



Folly Beach Planning Commission Joint Meeting with City Council

NOVEMBER 5, 2018

6:00PM WORK SESSION JOINT MEETING WITH CITY COUNCIL

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

6:00PM WORK SESSION JOINT MEETING WITH CITY COUNCIL

Marsh Management Plan Update from Dr. Nicole Elko

7:00PM REGULAR MEETING

- 1: Call to Order; Roll Call
- 2: Freedom of Information Statement
3. Approval of Previous Minutes
4. Citizen Comments
5. Unfinished Business
 - (1) Election of Vice Chair
6. New Business
 - (1) Public Hearing on Ordinance 12-18: Reinstating Parking Requirements for All Uses Other Than Type 1 Retail and Offices in the Downtown Commercial District
 - (1) Public Hearing on Ordinance 13-18: Amending the Definition and Setting Standards for Commercial Parking Uses
7. Staff Comments
 - November Special Meeting Date
 - November 20th Civic Club Presentation of Marsh Management Plan
 - All Remaining Moratorium Meetings Joint Meetings with Council
- 8: Commission Comments
- 9: Adjournment



CITY OF FOLLY BEACH

1st Reading: September 25th, 2018

Introduced by: Mayor Goodwin

2nd Reading:

Date: September 25th, 2018

ORDINANCE 12-18

AN ORDINANCE AMENDING CHAPTER 166, DEVELOPMENT STANDARDS, OF THE FOLLY BEACH CODE OF ORDINANCES SECTION 166.06, OFF STREET PARKING AND LOADING, BY AMENDING THE REQUIREMENTS FOR OFF STREET PARKING IN THE DOWNTOWN DISTRICT, BY ESTABLISHING PARKING REQUIREMENTS FOR ALL USES OTHER THAN TYPE I RETAIL AND OFFICE USES

The City Council of Folly Beach, South Carolina, duly assembled, hereby ordains that Folly Beach Code of Ordinance be amended as follows:

NOTE: Deleted material struck through, new material in red:

SECTION 166.06-02 APPLICABILITY

(A) *General.* The off-street parking and loading standards of this section shall apply to all development in the city, except that in the downtown commercial zoning district parking shall ~~only~~ **not** be required for residential and tourist accommodations uses ~~for~~ **for Type I Retail and Office uses.**

(B) *Expansions and alterations.* The off-street parking and loading standards of this section shall apply when an existing structure or use is expanded, enlarged, or otherwise increased in capacity, or where there is a change in use and such expansion or change in use will result in increased vehicle trips to the existing structure or use. ~~is expanded, enlarged, or otherwise increased in capacity, or where there is change in use and such expansion or change in use will result in increased vehicle trips to the existing structure or use.~~

(Ord. 05-10, passed 3-23-10)

{SECTION 166.06-03 GENERAL STANDARDS FOR OFF-STREET PARKING AND LOADING AREAS NO CHANGES}

SECTION 166.06-04 OFF-STREET PARKING STANDARDS

(A) *Parking plan required.* A parking plan shall be submitted with every application for a site plan, 162.03-06; preliminary subdivision plat, 162.03-07(D); planned development, 162.03-02; or zoning permit, 162.03-13, whichever is appropriate, for any development that is required to provide more than three off-street parking spaces. The plan shall accurately designate the required parking spaces, access aisles, and driveways, and the relation of the off-street parking facilities to the uses or structures such facilities are designed to serve.

(B) *Minimum number of spaces required.* Unless otherwise expressly stated in this section, off-street parking spaces shall be provided in accordance with Table 166.07, Minimum Off-Street Parking Standards, below.

| TABLE 166.07: MINIMUM OFF-STREET PARKING STANDARDS | | |
|--|--|--|
| DU = Dwelling Unit SF = Square Footage (1) | | |
| USE CATEGORY | USE TYPE | PROPOSED PARKING STANDARDS |
| RESIDENTIAL USES | | |
| Household Living | Multi-family dwelling | 1 per bedroom |
| | Single-family dwelling | |
| | Two-family dwelling | |
| | Townhouse | |
| | Residential unit over nonresidential use | |
| Group Living | Family day care home | 1 per employee + 1 per every 5 children or 1 per every 3 adults |
| | Group day care home | |
| | Rooming house | 1 + 1 per bedroom |
| INSTITUTIONAL USES | | |
| Schools | School (elementary or junior high) | 1 per every 2 classrooms + 1 per employee |
| | School (high school) | 1 per classroom + 1 per every 5 students |
| Institutions | Community or neighborhood center | Greater of: 1 per 300 sf or 1 per every 4 persons of maximum fire-rated capacity |
| | Fraternal organization | Greater of: 1 per every 300 sf or 1 per every 3 persons of maximum fire-rated capacity |
| | Government facility | 1 per every 300 sf of floor area used by the public + 1 per every 600 sf of floor area not used by the public |
| | Medical treatment facility | 2 per patient bed + 1 per every 300 sf of administrative area |
| | Religious or civic institution, 5,000 sf or more | 1 per every 4 persons of maximum fire-rated capacity in the assembly or sanctuary area |
| | Religious or civic institution, less than 5,000 sf | 1 per every 4 persons of maximum fire-rated capacity in the assembly or sanctuary area + the minimum number of spaces required for any accessory use |
| NOTES: (1) DU = dwelling unit; SF & sf = square feet; GFA = gross floor area. | | |

| TABLE 166.07: MINIMUM OFF-STREET PARKING STANDARDS | | |
|---|------------------------|---|
| DU = Dwelling Unit SF = Square Footage (1) | | |
| USE CATEGORY | USE TYPE | PROPOSED PARKING STANDARDS |
| INSTITUTIONAL USES (Cont'd) | | |
| Public Park or | Public park/recreation | See § 166.06-04(C), Uses with Variable Parking Demand |

| | | |
|--|---|---|
| Open Space | facility | |
| Marine-Related | Docks | 1 per berth, slip or mooring station + 4 double spaces for trailers |
| | Marinas | 1 per berth, slip, or mooring station + 1 per employee + 8 double spaces for trailers |
| | Piers | 1 per employee on largest shift + 1 per every 25 linear feet of pier + the minimum number of spaces required for any accessory use |
| Utilities | Telecommunications facility, collocation | 1 per service provider with equipment on-site |
| | Telecommunications facility, freestanding | |
| | Utility, major | 1 per employee on largest shift |
| | Utility, minor | See § 166.06-04(C), Uses with Variable Parking Demand |
| COMMERCIAL USES | | |
| Animal Care | All | 1 per every 300 sf |
| Day care | All | 1 per every 5 children up to 50, then 1 per every 10 children |
| Commercial Indoor Recreation | All | Greater of: 1 per every 200 sf or 1 per every 4 persons of maximum fire-rated capacity |
| Commercial Outdoor Recreation | All | 1 per employee + -Athletic field: 1 per every 5,000 sf of land area -Courts (basketball, racquetball, tennis, volleyball, etc.): 3 per court -Swimming pool: 1 per every 75 sf of water area -Associated structures: 1 per every 3 persons of maximum fire-rated capacity |
| Offices | All | 1 per every 300 SF |
| Parking | Municipal parking lot | None |
| | Private parking lot | |
| Restaurants | All | Greater of: 1 per every 200 sf (including outdoor waiting/seating/dining areas) or 1 per every 3 persons of maximum fire-rated capacity for both indoor and outdoor areas + 1 per every 2 employees |
| NOTES: (1) DU = dwelling unit; SF & sf = square feet; GFA = gross floor area. | | |

| TABLE 166.07: MINIMUM OFF-STREET PARKING STANDARDS | | |
|---|---|--|
| DU = Dwelling Unit SF = Square Footage (1) | | |
| USE CATEGORY | USE TYPE | PROPOSED PARKING STANDARDS |
| COMMERCIAL USES (Cont'd) | | |
| Retail Sales and Services | Bar, nightclub, or similar establishment | 1 per every 100 SF |
| | Adult entertainment establishment | Greater of: 1 per every 3 persons of maximum fire-rated capacity or 1 per every 200 SF |
| | Pool hall | 1 per every 100 SF |
| | Private club (seating capacity less than 300 in main activity area) | Greater of: 1 per every 300 sf or 1 per every 3 persons of maximum fire-rated capacity |

| | | |
|--|--|--|
| | Private club (seating capacity 300 or greater in main activity area) | Greater of: 1 per every 300 sf or 1 per every 3.5 persons of maximum fire-rated capacity |
| | Retail use with gasoline sales | 1 per every 150 SF |
| | Type I retail | 1 per every 250 SF |
| | Type II retail (15,000 - 60,000 sf GFA) | 1 per every 300 SF |
| | Type II retail (60,000 - 100,000 sf GFA) | 1 per every 400 SF |
| | Type II retail (greater than 100,000 sf GFA) | |
| | Type III retail | 1 per every 450 SF |
| Storage | Outdoor storage (no greater than 3,000 sf) | 1 per every 750 SF |
| | Outdoor storage (greater than 3,000 sf) | 1 per every 1,000 SF |
| | Self-storage | 1 per every 50 units + minimum amount required for all accessory uses |
| Tourist Accommodations | Bed and breakfast inn | 2 + 1 per sleeping room |
| | Convention facilities | 1 per every 3 persons of maximum fire-rated capacity |
| | Hotel or motel | 1 per every guest room + 1 per employee on largest shift + 75% of the spaces required for all accessory uses |
| NOTES: (1) DU = dwelling unit; SF & sf = square feet; GFA = gross floor area. | | |

(C) *Uses with variable parking demand characteristics.* Uses that reference this subsection in Table 166.07, Minimum Off-Street Parking Standards, have widely varying parking demand characteristics, making it difficult to establish a single off-street parking standard. Upon receiving a development application for a use subject to this subsection, the Zoning Administrator shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking standards on the basis of a parking study prepared by the applicant. Such a study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the Zoning Administrator and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

(D) *Mixed uses.* Unless otherwise approved, lots containing more than one use shall provide parking spaces in an amount equal to the total of the standards for all individual uses. This provision shall not limit the ability to submit an alternative parking plan (See 166.06-09) to reduce the minimum number of required off-street parking spaces in recognition of different operating hours or peak business periods.

(E) *Maximum number of spaces permitted.* For any use categorized as a Commercial Use in Table 166.07, Minimum Off-Street Parking Standards, off-street vehicle parking spaces shall not be provided in an amount that is more than 125% of the minimum standards established in Table 166.07, Minimum Off-Street Parking Standards, except in the

Downtown Commercial (DC) District, where the number of off-street parking spaces may exceed 125% of the minimum standards.
(Ord. 05-10, passed 3-23-10)

ADOPTED this ___ day of _____, 2018, at Folly Beach, South Carolina.

Ayes: _____

Nays: _____

Abstains: _____

Municipal Clerk

Tim Goodwin, Mayor



City of Folly Beach

To: Mayor and Council
From: Aaron Pope, AICP
Date: 9/11/2018
RE: Parking Ordinance 12-18

Mayor and Council:

1. Prior to 2010 there were no parking requirements for lots in the DC (Downtown Commercial) Zoning District.
2. In 2010 the parking requirements for all other zoning districts were applied to the DC District. The parking requirements applied to new construction and change of use. Due to the historic development pattern of Center Street (small lots, high lot coverage, limited street access) the parking requirement for new uses essentially prohibited use changes in the district. Also, new development was much more difficult. There were few lots that had room to add parking at the rate required.
3. In 2016 City Council reinstated the parking exemption for the DC District in order to encourage development in the DC District.
4. After the parking requirements reverted to the pre-2010 standard the City received several applications for new development including: an inn at 87 Center Street, 2 duplexes at 105 East Erie/108 East Cooper, and a new restaurant at 106 E Ashley. This was the first significant wave of development in the commercial district since the Great Recession. Each of these projects completed Final Review by the Design Review Board and became vested against future changes in the zoning code prior to their construction.
5. In 2017, the development trend continued with applications to the DRB for an Inn at 105 East Huron and 2 new residential units at 106 East Hudson.

6. After these projects were submitted for conceptual review the City reestablished parking requirements for residential and tourism accommodations uses in the DC District. The purpose behind this reinstatement was to acknowledge that these use types would, by nature of their use, require vehicle access and parking. In order to live in or rent a residential unit on Folly Beach, a car is needed. Both projects complied with the reinstated parking requirements.
7. Throughout the remainder of 2017 and 2018 there has been continued interest in redevelopment of parcels in the commercial district. No formal applications have been made, but several of the projects proposed could maximize zoning allowances including no parking requirements.
8. Based on the results of the 2016 exemption, staff believes that the City should further refine the exemption so that only those uses which can be supported by foot traffic, which generate very limited parking demand, or which the City wishes to encourage should be allowed without parking. High intensity uses allowed in the DC District that have high parking demand should not be exempt.
9. Staff recommends that the DC parking exemption be further limited to that only Retail 1 and Office uses be allowed without parking. This would mean parking requirements apply to residential, accommodation, restaurant, bar, or any other intense commercial use.
10. Type I retail uses are small scale uses that are less than 2,500 square feet and deal in personal services or retail sales. These uses are similar to the existing small retail and service establishments on the beach which are generally supported by foot traffic and visitors in the DC District who do not specifically drive to Folly to visit a particular place. Instead, they are part of the general shopping experience of the district in which multiple establishments are visited at once.
11. Office uses are home to professional services such as lawyers, accountants, sales, engineers, architects, and other uses that focus on providing business support. These uses do generally generate parking demand, but it is relatively low, and the hours are limited. The lack of office space on Folly has been identified in the Comp Plan as a community need to address. Staff feels that creating an exemption for these uses would further the City goal of encouraging office development



CITY OF FOLLY BEACH

1st Reading: September 25th, 2018
 2nd Reading:

Introduced by: Mayor Tim Goodwin
 Date: September 25th, 2018

ORDINANCE 13-18

AN ORDINANCE AMENDING CHAPTER 161 (DEFINITIONS) OF THE FOLLY BEACH CODE OF ORDINANCES, SECTION 161.02 (DEFINITIONS) BY ADDING A DEFINITION FOR COMMERCIAL PARKING AND CHAPTER 164 (USE STANDARDS), SECTIONS 161.01 (TABLE OF ALLOWABLE USES), 162.02-04 (COMMERCIAL USE CATEGORIES) AND 164.03-03 (USE SPECIFIC STANDARDS FOR COMMERCIAL USES) BY AMENDING THE STANDARDS FOR COMMERCIAL PARKING AS A LAND USE TYPE.

The City Council of Folly Beach, South Carolina, duly assembled, hereby ordains that Folly Beach Code of Ordinance be amended as follows:

NOTE: Deleted material struck through, new material in red:

SECTION 161.02 DEFINITIONS

COMMERCIAL PARKING. Any exchange of the use of a parking space on private parking for compensation whether long term or short term.

COMMERCIAL RECREATION, INDOOR. A private, indoor (entirely within enclosed structure) use providing for sport and recreation activities that are operated or carried on primarily for financial gain. Examples of indoor commercial recreation uses include, but are not limited to, fitness centers, bowling alleys, skating rinks, indoor commercial swimming pools, and racquet and tennis club facilities (indoor).

COMMERCIAL RECREATION, OUTDOOR. A private, outdoor use providing facilities for sport activities, which is operated or carried on primarily for financial gain, outdoors. Examples of outdoor commercial recreation uses include, but are not limited to, privately owned golf driving ranges, miniature golf facilities, outdoor commercial tourist attractions, and privately-owned active sports facilities such as ballfields and basketball courts, racquet and tennis club facilities (outdoor), and drive-in theatres.

| TABLE 164.01: 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 | |
| | | | | |

| | | RSF | RTF | RMF | DC | IC | MC | CC | CN | PD (1) | | | |
|-------------------------------|---|-----|-----|-----|----|----|----|----|----|-----------|---|---|-------------------|
| COMMERCIAL USE CLASSIFICATION | | | | | | | | | | | | | |
| Animal Care | All | | | | | | | S | P | P | P | A | |
| Day Care | All | | | | | | | S | P | P | P | A | § 164.03-03(A) |
| Commercial Indoor Recreation | All | | | | | | | P | P | S | P | A | |
| Commercial Outdoor Recreation | All | | | | | | | S | P | S | P | A | |
| Offices | All | | | | | | | S | P | P | S | P | |
| Commercial Parking | Municipal parking lot | | | | | | | S | P | P | P | A | § 164.03-03(B) |
| | Private parking lot | | | | | | | S | P | P | P | A | |
| Restaurants | All | | | | | | | P | P | P | P | A | |
| Retail Sales and Services | Bar, nightclub or similar establishment | | | | | | | P | S | | S | A | § 164.03-03(C)(1) |
| | Adult entertainment establishment | | | | | | | | S | | S | A | § 164.03-03(C)(2) |
| | Pool hall | | | | | | | P | P | | P | A | § 164.03-03(C)(1) |
| | Private club | | | | | | | P | P | | P | A | |
| | Retail use with gasoline sales | | | | | | | S | P | | P | A | § 164.03-03(C)(4) |
| | Type I retail | | | | | | | S | P | P | P | A | § 164.03-03(C)(3) |
| | Type II retail | | | | | | | P | P | S | P | A | |
| Type III retail | | | | | | | | S | | S | A | | |
| Storage | Outdoor storage | | | | | | | | | P | | A | § 164.03-03(E) |
| | Self-storage | | | | | | | | | | S | A | § 164.03-03(D) |

SECTION 164.02-04 COMMERCIAL USE CATEGORIES

(A) *Animal care.*

(1) *Characteristics.* The animal care use category is characterized by uses related to the provision of medical services, general care, and boarding services for domestic animals.

(2) *Examples.* Examples of animal care use types include animal shelters, animal grooming, kennels (outdoor and indoor), equine stables, and veterinary clinics.

(3) *Exceptions.*

(a) The breeding and resale of domesticated animals on a commercial basis is a retail sales and service use.

(b) The breeding and resale of domesticated animals typically considered as household pets as part of a residential use is a home occupation.

(B) *Day care.*

(1) *Characteristics.* The day care use category is characterized by use types that provide care, protection, and supervision for children or adults on a regular basis away from their primary residence typically for less than 24 hours per day. Care can be provided during daytime or nighttime hours. Accessory uses include offices, kitchens for food preparation, recreation areas, and parking.

(2) *Examples.* Example use types include adult care centers, child care centers, and preschools. Preschools are intended to provide limited educational or training services, while other child day care uses are not.

(3) *Exceptions.* Day care does not include public or private schools or facilities operated in connection with an employment use, shopping center, religious institution, or other principal use where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity.

(C) *Restaurants.*

(1) *Characteristics.* This category includes establishments that sell food for on- or off-premise consumption. Accessory uses may include decks and patios for outdoor seating, customer and employee parking areas, and valet parking facilities.

(2) *Examples.* Examples include restaurants, including fast food establishments, yogurt or ice cream shops, and pizza delivery.

(3) *Exceptions.* Nightclubs and bars are classified as retail sales and service uses.

(D) *Office.*

(1) *Characteristics.* This category includes activities that are conducted in an office setting and that generally focus on business, government, professional, or financial services. Accessory uses may include cafeterias, parking, or other amenities primarily for the use of employees in the firm or building.

(2) *Examples.* Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses or real estate agents; data processing; sales offices; government and public utility offices; and TV and radio studios.

(3) *Exceptions.*

(a) Offices that are part of and located with a principal use in another category are considered accessory to the firm's primary activity.

(b) Contractors and others who perform services off-site are included in the office category if equipment and materials are not stored outside and fabrication, services, or similar work is not carried on at the site.

(c) Medical and dental clinics, medical and dental labs, and blood-collection facilities are classified as medical treatment facilities.

(E) *Commercial outdoor entertainment.*

(1) *Characteristics.* This category includes generally large uses that provide continuous commercial recreation or entertainment-oriented activities. They primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting. Accessory uses may include restaurants, bars, concessions, parking, and maintenance facilities.

(2) *Examples.* Examples include privately owned golf courses, golf driving ranges, miniature golf facilities, water parks, privately owned tennis facilities, and publicly or privately owned active sports facilities such as ballfields and basketball courts.

(3) *Exceptions.*

(a) Indoor continuous entertainment activities such as theaters, bowling alleys, game arcades, pool halls, or dance halls are classified as commercial indoor recreation.

(b) Publicly or privately-owned piers, docks or marinas are classified as marine-related uses.

(F) *Commercial indoor recreation.*

(1) *Characteristics.* The commercial indoor recreation use category includes privately owned uses that provide recreation or entertainment activities in an enclosed structure or structures. Accessory uses may include offices, concessions, snack bars, parking, and maintenance facilities.

(2) *Examples.* Examples include country clubs, fitness centers, bowling alleys, dance halls, skating rinks, indoor commercial swimming pools, racquetball, squash, and tennis club facilities (indoor) as well as theatres, which includes cinemas, screening rooms, and stages.

(3) *Exceptions.* Pool halls, bars, and night clubs are classified as a use type under retail sales and services.

(G) *Commercial Parking.*

(1) *Characteristics.* Parking facilities that provide parking in exchange for compensation shall be considered **Commercial Parking. Commercial Parking is prohibited as an accessory use in all zoning districts.** ~~that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a parking facility.~~ Accessory uses may include small structures intended to shield parking attendants from the weather **and permitted outdoor retailers.**

(2) *Examples.* Examples include private parking lots and municipal parking lots.

~~(3) *Exceptions.*~~

~~— (a) Parking facilities that are accessory to a principal use, but that charge the public to park for occasional events nearby, are considered commercial parking facilities.~~

~~— (b) Parking facilities that are accessory to a principal use are not considered parking uses, even if the operator leases the facility to the principal use or charges a fee to the individuals who park in the facility.~~

SECTION 164.03-03 COMMERCIAL USES

(A) *Day care.* All day care facilities are permitted subject to the following standards:

(1) Day care facilities shall comply with all applicable state regulations.

(2) A day care facility operated by, and located on the site of, a religious institution may be allowed as an accessory use only if found to be compatible with adjacent areas in terms of hours of operation, noise, lighting, parking, and similar considerations.

(3) In the DC District, day care facilities shall not exceed a gross floor area of 1,000 square feet and shall provide services primarily to the surrounding neighborhood.

(B) *Commercial Parking.* ~~A commercial parking lot use shall~~ **Any exchange of compensation for parking shall be considered a Commercial Parking use and shall:**

(1) Be the principal use, and no other business of any kind shall be conducted on the lot, except for permitted outdoor retail sales;

(2) Not be contiguous to lands in the single-family residential district (SFR) or existing single-family detached development **permitted in any Residential District of the City;**

(3) Limit street frontage in the DC District to 100 feet.

ADOPTED this __ day of _____, 2018, at Folly Beach, South Carolina.

Ayes: _____

Nays: _____

Abstains: _____

Municipal Clerk

Tim Goodwin, Mayor



City of Folly Beach

To: Mayor and Council
From: Aaron Pope, AICP
Date: 9/11/2018
RE: Parking Ordinance 13-18

Mayor/Council

The draft ordinance to clarify commercial parking areas does two things:

- 1) Clearly defines what is and "Commercial Parking". Right now, "Parking" is a land use type that is only allowed in the Commercial Districts. This ordinance would amend the use name to "Commercial Parking" and define it as any exchange of parking for compensation. That would mean that any rental of a parking space for money would be "Commercial Parking" and, since that use is not allowed in the Residential Districts, it would be clearly prohibited. This also requires an amendment to the Table of Allowable Uses to remove "Commercial Parking" in the RMF and MC Districts.
- 2) Restricts the "Commercial Parking" use to only be a primary use. This means that the only "Commercial Parking" allowed would be on lots that are used primarily as parking lots. The rental of parking spaces that are mean for other primary uses would be prohibited even in the Commercial Districts. This would eliminate the rental of any extra parking spaces or parking spaces on any other property than an actual parking lot.



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

Present: Anderson, Barker, Carter, Grant, Kennedy, Norton

Absent: Strauss, Merritt, Pratt

2: Freedom of Information Statement

3: Approval of Previous Minutes

Minutes of July meeting were approved.

4. Personal Appearances

Paula Stubblefield, 1661 E. Ashley: Encouraged Commission to emphasize dunes in their new beach regulations.

Matt Napier, 1661 E. Ashley: Thanked Commission for their work thus far and stated opposition to superbeachfront development.

Michael Corley, South Carolina Environmental Law Project: Commend City's proactive engagement and encouraged Commission and Council to have the tough discussions up front.

Emily Czezo, Coastal Conservation League: Thanked Commission for proactive leadership and offered the League as a resource.

Andrew Wunderley, Charleston Water Keeper: In favor of new septic ordinance to keep water free of bacteria.

Barbara Polassic, 1733 E. Ashley: Questioned why houses are permitted with old septic permits.

5. Citizen Comments

None

6. Unfinished Business

(1) Update on Historic Preservation Incentives.

Aaron Pope gave an update and indicated that only some of the proposals were up for consideration by City Council: demolition fees, permitting relief for elevation, and waiver of setback rules to elevate historic structures.

(2) Update on City Boat Removal Efforts.

Spencer Wetmore gave an update that City had worked with DNR to tag abandoned boats and with OCRM for two grant applications to remove existing abandoned boats, at an estimated cost of \$100,000.

7: New Business

(1) Moratorium Session 3: Review of Oceanfront Development Proposals

Aaron Pope and Spencer Wetmore presented the slideshow related to the moratorium.

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.

The September special meeting was set for September 24 at 7pm.

(5) Rental Monitoring Compliance Update

Aaron Pope provided an update that there are just over 1000 short-term rentals on Folly Beach. Of the total, 900 were licensed. The remaining 100 will receive compliance letters from the City.

9: Commission Comments

10: Adjournment

Commissioner Grant made a motion to adjourn. The meeting was off-record at 8:12 p.m.

FOLLY BEACH PLANNING COMMISSION

August 20, 2018

Council Chambers
21 Center Street

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

7:06 PM

1: Call to Order; Roll Call

Present: Pence, Carter, Merritt, Anderson, Strauss, Barker, Norton, Kennedy
Absent: Grant

2. New Business

A. Slide # 2- Mr. Pope discussed the proposed Dune management area. Discussed changes this plan would put into place. He talked about the map which can be found on The city's webpage.

B. Slide #3 No new structures can be built. Sea walls allowed, with requirements such as filling dunes and planting sea oats. Further study is being done on this topic

Greg Anderson asked a question regarding the dunes and Mr. Pope and City Administrator Wetmore answered the question. They will generally only re-nourish any area below the 8 ft mark; not re-nourishing healthy dunes. The property owner would pay for their own re-nourishment.

C. Slide 4 Seawall Requirements

Proposed: New seawall be 8 ft. Discussed beach construction standards. Future discussion will occur regarding sea walls. Any new houses will have to build a dune if it doesn't have one. City Administrator Wetmore explained that we need a continuous vertical barrier and we will be looking at the cost benefit.

D. Slide 5.5 Before doing re-nourishment, you have to build vegetation to make it more durable

Ms. Kennedy clarified that they are talking about vegetation behind the owners' property line. On public property, the city will fill and plant.

E. Slide 6 – Zoning Code (Accessory Structures)

No one can build anything but a single-family lot on front beach.

-A question was asked about what type of structures Mr. Pope would approve. Mr. Pope explained he was discussing observation decks, etc. City Administrator Wetmore explained we would flag this for further legal review.

F. Slide 7 – Zoning regulations change

You can only build a single-family house unless it has a 20 ft access to a public street for safety reasons.

G. Slide 8 – Septic Maintenance program/ Backflow Program

This is regarding septic systems and Annual pump outs. There are other septic proposals such as having to put the septic as far back as possible.

H. Slide 9- Old Septic Permits: The homeowner would need to do a survey to prove they are meeting current standards.

A question was raised by Ms. Kennedy regarding whether this would impact homes that did substantial renovations, or just new homes.

City Administrator Wetmore discussed looking at condemnation / damage assessment to see if homes are unfit for habitation.

Mr. Anderson asked if this was only regarding ocean-front lots right now.

Mr. Barker asked if a current septic fails, would this new proposal create a hardship for owners.

I. **Dr. Elko presentation regarding the Marsh Proposal**

(see notes on dune management plan)

Dr. Elko reminded everyone of the past and the pros and cons of the dunes. The concern is with the private land where there is no seawall and no dunes. She reminded everyone of the erosion to regular dunes.

Dr. Elko discussed the goals of the management plan such as new seawalls of 8 ft & owners would need to plant vegetation. She reminded everyone that education is the key. She discussed the various types of walk-overs onto the beach and that Folly needs to ensure we have left room for recreational beach space.

Mr. Anderson wanted to know if a dune has ever been defined. Dr. Elko explained that it's beach quality sand and the design is a 10 ft tall dune with sloping sides.

J. Citizen Comments (3 minutes each)

Steve Brawl (East end of the beach)

Expressed appreciation for the re-nourishment efforts. Around him, only 3 houses have 20 ft access. Doesn't agree with 20 ft access for new construction.

Blane _____ 1715 W. Ashley

Expressed appreciation for the re-nourishment effort. With the dune re-nourishment, she wants to be sure we aren't building more houses to affect her property again.

Warren Yeager 406 E. Cooper Asked about 12th Artic to 1st street at the washout. Mr. Pope will meet with him later to discuss this.

Paula Stubbelfield 1661 E. Ashley.

Expressed appreciation for the re-nourishment effort. Supports the septic tank changes. Requests that we consider a 40 ft dune management area. Also brought up accessory structures.

Matt _____ 116 E. Ashley

Expressed appreciation for the re-nourishment effort. Has started a petition to support the changes and has 270 signatures so far. Requested a 40 ft dune management area on the east end. Expressed that new builders used decades-old septic permits and that all builders should have to use the same rules.

Notes:

Ms. Kennedy clarified that we're discussing the West End of the beach versus the East End.

Mr. Anderson asked a question about the groins. City Administrator Wetmore said we are putting in new dunes and planting vegetation.

3. Comments from the Commission: None

A. City Administrator Wetmore said we will discuss this again in October

4. Review on topics from above

Ms. Strauss had a clarifying question about the dune management area. Does anything discuss current septic in that area? Can we tie those together?

Mr. Pope responded that nothing was being proposed right now and we can look at adding that.

Ms. Strauss asked if we have an inventory of what septic is in the proposed area. Mr. Pope explained we would have to pull every permit on file. Ms. Strauss suggested we start helping DHEC manage this, but Dr. Elko explained that the majority are not in the dune area, but it might be worthwhile to inventory and survey how other communities deal with it.

Mr. Carter- Is the setback 20 ft back from the property line? These regulations would affect smaller homes if destroyed by a hurricane. Mr. Pope explained that only 76 houses are touched by this and this only affects you if you need to replace your home. City Administrator Wetmore said 10 lots could potentially become less than 15 ft. Only 3 currently have houses on them.

Mr. Strauss said he likes the 20 ft area, but what are the plans to not damage existing dunes? Mr. Pope says we will make exceptions as needed and we'll discuss this more in October. City Administrator Wetmore explained that there is a question about what types of landscaping in yards would be affected.

Mr. Strauss asked what the plan for seawalls and pockets in seawall would be? (gaps in armory) Mr. Pope explained we're not ready to recommend seawalls, so right now we're looking at dunes. There was considerable discussion regarding these seawalls.

Slide (4) New seawalls must match required elevation: No comments

Slide (4) For lots without a seawall, you currently take responsibility for it if you build. The commission commented that we need a legal decision on this. What number is being affected? City Administrator Wetmore explained that probably closer to 90% of lots already have a seawall. Most of the seawalls can't be seen and are under the sand. She explained more about seawalls. Mr. Pope agreed that we'll get a legal opinion on this.

(b) dune management area for new construction. No comments

(pg. 5) Amendment 151.60 No comments

(pg. 6) Details can be settled later. There was discussion regarding how the lots came about. Ms. Kennedy proposed that they lower the square footage to 400 and allow no roof.

Mr. Anderson asked if we will require owners to have liability insurance, and Mr. Pope said we do not require anyone to have liability insurance.

There was more discussion regarding this topic with the agreement being made to wait and discuss this further.

(slide 7) 20 ft of access & septic ordinances

Everyone discussed and agreed to move forward. Mr. Pope will give further details at a later date.

Mr. Pope discussed the dates of the next discussions and the meeting was adjourned.



Folly Beach Planning Commission

Minutes

September 24, 2018

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

1. Call to Order; Roll Call

Present: Chairwoman Kennedy, Mr. Barker, Ms. Pratt, Ms. Strauss
Absent: Mr. Anderson, Mr. Grant and Mr. Merritt

2. Freedom of Information Statement

3. Citizen's comments: 1618 E. Ashley. Letter from owners was read out loud regarding the desire to build on their property. They tried to attend the public hearing, however hurricane Florence occurred.

Matt Napier from 1661 E. Ashley explained that All septic systems should follow SDCX rules and setbacks.

4. Dr. Elko: Presented the Marsh Management Plan

Discussed the Stakeholder Engagement Process. We have looked at your concerns about the Marsh. On July 9th we had an introduction. On August 14th we received more feedback. On September 24th we are reviewing the main concerns.

There are 4 areas we will review: (1) Upland (2) Regulatory (3) Marsh & River base (4) Education

(1) Upland

- a. Use of bulkheads on private lands
- b. Storm Water run-off/ pollution into the marsh
- c. Leaky septic systems
- d. Decreased protection due to sea rising (compared beach side vs marsh side)
- e. Scenic views
 - Exterior lights on Folly River
 - New park sites
 - Signage on the marsh
- f. Public Access (right now it's limited)
 - new kayak launches
- g. The Causeway

(2) Regulatory

- a. Lack of regulation / knowledge to manage the marsh
- b. Mixed Jurisdiction
- c. No map of the critical line

(3) Marsh/ River Base

- Private & commercial docks
- d. Marsh Response to sea level rise: Can the Marsh keep up?
Also discussed Coastal Squeeze by development
- e. Planning Ahead for Marsh Restoration
 - Options like living shoreline (lots of research being done currently)
 - How will we fund future restoration?

(4) Education

- a. Public officials and staff about options
- b. City property owners
- c. What about my house?
 - education for children
 - Possible city website

Please take the survey when it comes out and give us your top 2 concerns so we can decide which are the most important topics to discuss.

(5) Staff Comments: Aaron Pope

Overlap between Dr. Elko's work and our regulations
Refer to the slide numbers

We were supposed to meet Sept 10, but cancelled due to Florence
We may talk about moratorium in October, or push it to November
You are encouraged to attend the Marsh management meetings

Slide 4: land use proposal for the moratorium

Slide 5: 10 ft setback from the critical line. Discussed current regulations and proposed regulations

Question raised about whether we would include education on plants for homeowners.

We are not able to map the critical line as accurately on the marsh side as we did on the beach front. We can work on an estimate.

Lights on the Marsh: We realize lights shining on the marsh is a sensitive area. We will talk about possible outdoor fixtures that need to be shielded but somehow making the regulations stricter. This is referring to docks.

A suggestion was made to consider limited the timing on the lighting on the docks so that people can safely dock after dark but not leave them on all the time.

Signs in the Marsh: We are recommending that there be a time limit to the signs in the marsh and then have them removed.

Seawalls: Almost completely talking about the ocean-front seawalls and not the marsh. We recommend new bulkheads be set back 10 feet from the critical line.

Living Shore-lines: Natural method to deal with erosion. Standards are being worked on, but we are waiting until the state regulates this.

Docks:

- We recommend that we coordinate permits on new docks between us and Charleston County.
- We need to clear up our own ordinances
- We recognize commercial activity should be limited on private docks, but we want to develop our standards while not interfering with legal shell fishing.

Slide 8: For the entire Island, you must currently build 1 ft higher than the flood maps say to build. We are proposing 2 ft higher. We need to increase our regulations. 2 Ft is now becoming the standard; most cities are at 2 ft.

Marsh Zoning regulations: Any changes would be subject to a different round of public hearings.

Bowen's Island: Discussions are taking place about what zoning should be allowed. Also, we want to regulate development on all marsh islands

Septic Tanks: Discussion about septic tanks and back flow

Questions and Answers:

Slide 5: Why is the 20 ft setback being proposed when other cities' setbacks are larger?

Question 2: What are our priorities for how to protect the marsh? As a group, we're not educated enough to decide what's first, second, etc. We should do a workshop.

6. Commission Comments

The next meeting on this topic will be October 29th at 6 pm.

A request for an off-site meeting on the marsh/ beach to visualize the issues was brought up. The answer was that they would give them a list of plots to go look at, rather than going as a group. Also, don't go on any private properties.

7. Adjournment



Folly Beach Planning Commission

Minutes

October 1, 2018

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

Recording begins in the middle of the discussion

Q. Which permits are Valid?

A. There are different expiration dates on different permits. House Bill 3646 created a stop clock on all permits of that nature; specifically, 5 years for septic tanks. There's an extension to that bill with another bill for 3 years. This ends Jan 1, 2019. In 2025 everything will catch up with what is printed on the permits. If anyone has a 2015 or older permit they can call the environmental affairs office in Charleston.

Q. How would you know if site conditions meet requirements?

A. At the time of instillation, if it doesn't meet setbacks we would have to deny it.

Q. (Mayor Goodwin) If I have a beachfront lot that eroded, and re-nourishment comes along that builds up in front of my lot and I backfill it personally, will you let me put a septic tank there knowing that as soon as that beachfront re-nourishment goes away, that lot is going away too?

A. During that time frame if those conditions are met when that original permit was designed, we would have to honor that permit. Now, if it became known to the department and we went back out and things had eroded to where you're now within that setback then yes, we'd have a whole lot bigger problem.

More questions are asked about erosion

Q. How do you understand the set backs and how do you measure those, and how does Folly differ from other barrier Islands?

A. There are multiple set backs (driveways, property lines, etc.). SC Regulation 61-56 regulates the setbacks. The line could fluctuate based on mother nature.

A. Administrator Wetmore: This is where Folly is unique in that our base line does not fluctuate.

A. The critical line is the mean-high water mark. It changes from spot to spot.

More questions asked about the set backs

*Beach re-nourishment does not allow someone to put in a new septic system in that area.

*If the original conditions cannot be met, we would void the permit

*Towns cannot pass something more stringent than the state has passed.

Q. Does re-nourishment allow someone to build who couldn't build before?

A. The original soil conditions have to be met for us to issue a permit (someone hasn't added sand 4-5 feet to make it passable, for example)

*These questions would have to be answered on a case-by-case basis

*we will pull old maps. The re-nourishment cannot add dirt where the property line starts. [The property owner may/ sometimes must fill this area]

Q. If a septic tank is compromised during a storm and it has to be repaired, do you look at it, and do they have to come current to the new requirements?

A. It takes a licensed septic contractor who is responsible and permitted to do the repairs. You can make repairs as long as they meet the regulations. This will also be decided on a case-by-case basis. We can't allow it to contaminate the environment or be unsafe for others.

Q. Is there a 75 ft set back on Folly?

A. We don't have any local set back rules

A. We are working on putting 4 regulations into 1 in January

The topic of old permits/ site conditions may need further discussion

Q. What's the actual procedure when you are involved (with septic tanks)?

A. Licensed contractors must call us 24 hours in advance to come out and inspect the site, unless they are a master contractor. (They can do a self-inspection)

A. This does not apply to repairs. (not enough staff/ resources)

A. If you are able to do repairs to a system you can do it (fix existing system). If you want to upgrade the system you must apply for a permit to do that. (expand/ add)

More discussion regarding septic tanks and when a permit will be needed.

Q. (Mayor Goodwin) What if the only way you can drive off of your property is over the septic field?

A. If we can meet the set backs we can issue a permit. They do make traffic-graded septic tanks. We recommend you don't drive on the system because you could damage it.

Q. Administrator Wetmore: Can you briefly explain what a specialized/ engineered system is?

A. Anything that is not contained within the system standards is a specialized/ engineered system. We have 22 standards, and if we can't issue a permit based on those permits, but an engineer can, that's an engineered or specialized system.

-Usually requires a secondary treatment

-Footprint is much smaller

-The problem with them is that people treat it like a regular system. It requires a higher level of maintenance.

-They often don't last as long because people don't maintain them.

-They are more expensive (\$12K to 22K in this area)

Q. Which is better for the environment?

A. Whichever one is maintained well.

More discussion regarding septic tank usage

(59:57) Aaron Pope begins discussing ordinance 11-18 to prohibit future chain businesses in the commercial area on Folly. Chain businesses would be anyone who owns 10 or more outlets of the same business, not 10 different businesses.

We are wanting to preserve the unique character of the non-residential areas of Folly. It's not to protect the businesses, it's to preserve the unique character of our community.

Tourist accommodations only will be allowed (The Tides) New ones will not be allowed
The gas station and subway will be allowed to continue

Q. If the gas station was sold, and they wanted to put in a taco bell instead, would that be allowed?

A. No; a different gas station, yes. Not a different restaurant.

Q. What else could go in the Harris Teeter area on Folly Road?

A. Any business can go there. We are only protecting the unique character of Center Street.

Q. Would Subway be allowed to change locations?

A. No, they would have to get a new business license and then it would not be allowed. City Council could always amend the ordinance if desired.

Motion approved and seconded.

This will go back to city council for their vote

Roll Call

Present: Chairwoman Kennedy, Mr. Barker, Ms. Pratt, Ms. Strauss, Mr. Anderson, Mr. Grant & Mr. Merritt

Staff Comments

The next meeting will be October 29th at 6 pm, not 7 pm.

-A portion of the final staff proposals will be presented

-All meetings moving forward will be joint meetings

-A revised map for options of the dune areas will be given

The Beaches 101 class will be tomorrow at 8:30 A.M.

Commission Comments

1. Mayor Goodwin's calls during the storm and keeping us updated was fantastic and Spencer with the sand, getting the whole beach done- fantastic! Thank you very much!
2. I think the staff has done a wonderful job, and Aaron the way you've taken care of all of the residents.
3. Lighting on the River: I understand not lighting on the beach seasonally because of the turtles, but I'd like to hear from someone who can explain why we don't want lighting on docks at night. Also, when you make a home non-conforming, I'd like to hear from the experts on what that means economically, etc. to the property when it comes time to transfer it. (I.e.: Insurance)

Discussion regarding this question

Adjournment