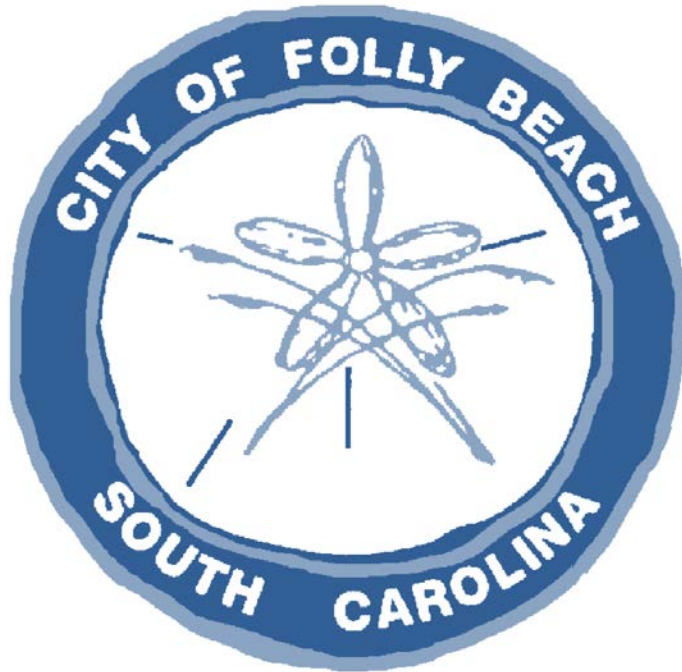


**City of Folly Beach**



**ACTION PLAN FOR  
MID-BLOCK  
RIGHTS-OF-WAY**

Folly Beach Planning Commission April 2013

## Statistics

Total Segments of Mid Block Rights-of-Way: 101

Segments that are currently in use: 34

Segments currently blocked by landscaping or soft obstructions: 7

**Segments currently blocked by fences and walls: 5**

Segments that lead to unopened streets: 20

Segments that are overgrown and impassable: 35

## Introduction

The 2010 update to the *City of Folly Beach Comprehensive Plan* carries forward recommendations from the *2005 Comprehensive Plan for the City of Folly Beach* for the improvement of the mid-block rights-of-way. Although there are some exceptions, these rights-of-way are ten foot wide segments of publicly owned land that are platted generally in the middle of each block and run from the ocean to the rear of the island.

Most of the rights-of-way along the beachfront streets are open, accessible, and marked by signage and crosswalks. Many of these oceanfront rights-of-way are complimented by walkovers that allow access to the beach. The condition of the rights-of-way on the back streets varies considerably. Some are overgrown and inaccessible for foot traffic. Some of the rights-of-way have been blocked by owners of adjacent properties. Others are cleared, accessible and offer easy access for pedestrians between streets.

A comprehensive program is needed to guide the City's long term management of the rights-of-way. This Action Plan contains recommendations for all segments and is meant to guide the City's efforts to implement the goals of the *City of Folly Beach Comprehensive Plan*.

## Authority and Guidance

**Ordinance:** City of Folly Beach Ordinance 150.009 states:

**No one shall place any non-authorized building, tree, sign, fence, seawall, or obstruction on any highway right-of-way, beach accesses, fire lanes or any other public dedicated property.**

**City Plats:** the mid block rights-of-way have been indicated from the earliest plats of the City of Folly Beach. They can be viewed on the 1920 plat "Plat of Folly Beach, South Carolina". The 1968 redraw of this plat including the rights-of-way is on file with Charleston County in Plat Book C-158.

**Comprehensive Plan:** Opening the mid block rights-of-way was established as a goal in the *2005 Comprehensive Plan for the City of Folly Beach*. In 2010, when the *Plan* was updated, the language regarding rights-of-way was considered to be still relevant and important enough to be carried over. The rights-of-way were identified in two separate sections of the *Plan*:

Goals for Natural Resources

To insure the beach is accessible and open for public use, the City has chosen to focus on two priority strategies:

- A) Open mid-block rights-of way to public for beach access and to diffuse parking.
- B) Build and maintain boardwalks over dunes for beach access.

Goals for Community Facilities

Improve pedestrian access to the beach and clear mid-block pedestrian rights-of-way of vegetation and other obstructions.

**Resolution 39-08:** In late 2008 a plan was presented to City Council in the form of Resolution 39-08. The supporting documents for this resolution established a policy that mainly focused on the existing street rights-of-way. It stated that the City would pursue those obstructions on Arctic and Ashley first, and then move to the interior of the island. The mid block rights-of-way were also addressed in this document. Notably, the right of way enforcement policy presented by this Resolution stated that there would be no exceptions for obstructions placed in the mid block rights-of-way.

## Process

The Action Plan is a result of field surveys, public meetings, and Planning Commission workshops.

**Field Surveys:** Members of the Planning Commission visited each of the mid block rights-of-way and conducted visual inspections. This was the first comprehensive examination of the rights-of-way. It achieved several goals:

- Identified which ROW's were opened and being used,
- Identified unopened ROW's,
- Identified which ROW's were blocked by man-made obstacles, heavy vegetation, ditches, utility type obstructions, or impassible terrain features,
- Identified which ROW's were currently marked by crosswalks and adequate signs, and
- Recorded both in writing and with photos the features of each ROW so intelligent recommendations could be created for each ROW.

**Public Meetings:** The Planning Commission presented its preliminary findings and took testimony during several public meetings to gather input on public opinion regarding the rights-of-way. Comment was received on both sides of the issue. The majority of the testimony,

including a petition signed by approximately 20 residents, was in support of opening the rights-of-way.

**Planning Commission Workshops:** The Planning Commission considered the survey and public comments in order to:

- Evaluate the feasibility of opening ROW's that were partially blocked or totally blocked,
- Analyze both the Pros and Cons of opening or improving each ROW, and
- Develop an appropriate ROW Improvement Action Plan with priorities for execution.

## **Mid-block Rights-of-way Analysis:**

The following information is a summary of the analysis of the mid block rights-of-way that was used in the development of the Action Plan.

### **East Side Overview:**

- Signage and cross-walks not consistent or missing at many ROW's.
- Owner constructed obstructions begin to appear in the 2<sup>nd</sup> block.
- ROW's open to Cooper St. at the 1<sup>st</sup>, 2<sup>nd</sup>, and 4<sup>th</sup> blocks.
- ROW's blocked from Ashley to Cooper at the 3<sup>rd</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> blocks.
- Unopened ROW's in the middle of the island are heavily overgrown.
- Several ROW's lead to unopened streets which could serve as pedestrian friendly nature trails. (For future consideration.)
- Bridging or piping of ditches is necessary to open some ROW's.

### **West Side Overview:**

- Signage and cross-walks not consistent or missing at many ROW's.
- 1<sup>st</sup> two blocks are open to Cooper.
- No open access in the 3<sup>rd</sup> or 4<sup>th</sup> blocks.
- 2 ROW's (7<sup>th</sup> and 9<sup>th</sup> streets) observed to be physically blocked by adjacent property owners.
- ROW's to streets that are unopened (Cooper beyond 5<sup>th</sup> block and Huron).
- Bridging or piping of ditches is necessary to open some ROW's.

### **General Considerations:**

- All of the ROW's that are currently open are self maintaining.
- The 2010 City of Folly Beach Comprehensive Plan Review places a priority status of "Essential, Ongoing and Valuable" on the opening and maintaining of mid-block ROW's.
- Opening mid-block ROW's supports the Folly Beach motto of being a "Family Friendly Beach" destination by providing safe and convenient path ways.

- Creates additional green space.
- Relieves parking congestion along streets and end-of-block ROW's.

## **Maintenance Considerations:**

The City currently designates money to maintain the walkovers located at many of the mid block rights-of-way; however no money is earmarked for the maintenance of the actual paths themselves. City maintenance is minimal and rare. All of the currently open sections of the rights-of-way are either self maintaining through foot traffic, or are maintained by neighboring property owners and interested citizens. The Planning Commission believes that any new sections of rights-of-way that are opened will continue this trend. This is evidenced by offers received during the process by local business and homeowners. However, funds and programs should be put into place to formalize any necessary (if minimal) maintenance moving forward. Annual funding of five to seven thousand dollars should be sufficient.

## **Funding Sources:**

Tree Fund--funds received as part of the Tree Fund as fees in lieu of mitigation could be set aside for maintenance of rights-of-way

Sponsorship of segments by businesses, non profits, interested citizens, or families.

Grants-- because the primary purpose of the rights-of-way is access to the beach, the City could apply for A-tax funding for yearly maintenance costs.

General Fund—the annual estimated cost of 5-7 thousand dollars could be taken from General Fund.

# IMPLEMENTATION PRIORITY

## PHASE 1: (to be completed within 6 months)

**1. Preserve rights-of-way that lead to unopened streets:** The primary function of the mid block rights-way is to provide alternative pedestrian access across the island. The Planning Commission feels that those rights-of-way that do not connect two open streets should not be opened without consideration. These rights-of-way should be preserved in their natural states when possible. However, the Planning Commission recognizes that these segments may have future value for providing access to natural or scenic areas. The recommendation is that segments in this category be individually evaluated for future use potential and that those segments identified as providing meaningful access be opened in a later phases as funds become available. This addresses 20 Segments has no associated costs.

**2. Notify all adjacent owners of obstructed ROWs:** The Planning Commission feels that owners who will be affected by the removal of obstructions should be notified of the ROW plans and the timeline for implementation.

**3. Provide signage and painted crosswalks at each right-of-way which currently has either a sign or a crosswalk, but not both:** Many of the existing rights-of-way are missing either signage or a painted crosswalk. In order to make sure each right-of-way that is currently identified has both, the City needs to purchase 21 signs and paint 13 crosswalks. This covers 25 segments. The approximate cost of this work is \$2,350 dollars. (\$50 per sign and \$100 per crosswalk)

**4. Provide signs and crosswalks for all rights-of-way that are currently open but not identified:** Several rights-of-way are currently open and well used but lack any signage or crosswalk. Clearly marking these segments will raise awareness of their availability. This covers 10 segments and would cost approximately \$1,500. (10 signs at \$50 each and 10 crosswalks at \$100 each)

**5. Open those rights-of-way currently blocked by soft obstructions:** Phase 2 would involved working with homeowners who have obstructed the rights-of-way adjacent to their properties. Removing soft obstructions such as landscaping, parked cars, trash cans, etc. would require homeowner cooperation, but not involve the destruction of any physical property. Currently 7 segments are blocked by soft obstructions. A list of these segments and recommended actions is below:

1<sup>st</sup> Block East between Cooper and Erie: (blocked by resident parking) Write letter notifying owner and enforce no parking in the ROW. Add sign and crosswalk.

1<sup>st</sup> Block East between Hudson and Huron: (blocked by golf cart storage) Write letter notifying owner and enforce not storage in ROW. Add sign and crosswalk.

2<sup>nd</sup> Block East between Ashley and Cooper: (blocked by resident parking) Write letter notifying owner and enforce no parking in ROW. Add sign and crosswalk.

5<sup>th</sup> Block East between Erie and Hudson: (blocked by City dog park) Post signs advising passage through dog park. Add sign and crosswalk.

6<sup>th</sup> Block East between Ashley and Cooper: (blocked by debris and vegetation) Remove debris, clear underbrush. Add sign and crosswalk.

10<sup>th</sup> Block East between Arctic and Ashley: (blocked by owner storage) Write letter notifying owner and enforce no storage in ROW.

7<sup>th</sup> Block West between Ashley and the Ocean: (blocked at entrance by landscaping) Remove pampas grass blocking entrance, minor pruning of shrubs, minor grading and removal of concrete debris. There is no walkover at this location and we recommend that none be built.

## **PHASE 1 ADDRESSES 62 OF THE 101 SEGMENTS**

### **PHASE 2: (to be completed within 12 months)**

**1. Evaluate those rights-of-way currently blocked by heavy natural growth:** Many of the rights-of-way are currently inaccessible due to extensive natural growth which prohibits foot traffic. The Planning Commission recommends evaluating these rights-of-way systematically to determine which would be used if opened and which should be left in their natural state. We propose that, when needed, they be opened beginning on the oceanfront and moving towards the back of the island as funds become available. There are 32 unopened sections in Phase 2. Priority would be given to those segments that block otherwise open routes to the beach.

**2. Open those rights-of-way currently blocked by hard obstructions:** These segments are currently blocked by fences, walls, or extensive landscaping that has been put in place by adjacent owners. Clearing these segments would require close cooperation from neighboring land owners. The Planning Commission unanimously believes that the reclaiming of public lands is essential to meeting the long term goals of the City as directed by the Comprehensive Plan. It benefits all home owners, businesses and visitors.

2<sup>nd</sup> Block East between Hudson and Huron: (outbuilding sitting partially on right of way) Identify owner of outbuilding, if legally permitted offer assistance to relocate to private property. Add sign and crosswalk.

3<sup>rd</sup> Block East between Ashley and Cooper: (blocked on each side by adjacent owner, planted and landscaped by owners inside fence) Remove fences and owner landscaping. Add sign and crosswalk.

5<sup>th</sup> Block East between Ashley and Cooper: (blocked by homeowner fencing) Remove fencing.

7<sup>th</sup> Block East between Ashley and Cooper: (blocked by steep hill and small wall) Clear vegetation, install steps into hill. Add sign and crosswalk.

9<sup>th</sup> Street East between Ashley and Cooper: (blocked by small wall): Remove small fence, clear growth. Add sign and crosswalk.

## **PHASE 2 ADDRESSES 37 ADDITIONAL SEGMENTS FOR A TOTAL 99 OUT OF 101 SEGMENTS**

### **PHASE 3 (to be completed within 18 months)**

**1. Open those remaining segments that provide direct access to the ocean:** There are two mid block rights-of way that are currently unopened which would provide direct access to the ocean. Each of these segments would involve extensive labor due to physical characteristics such as natural growth and sand dunes. This covers 2 segments.

**2. Open those rights-of-way identified in earlier Phases: Rights-of-way that are identified in earlier Phases or that are identified at later dates as connections are to be opened and marked on a case by case basis.**

## **PHASE 3 ADDRESSES ALL REMAINING SEGMENTS**