



CITY OF FOLLY BEACH

1st Reading:
2nd Reading:

Introduced by: Mayor Goodwin
Date: February 11th, 2019

ORDINANCE 14-19

AN ORDINANCE AMENDING CHAPTER 168 (NON-CONFORMITIES) OF THE FOLLY BEACH CODE OF ORDINANCES, SECTIONS 168.03-05 (RECONSTRUCTION AFTER DAMAGE) AND SECTION 168.04 (NON-CONFORMING LOTS OF RECORD) BY ALLOWING RECONSTRUCTION OF EXISTING STRUCTURES WITHIN THE MARSH SETBACK AND BY AMENDING THE REQUIREMENTS FOR ACCESS FOR THOSE LOTS WITH NO FRONTAGE ON AN EXISTING OPEN RIGHT OF WAY.

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

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

SECTION 168.03-05 RECONSTRUCTION AFTER DAMAGE.

(A) *More than 50% of pre-damaged market value.* In the event a nonconforming structure is damaged or destroyed, by any means, to the extent of 50% of its market value prior to such destruction, such structure shall not be restored except in conformance with the standards for the zoning district in which it is located except **that structures legally permitted prior to March 1, 2019 shall be allowed a 10' setback from the OCRM critical line.**

(B) *Less than 50% of pre-damaged market value.* Except for homes exceeding the maximum square footage in 166.05-03, Single- and Two-Family Residential Design Standards, a nonconforming structure that is damaged or destroyed, by any means, to an extent of less than 50% of its market value prior to such damage or destruction, it may be restored to its pre-damaged state provided reconstruction is initiated within 12 months and provided the reconstruction complies with all state and federal laws.

(C) *Homes exceeding maximum square footage.* An existing home exceeding the maximum square footage in 166.05-03, Single- and Two-Family Residential Design Standards, damaged to an extent beyond 50% of its pre-damaged market value shall be reconstructed in accordance with the size limitations in this ZDO. A special exception permit (See 163.03-03) shall be required to reconstruct the home to its original square footage.

SECTION 168.04 NONCONFORMING LOTS OF RECORD.

SECTION 168.04-01 LOTS RESIDENTIAL AND NONRESIDENTIAL DISTRICTS.

(A) *General.*

(1) Nonconforming lots of record lawfully established prior to ~~March 23, 2010~~ **March 1, 2019** may be developed with a single-family dwelling even though the lot of record fails to comply with the dimensional standards in Chapter 165: Dimensional Standards, provided it shall be in separate ownership and not of ~~continuous frontage~~ **contiguous** with other lots in the same ownership.

(2) Development of a single-family dwelling on the lot of record shall comply with the other standards in Chapter 165: Dimensional Standards, to the maximum extent practicable.

(B) *Combination of lots.* If two or more lots of record or combination of lots of record and portions of **contiguous** lots of record ~~with continuous frontage~~ are in single ownership on ~~March 23, 2010~~, **March 1, 2019** or on the date they become nonconforming, and if all or part of these lots do not comply with the lot area standards in Chapter 165: Dimensional Standards, the lots involved shall be considered to be an individual lot for the purposes of this ZDO, and no portion of these lots shall be used or sold which do not comply with the lot area standards in Chapter 165: Dimensional Standards, nor shall any division of the lots be made that leaves remaining any lot that fails to comply with the lot area standards.

(C) *Lots in the DC and IC Districts.* In addition to the ability to construct a single-family dwelling, lawfully established nonconforming lots of record in the DC and IC Districts may be developed with any use allowed in the district (Table 164.01, Table of Allowable Uses) following approval of a special exception permit (See 162.03-03) by the ZBA.

(D) *Lots with no frontage on an open, public street.* No lot which does not have frontage on an open, public street as of March 1, 2019 shall be developed without demonstration of such access. The requirement for access may be satisfied by direct frontage or platted easement. Any development of lots with no direct frontage on an open, public street must meet emergency access requirements.

SECTION 168.04- 02 CHANGE OF NONCONFORMING LOT.

As a means of reducing the nonconformity, a nonconforming lot may be increased in area, width, or both, in accordance with the standards for a minor subdivision, 162.03-07(C).

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

Ayes: _____

Nays: _____

Abstains: _____

Municipal Clerk

Tim Goodwin, Mayor