



CITY OF FOLLY BEACH

1st Reading:
2nd Reading:

Introduced by: Mayor Tim Goodwin
Date: January 8th, 2019

ORDINANCE 05-19

AN ORDINANCE AMENDING CHAPTER 166 (ENVIRONMENTAL STANDARDS) OF THE FOLLY BEACH CODE OF ORDINANCES, SECTIONS 166.04-03 (MARSH BUFFERS), AND CHAPTER 161 (DEFINITIONS) SECTION 161.02 (DEFINITIONS) BY INCREASING THE CRITICAL LINE SETBACK TO 15', ESTABLISHING THE SETBACK AS A BUFFER, AND CREATING AN EXEMPTION FOR LEGALLY EXISTING STRUCTURES PERMITTED PRIOR TO MARCH 1, 2019.

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

NOTE: Deleted material struck through; new material in red.

SECTION 166.04-03 MARSH BUFFERS.

(A) *Applicability.* Unless exempted in accordance with 166.04-03(6), Marsh Buffer Exemptions, all development in the city shall provide and maintain marsh buffers in accordance with the standards in this section.

(B) *Exemptions.* The following forms of development shall be exempt ~~form~~ **from** these standards:

(1) Boardwalks, piers, docks, marinas, boat ramps, erosion control devices, utilities, and sidewalks, provided such features are configured to minimize the impact on marsh areas;

(2) Mariculture uses ~~and uses~~ in the MC district; and

(3) Lawfully-established development or impervious surfaces in place prior to ~~March 23, 2010~~ **March 1, 2019**. However, any subsequent development, redevelopment, or land disturbing activities shall ~~comply with the standards in this subsection to the maximum extent~~ **practicable maintain a minimum marsh buffer of at least 10 linear feet landward from the critical area demarcation as identified or certified by the Office of Ocean and Coastal Resources Management (OCRM). Upon redevelopment, the marsh buffer area is to remain undisturbed other than the planting of native plant material as approved by the Building Official.**

(C) *Marsh buffer standards.* Except for development identified in 166.04-03(B), Exemptions, all ~~impervious surfaces~~ **development, redevelopment, or land disturbing activities shall** maintain a minimum marsh buffer of ~~ten~~ **fifteen** linear feet landward from the critical area demarcation as identified or certified by the Office of Ocean and Coastal Resources Management (OCRM). **The marsh buffer area is to remain undisturbed other than the planting of native plant material as approved by the Building Official.**

SECTION 161.02 DEFINITIONS.

The following words, terms, and phrases, when used in this ZDO, shall have the meaning ascribed to them in this section.

BUFFER

(1) Vegetative material and structures (i.e., walls, fences) that are used to separate uses from each other as required by this ZDO.

(2) When used in **the** context ~~with conservation subdivisions~~ **of required Marsh Buffers**, a buffer is an area of land reserved adjacent to critical areas that serves to mitigate the effects of development. The buffer is intended to be left intact with existing vegetation **or supplemented with approved native plant material.**

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

ADOPTED this ___ day of _____, 2019, at Folly Beach, South Carolina.

Ayes: _____

Nays: _____

Abstains: _____

Municipal Clerk

Tim Goodwin, Mayor