



Folly Beach Planning Commission

August 6, 2018

7:00 PM REGULAR MEETING

Commission Members: Greg Anderson; Adam Barker; Randy Carter; Lisa Strauss; Kirk Grant; LaJuan Kennedy; John Merritt; Michael Norton; Kate Pratt

7:00 PM REGULAR MEETING

- 1: Call to Order; Roll Call
- 2: Freedom of Information Statement
- 3: Approval of Previous Minutes
- 4: Personal Appearances
- 5: Citizen Comments
- 6: Unfinished Business
 - (1) Update on Historic Preservation Incentives.
 - (2) Update on City Boat Removal Efforts.
- 7: New Business
 - (1) Moratorium Session 3: Review of Oceanfront Development Proposals
- 8: Staff Comments
 - (1) Marsh Management Plan Public Input Session August 15, 6:00PM
 - (2) Special Meeting for Moratorium Session 4: Oceanfront Development Proposals Public Comment/Work Session August 20, 7:00PM
 - (3) Initial Marsh Development Proposals September 10, 7:00PM
 - (4) Scheduling of September special meeting for Marsh Proposals Public Comment/Work Session.
 - (5) Rental Monitoring Compliance Update
- 9: Commission Comments
- 10: Adjournment

Moratorium Session 3

Oceanfront Development
Proposals: August 6, 2018
Folly Beach Planning Commission

Initial Proposals

- Meant to address previously identified study areas and implementation strategies.
- 2015 [Beach Management Plan](#) stated goal to “discourage development from encroaching on the beach/dune system, restore habitat, and to improve storm protection”
- 2017 [Sea Level Rise Adaptation Report](#)’s goal to identify strategies to regulate development and preserve the shoreline
- 2018 [Strategic Plan](#) lists preserving the beach and protecting natural resources as the #1 goal, including dune management plan and Marsh Island zoning review
- 2015 [Comprehensive Plan](#) needs and goals: Eliminate existing encroachments on sensitive water fronts, marshes, wetlands, and riparian areas while encouraging environmentally sensitive development; “Engage more fully with....other sensitive areas to balance access with protection; Create buffer zones on top of setbacks to require planting vegetation during development and redevelopment.”

Initial Proposals: Code Amendments

- Proposals are for amendments to the City's Beach Preservation (Chapter 151), Zoning (Chapter 164), and Septic (Chapter 55) codes.
- Beach Preservation: Construction Provisions, Beach Preservation, Elevation Maintenance
- Zoning: Accessory Structures, Setbacks, Access
- Septic: Construction of New Structures, OSDS Maintenance

Ordinance Amendments: Beach Preservation

- **Section 151.02** makes it illegal to damage, destroy, later, level or remove any sand dune or associated vegetation. The definition on sand dune is vague.

Staff proposes an amendment to replace individual sand dune protection with a dune management area. This **area is proposed** to include the primary dunes and/or a 20' area behind the PEL or the property line, whichever is most landward. The dune management area is meant to address both those situations where the primary dune has been washed away and to acknowledge the benefits of maintaining the area behind any existing primary dunes as extra protection. This would more explicitly protect dunes behind the primary dune. It would also create an environment where dunes could migrate and also form behind the primary dune. It would also serve an important function of reducing the grey areas in enforcement related to defining and documenting what areas are defined as dunes under the current ordinance.

Ordinance Amendments: Beach Preservation

- The only improvements allowed to be placed in the dune protection area would be appropriate plantings, sand fencing, beach compatible fill, walkovers and sea walls/revetments. No above grade structures and no landscaping.
- If a seawall is placed in the dune management area there would be no setback for the revetment (rocks in front of seawall). Both the new seawall and the revetment/rock rip rap area up to the PEL would have to be reburied. The seawall/revetment area and any other disturbed area would have to be filled to a 10' NAVD88 elevation, planted with appropriate vegetation, and fenced with sand fencing.
- If there is any other disturbance of the dune management area, it must be mitigated by filling the first 10' from the PEL/property line to a 10' NAVD88 elevation with beach quality fill and adding appropriate planting/fencing.

Dune Management Area Preliminary Statistics

- Average distance from Dune Management Line (PEL or property boundary, whichever is more landward) to the habitable structure = 48.7ft
- Width of proposed Dune Management Area = 20ft
- Average elevation within the proposed Dune Management Area (based on post-Matthew LIDAR data) = 9.45ft



Ordinance Amendments: Beach Preservation

- **Section 151.23** currently has standards on backfill, revetment material, revetment slope, and maintenance of seawalls.

Staff proposes an amendment to add a requirement that new or substantially improved seawalls be built to an elevation of at least 8' NAVD88. This would make sure that new walls are built to a height that matches the protective berm that is put in place during a renourishment.

- **Section 151.24** mirrors State Law by setting condition on any permit issued for construction seaward of the baseline by which the owner is required to remove the structure if the active beach moves under the structure (this currently only applies to pocket beaches on Folly).

Staff proposes the discussion of amending this section to add this condition to all new permits issued on any lot without a seawall in place at the time of construction. This would give the City a mechanism to prevent structures on the beach.

All new construction and substantial improvement on oceanfront lots (which must not disturb the proposed dune management area) must also build up the first 10' from the PEL/property line to a 10' NAVD88 elevation with beach quality fill and adding appropriate planting/fencing.

Ordinance Amendments: Beach Preservation

- **Section 151.60** currently requires that property owners (when directed by the City) must bring any eroded areas on their property that are behind the renourishment line up to an elevation that matches the renourishment.

Staff proposes that this requirement be amended to also require the planting of approved native dune vegetation, and sand fencing where appropriate, in addition to the filling of any area that would fall inside the dune management area boundaries. This would further stabilize the areas behind the completed renourishment project and delay erosion behind the line between renourishment cycles.

Ordinance Amendments: Zoning

- **Section 164.04-01** regulates the types, size, and location of allowable accessory uses in each of the zoning districts. Currently, this section requires that a lot must first be developed with a primary use before smaller accessory uses can be put in place.

Staff proposes that the zoning code be amended to allow non inhabitable (no overnight occupancy, no electric, no plumbing), flood zone compliant accessory structures on any lot provided they otherwise meet square footage (600 gross maximum) and height requirements (15' above grade). This would allow an option for less intrusive development with no associated utilities.

Ordinance Amendments: Zoning

- **Section 168.04-01** allows any lot that legally existed as of the date of the previous zoning rewrite (2010) to be developed with a single family house.

Staff proposes that this section be amended to require that the lots also must have either 21 feet of frontage on a public road, or 21 feet of deeded access easement to a public road in order to be developed with a single family house. This would mirror our subdivision requirements that only allow new lots that have 21 feet access (direct or deeded). It would also prevent structures from being built on lots that currently have no access to any public street and are therefore inaccessible to fire, public safety, and residential vehicular access.

Ordinance Amendments: Zoning

- **Section 51.098** creates a backflow prevention program which requires backflow prevention assemblies for certain water connections and sets up a City managed program for testing and notifying the City.

Staff proposes that a similar program be created in **Chapter 55** for septic systems (in consultation with DHEC) that would require testing and/or pumping at an established interval for all properties on septic systems. This program would be set up and managed through the water billing system and managed similarly. This regular testing/pumping would minimize septic failures in sensitive environments.

A further amendment to Section 55.05 would require that the septic system for any new or substantially improved structure be located as far landward of the baseline (landward of any structure and no farther than the DHEC minimum setback from adjacent property lines) as possible.

Questions? Additional Areas of Study?

Aaron Pope, Director of Planning and Zoning apope@cityoffollybeach.com

Spencer Wetmore, City Administrator

swetmore@cityoffollybeach.com