of the problems associated with these recent development trends. In response to these problems, the City Council adopted a six-month development moratorium in December of 2006 to give the City the time necessary to make revisions to the development standards to maintain and preserve the City’s existing character.

Shortly after adoption of the moratorium, Clarion Associates, a national planning and growth management firm, was retained by the City to assist with the revision and update to the City’s zoning and subdivision regulations. The update of the regulations commenced in February of 2006 with a trip to the City by members of the Clarion team. During this visit, the Clarion team interviewed elected and appointed officials, key staff members, and undertook reconnaissance of the City. City staff also provided Clarion with background information from local residents and other interested parties regarding concerns over recent development trends and issues that should be addressed in the code revision process.

This Annotated Outline Report summarizes the input received during the trip as well Clarion team members’ own independent evaluation of the current zoning and subdivision regulations, and further discussions between Clarion team members and City staff about specific development issues. Based on this evaluation and these

## **INTRODUCTION**

discussions, it is suggested the development standards update effort should focus on the following general goals:

- Make the document more “user-friendly” through better use of summary tables, page-layout techniques, and graphics;
- Address the problems associated with vacation rental uses within the single-family residential districts;
- Establish some new design standards to address the development of overly-large homes that are not consistent with the surrounding residential character;
- Consolidate the range of different land-development related provisions in the City Code of Ordinances into a single new title addressing zoning and land development;
- Improve development quality through targeted modifications to the landscaping, parking, fencing, open space, exterior lighting, and other development standards;
- Modernize some of the City’s zoning districts and uses;
- Improve development form through the application of new architectural and design standards for several use types; and
- Ensure the type of development desired by the community.



The Annotated Outline sets out the proposed structure of the new Zoning and Land Development Regulations (or “ZDO”), and provides commentary explaining the purpose and scope of each chapter and section. It includes the rationale behind, and advantages of, proposed approaches, with examples from other communities, as appropriate. This Annotated Outline report also provides examples of substantive standards for key uses such as vacation rentals and single-and two-family home design standards

As part of the review and discussion of the Annotated Outline, the community can provide more detailed direction about the nature and scope of the new ZDO document and specific provisions. Because the community is currently under moratorium, timing of the project is crucial, and as such, the Clarion team has commenced with preliminary drafting of the code while consideration of this Annotated Outline continues. As community feedback on the report is received, the Clarion team will make adjustments to the draft code language as the project progresses.

The following pages present a general outline for the new ZDO. The outline is annotated with general commentary, where appropriate, to explain the purpose or rationale behind certain sections and, in some cases, different options for the City to consider. We view this Annotated Outline, as the vehicle for helping to define expectations about what is to be accomplished in the revised code before delivery of a code document. In addition to providing a road map for drafting the new code, the outline provides an organizing framework for continued discussions of key zoning and development regulation issues.

In addition to providing a road map for drafting the new ZDO, the outline provides an organizing framework for continued discussions of key zoning and development regulation issues. The ZDO is proposed to be codified as new Title XVI in the City Code of Ordinances, and is proposed to include 10 major chapters in an attempt to simplify and organize it more logically based on functions, roles, procedures, and substance. The proposed chapters are:





# ***PART II: ANNOTATED OUTLINE***

## ***Chapter 160. General Provisions***

### SUMMARY OF CONTENTS

#### Chapter 160: General Provisions

160.01 Title

160.02 Authority

160.03 Purpose and Intent

160.04 Jurisdiction and Applicability

160.05 Relationship with Other Laws, Covenants, or Deed Restrictions

160.06 Official Zoning Map

160.07 Transitional Provisions

160.08 Severability

**General Commentary:** This chapter will contain important general provisions that are relevant to the new Zoning and Land Development Ordinance as a whole. While most of these provisions are traditional, all will be specifically tailored to Folly Beach. The chapter will play an important part in making the ZDO user-friendly by including certain overarching principles and establishing a clear basis for the authority by which the ZDO is adopted, its administration, and its substantive regulations.

### **160.01 Title**

This is a standard section that sets forth the official name by which the new code may be cited (e.g., “The Zoning and Land Development Ordinance of the City of Folly Beach”) as well as any acceptable shortened references (e.g., “the Ordinance,” or “this Ordinance” or “ZDO”). This section will combine Sections 153.001 and 154.001 from the City’s current regulations.

### **160.02 Authority**

This section will contain references to the statutory basis for zoning and subdivision regulation in Folly Beach. It will state that the ZDO consolidates the City’s zoning and subdivision regulatory authority under the S.C. Code of Laws (Sec. 6-29-710).

### **160.03 General Purpose and Intent**

A general purpose and intent section can inform decision-makers in future years about the intent of the City Council when they adopted the ZDO. The section will build on the purpose and intent statements in Sections 153.004 and 153.007 of the current subdivision regulations.

### **160.04 Applicability and Jurisdiction**

This section will carry forward current section 153.005, and clarify that the City, City-controlled entities, special districts within the City, and all private development are all subject to the ZDO. It will also clarify that lands located within the corporate limits (including those owned by county or state units of government) are subject to the requirements of the ZDO, to the extent allowed by law. The section will clarify that any land disturbing activity taking place in County parks will require permit approval from the City as authorized under Section 6-29-770 (B) of the S.C. Code.

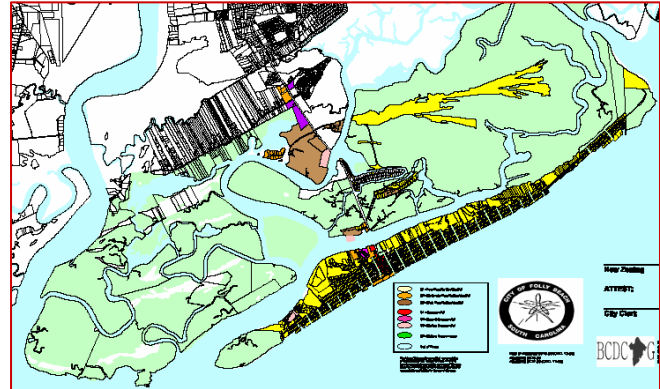
### **160.05 Relationship with Other Laws, Covenants, or Deed Restrictions**

**CHAPTER 160: General Provisions**

This section will carry forward Section 154.003 in the current Zoning Ordinance, and provide that, in case of conflict between the ZDO and other legislative enactments of the state or City, the stricter provision shall apply. The section will clarify that the City will not be responsible for monitoring or enforcing private easements, covenants, and restrictions, though it may inquire into private easements and restrictions in reviewing development plans.

**160.06 Official Zoning Map**

- A. Incorporated by Reference**
- B. Classification of Annexed Land**
- C. Interpretation of Map Boundaries**
- D. Transition to New Districts**



This section will carry forward Sections 154.016 to 154.054.022 of the current provisions with some revisions. The section will incorporate by reference the City of Folly Beach Official Zoning Map (as well as any related maps, such as the Flood Hazard Boundary Maps). The section will also provide for amendment of the Map upon the approval of a rezoning application.

The section will include a standard provision establishing the rules governing how the City will assign the zoning district classification of newly-annexed lands under the ZDO.

We suggest the City consider modifying the provisions to authorize the Zoning Administrator to interpret the Map and determine where the boundaries of the different zoning districts fall (as opposed to the BZA). The section will also provide that appeals from the Zoning Administrator’s interpretations of district boundaries may be made to the Board of Zoning Appeals (BZA). In addition, language related to the application of development standards will be relocated to the appropriate sections in Chapter 166: Development Standards.

This section will also outline the transition to the various new zoning districts with the adoption of the new ZDO by including a summary table of the former zoning districts along with the corresponding new zoning districts and zoning overlays being adopted with the new code.

The translation of former zoning districts to new zoning districts is intended to increase efficiency and minimize confusion by adding some new districts, altering some existing district names to more closely match their intent and densities, establishing some new overlay districts, and ensuring that the districts that are carried forward do not overlap with one another. The proposed Zoning District Transition Table is listed below.

<b>ZONING DISTRICT TRANSITION TABLE</b>	
<b>FORMER ZONING DISTRICTS</b>	<b>ZONING DISTRICTS IN NEW ZONING ORDINANCE</b>
<b>RESIDENTIAL DISTRICTS</b>	
R-1 Low Density Residential	Single-Family Residential (RSF)
R-2 Moderate Density Residential	Two-Family Residential (RTF)
R-3 High Density Residential	Multi-Family Residential (RMF)
<b>NONRESIDENTIAL DISTRICTS</b>	

<b>ZONING DISTRICT TRANSITION TABLE</b>	
<b>FORMER ZONING DISTRICTS</b>	<b>ZONING DISTRICTS IN NEW ZONING ORDINANCE</b>
C-1 Commercial	Downtown Commercial (DC)
C-2 Resort Commercial	Resort Commercial (RC)
C-3 Marine Commercial	Marine Commercial (MC)
C-4 Corridor Commercial	Corridor Commercial (CC)
M-1 Mariculture	(Deleted)
N-1 Natural Conservancy	Conservation (CN)
<b>PLANNED DEVELOPMENT DISTRICTS</b>	
PDD Planned Development District [1]	(Deleted)
	Planned Development – Residential (PD-R) (New)
	Planned Development – Commercial (PD-C) (New)
<b>OVERLAY DISTRICTS</b>	
	Vacation Rental Overlay (VRO) (New)
	Neighborhood Conservation Overlay (NCO) (New)
<p>NOTES:                      [1] The current Planned Development District is not being carried forward in the new ZDO, but lands in this district will remain subject to any previously-approved master plans or conditions. Any changes to lands zoned PDD shall require a map amendment to reclassify the land to one of the two planned development districts.</p>	

## **160.07 Transitional Provisions**

- A. Violations Continue**
- B. Completed Applications**
- C. Nonconformities**

Since the new code likely will include several changes from existing practice, this important set of provisions is necessary to explain the rights of development approved under the previous (existing) Zoning Ordinance and Subdivision Regulations. It will specify that final subdivision plats that have received preliminary plat approval from the Planning Commission will be judged according to prior standards). It will also clarify that applications already in the development approval pipeline at the time of the adoption of the new code may proceed under the standards in place at the time they were determined to be complete. Such applications will be held to the rules that existed at the time the complete applications were accepted, not the subsequent rules. Only project features not specifically addressed in the original approvals may be held to the new standards.

The section will also address the status of existing development that does not comply with the new ZDO (nonconformities). Violations of the current regulations will continue to be a violation under the new code and will be subject to the penalties and enforcement provisions set forth in Chapter 169: Enforcement.

## **160.08 Severability**

This standard provision will declare that if any part of the ZDO is ruled invalid, the remainder of the ZDO shall not be affected and shall continue to apply.

# Chapter 161. Definitions

## SUMMARY OF CONTENTS

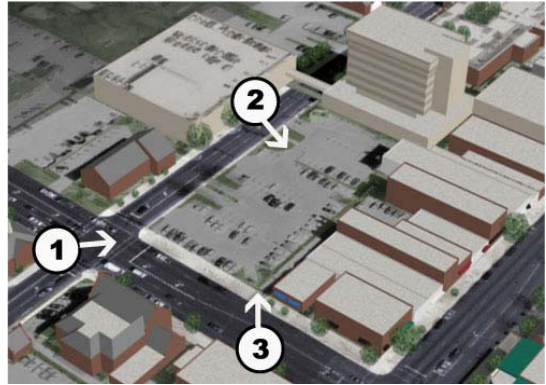
### Chapter 161: Definitions

#### 161.01 General Rules for Interpretation

#### 161.02 Definitions

**General Commentary:** “Definitions” is proposed as the second chapter of the new ZDO. This section will carry forward many of the provisions and defined terms scattered in various sections of the City’s Code of Ordinances (including Sections 153.009 and 154.002).

Clear definitions of important words and phrases not only make life easier for those who must interpret and administer the ZDO and for those who must hear appeals of decisions made by staff -- they also make it much easier for the public to know what is required. The importance of good definitions as a key component of fairness to the public and consistency in decision-making has led to an increased interest in this seemingly mundane topic.



We will use the definitions found in the various Chapters in the City Code of Ordinances as a starting point for the definitions section, and add and revise definitions as necessary to ensure that the definitions do not contain substantive or procedural requirements. We will verify that key definitions conform to federal and South Carolina law and constitutional requirements. We will also add definitions, where necessary.

## 161.01 General Rules for Interpretation

- A. Meanings and Intent**
- B. Headings, Illustrations, and Text**
- C. Computation of Time**
- D. References to Other Regulations/Publications**
- E. Delegation of Authority**
- F. Technical and Nontechnical Terms**
- G. Mandatory and Discretionary Terms**

This section will address general issues related to interpretation of ZDO language, as well as the provisions set out in Section 153.008, including: the meaning of standard terms such as “shall,” “will,” and “may;” the use of plural and singular nouns; the meaning of conjunctions; how time is computed; and other general issues that arise in interpreting and administering the ZDO and its procedures.

## 161.02 Definitions

This section will include definitions of terms used throughout the various chapters in the Folly Beach Code of Ordinances incorporated into new Title XVI: Zoning and Land Development, including all use types and procedures.

# Chapter 162. Administration

## SUMMARY OF CONTENTS

### Chapter 162. Administration

162.01 Administrative and Decision-Making Bodies

162.02 Common Review Procedures

162.03 Standards and Requirements for Development Applications

**General Commentary:** For an ordinance to be effective, it is important that its development review process is efficient and that the community's substantive planning and development goals are embedded in the development review standards. An efficient process is achieved when the general framework for review is not redundant, the procedures used and the review standards included result in a reasonable degree of certainty, and the review process for each type of permit is streamlined to the greatest extent possible without sacrificing assurance that the relevant substantive planning/development goals are used in making development decisions.

Stripping the development review process of redundancy involves ensuring that the individual types of permits achieve different and discrete procedural and substantive objectives. Too much overlap makes a code cumbersome and complex.

Certainty is provided primarily through the establishment of clear review procedures, definite and understandable development review standards, and a balance of discretionary and more administrative review procedures.

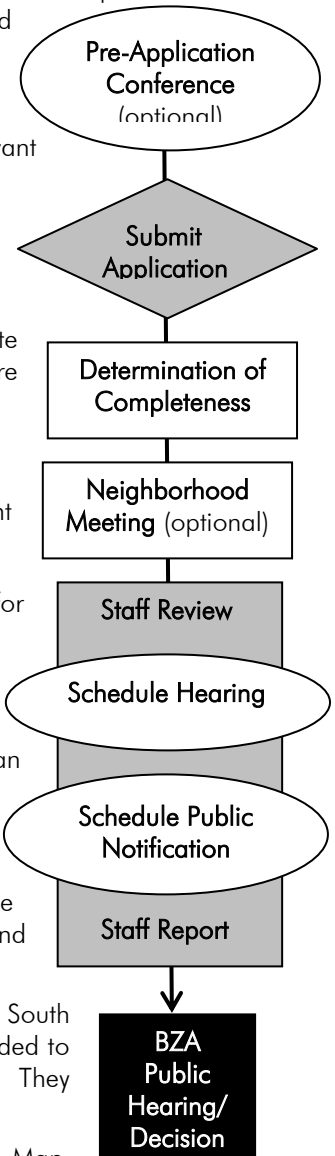
It is suggested this new Chapter 162: Administration, include sections on the following:

- **Administrative and Decision-making Bodies** that consolidates the development review responsibilities of the review boards and key City staff members.
- **Common Review Procedures** that establish a common set of review procedures for the review of applications for development approval.
- **Specific Standards and Other Requirements for Applications** for development approval that includes the specific review standards, any unique procedural review requirements for each individual application, and rules that apply to an application once it is approved (the life of the development approval, expiration, minor deviations, and amendments).

The structure for review of individual applications for development approval will be modified (where appropriate) to make the review process more efficient and predictable through the inclusion of the individual standards for review, description of how appeals are handled, and the process for making modifications once an application has been approved.

Based on Clarion's understanding of the City's goals and our experience working in other South Carolina and southeastern communities, we suggest that eight additional permit types be added to the City's line up of development application procedures being carried forward in the ZDO. They include:

- A new Planned Development approval process (based on the Zoning Map amendment process);
- A Special Exception Process decided by the Board of Zoning Appeals (BZA) to replace for the current Conditional Use Permit (to make the process consistent with South Carolina law);
- An Administrative Adjustment procedure to allow minor deviations from numerical standards in the ZDO to be approved administratively outside of the hardship tests associated with a variance;



Zoning Variance Permit

**Example Process Chart**

## **CHAPTER 162: Administration**

- A Grading Permit procedure to ensure compliance with the state’s minimum sedimentation and erosion control provisions (which will be adopted into the ZDO by reference);
- A Temporary Use Permit to establish a review procedure and standards for temporary uses and special events on individual lots;
- A Zoning Permit process to ensure that proposed development activity is in compliance with the ZDO and any associated conditions of approval prior to issuance of a Building Permit;
- A Beneficial Use Determination process decided by a Hearing Officer that independently analyzes the impact of regulations on a particular lot to ensure no “taking” has occurred; and
- A Development Agreement process for projects where the City can enter into a development agreement with a developer consistent with South Carolina Statutes.

An overview of this proposed review structure is outlined in the table that follows (Proposed Development Review Structure), and is discussed in greater detail in the subsequent parts of this section.

### **162.01 Administrative and Decision-Making Bodies**

#### **A. City Council**

##### **(1) Powers and Duties**

#### **B. Planning Board**

##### **(1) Powers and Duties**

#### **C. Board of Zoning Appeals (BZA)**

##### **(1) Powers and Duties**

#### **D. Design Review Board (DRB)**

##### **(1) Powers and Duties<sup>1</sup>**

#### **E. City Staff**

##### **(1) Zoning Administrator**

##### **(2) Building Official**

##### **(3) Director of Public Works**

##### **(4) Development Review Committee (DRC)<sup>2</sup>**

##### **(5) Hearing Officer**

**General Commentary:** The first section in the new Administration Chapter will be a new section that identifies the administrative and decision-making entities and persons responsible for the review and administration of development under the ZDO. It is our experience that provisions such as these help to establish clear lines of authority in the City’s decision-making procedures. This section will identify the specific responsibilities relative

---

<sup>1</sup> NOTE: In addition to the changes included in this chapter of the new ZDO, several amendments to Chapter 33 of the City Code of Ordinances will be required. Sections 33.121 to 33.129 should be removed from the City Code and be replaced with the various standards related to site plans and development standards. Section 33.130(A) needs to be deleted as appeals will be made to the BZA. Section 33.130(B) needs to be relocated to the section dealing with site plan review in Chapter 162.

<sup>2</sup> NOTE: This section is proposed to codify an informal practice already taking place. Development applications are being reviewed informally by a group of City staff members. This section will establish the types of applications they will review, and will also establish some procedures to be used by the Committee.

to the ZDO of each review board or staff person. The following table provides an overview of the review structure proposed in the new ZDO.

<b>TABLE &lt;&gt;: PERMIT REVIEW PROCEDURES</b>									
<b>R = REVIEW &amp; ADVISE      D = DECISION      A= APPEAL      &lt;&gt; = PUBLIC HEARING</b>									
	Zoning Administrator	Building Official	Director Of Public Works	Development Review Committee (DRC)	Design Review Board (DRB)	Planning Commission	City Council	Board Of Zoning Appeals (BZA)	Hearing Officer
Official Zoning District Map or Text Amendment				R		<R>	<D>		
Planned Development				R		<R>	<D>		
Special Exception Permit	R							<D>	
Variance Permit (Subdivision)	R					<D>			
Variance Permit (Zoning)	R							<D>	
Administrative Adjustment	D							<A>	
Site Plan [1]	D			R	D			<A>	
Minor Subdivision Plat	D	R		R				<A>	
Preliminary Subdivision Plat				R		<D>			
Final Subdivision Plat				R		D			
Building Permit	R	D						<A>	
Grading Permit	R		D					<A>	
Tree Alteration Permit		D						<A>	
Sign Permit [2]		D			D			<A>	
Temporary Use Permit	D							<A>	
Zoning Permit	D							<A>	
Interpretation	D	R	R					<A>	
Appeal								<D>	
Beneficial Use Determination	R						<D>		<R>
Development Agreement						<R>	<D>		

**NOTES::**

[1] The Zoning Administrator shall review and decide applications for Site Plans on lots in the RSF and RTF districts. The DRB shall review and decide applications for Site Plans on lots in all other zoning districts.

[2] The Building Official shall review and decide applications for Sign Permits for development on lots in the residential districts. The DRB shall review and decide applications for Sign Permits for development on lots in the nonresidential districts.

## **162.02 Common Review Procedures**

- A. Authority to File Applications**
- B. Application Contents**
- C. Fees**
- E. Pre-Application Conference**
- F. Neighborhood Meetings**
- G. Application Submission**
- H. Determination of Completeness**
- I. Preparation of Staff Report**
- J. Scheduling Public Hearing(s)**
- K. Public Notification**
- L. Conditions of Approval**
- M. Notification to Applicant**
- N. Deferral of Application**
- O. Withdrawal of Application**
- Q. Simultaneous Processing of Applications**
- R. Lapse of Approval**

**General Commentary:** The City's current zoning and subdivision regulations set down the individual permit procedures under the individual permits themselves. The modern trend in zoning administration is to consolidate these procedures – which is what this section on “common review procedures” does. It will take the potential applicant from the rules governing who is authorized to submit applications, application content requirements and fees, through the actual application submittal and review stage (the pre-application conference, application submission and completeness determination, staff review, scheduling the public hearing (if one is required) and public notification). The section will also call for the establishment of a separate Administrative Manual, which serves as a “user’s guide” to the new ZDO. These manuals typically include all the individual submittal requirements, application forms, processing schedules (if applicable), fees, and similar information needed to file an application. Development of an Administrative Manual means that this information can be removed from the codified ordinance, thereby reducing bulk and allowing for easier maintenance as schedules and fees change.

## **162.03 Standards and Requirements for Development Applications**

- A. Official Zoning District Map or Text Amendment**

- B. Planned Development**
- C. Special Exception Permit**
- D. Variance Permit (Subdivision)**
- E. Variance Permit (Zoning)**
- F. Administrative Adjustment**
- G. Site Plan**
- H. Minor Subdivision Plat**
- I. Preliminary Subdivision Plat**
- J. Final Subdivision Plat**
- K. Building Permit**
- L. Grading Permit**
- M. Tree Alteration Permit**
- N. Sign Permit**
- O. Temporary Use Permit**
- P. Zoning Permit**
- Q. Interpretation**
- R. Appeal**
- S. Beneficial Use Determination**
- T. Development Agreement**

**General Commentary:** This third section in the Administration Chapter includes the specific review standards that are applied to each individual application for development approval, other unique procedural review requirements for each individual application if there are additional or different procedures apart from the common review procedures, and the rules governing minor modifications and amendments. It broadens the line up of current procedures by adding information on Interpretations, and new permit procedures, including a Planned Development approval process and a Special Exception Process (which is proposed to replace the current Conditional Use Permit process). Each permit procedure will include a review process flowchart for greater ease of use.

- A. Official Zoning District Map or Text Amendment**
- B. Planned Development**

New planned development regulations are proposed here in an effort not only to improve development quality, but also encourage more mixed-use, pedestrian-oriented development, and provide flexible options to encourage the development of livable neighborhoods. As a part of this approach, two new planned

## **CHAPTER 162: Administration**

development districts are proposed: a Planned Development-Residential (PD-R) district, and a Planned Development-Commercial (PD-C) district. The approval criteria for a planned development will be the same as those utilized for an amendment to the Official Zoning District Map, but will also include the district-specific criteria specified in new Chapter 163: Zoning Districts.

### **C. Special Exception Permit**

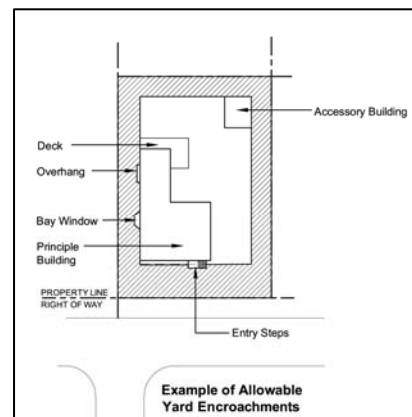
The Special Exception Permit process is proposed to replace the current Conditional Use Permit process. South Carolina law does recognize the ability of the Zoning Administrator to issue Conditional Use Permits in accordance with a set of standards codified within the zoning ordinance. This differs from the process being used in Folly Beach, which relies on discretionary review by the Planning Commission and City Council, along with the imposition of unique conditions of approval that may not already be set out in the zoning ordinance. South Carolina law recognizes the ability of local governments to review applications for certain types of uses, and the application of unique conditions not already specified in the development regulations, but the review and decision-making authority for these types of procedures is reserved for the Board of Zoning Appeals. This section will include the review procedures, standards, and other administrative processes associated with the Special Exception Permit process.

### **D. Variance Permits**

The sections related to Variance Permits will address the differing review procedures and standards for subdivision variances in Section 153.100 of the current subdivision regulations. The section will also include the standards and procedures authorizing the Board of Zoning Appeals to review and decide applications for variances from zoning-related development standards. This Variance Permit process allows variation from the dimensional standards (yard requirements, setbacks, height requirements), as well as other development standards in the ZDO (i.e., landscaping, parking, signage, or similar standards) when an applicant demonstrates that, due to circumstances beyond the control of the landowner, the application of the dimensional or other development standards creates undue hardship. The Variance Permit process is typically not intended to authorize use variances, and we recommend that any ability to issues use variances be removed. The general intent of the variance provisions is that the hardship standard required to be demonstrated for approval of a variance be stringent.

### **E. Administrative Adjustments**

In order to provide more flexibility to the application of development codes, many communities are incorporating an Administrative Adjustment provision that allows an administrative official to approve minor variations administratively, if there is a finding the modification: one, advances the goals and purposes of the general zoning district in which it is located; two, is more or equally effective in achieving the relevant standards from which the modification is granted; or three, relieves practical difficulties of developing a site. We recommend that such a procedure be incorporated into the ZDO to allow the Zoning Administrator to grant such adjustments for building setbacks, height, bulk, and mass characteristics, as well as allowable encroachments into required yards or setbacks, all subject to a set of specific approval criteria established to help determine if the Administrative Adjustment advances the goals and purposes of the ZDO and the zoning district in which the subject property is located, and is more or equally effective in achieving the relevant standards from which the modification is granted. Any applications seeking a modification from the standards by more than the maximum allowed under the Administrative Adjustment provision would be subject to the appropriate Variance Permit procedure and criteria.



### **F. Site Plan**

While the current zoning ordinance does not clearly set out a site plan review process, the City is utilizing the Design Review Board to review site plan requests in the multi-family and commercial districts under the

provisions in Chapter 33 of the City Code of Ordinances. While this process may have worked well in the past, we recommend the city establish a site plan process with clearly described procedures and standards. The DRB would continue to be the review-body reviewing and deciding applications for site plans within the new RMF and other nonresidential districts, and the Zoning Administrator would review and decide applications for Site Plans on lots within the RSF and RTF Districts. In addition, we recommend that the City's current standards be modified slightly to require duplex dwellings and vacation rentals to obtain site plan approval.

## **G. Subdivision**

This section will replace Chapter 153 in the current City Code of Ordinances. This section will carry forward the distinction between Major and Minor Subdivisions, but will authorize the Zoning Administrator to review and decide applications for Minor Subdivisions of four lots or less (provided no public utilities are extended). The boundary line adjustment procedure will also be treated as a Minor Subdivision. We are recommending a variety of changes to the Major Subdivision process, including the substitution of the Pre-application process (described in the preceding Common Procedures section) for the current Sketch Plan process. In addition, City staff has indicated a desire to no longer bond or accept performance agreements for public infrastructure prior to issuance of a Final Subdivision Plat, so the Conditional Plat procedure has not been carried forward. Finally, the section will include the process for review and approval of a Conservation Subdivision.

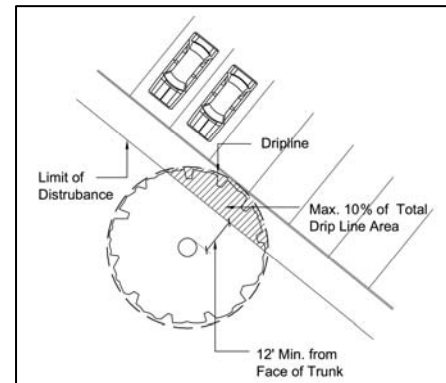
## **K. Building Permit**

## **L. Grading Permit**

This is a new permit process that will address grading and other land disturbing activities that do not require the issuance of a Building Permit, or that are undertaken prior to construction activities associated with a Building Permit. The Grading Permit will be reviewed and decided by the Director of Public Works in accordance with the minimum standards for erosion and sediment control adopted by the State of South Carolina (which will be incorporated by reference into the new ZDO), as well as any applicable federal provisions.

## **M. Tree Alteration Permit**

This section will carry forward the current Tree Alteration Permit process described in Sections 93.05 through 93.11 of the current City Code of Ordinances except that the Building Official shall be the official empowered to review and decide these applications. In addition to protections for Grand and Landmark Trees, the procedure will require issuance of a Tree Alteration Permit prior to tree clearing activities on a site or parcel that is not platted or is not subject to a valid previously-approved development application approval. The tree protection provisions proposed for inclusion in new Chapter 166: Development Standards, will require a certain percentage of the existing tree canopy on a tract proposed for subdivision to be retained as a Tree Protection Zone during and after the development process. Since the amount of tree canopy to be retained during the development process depends upon the amount of tree cover present on a site at the time of submittal of an application for development, it is necessary to establish a tree removal permit process that regulates clearing activities that are proposed prior to or outside of the Major Subdivision application process. This section will establish the requirements and exemptions for obtaining a Tree Alteration Permit (via administrative review and approval) on vacant unplatted lands not subject to an approved development application. The amount of tree canopy to be retained will parallel the tree retention requirements applied to a site subject to an application for development approval.



## **N. Sign Permit**

This section will carry forward the current Sign Permit process in 154.with only minor formatting changes and some minor adjustments for Vacation Rental signage.

## **CHAPTER 162: Administration**

### **O. Temporary Use Permit**

This is a new permit process designed to address temporary uses and special events. Temporary Use Permit applications will be reviewed and decided by the Zoning Administrator in accordance with the Temporary Use standards in Chapter 164: Use Standards.

### **P. Zoning Permit**

This is a new section that will require issuance of a Zoning Permit for all forms of development prior to issuance of a Building Permit. The purpose for the procedure is to ensure that proposed development will occur in accordance with all requirements in the ZDO as well as with any associated conditions of approval or Planned Development Master Plan requirements. The Zoning Permit will be the primary method of review for compliance with the Vacation Rental use standards on lots in the RSF and RTF Districts, and proposed single and two-family dwelling design standards. The Zoning Administrator will be authorized to review and decide applications for Zoning Permits.

### **Q. Interpretation**

This subsection will authorize and establish procedures by which the Zoning Administrator makes formal interpretations of the ZDO text or zoning map boundaries. The Zoning Administrator will coordinate with the Director of Public Works in interpreting the portions of the ZDO related to the subdivision standards and erosion and sediment control, and the Building Official in interpreting the portions of the ZDO related to Signage and Tree Protection standards. The section will provide that these interpretations may be appealed to the Board of Zoning Appeals (BZA). General benchmark standards will be drafted to assist the Zoning Administrator in interpretations under this subsection.

### **R. Appeal of Decision**

This section will carry forward the procedures and standards in Section 154.121 of the current zoning ordinance, except that the section will be broadened to address decisions by the Zoning Administrator and Building Official as well. This section will clarify the right of appeal by persons affected by decisions of staff and reviewing bodies. It will govern the procedure for appeals to the Board of Zoning Appeals (BZA), and clarify the procedure for appeals from decisions by review bodies, and the associated timeframes and limitations specified by the State of South Carolina.

### **U. Beneficial Use Determination**

Over the last decade many local governments have included a procedure in their land use regulations that allows any landowner who believes the application of the regulations results in a "taking" of their property to seek administrative relief from the local elected body. This procedure is called a Beneficial Use Determination. The procedure is based on United States Supreme Court decisions that state and local governments may establish procedures by which they can assess takings claims before they go to court and offer relief if the regulations are found to amount to a taking - that is, the regulations deny all economically beneficial use of a property. The current regulations do not have a beneficial use determination procedure. We recommend that the City consider adding this new procedure or a similar procedure in the new code because it amounts to a safety net against federal takings claims and provides a less onerous means for property owners to secure relief than filing a lawsuit. The procedure specifies that applications for a beneficial use determination would be heard by a Hearing Officer prior to review and decision by the City Council.

### **V. Development Agreement**

Development agreements are generally authorized pursuant to S.C. Gen. Stat. 6-31-10, the South Carolina Development Agreement Act. This procedure sets out the rights and responsibilities of a developer and the City with respect to the provision of public infrastructure or other development elements (such as the minimum 25 acre land threshold). Development Agreements are voluntary, and are decided by the City Council.

# Chapter 163. Zoning Districts

## SUMMARY OF CONTENTS

Chapter 163: Zoning Districts
163.01 General Provisions
163.02 Residential Districts
163.03 Nonresidential Districts
163.04 Planned Development Districts
163.05 Overlay Districts

**General Commentary:** Zoning district regulations are a central feature of any development code. They define what may be built on a landowner's property or on the property next door. Chapter 163: Zoning Districts, will set out the standards and requirements for the ten base districts and the two proposed overlay districts.

We recommend revising the zoning district regulations in the new ZDO to better organize the zoning district standards and make them more "user-friendly". These revisions include some minor restructuring and simplification, including:

- Renaming the three residential districts to use nomenclature that more closely follows the allowable uses;
- Renaming the four commercial districts to use nomenclature that more closely follows their geographic location or allowable uses;
- Replacement of the current Planned Development District with two new planned development districts (Planned Development-Residential and Planned Development-Commercial) to facilitate master planned communities and more use-mixing;
- Removal of the M-1 Mariculture District (as this district has been repealed);
- Establishment of a new Neighborhood Conservation Overlay District that will serve as the framework for the establishment of customized zoning provisions for established neighborhoods that are developed in concert with an associated small area plan; and
- The establishment of a new Vacation Rental Overlay District to accommodate the rental of single- and two-family homes in traditionally residential areas.<sup>3</sup>

In addition to the district changes described above, we also recommend a series of other structural changes to the district provisions, including:

- Establishing specific purpose statements for each of the base, overlay, and planned development districts;
- Relocating the information on allowed uses in each district into a single summary table of allowed uses in Chapter 164: Use Standards, as a means of limiting repetition and ensuring greater consistency as the ZDO is amended over time;
- Relocating the density, intensity, dimensional, and required yard standards in each district into a single summary table of dimensional standards in Chapter 165: Dimensional Standards; and
- Relocating development standards (such as signage) to Chapter 166: Development Standards.

The following sections provide additional detail on the proposed structure of new Chapter 163.

---

<sup>3</sup> NOTE: Determination of the exact location(s) and extent of the proposed Vacation Rental Overlay District will require additional discussion with City Staff and the exact location may be determined after adoption of the ZDO.

# **163.01 General Provisions**

## **A. Base Districts Established**

This is a standard section that enumerates and officially establishes the various districts that are set forth in this chapter. This is typically done with a summary table which establishes the zoning district name and official abbreviation. This table is established in a hierarchical format where zoning districts are listed in rank order from the most restrictive (or “highest” classification) to the least restrictive (or “lowest” classification).

## **B. Compliance with District Standards**

This section will require that all applicants for development approval comply with the district standards set forth in this chapter unless a Variance Permit or Administrative Adjustment is granted.

# **163.02 Residential Districts**

## **A. Purpose and Intent**

This section will provide a brief statement of the general purpose and intent applicable to all the residential zoning districts, including: to provide appropriately located areas for residential development that are in accordance with the Comprehensive Plan; that protect the public health, safety and welfare; to ensure adequate light, air, privacy, and open space for each dwelling; to protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental effects; to ensure the provision of public services (e.g., roadway capacity, parkland, school sites, etc.); and to provide appropriately located areas in accordance with the Comprehensive Plan for employment, shopping, and recreational activities as needed by the residents of the City while ensuring that any negative aspects from these forms of development are minimized on any abutting residential uses. It will reference the general provisions in the South Carolina Statutes concerning the purpose of zoning and matters to be considered in applying zoning districts.

## **B. Districts**

- (1) Single-Family Residential (RSF)**
- (2) Two-Family Residential (RTF)**
- (3) Multi-Family Residential (RMF)**

This section will build on the individual purpose statements for each of the individual residential zoning districts in Chapter 154. In addition to the purpose statements for each of these districts, we suggest that the text be supplemented with photographs or other images from development within or near the City that depict the intent of the district standards. These images will help code users better understand the City’s expectations, and should be collected by or in coordination with the planning staff.



## **C. Standards**

As a technique to increase user-friendliness, we propose that the section on residential zoning districts include a summary cross reference table that highlights the various applicable development standards and their locations within the ZDO document.

## **163.03 Nonresidential Districts**

### **A. Purpose and Intent**

This section will provide a brief statement of the purpose and intent of the five nonresidential districts, including: to provide appropriately located areas for commercial, office and light industrial uses to serve Folly Beach's residents, businesses, and workers; to strengthen Folly Beach's economic base, and provide employment opportunities close to home for residents of the City and surrounding communities; and to minimize the impact of development on sensitive environmental lands.

### **B. Districts**

- (1) Downtown Commercial (DC)**
- (2) Resort Commercial (RC)**
- (3) Marine Commercial (MC)**
- (4) Corridor Commercial (CC)**
- (5) Conservation (CN)**



This section will build on the individual purpose statements for each of the individual residential zoning districts in Chapter 154.

In addition to the purpose statements for each of these districts, we suggest that the text be supplemented with photographs or other images from development within or near the City that depict the intent of the district standards. These images will help code users better understand the City's expectations, and should be collected by or in coordination with the planning staff.

### **C. Standards**

As was done for the residential districts, we propose that this section include a summary cross reference table that highlights the various applicable development standards and their locations within the ZDO.

## **163.04 Planned Development Districts**

### **A. Purpose and Intent**

The Planned Development districts are proposed as way to encourage the mixing of uses in single developments subject to pre-approved Master Plans along with various terms and conditions.

### **B. Districts**

- (1) Planned Development-Residential (PD-R)**
- (2) Planned Development-Commercial (PD-C)**

This section will replace the Planned Development District section, and establish two new districts, a planned development district focused on residential uses, and one focused on commercial uses. The Planned Development-Residential (PD-R) district centers around the concept of mixed residential development, with more limited nonresidential/commercial development options (unless it can be demonstrated that community serving commercial/retail is justified). The Planned Development-Commercial (PD-C) district focuses on mixed-use retail and office type development, with limited residential uses integrated into the development. There will be one set of consolidated review procedures for all planned developments in Chapter 162: Administration. This portion of Chapter 163 will include general standards applicable to all planned development districts as well as standards applicable to each individual planned development district.

## **163.05 Overlay Districts**

### **A. Neighborhood Conservation Overlay District**

The Neighborhood Conservation Overlay District (NCOD) concept is proposed as a technique to protect and maintain the character of older existing single-family and two-family neighborhoods, and encourage the maintenance and protection of the established community character in these areas. In some cases, the NCOD can be used to facilitate continued development and reinvestment in transitioning neighborhoods through specialized design standards aimed at preserving the established context in areas subject to infill and redevelopment. NCO districts typically include very specific substantive standards tied to the individual neighborhoods they are intended to protect, and as such, the new ZDO will establish the framework for such districts, but will not include substantive standards. Substantive standards addressing issues such as bulk, dimensional characteristics, and transitions should only be included after completion of neighborhood or small area planning efforts for specific areas targeted for receipt of the NCOD designation.

### **B. Vacation Rental Overlay District**

This is a new overlay designed to address the variety of problems presented by vacation rentals, which are the single- and two-family dwellings that are continuously rented on a short-term basis during the tourist season. The Vacation Rental Overlay District is an overlay district classification that can be applied to areas with base zoning designations that would not otherwise allow vacation rental (tourist home) uses. Vacation rental uses located within the RSF and RTF Districts would be prohibited except where the vacation rental overlay district was applied. The exact location of the overlay district is a matter for additional consideration by the City staff, elected officials, and citizens of the City. Vacation rentals would continue to be permitted in the RMF and RC districts, but all vacation rentals will require Site Plan approval. We also suggest the City consider new standards for encouraging bed and breakfast uses as a means of addressing some of the demand for vacation rental housing.



In addition to the standards in Chapter 163 related to the VROD, Chapter 166: Development Standards, of the new ZDO will include a series of design standards for single-and-two family residential uses that are intended to prevent such structures from being used as or converted to Vacation Rental uses. The single-and two-family residential standards would not apply to Vacation Rental uses within the Vacation Rental Overlay District.

The following standards are suggested as a starting point for new standards controlling Vacation Rentals, and are provided as an example of how these standards would be organized and formatted. Many of the standards would include diagrams or other illustrations to help the reader understand the intent of the standards.

#### **163.05-01 Vacation Rentals**

##### **(1) Purpose and Intent**

The Vacation Rental Overlay District (VROD) is established to foster tourism in the City while minimizing potential external impacts from tourism-related uses to adjacent residential uses. More specifically, the VROD is intended to:

- (a) Provide lodging alternatives for vacationers;
- (b) Distinguish Vacation Rental uses from traditional single- and two-family residential dwellings;
- (c) Maintain and protect the single-family residential character and scenic beauty of Folly Beach;
- (d) Clarify the appropriate location for Vacation Rental uses;
- (e) Establish a minimum set of standards for the configuration and operation of Vacation Rental uses;

- (f) Help limit excessive noise, disorderly conduct, vandalism, overcrowding, traffic, congestion, illegal vehicle parking and accumulation of refuse which require response from police, fire, paramedic and other public personnel;
- (g) Provide standards for continued operation of nonconforming Vacation Rental uses; and
- (h) Preserve and protect the quiet enjoyment of traditional single- and two-family dwellings in traditionally-residential areas of the City.

**(2) Applicability**

- (a) The standards in this section apply to Vacation Rental uses located in the Vacation Rental Overlay District.
- (b) Vacation Rental uses are permitted in accordance with the standards in **Table <>**, Table of Allowed Uses, but shall not be established on lots outside the VROD.
- (c) The standards of this overlay district are applied in addition to any base district standards in Chapter 163: Zoning Districts, use-specific standards in Chapter 164: Use Standards, dimensional standards in Chapter 165: Dimensional Standards, and development or design standards in Chapter 166: Development Standards. In the event of a conflict between the standards in this overlay and other standards in this ZDO, the more restrictive standard shall apply.

**(3) Exemptions**

Uses (including single- and two-family dwellings) not operated as Vacation Rentals shall be exempt from the standards of this section, but may be subject to other standards in this ZDO:

**(4) Vacation Rental Use Defined**

For the purposes of this ZDO, a Vacation Rental use shall mean a single- or two-family dwelling (or accessory structure on the same lot) rented by the dwelling's owner to one or more unrelated persons on a short-term basis of 29 days or less for one or more occurrences over a calendar year.

**(5) Conversion to a Vacation Rental Use**

Single- and two-family dwellings on lots within the VROD may be converted to a Vacation Rental use only in accordance with the standards of this section.

**(6) Affect on Permitted Uses**

The VROD is an overlay zoning district, and has no impact on the range of uses permitted by the applicable underlying base zoning district (see **Table <>**, Table of Allowed Uses). Nothing in this section shall limit the establishment of a traditional single- or two-family dwelling on a lot in the VROD, provided such use is established in accordance with all the standards of this ZDO, including **Section <>**, Single-Family Design Standards.

**(7) Vacation Rental Overlay District Location**

The VROD shall be depicted on the Official Zoning Map. Applications to amend the Official Zoning District Map to alter the boundaries of the VROD shall be reviewed and decided in accordance with the standards in **Section <>**, Amendments to Text and Zoning District Map. The City Council shall consider applications to amend the Official Zoning District Map to modify the boundaries of the VROD only once per calendar year during the first regular meeting following commencement of a new fiscal year.

**(8) Nonconforming Vacation Rental Uses**

**(a) Located Within VROD**

- (i) Lawfully established single- or two-family structures being operated as Vacation Rental uses prior to \_\_\_ (**insert the effective date of this ZDO**) shall be allowed to continue operation as a lawfully-established nonconforming use after \_\_\_ (**insert the effective date of this ZDO**), provided the owner of such use applies for a Zoning Permit within one calendar year of \_\_\_

## **CHAPTER 163: Zoning Districts**

(insert the effective date of this ZDO), and demonstrates the single- or two-family dwelling was established for operation as a Vacation Rental use prior to \_\_\_ (insert the effective date of this ZDO). During review of the application for a Zoning Permit (see Section <>), the Zoning Administrator shall document the size and configuration of the pre-existing Vacation Rental use, and shall apply the standards in Section <>, Vacation Rental Standards, to the maximum extent practicable.

- (ii) Failure to apply for a Zoning Permit within one calendar year of \_\_\_ (insert the effective date of this ZDO) or comply with any conditions of a Zoning Permit within the timeframe specified on the permit approval shall extinguish the rights of the development to be operated as a nonconforming Vacation Rental use, and the use shall be required to comply with all the applicable requirements for a single- or two-family dwelling in this ZDO.
- (iii) Any subsequent additions or alterations to a nonconforming Vacation Rental use shall fully conform with the standards in this section.
- (iv) Lawfully established apartment, townhouse, or condominium dwelling units located in the RMF District shall not be subject to these nonconforming use requirements, but shall be subject to the design standards in Section <>, Multi-family Design Standards.

### **(b) Located Outside VROD**

- (i) Lawfully established single- or two-family structures being operated as Vacation Rental uses prior to \_\_\_ (insert the effective date of this ZDO) shall cease operations as a Vacation Rental use, or apply to the ZBA for a Special Exception Permit within one calendar year of \_\_\_ (insert the effective date of this ZDO) for the ability to continue as a lawfully-established nonconforming use. During review of the application for a Special Exception Permit (see Section <>), the ZBA shall apply the standards in Section <>, Special Exception Standards, and Section <>, Vacation Rental Standards, to the maximum extent practicable.
- (ii) Failure to apply for a Special Exception Permit within one calendar year of \_\_\_ (insert the effective date of this ZDO) or comply with any conditions of a Special Exception Permit shall extinguish the rights of the development to be operated as a nonconforming Vacation Rental use, and the use shall be required to comply with all the applicable requirements for a single- or two-family dwelling in this ZDO.
- (iii) Subsequent additions, modifications, or alterations that increase the degree of nonconformity shall be prohibited.

### **(c) Reconstruction After Casualty Damage**

A nonconforming Vacation Rental uses may only be reconstructed as a conforming use following casualty damage of 50 percent or more of its assessed value at the time of damage.

## **(9) Operation in Violation**

Vacation Rental uses operated on lots outside of the VROD or in a manner inconsistent with the standards in this section shall be a violation of this ZDO, and shall be subject to the full range of penalties and remedies established in Chapter 168: Enforcement, and the City Code of Ordinances.

## **(10) Vacation Rental Standards**

Vacation Rental uses shall comply with the following standards:

### **(a) Procedure**

All Vacation Rental uses shall obtain Site Plan approval in accordance with Section <>, Site Plan, except that the Zoning Administrator shall be the decision-maker responsible for approving, approving with conditions, or denying the application. Appeals of the Zoning Administrator's decision shall be processed in accordance with the standards in Section <>, Appeals.

**(b) Maximum Floor Area Ratio**

Vacation Rental uses shall comply with the maximum floor area ratio in Table <>, Vacation Rental Maximum Floor Area:

<b>TABLE &lt;&gt;: VACATION RENTAL MAXIMUM FLOOR AREA</b>	
<b>LOT SIZE (SQUARE FEET)</b>	<b>MAXIMUM FLOOR AREA (%) [1]</b>
7,000 or Less	0.40
7,001 – 9,500	0.38
9,501 – 12,000	0.36
12,001 – 14,500	0.34
14,501 – 17,000	0.32
17,001 – 19,500	0.30
19,501 – 22,000	0.28
22,001 or more	0.26

NOTES:  
[1] Uncovered porches, patios, and decks shall not be included as floor area for the purposes of determining the maximum floor area.

**(c) Maximum Height**

- (i) The maximum height of a Vacation Rental use (as measured from the highest point of a flat roof, or to the midpoint of the roof on pitched roofs) shall not exceed 125 percent of the average height of each abutting single-family dwelling, two-family dwelling, or Vacation Rental.
- (ii) In no instance shall the maximum height of a Vacation Rental use exceed 35 feet above the Base Flood Elevation.

**(d) Maximum Lot Coverage**

Impervious surfaces on lots containing Vacation Rental uses shall be limited to a maximum of 45 percent of the lot area. For the purposes of this section, decks, porches, patios, pools, paved areas, and areas covered by gravel shall be considered as impervious.

**(e) Minimum Roof Pitch**

Any portion of a Vacation Rental use located 24 or more feet above the pre-development grade shall utilize a pitched roof with a minimum pitch of 8:12. Chimneys, gables, and window dormers shall be exempt from the minimum pitch requirements.

**(f) Minimum Setbacks**

- (i) Vacation Rental uses shall be set back from the street they front at least two feet for each foot in building height. In cases where a Vacation Rental “steps back” or increases in height with distance from the street it faces, the front set back shall be based upon the front-most portion or wing of the structure.
- (ii) Vacation Rental uses shall be set back at least one linear foot from the side lot line for each two feet of the closest adjacent building wall height (as measured from the Base Flood Elevation). In no instance shall a side yard setback be less than five linear feet.

**(g) Architecture and Design**

- (i) The primary entrance of a Vacation Rental use shall be visible from the street from which the structure derives its street address.
- (ii) The primary façade of a Vacation Rental use shall provide articulation in the form of at least two of the following details:

**CHAPTER 163: Zoning Districts**

- 1. Wall projections or recesses with a minimum depth of two feet;
  - 2. Building wings or wing walls that “step-down” in height from main body of the house towards to side lot lines;
  - 3. Gables or roof overhangs of five feet or more;
  - 4. Front porches of at least six feet in depth and width; or
  - 5. Other structural characteristics designed to “break up” shear wall faces.
- (iii) In cases where the primary façade of a Vacation Rental use exceeds 50 linear feet, then the facade shall include at least three of the architectural features described in Subsection (ii) above.
  - (iv) In cases where the Base Flood Elevation is six feet in height or more above grade, the portion of the structure below Base Flood shall be configured to maintain a minimum opacity of 50 percent or more, so as to maintain views through the structure.

**(h) Parking, Driveways, and Garages**

- (i) Vacation Rental uses shall provide at least one off-street parking space per bathroom, but not more than two spaces per bathroom.
- (ii) Vacation Rental uses shall comply with the front yard parking requirements in Section <>, Parking on Single-Family Lots.
- (iii) Driveway widths shall be limited to a maximum width of 12 feet within 20 feet of a public right of way.
- (iv) Street-facing garages shall be located a minimum of five feet behind the front façade of the dwelling they serve.

**(i) Deck Configuration**

- (i) Decks shall not be located upon a roof required to be pitched in accordance with Section <>, Minimum Roof Pitch.
- (ii) Decks located on the second or third story of a Vacation Rental use and located within 20 feet of a side lot line shall be screened (through landscaping or constructed means) from the side lot line.

**(j) Landscaping**

Vacation Rental uses shall incorporate foundation plantings along all facades visible from a public street, and shall locate all required Site Landscaping (see Section <>, Site Landscaping) within the front yard.

**(k) Signage**

In cases where a Vacation Rental use has two or more signs visible from the street it fronts, all signs along the street frontage shall be included on a single mounting device, and the maximum sign face area shall not exceed eight square feet per side.

**(l) Compliance with City Code of Ordinances**

Persons renting a Vacation Rental use shall comply with all applicable City requirements, including noise standards, on-street parking limitations, and similar requirements. The owner or operator of a Vacation Rental use shall assume responsibility for ensuring tenants are informed of all applicable City requirements.

**(m) Business License Required**

Each Vacation Rental use shall maintain a Business License, and failure to comply with the requirements of the ZDO shall be a violation punishable by revocation of a Business License.

# Chapter 164. Use Standards

## SUMMARY OF CONTENTS

### Chapter 164: Use Standards

#### 164.01 Use Table

#### 164.02 Use Classifications, Categories, and Types

#### 164.03 Use-Specific Standards

#### 164.04 Accessory Uses and Structures

#### 164.05 Temporary Uses and Structures

**General Commentary:** This chapter will reorganize Folly Beach’s use regulations into five main sections. The first section will include a summary use table that will specify the permitted, prohibited, and special exception uses for the residential, nonresidential, and planned development zoning districts.

The second section in the chapter will establish an updated three-tiered use classification system utilized to provide structure and content to the range of permitted uses. The system utilizes a systematic framework for classifying uses based on “Use Classifications” (broad general classifications such as residential, commercial, and institutional); “Use Categories” (major sub-groups within use classifications that are based on common characteristics, such as “group living” and “household living”); and “Use types” (specific uses such as “single-family detached dwelling,” “dormitory,” or “manufactured home”).

The third section, a set of use-specific standards, will identify any specific regulations or limitations that always apply to certain principal uses, regardless of the underlying zoning district in which they are located. If there are exceptions to the general standards established in this section, they will be identified. Special attention will be paid to adding new uses, new use standards, and improvement upon the current standards. Any standards related to accessory uses will be relocated to a new fourth section on accessory uses and structures, and temporary use standards will be located in the fifth section dealing with temporary uses.

## 164.01 Use Table

The heart of Chapter 164: Use Standards, is the use table. This new section will begin with introductory material explaining how to use the table. The table will also include additional information related to any use-specific standards that may apply, and where those standards may be found (see Section 164.03, Use Specific Standards).

The use table in the ZDO will use the permitted and conditional uses in the prior version of the Zoning Ordinance as a starting point, but will modify the table to reflect revisions to the lineup of zoning districts (as outlined in Chapter 163: Zoning Districts) and the system of uses. The table will likely reflect new uses that do not appear in the prior version of the Zoning Ordinance as well. A draft version of the Use Table is included below.

TABLE OF ALLOWED USES													
		P = Permitted			S = Special Exception			A = Allowed in PD District			Blank Cell = Prohibited		
USE CATEGORY	USE TYPE	Zoning District										Additional Standards	
		Residential			Nonresidential					Planned Development [1]			
		RSF	RTF	RMF	DC	RC	MC	CC	CN	PD-R	PD-C		
<b>RESIDENTIAL USE CLASSIFICATION</b>													
Household Living	Multi-family Dwelling			P		P		P			A	A	
	Single-family Dwelling	P	P	P	P	P	P	P			A	A	
	Two-family Dwelling		P	P	S	P	P	P			A	A	
	Townhouse			P	P	P	P	P			A	A	

**CHAPTER 164: Use Standards**

TABLE OF ALLOWED USES														
P = Permitted      S = Special Exception      A = Allowed in PD District      Blank Cell = Prohibited														
USE CATEGORY	USE TYPE	Zoning District										Additional Standards		
		Residential			Nonresidential					Planned Development [1]				
		RSF	RTF	RMF	DC	RC	MC	CC	CN	PD-R	PD-C			
	Residential unit over nonresidential use			P	P	P	P	P	P			A	A	
Group Living	Family Day Care Home (up to and including 7 children)	P	P	P		P	P	P				A	A	
	Group Day Care Home (no more than 15 children)	P	P	P		P	P	P				A	A	
	Rooming House			P		P		P				A		
<b>INSTITUTIONAL USE CLASSIFICATION</b>														
Schools	School, Private	P	P	P	P		P	P				A	A	
	School, Public	P	P	P	P		P	P				A	A	
Institutions	Community or Neighborhood Center	P	P	P	P	P	P	P				A	A	
	Fraternal Organization				P	P		P						
	Government Facility		P	P	P	P	P	P				A	A	
	Medical Treatment Facility				P	P		P				A	A	
	Religious or Civic Institution, 5000 sf or more			P	P		P	P				A	A	
	Religious or Civic Institution, less than 5,000 sf		P	P	P		P	P				A	A	
Public Park or Open Space	Public Park / Recreation Facility	P	P	P	P	P	P	P	S			A	A	
	Non-commercial Horticulture	P	P	P	S	P	P	P				A	A	
Marine Related	Docks, Private	P	P	P	P	P	P					A	A	
	Docks, Public	P	P	P	P	P	P		S			A	A	
	Marinas			P	P	P	P	P				A	A	
	Piers, Private			P	P	P	P	P				A	A	
	Piers, Public			P	P	P	P	P	S			A	A	
Utilities	Telecommunications Facility, Collocation	S	P	P	P	P	P	P				A	A	
	Telecommunications Facility, Freestanding		S	S	S	S	S	S					A	
	Utility, Major			S			P	P					A	
	Utility, Minor	P	P	P	P	P	P	P				A	A	
<b>COMMERCIAL USE CLASSIFICATION</b>														
Animal Care	All			S	P	P	P	P					A	
Daycare	All			S	P	P		P				A	A	
Commercial Indoor Recreation	All				P	P	S	P				A	A	
Commercial Outdoor Recreation	All				S	P	S	P				A		
Offices	Less than 10,000 sf				P	P	S	P					A	
	Greater than 10,000 sf				S			P					A	
Parking	Municipal Parking lot				P	P		P				A	A	
	Private Parking Lot			S	P	P	P	P				A	A	
Restaurants	Restaurant without drive through				P	P	P	P				A	A	

TABLE OF ALLOWED USES													
P = Permitted      S = Special Exception      A = Allowed in PD District      Blank Cell = Prohibited													
USE CATEGORY	USE TYPE	Zoning District										Additional Standards	
		Residential			Nonresidential					Planned Development [1]			
		RSF	RTF	RMF	DC	RC	MC	CC	CN	PD-R	PD-C		
Retail Sales and Services	Bar, nightclub, or similar establishment				S	P		P				A	
	Adult Entertainment Establishment					S		S					
	Pool Hall				P	P		P				A	
	Private Club				P	P		P				A	
	Retail Use with Gasoline Sales				S	P		P				A	
	Type I Retail			S	P	P	P	P			A	A	
	Type II Retail				P	P	S	P				A	
	Type III Retail					S		P				A	
Storage	Outdoor Storage							P	P				
	Self-Storage								P				
Tourist Accommodations	Convention Facilities							P		P			
	Hotel or Motel							P		P			
	Vacation Rental [2]	P	P	P				P				A	

NOTES:  
 [1] Uses in a planned development are only authorized in accordance with the associated Master Plan. Uses with an "A" are allowable, while uses without an "A" are prohibited.  
 [2] Vacation Rental uses, while permitted in a particular base district, may only be established on lots also located within the Vacation Rental Overlay District.

## 164.02 Use Classifications, Categories, and Types

In an effort to provide better organization, precision, clarity, and flexibility to the uses in the zoning districts and the administration of the use table, the table and use regulation system will be organized around the three-tiered concept of use classifications, use categories, and use types. Use classifications, the broadest category, organize land uses and activities into general use categories (residential uses, institutional uses, and commercial uses). Use categories, the second level or tier in the system, is composed of groups of individual types of uses. Use categories are further divided into specific Use Types based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This three-tiered system of use classifications, use categories, and use types provides a systematic basis for assigning present and future land uses into zoning districts.

## 164.03 Use-Specific Standards

This section will contain all of the special standards and requirements that apply to individual principal use types listed in the Use Table. The standards generally apply to uses regardless of whether they are permitted as a matter of right or are subject to the Special Exception Permit process. Additional standards will be added for new uses as appropriate.

## 164.04 Accessory Uses and Structures

Accessory uses or structures are those uses that are subordinate to the principal use of a building or land, located on the same lot as the principal use, and customarily incidental to such use or structure. For example, a stand-alone automated teller machine is considered as an accessory to a commercial use, and an above- or

## ***CHAPTER 164: Use Standards***

below-ground swimming pool is typically considered an accessory structure to a single-family home. All of the regulations and standards governing accessory uses and structures will be located in this section, including uses that are prohibited, such as accessory dwelling units used as vacation rentals.

### **164.05 Temporary Uses and Structures**

Temporary uses are uses proposed to be located in a zoning district for a limited duration of time that are not identified as permitted uses. Special events typically last for a shorter duration and are intended to attract large numbers of people at one time, such as concerts, fairs, circuses, large receptions or parties, and community festivals (they do not include private parties attracting less than a certain number of persons, nor do they include events normally associated with the permitted use (such as a wedding reception at a reception hall or a funeral at a funeral home). The types of temporary uses allowed and the standards for their approval will be established in this section.

# Chapter 165. Dimensional Standards

## SUMMARY OF CONTENTS

Chapter 165: Dimensional Standards  
 165.01 Dimensional Standards Table  
 165.02 Measurements and Exceptions

**General Commentary:** Rules of measurement, while seemingly mundane, can be critical. For example, should height be measured from the original natural grade or from finished grade? Should stream corridor setbacks be measured from the middle of the river or the defined bank? How are spacing requirements measured, from lot line to lot line or from front door to front door? Many zoning ordinances either fail to explain how various dimensional standards (such as height and setbacks) are to be measured, or else scatter them throughout the code in various regulations or definitions. A better approach is to consolidate all rules of measurement in the new ZDO where they can be easily located. The current Zoning Ordinance includes the dimensional standards with each of the districts, and includes many of the measurement requirements and exceptions in the General Provisions Section in Chapter 154.

## 165.01 Dimensional Standards Tables

The first section of this chapter will feature an easy-to-read tables summarizing dimensional, density, intensity standards. A brief excerpt from a code we developed for another jurisdiction is reproduced here. The ZDO will follow a similar format.

TABLE <>: DIMENSIONAL STANDARDS [1]							
BASE ZONING DISTRICT	MAX. RESIDENTIAL DENSITY (UNITS/AC)	MAX. HEIGHT (FT/STORIES)[3]	MINIMUM LOT WIDTH		MINIMUM SETBACK		
			AT ROW (FT)	AT BUILDING LINE (FT)	FRONT/CORNER SIDE (FT)	EACH SIDE	REAR (FT) [5]
Single-Family Residential-2 (R-2) [12]	2	36/3	35	100	30	Greater of: 15% of lot width at building line or 15 feet	40
Single-Family Residential-3 (R-3)	3	36/3	35	80	25	Greater of: 15% of lot width at building line or 12 feet	30
Residential Mixed-Use (RMX)	8 detached; 10 attached; 12 with CUP	36/3	35	60 [9]	20	Greater of: 15% of lot width at building line or 8 feet [10]	25
Residential Mixed-Use Manufact. Housing (RMX-MH)	1/space	24/2	50/space		25	15 from park lot line [11]	25 from park lot line

The table will identify all relevant dimensional standards (e.g., lot area, setbacks, height, density/intensity and lot coverage). The readily accessible format will replace the lengthy textual lists of dimensional standards found in each of the existing zoning districts.

## 165.02 Measurements and Exceptions

The second section of the chapter will include rules of measurement. Rules of measurement will be provided for each type of measurement listed in the dimensional standards table. These will include, at a minimum: lot width, lot depth, lot lines (front, side, and rear), building coverage, total lot coverage, setbacks, and height. We will use as a starting point the rules of measurement which are scattered throughout the current Zoning Ordinance, and make modifications, as appropriate. Illustrations will be provided showing how to make certain measurements. We will work with staff throughout the drafting process to develop a list of measurements to be illustrated.

# **Chapter 166. Development Standards**

## SUMMARY OF CONTENTS

Chapter 166: Development Standards
166.01 Tree Protection
166.02 Landscaping Standards
166.03 Open Space Standards
166.04 Environmental Protection
166.05 Design Standards
166.06 Off-Street Parking and Loading
166.07 Sign Standards
166.08 Fences and Walls
166.09 Exterior Lighting

**General Commentary:** This chapter will contain the development standards in the ZDO related to the physical layout of new development. This chapter will consolidate the material found throughout the City Code of Ordinances such as Chapter 53, Storm Water Management, Chapter 93, Tree and Canopy Conservation, and Chapter 152 Flood Damage Prevention. In addition to consolidation of these provisions, this chapter proposes a series of new standards aimed at raising the bar for development quality.

New or revised standards to be incorporated into this chapter include:

- Enhancement to the tree canopy retention standards;
- The addition of some basic landscaping provisions;
- Establishment of new marsh and dune buffer provisions along with inclusion of existing stormwater management and flood control provisions (for user friendliness);
- New basic design standards for single- and two-family dwellings, and multi-family and commercial development;
- Revision of the off-street parking and loading standards to ensure they include all listed uses and are consistent with the most recent national standards;
- New standards for the appearance and configuration of fences and walls; and
- New standards to address glare, light spillover, maximum lighting heights, and maximum illumination values related to exterior lighting.

## **166.01 Tree Protection**

### **A. Purpose and Intent**

### **B. Applicability**

### **C. Retention of Existing Tree Canopy**

### **D. Protection of Grand and Landmark Trees**

### **E. Tree Protection During Construction**

### **F. Mitigation**

### **G. Tree Preservation Incentives**

## **H. Monitoring and Maintenance**

This section will carry forward and modify some of the provisions in Chapter 93, Tree and Canopy Conservation. Standards will be included which require a varying percentage of the existing tree canopy on a tract proposed for subdivision be maintained on vacant sites during the development process (e.g., 15 percent for commercial property and 25 percent for residential property). In addition to maintenance of the existing canopy, the regulations will also protect all Grand and Landmark trees located on new and existing lots. The new regulations will not allow these trees to be harmed in any way during or after construction unless prior approval from the City has been granted. In addition, new standards will include incentives for on-site tree preservation, including: credit towards other landscaping requirements; the ability to reduce the number of required parking spaces; and allowing interior buffer areas like areas between outparcels in a single development to be relocated so as to preserve significant vegetation elsewhere on the site. Finally, more specific standards will be developed for monitoring and enforcement, including inspection prior to issuance of a certificate of occupancy as well as additional inspection following the first year of operation.

## **166.02 Landscaping Standards**

- A. Purpose and Intent**
- B. Applicability**
- C. General Requirements for Landscaping**
- D. Site Landscaping**
- E. Vehicular Use Area Landscaping**
- F. Perimeter Buffers**
- G. Screening**
- H. Alternative Landscaping Plan**
- I. Other Landscape Standards**

The current zoning ordinance does not contain any landscaping standards. We recommend the addition of some basic landscaping standards as a means of raising the bar for development quality. We recommend the landscaping standards consist of foundations plantings and modest canopy tree requirements for shade, parking lot landscaping (perimeter screening and internal planted islands), perimeter buffers between incompatible uses, and screening standards (for refuse, service, and utility areas). An emphasis will be placed on the use of drought tolerant vegetation versus irrigation. To improve clarity, graphics will be used, as appropriate, to explain the requirements for landscaping. Provisions allowing flexibility in meeting landscaping standards (such as aggregate caliper inch standards per 100 linear feet) will be added to encourage creative design. Finally, in the interest of maintaining flexibility in addressing unique or difficult sites or development, applicants will be allowed to propose alternative strategies for providing landscaping through an Alternative Landscape Plan. The section includes standards for the development of an Alternative Landscape Plan that must be reviewed as part of the approval process.

## **166.03 Open Space Standards**

- A. Applicability**
- B. General Requirements**
- C. Open Space Set-aside Standards**

**CHAPTER 166: Development Standards**

- D. Configuration of Open Space Set-asides**
- E. Ownership**
- F. Maintenance**

This section is proposed as a replacement to Section 153.084, Greenspace Acquisition. We recommend an approach where new planned developments and Major Subdivisions are required to set aside (not dedicate) a portion of the development area as private common open space for the use of residents. The amount of land set aside is a percentage of the development’s total size, and is calibrated based on the uses intended for the subdivision (residential subdivisions have higher minimum requirements). This approach is being used more and more as an effective way of obtaining recreation and conservation lands with minimum capital investment. The standards include some configuration standards (e.g., centrally-located, useable, accessible, requirements when fronting water bodies, etc.) as well as some criteria about where such lands may be located. The provisions will require that open space set-asides be located so as to expand or enlarge adjacent public recreation lands (parks or greenways) to the maximum extent practicable, and prioritize the types of lands to be set-aside for open space (e.g., environmentally sensitive lands, culturally significant sites, etc.). The provisions will also set out the circumstances under which an open space set-aside would be a candidate for dedication to the City, and the criteria under which such a dedication would be considered. Finally, the new open space standards will include provisions for ownership and maintenance of open space set-asides to ensure that a specified entity, such as a homeowners association, is responsible for maintenance of common areas and improvements and can be held accountable.

**166.04 Environmental Standards**

- A. Purpose and Intent**
- B. Applicability**
- C. Marsh and Dune Buffers**
- D. Stormwater Management**
- E. Flood Damage Protection**

This is a new section that will set out some new environmental protection standards (marsh and dune buffers), as well as carry forward the existing standards in Chapter 53, Storm Water Management and Chapter 152 Flood Damage Prevention. The marsh buffer provisions will modify the standards in Section 154.069 in favor of a sliding scale buffer width that is dependent upon the amount of existing vegetation that is left undisturbed during and after the development process (average minimum buffer width increases with the amount of disturbance on the site). The dune buffer provisions are provided as a supplement to Chapter 151, and will establish a wider minimum buffer from dunes and other sensitive beachfront areas.

**166.05 Design Standards**

- A. Purpose and Intent**
- B. Applicability**
- C. Single-Family and Two-Family Design Standards**
- D. Multi-Family Design Standards**
- E. Commercial Design Standards**

Almost everyone interviewed or who provided written comments after the interviews indicated the need for new design standards to raise the bar for development quality. We recommend the addition of some basic design provisions to supplement those in use by the DRB in Section 33.121 during Site Plan review. For example, we recommend the addition of some new basic design standards for new single- and two-family structures. One of the primary objectives of the single-and-two family design standards is to help limit the viability of the RSF and RTF Districts for Vacation Rental development. The following section sets out a preliminary list of single- and two-family design standards for the City’s consideration.

**166.05-02 Single- and Two-Family Design Standards**

**(A) Applicability**

- (1) The single- and two-family residential standards shall apply to all new single-family and two-family dwellings.
- (2) In addition, these standards shall apply to any single- or two-family dwellings existing on \_\_\_ (insert effective date of this ZDO) if any expansion or alteration exceeds 50 percent of the building’s assessed value at the time of expansion or alteration.

**(B) Exemptions**

Single- or Two-family dwellings operated as Vacation Rental uses shall be exempt from the standards of this section, but shall comply with the standards in Section <>, Vacation Rental Overlay District.

**(C) Time of Review**

Review of proposed development to ensure compliance with the standards of this section shall take place at the time of Site Plan (Section <>), Subdivision (Section <>), Planned Development Master Plan (Section <>), or Zoning Permit (Section <>) review, as appropriate.

**(D) Design Standards**

**(1) Maximum Floor Area**

Single- and two-family dwellings shall comply with the maximum floor area ratio in Table <>, Single- and Two-Family Maximum Floor Area:

<b>TABLE &lt;&gt;: SINGLE- AND TWO-FAMILY MAXIMUM FLOOR AREA</b>	
<b>Lot Size (square feet)</b>	<b>Maximum Floor Area (%) [1]</b>
7,000 or Less	0.36
7,001 – 9,500	0.34
9,501 – 12,000	0.32
12,001 – 14,500	0.30
14,501 – 17,000	0.28
17,001 – 19,500	0.25
19,501 – 22,000	0.22
22,001 or more	0.19
NOTES: [1] Uncovered porches, patios, and decks shall not be included as floor area for the purposes of determining the maximum floor area.	

**(2) Maximum Height**

- (i) The maximum height of a single- or two-family dwelling (as measured from the highest point of a flat roof, or to the midpoint of the roof on pitched roofs) shall not exceed

## **CHAPTER 166: Development Standards**

125 percent of the average height of each abutting single-family dwelling, two-family dwelling, or Vacation Rental use.

- (ii) In no instance shall the maximum height of a single- or two-family dwelling exceed 35 feet above the Base Flood Elevation.

### **(3) Maximum Lot Coverage**

Impervious surfaces on lots containing single- or two-family dwellings shall be limited to a maximum of 40 percent of the lot area. For the purposes of this section, decks, porches, patios, pools, paved areas, and areas covered by gravel shall be considered as impervious.

### **(4) Minimum Roof Pitch**

Any portion of a single- or two-family dwelling located 24 or more feet above the pre-development grade shall utilize a pitched roof with a minimum pitch between 3:12 and 8:12. Chimneys, gables, porches, and window dormers shall be exempt from the minimum pitch requirements.

### **(5) Primary Entrance**

- (a) The primary entrance of a single-family dwelling shall be visible from the street from which the dwelling derives its street address.
- (b) At least one of the primary entrances associated with two-family dwelling shall be visible from the street from which the structure derives its street address.

### **(6) Façade Design**

- (a) Primary façades of single- or two-family dwellings with widths of 40 feet or more shall incorporate wall offsets in the form of projections or recesses in the façade plane. Offsets shall have a minimum depth of two feet, so that no single wall plane exceeds 25 feet in width. Front porches may be used in lieu of, or in combination with this standard.
- (b) Single- or two-family dwellings of 50 feet or more in width shall be configured to include building wings or wing walls between the main body of the dwelling and the side lot lines as a means of maintaining variation in the dwelling's horizontal mass.
- (b) At least ten percent of the area of any façade facing a public street shall be maintained as transparent (through the incorporation of doors or windows).
- (c) In cases where the Base Flood Elevation is six feet in height or more above grade, the portion of the structure below Base Flood shall be configured to maintain a minimum opacity of 25 percent or more, so as to maintain partial views through the structure.

### **(7) Roof Penetrations**

All roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys), shall be located on the rear elevations or otherwise configured to the degree practicable to have a minimal visual impact as seen from the street.

### **(8) Street Facing Garages**

- (a) Street-facing garages shall be located at least five feet behind the front façade of the dwelling it serves.
- (b) Any street-facing garage located less than 18 feet behind the front façade shall include a minimum of at least two of the following architectural features on the side including the garage door(s):
  - (1) Trellis;
  - (2) Columns flanking doors;
  - (3) Portico treatment;

- (4) At least one window for each street-facing garage door;
- (5) Dormers;
- (6) Overhangs, eaves, or roof line changes;
- (7) Decorative vent covers;
- (8) Detailed molding; or
- (9) Other features as authorized by the Zoning Administrator.

**(9) Parking and Driveways**

- (a) Single- and two-family uses shall comply with the parking requirements in **Section <>**, Parking on Single-Family Lots.
- (b) Driveway widths shall be limited to a maximum width of 12 feet within 20 feet of a public right of way.

**(8) Landscaping**

Single- and two-family dwellings shall incorporate foundation plantings along all facades visible from a public street.

**(E) Side Yard Setback**

Single- and two-family dwellings shall be set back at least one linear foot from the side lot line for each two feet of the closest adjacent building wall height (as measured from the Base Flood Elevation). In no instance shall a side yard setback be less than five linear feet.

**(F) Accessory Dwelling Units**

Accessory dwelling units on lots containing a single- or two-family dwelling shall be prohibited.

We also suggest the establishment of some basic multi-family design standards to help these important uses better integrate with the character of the City. These kinds of standards would include building orientation standards, controls over the location of parking, façade treatments to ensure visual interest, roof form requirements, and provisions to address use of these units as vacation rentals. The following section sets out a preliminary list of multi-family design standards for the City's consideration.

**166.05-03 Multi-Family Design Standards**

**(A) Applicability**

The standards in this section shall apply to all structures containing multi-family and townhouse units, but shall not apply to individual residential units located over a nonresidential use.

**(B) Time of Review**

Review of proposed development to ensure compliance with the standards of this section shall take place at the time of Site Plan (**Section <>**), Subdivision (**Section <>**), or Planned Development Master Plan (**Section <>**) review, as appropriate.

**(C) Building Orientation**

All multi-family structures and townhouse dwellings shall be oriented so that the primary entrance(s) faces the street. In the case of corner lots, the primary entrance(s) shall face the street from which the building derives its street address.

**(D) Building Size**

- (1) Individual building footprints shall not exceed a maximum of 15,000 square feet.
- (2) The maximum length of any multi-family of townhouse structure shall be 200 linear feet, regardless of the number of units.

## **CHAPTER 166: Development Standards**

- (3) No more than six side-by-side townhouse dwelling units shall be attached in any single structure.

### **(E) Height**

Multi-family or townhouse building heights shall not exceed 24 feet (above Base Flood Elevation) when located within 100 linear feet of a lot containing a single-family home or vacant RSF land.

### **(F) Building Design**

- (1) Building details, including roof forms, siding materials, windows, doors, and trim shall reflect a consistent architectural style.
- (2) All sides of a multi-family or townhouse structure visible from lands occupied by or designated for single-family dwellings, an existing public street, or other public lands shall display a similar level of quality and architectural detailing.

### **(G) Building Facades**

- (1) Front facades shall incorporate wall offsets in the form of projections or recesses in the façade plane a minimum of every 30 feet of façade frontage.
- (2) Wall offsets shall have a minimum depth of two feet.
- (3) In addition to wall offsets, front facades shall provide a minimum of three of the following design features for each residential unit fronting onto the street:
  - (a) One or more dormer windows or cupolas;
  - (b) A recessed entrance;
  - (c) A covered porch;
  - (d) Pillars, posts, or pilasters;
  - (e) One or more bay windows with a minimum twelve-inch projection from the façade plane;
  - (f) Eaves with a minimum six-inch projection from the façade plane;
  - (g) A parapet wall with an articulated design, which entails design variation rather than a simple rectilinear form; or
  - (h) Multiple windows with a minimum four-inch-wide trim.
- (4) Side facades shall maintain at least ten percent of the façade area as glazing.

### **(H) Roof Form**

- (1) Multi-family and townhouse structures shall incorporate roof pitches between 3:12 and 12:12; however, alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features.
- (2) All roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys), shall be located on the rear elevations or otherwise configured to the degree practicable to have a minimal visual impact as seen from the street.

### **(I) Outdoor Activity Areas**

Outdoor activity areas, porches, balconies, decks, vending areas, and other similar site attributes shall be located away or fully screened from adjacent detached single-family dwellings.

### **(J) Parking Location**

- (1) No off-street surface parking associated with a multi-family or townhouse shall be located between the structure(s) and the street it fronts.

- (2) Off-street surface parking located beside a building shall not occupy more than 25 percent of the parcel's street frontage. Associated driving areas shall be included as part of such off-street surface parking.

In addition to the residential standards described above, we suggest the inclusion of some very basic commercial standards to be applied in the CR and CC districts as a means of helping structures in these districts maintain compatible height, scale, massing, and character with the Folly Beach vernacular.

Finally, we suggest including some basic transitional design standards for situations where DC lots border lots in the RSF District. These standards are designed to address the boundaries between incompatible uses by establishing requirements for contextual setbacks, graduated building scales (to limit overly-large structures adjacent to single-family uses), and controls on parking and service function location to help limit negative impacts on adjacent uses.

## **166.06 Off-Street Parking and Loading**

- A. Purpose and Intent**
- B. Applicability**
- C. General Standards for Off-Street Parking, Stacking, and Loading**
- D. Off-Street Parking Standards**
- E. Computation of Required Spaces**
- F. Stacking Spaces for Drive-Through Uses**
- G. Accessible Parking Spaces for Disabled Persons**
- H. Parking on Single-Family Lots**
- I. Dimensional Standards for Parking Spaces and Aisles**
- J. Pedestrian and Bicycle Facilities**
- K. Alternative Parking Plan**

This section will replace the provisions found in Sections 154.100 and 154.101 in the current zoning ordinance. The standards in this section will include revised, updated quantitative off-street parking requirements, which will match the revised use table for consistency and ease of use. The location of off-street parking areas will be set forth and differentiated by district and type of development. Special attention will be paid to the parking problems occurring in the Downtown Commercial District.

Incentives will be used to allow developers to provide fewer than the minimum number of required parking spaces in exchange for preserving sensitive areas (e.g., extra open space) or participating in City parking management strategies. The provisions will include maximum numbers of off-street parking spaces for development, as well as requiring any additional off-street spaces provided in excess of the minimum requirements (for all uses) be on pervious or semi-pervious surfaces. Again, these standards will be calibrated as appropriate.

Through the Alternative Parking Plan process, flexibility will be built into the provisions by allowing applicants to propose alternative strategies, such as off-site parking, shared parking, valet parking, or (in appropriate settings) credit for on-street parking spaces. We will modify the provisions to require any change of use to comply with

**CHAPTER 166: Development Standards**

relevant parking standards. The provisions will be modified to require that an intensification of an existing use result in increased conformance with the relevant parking standards, based upon the extent or degree of intensification (increased compliance as the size or value of the expansion increases in relationship to the size of the existing use). Intensification could include increased floor area, extended hours of operation, or changes which trigger increased traffic generation (based upon standard ITE trip generation rates).

Finally, provisions will be added requiring pedestrian amenities or bicycle parking facilities for larger developments.

**166.07 Sign Standards**

This section will set forth standards for signage, which are currently found in Sections 154.085m to 154.089 of the current Zoning Ordinance. As indicated in the scope of work for the project, we propose only minor alterations to the signage provisions, including: reformatting to be consistent with the rest of the code, moving the definitions to Chapter 161: Definitions; and new limitations for signage associated with Vacation Rental uses. In addition, all provisions will be reviewed to ensure they comply with first amendment protections.

**166.08 Fences and Walls**

- A. Applicability**
- B. General Requirements for Fences and Walls**
- C. Height Requirements for Fences and Walls**
- D. Perimeter Fences and Walls Abutting Public Rights-of-Way**
- E. Visibility Clearance**
- F. Prohibited Fences**
- G. Appearance of Fences and Walls**

This section is proposed to add new fencing and wall standards to the ZDO. The standards will address fence and wall location, height, appearance, and maintenance.

**166.09 Exterior Lighting**

- A. Purpose**
- B. Applicability**
- C. General Standards for Exterior Lighting**
- D. Design Standards for Exterior Lighting**
- E. Wall-mounted Lights**
- F. Floodlights and Spotlights**
- G. Wall Pack Lights**

**H. Illumination of Outdoor Sports Fields and Performance Areas**

**I. Sign Lighting**

This section will establish some basic exterior lighting standards intended to address glare, direction, shielding, spillover, maximum height, and maximum on-site levels of light with measurable limits for new exterior lighting. The section will also include standards for lots that abut the beach.

# **Chapter 167. Subdivision Standards**

## SUMMARY OF CONTENTS

Chapter 167: Subdivision Standards

167.01 Subdivisions

167.02 Conservation Subdivision Option

167.03 Performance Guarantees

**General Commentary:** This chapter will include provisions from the selected sections of Chapter 153 related to subdivision design standards and standards related to public improvements, as well as revisions to the conservation subdivision in Section 153.044, which allows developments to establish increased densities within subdivisions in some districts based on the provision of significant amounts of open space. The chapter will also include the standards and procedures related to performance guarantees.

## **167.01 Subdivisions**

- A. Purpose and Intent**
- B. Authority**
- C. General Requirements**
- D. Filing Fees**
- E. Submittal Requirements**
- F. Design Standards**
  - (1) Markers and Lots**
  - (2) Easements**
  - (3) Blocks**
  - (4) Streets, Bridges, & Causeways**
  - (5) Sidewalks**
  - (6) Public Utilities**
  - (7) Drainage**

This section will carry forward material from Chapter 153 with several minor changes. The definitions will be moved to new Chapter 161: Definitions. The procedural material related to approval of plats and subdivision variances will be replaced by the subdivision review procedures in Chapter 162: Administration. The greenspace acquisition material in Section 153.085 will be relocated to the open space set-aside provisions in Chapter 166: Development Standards.

## **167.02 Conservation Subdivisions**

This section will carry forward and modify the standards for conservation subdivisions in Section 153.044 with new standards establishing minimum amounts of open space.

## **167.03 Performance Guarantees**

This section will carry forward the improvement agreement and guarantee material from Sections 153.055 through 153.060.

# **Chapter 168. Nonconformities**

## SUMMARY OF CONTENTS

- Chapter 168: Nonconformities
  - 168.01 General Applicability
  - 168.02 Nonconforming Uses
  - 168.03 Nonconforming Structures
  - 168.04 Nonconforming Lots
  - 168.05 Nonconforming Signs

**General Commentary:** This chapter will include all the rules pertaining to nonconformities. It builds on the provisions in Sections 154.062, 154.063, and 154.089 of the current Zoning Ordinance. The chapter will include new provisions for addressing nonconforming structures on conforming lots.

## **168.01 General Applicability**

### **A. Purpose and Scope**

This subsection will establish that the chapter addresses legally established uses, structures, lots, and signs that do not comply with the requirements of the new ZDO.

### **B. Authority to Continue**

All lawfully established nonconformities will be allowed to continue in accordance with the standards of this chapter.

### **C. Determination of Nonconformity Status**

This new subsection will include a standard provision stating that the landowner, not the City, has the burden of proving the existence of a lawful nonconformity.

### **D. Minor Repairs and Maintenance**

This subsection will state that routine maintenance of nonconforming structures will be allowed to keep nonconforming uses and structures in the same condition they were at the time the nonconformity was established. This rule will also be applied to structures housing nonconforming uses.

### **E. Change of Tenancy or Ownership**

This section will state that change of tenancy or ownership will not, in and of itself, affect nonconformity status.

## **168.02 Nonconforming Uses**

### **A. Change of Use**

### **B. Discontinuance or Abandonment**

### **C. Accessory Uses**

### **D. Reconstruction After Casualty Damage**

This section will include provisions dealing with existing uses that no longer conform with the zoning district provisions where they are located. The standards will deal with conversion of a nonconforming use to a more restricted nonconforming use, as well as the inability to expand an existing nonconforming use. The section will

## ***CHAPTER 168: Nonconformities***

establish the standards for when a nonconforming use is considered discontinued or abandoned, and how reconstruction may or may not proceed following substantial damage to the use.

### **168.03 Nonconforming Structures**

- A. Relationship with Nonconforming Uses**
- B. Continuation**
- C. Enlargement**
- D. Relocation**
- E. Restoration After Casualty Damage**

This section will establish the key standards governing nonconforming structures. The section will address enlargement, abandonment, relocation, and reconstruction after damage.

### **168.04 Nonconforming Lots of Record**

- A. Status of Structures on Nonconforming Lots**
- B. Development of Unimproved Lots**
- C. Reconstruction After Casualty Damage**
- D. Change of Nonconforming Lot**

This provision addresses established lots of record that were platted prior to the effective date of the Zoning Ordinance, but that do not meet the dimensional requirements of the district where they are located. It discusses the procedures for use of such lots of record as well as redevelopment or reconstruction on such lots following a casualty (major damage). Finally, the section will deal with changes to nonconforming lots such as boundary line adjustments or assembly of multiple lots.

### **168.05 Nonconforming Signs**

This section will carry forward the requirements in Section 154.089 related to amortization of nonconforming signage.

# **Chapter 169. Enforcement**

## SUMMARY OF CONTENTS

Chapter 169: Enforcement
169.01 Purpose
169.02 Compliance Required
169.03 Violations
169.04 Responsible Persons
169.05 Enforcement Generally
169.06 Remedies and Penalties

**General Commentary:** This chapter will build on the existing enforcement-related provisions (Sections 153. 101, 154.004, 154.120, and 154.999) of the existing zoning and subdivision regulations, with several significant enhancements. For example, the new ZDO will set out the purpose for the enforcement provisions, describe the types of actions or activities that are considered as violations, clarify responsible parties, and establish the range of remedies available to the City. By making it easier to understand the enforcement process, we hope to reduce the time, expense, and uncertainty of enforcing the ZDO.

## **169.01 Purpose**

This section will set forth the purpose of this chapter, which is to ensure compliance with the code and achieve corrections when violations occur.

## **169.02 Compliance Required**

This section shall clearly state that compliance with all provisions of the code is required.

## **169.03 Violations**

This section will explain that failure to comply with any provision of the code, or the terms or conditions of any permit or authorization granted pursuant to the code, shall constitute a violation of the code. It shall also specifically identify acts that constitute a violation of the code (e.g., developing land without first obtaining the appropriate permit, or expanding a nonconformity except in compliance with the requirements of Chapter 168: Nonconformities, or increasing the density or intensity of development on land above that allowed by the code).

## **169.04 Responsible Persons**

This section will state that any person who violates the ZDO shall be subject to the remedies and penalties set forth in this chapter. "Person" will be defined broadly to include both human beings and business entities (firms and corporations).

## **169.05 Enforcement Generally**

This section will identify those persons responsible for enforcement of the provisions of the ZDO, as well as the general enforcement procedure. The Building Official (or designee) shall be responsible for enforcement of the ZDO. This section will include provisions for notice of violation, and procedures to deal with complaints filed by others regarding a perceived or potential violation.

## **169.06 Remedies and Penalties**

This section will include provisions detailing a range of penalties and remedies available to the City under South Carolina law.