City Council Meeting
Monday, February 11th, 2019
WORK SESSION 5:00 P.M.
REGULAR MEETING 7:00 P.M.
Folly Beach City Hall
21 Center Street
Folly Beach, SC 29439

Work Session Agenda 5:00PM

a. **Ordinance 11-19**: An Ordinance Amending the Folly Beach Code of Ordinances by Repealing Chapter 55 (On-Site Septic System Management) and Enacting Chapter 55 [Requirements for On-Site Sewage Disposal Systems (OSDS) and Specialized Onsite Wastewater Systems (SOWS)].

b. **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 to the Current 10’ Setback and by Amending the Requirements for Access for those Lots with no Frontage on an Existing Open Right of Way.

c. **Ordinance 16-19**: An Ordinance Amending Chapter 165 (Dimensional Standards) Section 165.01-02 (Dimensional Standards in the Zoning Districts), and Chapter 166 (Environmental Standards) of the Folly Beach Code of Ordinances, Section 166.04-04 (Beach and Dune Buffers), by Establishing a 40’ Dune Management Area.

Regular Meeting Agenda 7:00PM

1. CALL TO ORDER/ROLL CALL
2. INVOCATION & PLEDGE OF ALLEGIANCE

3. MAYOR’S COMMENTS

4. STAFF REPORTS
   a. Aaron Pope: Moratorium Update

5. APPROVAL OF AGENDA

6. APPROVAL OF PREVIOUS MINUTES OF JANUARY 8TH AND JANUARY 30TH

7. PERSONAL APPEARANCES (Limited to Five Minutes)
   a. Folly Beach Farmers Market: Request permission to hold the Folly Beach Farmers Market in the Folly River Park every Monday from February 18th, 2019 - October 28th, 2019 from 4:00PM-8:00PM
   b. Craig Wagner: Request permission from the Volleyball Club to host volleyball tournaments along with sponsor banners and a third net for following Saturdays and Sundays: March 16th-17th, March 30th-31st, April 13th-14th, April 27th-28th, May 11th-12th, May 25th-26th, September 7th-8th, September 21st-22nd, October 5th-6th, and October 19th – 20th.
   c. Johnathan Brady: Request permission for Volleyball Training for the SC Elite Volleyball Club at the volleyball courts in front of the Tides Hotel Monday, Wednesday, and Friday June 3rd – August 17th from 8:50AM-12:05PM
   d. Becca Hopkins: Request permission to host the LUNG FORCE 5k Run/Walk on Saturday November 9th, 2019 from 8:00AM-12:00PM.
   e. ESA Surf School: Request permission for the following dates for the Conference schedule:
      i. Ice Box Open: February 9th-10th, 16th-17th, 23rd-24 or March 2nd-3rd at the Washout
      ii. Points Contest #1: April 13th-14th at the Washout
      iii. John Kalagian Team Challenge Shortboard, Longboard: April-May TBD at the Washout
      iv. Points Contest #2: May 18th-19th at the Washout
      v. Folly Beach Wahine Classic: June 1st-2nd at the Washout
      vi. Points Contest #3: June 15th-16th at the Washout
      vii. DJ McKevlin’s Gromfest: July 6th-7th at the Washout
      viii. The South Carolina Governor’s Cup of Surfing: August 4th-5th at the Washout
            ix. Surfers Healing: August 22nd at the Pier

8. CITIZENS’ COMMENTS (Limited to Three Minutes)

9. COMMISSION, BOARD, COMMITTEE REPORTS

10. OLD BUSINESS
a. **Ordinance 14-18** An Ordinance Amending Chapter 150 (Building Regulations) of the Folly Beach Code of Ordinances, Section 150.007 (Fees) by Amending the Demolition Fees. *(SECOND READING)*

b. **Ordinance 07-19**: An Ordinance Amending Chapter 151 (Beach Preservation and Construction Provisions) of the Folly Beach Code of Ordinances, Section 151.25 (Dune Walkovers) by Amending the Requirements for Walkovers *(SECOND READING)*

c. **Ordinance 08-19**: An Ordinance Amending Chapter 152 (Flood Damage Prevention) of the Folly Beach Code of Ordinances, Sections 152.05 (Definitions), 152.25 (General Standards), and 152.26 (Specific Standards) by Increasing the Required Freeboard Elevation from One to Two Feet. *(SECOND READING)*

d. **Ordinance 09-19**: An Ordinance Amending Chapter 151 (Beach Preservation and Construction Provisions) of the Folly Beach Code of Ordinances, Section 151.23 (Construction Standards for Bulkheads, Seawalls, and Revetments) by Amending the Standards for Seawalls and Bulkheads. *(SECOND READING)*

e. **Ordinance 12-19**: An Ordinance Amending Chapter 150 (Building Regulations) of the Folly Beach Code of Ordinances by Amending Section 150.120 (Building Official Established; Duties) by Requiring an as Built Survey Before the Issuance of a Certificate of Occupancy for New and Substantially Improved Structures. *(SECOND READING)*

f. **Ordinance 13-19**: An Ordinance Amending Chapter 150 (Building Regulations) of the Folly Beach Code of Ordinances, Sections 150.005 (Reserved), and Section 150.007 (Fees) to Require that Letters of Coordination be Required for Permits for the Construction of Docks in the Conservation District and for all Building Permits on Marsh Islands. *(SECOND READING)*

11. **NEW BUSINESS**

a. **Ordinance 11-19**: An Ordinance Amending the Folly Beach Code of Ordinances by Repealing Chapter 55 (On-Site Septic System Management) and Enacting Chapter 55 [Requirements for On-Site Sewage Disposal Systems (OSDS) and Specialized Onsite Wastewater Systems (SOWS)]. *(FIRST READING)*

b. **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 to the Current 10' Setback and by Amending the Requirements for Access for those Lots with no Frontage on an Existing Open Right of Way. *(REMAND TO THE PLANNING COMMISSION)*

c. **Ordinance 16-19**: An Ordinance Amending Chapter 165 (Dimensional Standards) Section 165.01-02 (Dimensional Standards in the Zoning Districts), and Chapter 166 (Environmental Standards) of the Folly Beach Code of
Ordinances, Section 166.04-04 (Beach and Dune Buffers), by Establishing a 40’ Dune Management Area. **(REMAND TO THE PLANNING COMMISSION)**

d. **Resolution 02-19** A Resolution by the Folly Beach City Council Authorizing City Staff to Acquire Replacement Parking Enforcement/Beach Patrol Carts from Excess Sale of Asset Revenues (GL Account 10-4600-5000).

e. **Resolution 10-19** A Resolution by the Folly Beach City Council Authorizing the City of Folly Beach to Participate in Litigation Seeking a Declaratory Judgment Regarding the State’s Ownership of Previously-Eroded Property

f. **Resolution 11-19** A Resolution by the Folly Beach City Council Authorizing the Park Folly Beach Program to Expend up to $100,000 from Excess Parking Revenue on New Parking Machines for the Paid Parking Lots.

12. **Executive Session**

   *Pursuant to §30-4-70 of the Freedom of Information Act*

   a. Personnel: Judicial Appointment

13. **CITY COUNCIL COMMENTS**

14. **ADJOURNMENT**

   **PUBLIC NOTICE**

   **ALL MEDIA WERE NOTIFIED PURSUANT TO STATE LAW**

City Council will not vote on matters discussed during Work Sessions or Executive Sessions. However, matters discussed may be voted on during the evening City Council meeting.

In keeping with the Americans with Disabilities Act, persons needing assistance, alternative formats, ASL interpretation, or other accommodation, please contact the Municipal Clerk at 843-513-1833 during regular business hours at least 24 hours prior to the meeting. Hearing devices are available upon request for those with hearing difficulties.

The City of Folly Beach, in an effort to go green, will no longer have the Ordinances and Resolutions included in the Agenda. Citizens interested in having a copy, please see the Municipal Clerk.
Work Session
Back Up
AN ORDINANCE AMENDING THE FOLLY BEACH CODE OF ORDINANCES BY REPEALING CHAPTER 55 (ON-SITE SEPTIC SYSTEM MANAGEMENT) AND ENACTING CHAPTER 55 [REQUIREMENTS FOR ON-SITE SEWAGE DISPOSAL SYSTEMS (OSDS) AND SPECIALIZED ONSITE WASTEWATER SYSTEMS (SOWS)].

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

NOTE: This is a repeal and replace amendment, new material/concepts shown in red only for clarity

SECTION 55.01 INTENT.

The purpose of this chapter is to promote the health and safety of residents, visitors, and other community members by preventing the spread of diseases associated with failing on-site sewage disposal systems (OSDS), also known as septic systems; to educate the public about proper septic system operation and maintenance; to promote a quality environment in the marshes, wetlands, rivers, and beaches by reducing contamination from runoff generated by failed, poorly maintained, and eroded septic systems; and by ensuring that septic systems are properly operated, inspected, and routinely maintained.

SECTION 55.02 APPLICABILITY.

(A) This chapter shall be applicable to every owner of property that operates an OSDS or is proposing to install an OSDS. In no way do the provisions of this chapter abrogate the powers and duties of the South Carolina Department of Health and Environmental Control (DHEC) in regards to the permitting wastewater systems and enforcement of wastewater system regulations.

(B) The City of Folly Beach also allows specialized onsite wastewater systems (SOWS) designed by a registered professional engineer and SCDHEC. All owners of premises who operate SOWS with designs requiring storage tanks and alternative drain fields shall comply with the requirements set forth in this chapter. All other SOWS shall be maintained according to state standards, the approved management plan, and the product manufacturer. Property owners shall provide the City of Folly Beach a copy of the approved SCDHEC Management Plan and installation permit.

SECTION 55.03 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
**ALTERATION.** Any modernization, modification or change in the size, type, or flow of an existing on-site sewage disposal system, including but not limited to any work performed in connection with a building renovation and/or change of occupation of that building.

**BASELINE INSPECTION.** A thorough evaluation of an operating on-site sewage disposal system conducted by an inspector, as defined by this section, to determine whether the system is functioning as designed, is not exhibiting signs of failure, and is being operated properly. A pump out of the system is required for a baseline inspection to properly examine the interior of the tank and to check for leaks from the house or saturated conditions in the drainfield. Property owners must arrange with the inspector to have a licensed pumper present during the inspection.

**BEDROOM.**

(1) Any room in a residential structure which is greater than 70 square feet in area, which is susceptible to present or future use as a private sleeping area and which has:

(a) One egress window or door per fire code;
(b) One interior method of entry and egress, excluding closets and bathrooms, allowing the room to be closed off from the remainder of the residence for privacy; and
(c) A closet.

(2) In determining the number of bedrooms contained in any residence, it shall be presumed that all residences contain a living room, kitchen, bathroom and at least one bedroom.

**CHANGE IN OCCUPANCY.** Refers to any single-family or duplex residential property for which the owner should apply for a business license to change the occupancy of the dwelling (such as converting to multiple-family or to short-term rental) and that is likely to result in an increase in sewage flow into the system; conversely, switching from commercial property to residential property.

**DEPARTMENT (or DPW).** The Department of Public Works, City of Folly Beach.

**DRAINFIELD.** A system of trenches or beds, or other such seepage systems approved by DHEC, designed to disperse septic tank effluent into the soil for treatment.

**FAILED SYSTEM.** Any sewage disposal system that does not adequately treat and dispose of sewage that consequently creates a public or private nuisance or threat to public health and/or environmental quality, as evidenced by, but not limited to, one or more of the following conditions:

(1) Failure to accept sanitary sewage into the building sewer system;

(2) Discharge of sanitary sewage to a basement, subsurface drain, surface drain or surface water unless expressly permitted by SCDHEC;

(3) Sanitary sewage rising to the surface of the ground over or near any part of an on-site sewage disposal system or seeping down-grade from the drainfield at any change in grade, bank or road cut;
(4) Any deterioration or damage to any on-site sewage disposal system that would preclude adequate treatment and disposal of wastewater (for example, damage from a vehicle driven over the drainfield or septic tank);

(5) A septic tank that is not constructed to be watertight (such as bottomless tank) as required to hold wastewater for primary treatment prior to discharging to a drainfield;

(6) The presence of a grease trap to which kitchen waste is discharged and which is not connected to the septic tank or drainfield;

(7) Exposure, reduction, or elimination of the drainfield area or holding through erosion;

(8) Repeated and prolonged inundation by floodwaters resulting in leakage of sewage;

(9) Water quality testing of adjacent and nearby waters that reveals an OSDS as the source of contamination.

GOOD OPERATING CONDITION. An OSDS that, upon inspection, is determined to function in a safe and sanitary manner, prohibits the discharge of untreated or partially treated wastewater onto the ground surface, into surface water, or into groundwater, and allows building plumbing to discharge properly.

GREASE TRAP. An interceptor tank used to trap grease and oils from kitchen waste. If the tank is not plumbed so that the remaining liquid enters the septic tank or a drainfield, it is in violation of this chapter.

INSPECTOR. An individual who has been approved by the Department to inspect septic systems at Folly Beach.

LICENSED INSTALLER. Any individual who holds a valid SCDHEC license for the installation and repair of OSDS. Licensed installers may hold a dual license for installation/repair and cleaning of OSDS; installers with a dual license are also classified as licensed pumpers.

LICENSED PUMPER. Any individual who holds a valid SCDHEC license to clean septic tank and self-contained toilets.

MAINTENANCE. The clearing of stoppages in pipes and the regular pump out and cleaning of any septic tank, grease trap, building sewer, distribution lines or any other component of an OSDS for the purpose of removing any accumulated liquid, scum and/or sludge without removing, replacing, or rearranging of pipes or surrounding soils. The term MAINTENANCE shall also be held to include any regularly required servicing or replacement of related mechanical, electrical or other equipment.

OCRM. The South Carolina DHEC Office of Ocean and Coastal Resource Management.

ON-SITE SEWAGE DISPOSAL SYSTEM (or OSDS). Any system of piping, tanks, drainfields, alternative toilets or other facilities designed to function as a unit to convey, store, treat and/or
dispose of sanitary sewage by means other than discharge into a public sewer system. This includes specialized on-site wastewater systems (SOWS).

**OWNER.** Any person who alone or jointly or severally with others holds legal title to any real property or has possession or control of any real property through any agent, executor, administrator trustee, or guardian of the estate of a holder of a legal title or has possession or control through any lease or purchase and sale agreement. Each such person is bound to comply with the provisions of these rules and regulations.

**REGULATION 61-56 (R.61-56) INDIVIDUAL WASTE DISPOSAL SYSTEMS.** Statewide regulation that governs the permitting, design and installation of OSDS.

**RENOVATION.** Any addition (including structural and plumbing fixtures with waste lines), replacement, demolition and reconstruction, or modification of an existing structure on the subject property that:

1. Results in an increase in sewage flow into the system; or
2. Adds bedroom(s) and/or significant water-using fixtures to the house (bathroom, hot tub, etc.).

Note: All sewage flows shall be determined in conformance with S.C. Regulation 61-56.

**REPAIR.** Work performed on an OSDS in order to mend or remedy a specific defect or deficiency after the failure, injury, deterioration, or partial destruction of a previously existing OSDS or component thereof. A REPAIR shall not include any alteration work performed on an existing OSDS that increases the flow capacity of the system.

**RESIDENCE.** Any structure used for housing purposes, including but not limited to single- or multiple-family dwellings, duplexes, tenements, apartment buildings, condominiums, mobile homes, recreational vehicles or trailers.

**SANITARY SEWAGE or WASTEWATER.** Any human or animal excremental liquid or substance, any putrescible animal or vegetable matter and/or any garbage and filth, including but not limited to any black water discharged from toilets, or grey water discharged from laundry tubs, washing machines, sinks and dishwashers, as well as the content of septic tanks or privies.

**SHORT-TERM RENTALS.** Transient vacation rentals or uses in which overnight accommodations are provided in dwelling units to guests for compensation, for periods of less than 30 days.

**SEPTIC SYSTEM.** For the purpose of this chapter, a SEPTIC SYSTEM is analogous to an on-site sewage disposal system (OSDS).

**SEPTIC TANK.** A watertight receptacle that receives the discharge of sanitary sewage from a building waste water system and is designed and constructed to permit the deposition of settled solids, the digestion of the matter deposited and the discharge of the liquid portion into a leaching system (such as a drainfield).
**SPECIALIZED ONSITE WASTEWATER SYSTEM (or SOWS).** An engineered OSDS permitted by DHEC pursuant to Standard 610 of Regulation 61-56.

**SECTION 55.04 ENFORCEMENT RESPONSIBILITY.**

The enforcement and management of this chapter shall be the responsibility of the City of Folly Beach Departments of Public Works (DPW) and Utilities.

**SECTION 55.05 CONSTRUCTION OF NEW STRUCTURES, SUBSTANTIAL IMPROVEMENTS, OCCUPANCY CHANGES, OR RENOVATIONS.**

A valid DHEC OSDS or SOWS permit must be submitted to the City for changes in occupancy, new construction, and substantial improvements as well as any renovation that increases the number of bedrooms. The number of bedrooms on the DHEC permit application must be determined as defined by this chapter so the system will not be undersized.

(A) *Permit required.*

1. The number of bedrooms must correspond to the number of gallons per day of approved flow indicated on the DHEC permit application at a rate of one hundred and twenty gallons per day, per bedroom.

2. A permit to construct the system must be issued by DHEC before construction on the structure or the septic system can begin.

3. The proposed system must be located adjacent to the most landward SCDHEC septic setback and as landward as possible unless the property owner can demonstrate that the area is unsuitable. In no instance shall a building permit be issued for a structure for which the proposed OSDS is located with the Dune Management Area as defined by Section 164.04-04.

(B) *Certificate of final approval.* The owner must receive a DHEC certificate of final approval to operate the system before the Building Official can issue a certificate of occupancy (C.O.).

(C) *Survey required.* Any application for a change of occupancy, new construction, or substantial improvement which relies on a DHEC approved septic permit dated prior to January 1, 2007 shall require a survey which:

1. Is stamped by a licensed SC surveyor or engineer.

2. Shows the location of all components of the proposed OSDS.

3. Indicates the nearest distance from any portion of the OSDS to the baseline or a critical line. Any baseline or critical line indicated the survey must be certified by SCDHEC OCRM.

4. Clearly displays the setbacks required by SCDHEC at date of original approval of the septic permit.

5. Shows all proposed parking areas.
SECTION 55.07 INSPECTIONS

(A) **Baseline inspection required prior to sale.** Prior to the sale of, any property with and OSDS or SOWS is be required to have a baseline inspection using Department approved inspectors and DPW inspection forms. The inspection shall take place no earlier than 60 days prior to the sale of any ownership interest in property. In the event that the inspection does not occur as specified prior to the sale, an inspection must be completed within 30 days of the water transfer.

(B) **Baseline inspection after failure and repair.** Properties with an OSDS or SOWS that has been repaired after notification of failure by the City are required to have a baseline inspection using SCHDHEC approved inspectors and DPW inspection forms. The inspection shall take place no later than 60 after the repair to the system is complete.

(C) **Baseline inspections for short term rentals.** Any OSDS or SOWS servicing a short term rental shall be inspected annually. Most seasonal short-term rental properties have a larger number of occupants per bedroom than the average single family dwelling creating a potential for contaminated runoff from failed or poorly maintained septic systems and the spread of diseases associated with failing onsite sewage disposal systems. Requiring seasonal short-term rental properties to have scheduled inspections, as follows, will ensure that OSDS are operated properly, inspected, and routinely maintained; thereby creating a healthier environment.

(D) **Copies of inspections required.** The inspector shall give a copy of the completed inspection report to the occupant, to the property owner, and to the City. A copy of the inspection report and the receipt from the pumper, must be submitted to the City within ten business days of the inspection. For sale of property, a copy of the report also shall be provided to the

SECTION 55.08 OSDS OPERATION AND MAINTENANCE.

(A) **Role of City.**

(1) The DPW (and/or DHEC) may conduct random site visits during inspections, pumping, repairs, or alterations to evaluate the quality of such work. The DPW (and/or DHEC) will also respond to citizen complaints with regard to OSDS services and/or inspections.

(2) The City shall inspect the beach after major erosional events and notify owners of exposed and eroded septic systems.

(3) The City shall cut off water to properties where failed systems have been identified.

(4) The City shall notify owners in situations where a failed system has been identified and documented.
If, upon receipt of a baseline inspection report than an OSDS or SOWS is determined to be a failed system as defined by this chapter, the City will notify DHEC of the failure within five business days of receiving the inspection report.

—(7) The City shall maintain a record of each OSDS installed, inspected, pumped, repaired and altered.

(B) Role of property owner.

(1) It shall be the responsibility of the property owner to ensure that the OSDS or SOWS is operated and maintained according to its designed use and capacity, and according to the approved management plan for all SOWS.

(2) Property owners shall provide all requested and known information about the OSDS or SOWS to the city and the inspector to facilitate locating and assessing the condition of the system.

(3) The property owner shall maintain the OSDS or SOWS so that it is accessible for inspection and maintenance.

(4) The property owner shall maintain the OSDS or SOWS so that it is protected from vehicular traffic and parking.

(5) The property owner shall protect all parts of the system from erosion and prolonged inundation.

(6) The property owner shall initiate repairs to failed systems within 15 days of notification by the City.

(8) If, during a baseline inspection, the inspector determines that minor repairs or alterations are needed to bring the OSDS into good operating condition (such as replacing cracked lids and missing or broken tees and baffles), the property owner must complete such work within 90 days of the inspection. Evidence of said work must be submitted to the City.

(9) If, upon receipt of a baseline inspection report than an OSDS or SOWS is determined to be a failed system as defined by this chapter, the owner will request from DHEC a failure evaluation within 15 days of receiving the inspection report. Evidence of necessary repairs must be submitted to the City 30 days of the failure evaluation. The DPW may grant the owner an extension of the time limit to complete any identified repairs.

SECTION 55.09 ENFORCEMENT; PENALTIES FOR OFFENSES.

Failure to comply with the inspection and repair provisions of this chapter will be deemed a violation of Chapter 94: Health and Sanitation; Nuisances. Penalties up to and including water cut off will be administered as per 10.99.

ADOPTED this ___ day of ____________, 2019, at Folly Beach, South Carolina.
Ayes:     Nays:     Abstains: 

________________________________________
Municipal Clerk      Tim Goodwin, Mayor
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 TO THE CURRENT 10’ 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 stuck 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 unless in conformance with the standards for the zoning district in which it is located, except that marshfront 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 other City ordinances as well as 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 (See163 162.03-03) 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 the provision of at least 15’ of street frontage. The requirement for access may be satisfied by direct frontage or platted easement.

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
ORDINANCE 16-19

AN ORDINANCE AMENDING CHAPTER 165 (DIMENSIONAL STANDARDS) SECTION 165.01-02 (DIMENSIONAL STANDARDS IN THE ZONING DISTRICTS), AND CHAPTER 166 (ENVIRONMENTAL STANDARDS) OF THE FOLLY BEACH CODE OF ORDINANCES, SECTION 166.04-04 (BEACH AND DUNE BUFFERS), BY ESTABLISHING A 40' DUNE MANAGEMENT AREA.

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 stuck through, new material in red:

SECTION 165.01-02 DIMENSIONAL STANDARDS IN THE ZONING DISTRICTS.

Unless otherwise specified, all principal and accessory structures in the zoning districts are subject to the dimensional standards set forth in Table 165.01, Dimensional Standards.

<table>
<thead>
<tr>
<th>ZONING DISTRICT/USE</th>
<th>LOT AREA</th>
<th>SETBACKS (2)</th>
<th>MAX. HEIGHT</th>
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<tbody>
<tr>
<td></td>
<td>Density (DU/Sq. Ft.)</td>
<td>Max. Lot Coverage</td>
<td>Min. Lot Area (Sq. Ft.)</td>
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<tr>
<td>RESIDENTIAL SINGLE-FAMILY (RSF)</td>
<td>1/10,500</td>
<td>35% of high ground</td>
<td>10,500 per dwelling</td>
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<td>RESIDENTIAL TWO-FAMILY (RTF)</td>
<td>1/5,250 (up to 4)</td>
<td>35% of high ground</td>
<td>5,250 per dwelling</td>
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<td>Subdivision</td>
<td>Uses</td>
<td>Maximum per acre</td>
<td>Zoning Area</td>
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<td><strong>RESIDENTIAL MULTI-FAMILY (RMF)</strong></td>
<td>All uses</td>
<td>1/3,500 (up to 12 per acre max.)</td>
<td>35% of high ground</td>
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<td><strong>DOWNTOWN COMMERCIAL (DC)</strong></td>
<td>Single- and two-family uses</td>
<td>1/10,500 (up to 4 per acre max.)</td>
<td>50% of high ground (3)</td>
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<td>Multi-family uses</td>
<td>1/3,500 (up to 12 per acre max.)</td>
<td>50% of high ground</td>
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<td>Outdoor retailers</td>
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<td></td>
<td>All other uses</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td><strong>ISLAND COMMERCIAL (IC)</strong></td>
<td>Single- and two-family uses</td>
<td>1/10,500 (up to 4 per acre max.)</td>
<td>35% (3)</td>
</tr>
<tr>
<td></td>
<td>All other uses</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Structure Height or 15 Feet</td>
<td>MINIMUM</td>
<td>Max.</td>
</tr>
<tr>
<td>-------------------------</td>
<td>----------------------------</td>
<td>----------</td>
<td>------</td>
</tr>
<tr>
<td><strong>MARINE COMMERCIAL (MC)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single- and two-family uses</td>
<td>1/10,500 (up to 4 per acre max.)</td>
<td>35% (3) 10,500</td>
<td>35</td>
</tr>
<tr>
<td>All other uses</td>
<td>N/A</td>
<td>None</td>
<td>(6)</td>
</tr>
<tr>
<td><strong>CORRIDOR COMMERCIAL (CC)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single- and two-family uses</td>
<td>1/10,500 (up to 4 per acre max.)</td>
<td>35% (3) 10,500</td>
<td>50</td>
</tr>
<tr>
<td>Multi-family uses</td>
<td>12</td>
<td>3,500 per unit</td>
<td>None</td>
</tr>
<tr>
<td>All other uses</td>
<td>N/A</td>
<td>35% (3) 5,250</td>
<td>50</td>
</tr>
<tr>
<td><strong>CONSERVATION (CN)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All uses (7)</td>
<td>N/A</td>
<td>5%</td>
<td>10,500</td>
</tr>
<tr>
<td><strong>PLANNED DEVELOPMENT (PD)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>See 163.05</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>NOTES:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uses may also be subject to district-specific standards (Chapter 163), use-specific standards (Chapter 164), or design standards (Chapter 166) that further limit these standards.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
(2) Required setbacks may be increased in accordance with the standards in 166.04-03, Marsh Buffers, and 166.04-04, Dune Management Area Beach and Dune Buffers (if applicable). Single- and two-family structures are subject to maximum floor area ratio limitations in § 166.05-03, Single-and Two-Family Design Standards (as appropriate). Multi-family uses are limited to a maximum of two stories (measured from BFE). New development fronting Center Street shall be built to the edge of the street right-of-way, to the maximum extent practicable.

There is no minimum lot size except where required by DHEC for on-site wastewater facilities. There shall also be a setback of 25 feet from the OCRM critical line in the CN district. Setbacks in the RSF and RTF zones shall be a minimum of five and a maximum of ten feet. Eaves may extend into the required setback up to 18”. HVAC platforms may extend into the required setback up to 5’ on side of the structure, but cannot be located on both sides.

SECTION 166.04-04 DUNE MANAGEMENT AREA BEACH AND DUNE BUFFERS.

(A) **Applicability.** Unless exempted in accordance with 166.04-04(B), Beach and Dune Buffer Exemptions, development on oceanfront lots in the city shall provide and maintain an undisturbed Dune Management Area beach or dune buffers in accordance with the standards in this section, unless exempted in accordance with 166.04-04(B), Dune Management Area Exemptions.

(B) **Dune Management Area Beach and Dune Buffers exemptions.** The following development shall be exempt from these standards:

1. Beach walkovers, sand fencing, boardwalks, public piers, docks, and erosion control devices, utilities, and sidewalks, provided such features are configured to minimize the impact on beach and dune areas;
2. Plantings of bitter panic grass, sea oats, or other beach compatible vegetation approved by the Building Official;
3. Beach compatible sand;
4. Temporary construction activities authorized by a building permit (See 162.03-08); and
5. Lawfully-established development, landscaping, or impervious surfaces in place prior to March 23, 2010 or 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).

(C) **Standards.**

1. All development shall maintain a minimum setback of forty (40) feet buffer from the Perpetual Easement Line or, where no Perpetual Easement Line exists, the OCRM Baseline. Renourishment line equal to or greater than 0.067% of the lot's street frontage distance. For the purposes of this subsection, **RENOURISHMENT PERPETUAL EASMENT LINE** shall mean the landward edge of the federal beach renourishment project as defined by the Army Corps of
Engineers, beach/dune system critical area beyond which structures are prohibited as identified by the Office of Ocean and Coastal Resources Management (OCRM).

—(2) Regardless of an oceanfront lot's street frontage, in no instance shall the beach/dune buffer have a width less than five linear feet.

—(3) Except for development or land disturbing activity exempted in accordance with § 166.04-04(B), Beach and Dune Buffer Exemptions, the beach/dune buffer shall remain undisturbed during and after the development process.

(2) Mitigation of the Dune Management shall be required in the event of unauthorized disturbance of the Dune Management Area or prior to the issuance of a Certificate of Occupancy for new construction or substantial improvement of a structure located on a lot that is bounded by the PEL or the OCRM Baseline where no PEL exists. Mitigation shall consist of:

(a) raising any area within the first ten linear feet landward of the PEL or Baseline that is below an 8' NAVD88 elevation to an elevation of 10' NAVD88; and

(b) planting any non-vegetated area with appropriate beach compatible vegetation as approved by the Building Official.

(c) In previously-eroded areas, The Building Official is authorized to designate a more landward area of mitigation.

(3) No permit shall be issued for any new structure which proposes the use of a septic system which is located wholly or in part within Dune Management Area.

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

Ayes: _______    Nays: _______    Abstains: ______

_________________________    _________________________
Municipal Clerk                  Tim Goodwin, Mayor
Regular Meeting
Back Up
**Event Information**

**Name of Event**

The Folly Beach Farmers Market

**Location**

Folly River Park

**Participants Expected**

100

**Date and Time**

2/5/19-10/28/19 4:00PM-8:00PM

**Description (What is the purpose and general description of the event? If the event has been held in prior years, are there any significant changes to prior events?)**

The Folly Beach Farmers Market is still upholding its previous mission statement for previous years. The major change would be the affiliation of a new management team with the right resources and the right city compliances to achieve an authentic Gullah Geechee presence. The monuments of the 54th and 55th Regiment must stay relevant within the tourism industry. We believe that Folly River Park and the Folly Beach Farmers Market will bring only positive growth for the city of Folly Beach and Gullah community.

**Contact Information**

**Applicant’s Name**

Willie Heyward Jr. / Willis Tant

**Applicant’s Address**

3941 Mary ann point rd

**Phone Number**

(843) 452-8262

**Email Address**

thefollybeachfarmersmarket@gmail.com

**On Site Contact Name**

Halo and Willis

**On Site Address**

Folly River Park

**On Site Cell Phone Number**

**On Site Email Address**

**Special Requests**


Street Closure

No

Open Container Waiver

No

City Sponsorship

Yes

City Funds

No

If yes, how much?

Other City Resources

No

If yes, explain

Acknowledgments

I agree that, if this event is cancelled by the City of Folly Beach due to circumstances beyond the control of the City, such as acts of God or verifiable emergencies, my only recourse is either to reschedule the event or to receive a refund of any funds paid to the City, and I further agree that the City shall not be liable to me for any losses, damages, obligations, liabilities, and expenses that may directly or indirectly arise from the cancellation of the event.

WH

I acknowledge receiving a copy of “Rules for All Special Events.”

WH

I understand that Section 154.06(l) requires insurance for events involving “high risk” activities, including, among other activities: fireworks, jump castles, mechanical or animal rides, trampolines, petting zoos, and bungee cords or other activities involving rebounding equipment.

WH

Signature

Date

01/09/2019

Received by Municipal Clerk:

Approved by: City Council:
### Which best describes your event? Select all that apply.

- Other events on the beach (sporting events, fund raisers, etc)

### Organizing Person or Organization

Folly Beach Volleyball Club - Craig Wagner

### Organizer's Address

PO Box 943  
Folly Beach, South Carolina 29439  
United States  
[Map It](#)

### Phone

(908) 902-8228

### Cell Phone (must be available during event)

(908) 902-8228

### Email

[craigwagner4@gmail.com](mailto:craigwagner4@gmail.com)

### Event Name

2019 Volleyball Tournaments

### Location on the Beach or Nearest Walkover

The Pier

### Event Address

101 E Arctic Ave.  
Folly Beach, South Carolina 29439  
United States  
[Map It](#)

### Purpose of Event

Volleyball

### Description of Event

Saturday volleyball tournaments in the spring and fall using the two courts next to the pier, as well as a third temporary net. If they become more popular this year, we may need to finish tournaments on Sunday as well. We would also like to have sponsor banners and if possible a 3rd net for these events.

- March 16-17
- March 30-31
- April 13-14
- April 27-28
- May 11-12
- May 25-26
- September 7-8
<table>
<thead>
<tr>
<th>Event Dates</th>
<th>Estimated Number of Attendees</th>
<th>Date of Event</th>
<th>Estimated Beginning Time (including setup)</th>
<th>Estimated End Time (including breakdown)</th>
<th>Are you requesting road closures?</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 21-22</td>
<td>30</td>
<td>03/16/2019</td>
<td>08:30 am</td>
<td>04:00 pm</td>
<td>No</td>
</tr>
<tr>
<td>October 5-6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>October 19-20</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please describe how your event meets the criteria in Section (B)(1)

Volleyball tournaments are open for both locals and tourists to enjoy on the beach. It is a fun and healthy physical activity and will draw participants and spectators from out of town to Folly Beach.

Will inflatables, trampolines, mechanical rides, or amusement rides be at the event?

No

Will Traveling carnivals, circuses, petting zoos, or other animals be used for the event?

No

Do you plan to serve (at no charge) alcoholic beverages at the event?

No

Do you plan to sell alcoholic beverages of any kind during the event?

No

By signing, you agree that you have read and will comply with the rules (links above), and will be available at the phone number listed during the event. You are responsible for complying with all city rules and ordinances.

[Signature]

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Special Event Application/Notification

Folly Beach is a very popular place for weddings, fundraisers, and other special events. The Community Coordinator, Colleen Jolley, handles all special events and will be happy to assist with questions about your event, the application, or other rules. She can be reached at (843) 513-1836 or cjolley@cityoffollybeach.com. Special events include weddings, parties, festivals, cultural events, musical events, exhibitions, sporting events, parades, etc. Certain portions of this application must be completed for all events. If a section does not apply to your event, please mark N/A.

Organizer & Event

Person or Organization: Jonathan Brady and SC Elite Volleyball Club
Address: Folly Beach Pier
Event Name: Volleyball Training for SC Elite Volleyball Club
Purpose of the Event: To offer beach volleyball training and playing opportunities to boys and girls ages 8-18
Estimated number of attendees: 10-30
Organizer/Event Point of Contact: Jonathan Brady
Note: This person must be available at all times during the event in the event the City must contact him/her
Mobile Number: 716-541-8415 Email: Jon.mbrady84@gmail.com
Additional Authorized Contact (if applicable):
Mobile Number: Email:

Date and Time

Date(s) of Event: June 3rd-August 17th (Mon, Wed, Thur) Alternate Date(s)? June 3rd-August 17th (Tuesday and Thursday)
(Public Property, Community Center & River Park Only):
• Event Setup time: 8:50 AM to 9 AM
• Actual Event: 9 AM to 11:55 AM
• Breakdown time: 11:55 AM to 12:05 PM

Location

Location and/or Route of the Event: An area near the pier where 2-4 volleyball courts can be set up
Note: A street map must be provided for any requested road closures.
All races and runs must use the routes provided by the Public Safety Department.

Weddings on the beach and events on private property may stop here and sign below to complete the notification. All others continue to Page 2.

By signing, I agree that I have read and will comply with the rules for all special events and will be available at the phone number listed during the event. You are responsible for complying with all city rules and ordinances.

_______________________________________________________________
Signature

28
All other events on public property including other (non-wedding) events on the beach, events on City streets, the River Park, or the Community Center, please proceed through the following sections.

Application Process
Please complete all sections and mark “N/A” if a section does not apply. Should there be any specific questions or concerns about your event, City staff will contact you. Applications for road closures, City resources, or events over 75 people on public property must have approval from City Council and be submitted no less than sixty (60) days in advance of the requested event date. All other applications shall be submitted a minimum of fourteen (14) days in advance of the requested event date. Special rules, regulations and restrictions unique to each site or facility may apply. Event permit holders will be given information specific to the site that they are requesting to use if applicable.

Brief Description of Event
The proposed dates will be used to offer juniors, boys and girls, an opportunity to learn, train, play, and compete in the sport of beach volleyball.

The club will offer travel competition, local competition, and developmental programs (local residents and visitors) for every level of interest.

The age groups that are offered will be 8-12 for the developmental program, 12-18 for the local program and 14-18 for the travel program.

A proposed schedule of events and event layout must be attached to the application

All Events on Public Property Must Meet the Following Criteria (City Code 153.06(B)):
This section does not apply to paid Folly River Park or Community Center rentals
(B) Criteria for approval of special events on public property.
(1) Special events on public property must accomplish at least one of the following objectives:
   (a) Have a positive impact on the quality of life for residents;
   (b) Enhance the image of the city;
   (c) Benefit the city financially; and
   (d) Promote tourism or benefit the business community between September 10 and April 30.
(2) No special event on public property shall be approved if it will:
   (a) Threaten the environment or endanger wildlife;
   (b) Interfere with the public’s use of any street or the beach for more than half a block of the beach
       between May 1 and September 9;
   (c) Involve a run or a race between May 1 and September 9; or
   (d) Require more city services, such as traffic control and litter cleanup, than the city is willing to
       provide.

Please describe how your event meets the criteria in Section (B) (1):
By offering beach volleyball learning, playing and training opportunities, it will give young children a chance to learn a new sport that is growing exponentially. By participating in our program, athletes will learn sportsmanship, how to work as part of a team and not an individual, how to handle the adversity of winning and losing, hard work and its benefits, discipline, how to create new friendships and leadership. These traits are important to young athletes and people alike.

While beach volleyball continues to grow, there is an opportunity for athletes from the Charleston area to represent the city on a local, regional, and national stage at competitions within our area, up and down the east coast and across the country. This would certainly enhance the image of the city from a sports standpoint.

If granted initial approval to run our Jr. beach volleyball program, we could potentially be the host of a local, regional, or national level tournament which would bring in a large number of tourists from around the country to participate in our event. These opportunities are currently present and growing in number every season.
**Trash and Recycling, City Code 153.03(8) and 153.06(L)**

The clean-up and removal of all trash and recycling is the sole responsibility of the event host. Events on public property are required to provide recycling or a suitable alternative. If City receptacles are needed, organizer will be charged for employee time.

Please describe your plan for garbage and recycling collection and disposal.

---

As the program director I will make it very clear to everyone participating in the program that they are responsible for keeping the beach clean. One of the things I have noticed in my 18 years of beach volleyball playing and coaching experience is that we as players take pride in keeping our "home courts" clean.

This will be a point of emphasis from the beginning of the season until the end. I will personally make sure that our area is clean before and after our event(s).

**Road Closures and Races, City Code 153.06(D)**

All events requesting road closure (races, runs, events) must obtain permission from City Council and pay the $150 road closure application fee, below. All others may skip this section. All races and runs must use routes specified by Department of Public Safety.

Requested length of time for road closure: N/A

Plan for safety and traffic control:

N/A

---

**Insurance and High Risk Activities- City Code 153.06(K)**

- Will inflatables, trampolines, mechanical rides, or amusement rides be at the event? Y/N
- Will traveling carnivals, circuses, petting zoos, or other animals be used for the event? Y/N

If any answer is Yes, a certificate of insurance naming Folly Beach as an additional insured must be provided 10 days prior to event. City Council has the discretion to designate other activities as “high-risk” and require insurance. Events that include amusement rides must also provide a copy of the inspection report from the South Carolina Office of Elevators and Amusement Rides.

**Alcohol – City Codes 111.04, 153.02(1), and 153.06(K)**

- Do you plan to serve (at no charge) alcoholic beverages at the event? Y/N
- Do you plan to sell alcoholic beverages of any kind during the event? Y/N
  - Selling alcohol of any kind is prohibited in the Folly River Park and Community Center, but may be provided to attendees
  - All other events outside the Folly River Park or Community Center must have permission from City Council to possess alcohol on public property
  - Insurance is strongly encouraged for all events involving alcohol

If you answered yes to either of the above questions, how do you plan to ensure/enforce that only those that are of legal drinking age are consuming/purchasing alcohol?

N/A
I understand that the issuance of this permit shall in no way affect the enforcement/prosecution of violations of disorderly conduct, public intoxication or any other City of Folly Beach ordinance or South Carolina law.

Fees
Depending on the size and type of event, the City of Folly Beach may require City personnel including Police, Fire & Rescue, and/or Public Works to work the event. All extra expenses relating to City personnel involved during the day(s) of the event will be charged back to the organizing agency. The City shall determine the number necessary to ensure the safety of participants, minimize the inconvenience to our residents and reduce the public liability exposure to the organizing agency, as well as the City. The final bill will be transmitted to the organizing agency within thirty (30) days after the completion of the event.

City Services

<table>
<thead>
<tr>
<th>City Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road Closure Request</td>
<td>$150.00</td>
</tr>
<tr>
<td>Deposit</td>
<td>$100.00 - $500.00 varies as noted</td>
</tr>
<tr>
<td>Police Officers</td>
<td>$50.00/hour per officer (average 1-3 officers for length of event)</td>
</tr>
<tr>
<td>Fire Inspector (Special Inspection)</td>
<td>$30.00</td>
</tr>
<tr>
<td>Fire Truck &amp; Crew</td>
<td>$400.00/hour</td>
</tr>
<tr>
<td>Public Works Staff</td>
<td>$50.00/hour per staff member</td>
</tr>
<tr>
<td>Barricades</td>
<td>$25.00 per barricade, per day</td>
</tr>
</tbody>
</table>

River Park or Community Center Rental

<table>
<thead>
<tr>
<th>User</th>
<th>Participants Fee</th>
<th>Security Deposit</th>
<th>Exclusive/Non Exclusive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident</td>
<td>25 or less</td>
<td>$0</td>
<td>$50</td>
</tr>
<tr>
<td></td>
<td>more than 25</td>
<td>$200</td>
<td>$100</td>
</tr>
<tr>
<td>Non-Profit</td>
<td>25 or less</td>
<td>$0</td>
<td>$50</td>
</tr>
<tr>
<td></td>
<td>more than 25</td>
<td>$200</td>
<td>$150</td>
</tr>
<tr>
<td>For-Profit</td>
<td>25 or less</td>
<td>$500</td>
<td>$250</td>
</tr>
<tr>
<td></td>
<td>more than 25</td>
<td>$1500</td>
<td>$500</td>
</tr>
<tr>
<td>Non Residents</td>
<td>25 or less</td>
<td>$500</td>
<td>$250</td>
</tr>
<tr>
<td></td>
<td>more than 25</td>
<td>$1500</td>
<td>$500</td>
</tr>
</tbody>
</table>
Damage/Repair/Cleanup
If for any reason there is damage to any part of the area which was reserved for the special event, or damage to another area as a direct result of the event, the extent of damage, as determined by the sole discretion of the City of Folly Beach, shall be determined and the dollar amount of any repair or replacement and restitution will be billed to the applicant to be paid in full no more than thirty (30) days from the billing date. If payment is not received within the allotted time, all future special event permit requests will be denied until such time as payment is received and, in addition, City of Folly Beach may take legal action to recover costs, including attorney’s fees. These costs can be deducted from the security deposit. The provision shall also apply in the case where the party is not required to pay a security deposit for the special event.

Business Licenses and Permits
Per section 110.01 of the City of Folly Beach Code of Ordinances, all participating businesses, vendors, musical acts etc., must obtain a City of Folly Beach Business License prior to participating in special events.

The Event Permit Holder is solely responsible for obtaining all of the following (applicable) licenses and permits and must submit copies to the City of Folly Beach no later than ten (10) business days prior to the event.

- SC Dept. of Revenue Retail License
- City of Folly Beach Business License
- SC Dept. of Revenue Special Event Beer, Wine and/or Liquor License
- SC DHEC Food Service Permit
- SC Dept. of Elevators and Amusement rides inspection report
- SC Dept. of Labor, Licensing & Regulations Commercial Outdoor Display Permit

Failure to remit copies to the City of Folly Beach may result in the rescission of the event permit.

By signing, I agree that I have read and will comply with the attached rules for special events and will be available at the phone number listed during the event. You are responsible for complying with all city rules and ordinances.

Jonathan Brady
Digitally signed by Jonathan Brady
Date: 2018.12.17 15:40:19 -05'00'

Signature

Signed Applications and all supporting documentation (as required) should be sent to Colleen Jolley to the address below or scanned and emailed to cjolley@cityoffollybeach.com or faxed to 843-588-7016.

City of Folly Beach
Attn: Colleen Jolley
21 Center Street
PO Box 48
Folly Beach, SC 29439
Event Information

<table>
<thead>
<tr>
<th>Name of Event</th>
<th>LUNG FORCE Run/Walk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Folly Beach Fishing Pier</td>
</tr>
<tr>
<td>Participants Expected</td>
<td>400</td>
</tr>
<tr>
<td>Date and Time</td>
<td>November 9, 2019; 8:00 AM - 12:00 PM</td>
</tr>
<tr>
<td>Description</td>
<td>The LUNG FORCE Run/Walk brings together community members and partners to raise awareness and funds of lung health. The Run/Walk is currently on its 11th year at Folly Beach, and we are not making any significant changes from last year. Participants run or walk along the 5k route and then gather on the pier for the after party. The Run/Walk begins with 8 am registration and late packet pick-up in the pier parking lot to the left of the pier (facing the pier from the parking lot side). We typically set up 2 tents for registration and late-packet pickup. At 9 am the Run/Walk begins and the route starts near the pier on E. 2nd St. and E Arctic Avenue, proceeds east on Arctic Avenue until E. 12th St, turns left on E. Cooper, left on E. 3rd Street, and then right on E. Arctic Avenue for the finish line. We will set out coolers of water on the course. At 10 am after-party festivities begin on the pier, with breakfast and a program recognizing sponsors and award-winners. In the past, Pier 101 (and previously Locklears) has donated breakfast for our participants and set up a buffet table near the restaurant. At the base of the pier we also set up 4-5 tables with more information about the Run/Walk and the American Lung Association's campaign for women's lung health, LUNG FORCE.</td>
</tr>
</tbody>
</table>

Contact Information

<table>
<thead>
<tr>
<th>Applicant's Name</th>
<th>Becca Hopkins</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant's Address</td>
<td>44-A Markfield Drive</td>
</tr>
<tr>
<td>Phone Number</td>
<td>(843) 556-8451</td>
</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:Becca.Hopkins@Lung.org">Becca.Hopkins@Lung.org</a></td>
</tr>
<tr>
<td><strong>On Site Contact Name</strong></td>
<td>Becca Hopkins</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td><strong>On Site Address</strong></td>
<td>44-A Markfield Drive</td>
</tr>
<tr>
<td><strong>On Site Cell Phone Number</strong></td>
<td>(843) 906-8110</td>
</tr>
<tr>
<td><strong>On Site Email Address</strong></td>
<td><a href="mailto:Becca.Hopkins@Lung.org">Becca.Hopkins@Lung.org</a></td>
</tr>
<tr>
<td><strong>Special Requests</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Street Closure</strong></td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Open Container Waiver</strong></td>
<td>No</td>
</tr>
<tr>
<td><strong>City Sponsorship</strong></td>
<td>No</td>
</tr>
<tr>
<td><strong>City Funds</strong></td>
<td>No</td>
</tr>
<tr>
<td><strong>If yes, how much?</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Other City Resources</strong></td>
<td>Yes</td>
</tr>
<tr>
<td><strong>If yes, explain</strong></td>
<td>We request a road closure from 8:40 am to 10:15 am on E. Arctic Ave. between Center St. and 2nd St. As we have done in the past, we will have a timing pad on the ground and a blow-up archway that will be blocking that part of the block. We will have designated staff and volunteers at the race start/finish line, major intersections (E 12th/E Ashley; E 3rd/E Ashley) and at other various parts of the route. We would like to request the use of one Folly Beach police officer to assist our staff at the race start and then move to the intersection of E 3rd / E Ashley. Last year we had an ambulance stationed at E 12th/ E Ashley.</td>
</tr>
<tr>
<td><strong>Acknowledgments</strong></td>
<td>I agree that, if this event is cancelled by the City of Folly Beach due to circumstances beyond the control of the City, such as acts of God or verifiable emergencies, my only recourse is either to reschedule the event or to receive a refund of any funds paid to the City, and I further agree that the City shall not be liable to me for any losses, damages, obligations, liabilities, and expenses that may directly or indirectly arise from the cancellation of the event.</td>
</tr>
<tr>
<td></td>
<td>RH</td>
</tr>
</tbody>
</table>
I acknowledge receiving a copy of “Rules for All Special Events.”

RH

I understand that Section 154.06(I) requires insurance for events involving “high risk” activities, including, among other activities: fireworks, jump castles, mechanical or animal rides, trampolines, petting zoos, and bungee cords or other activities involving rebounding equipment.

RH

Signature

Date

01/16/2019

Received by Municipal Clerk: ____________________________

Approved by: City Council: ____________________________

Date: ____________________________

Date: ____________________________
Start at 2nd E & E. Arctic

Left onto E. 12th, north to E. Cooper

Left onto E. 3rd, back to E. Arctic, right on E. Arctic

Finish at the entrance to the pier

Applicable fees: Road closures, police officers, and other City services
## INVOICE

**DATE:** 1/22/19

**TO:**
American Lung Association  
44-A Markfield Drive  
Charleston, SC 29407

**FOR:**
LUNG FORCE Run/Walk  
Saturday 11/9/19

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Closure</td>
<td>150.00</td>
</tr>
<tr>
<td>2 Officers 3 hrs. @ $50/hr</td>
<td>300.00</td>
</tr>
</tbody>
</table>

**TOTAL** 450.00

Make all checks payable to **City Of Folly Beach**
Payment is due within 30 days.
If you have any questions concerning this invoice, contact Colleen Jolley at 843-513-1836 or cjolley@cityoffollybeach.com

Thank you!
# 2019 Surfing Contest Schedule

**Southern South Carolina District—SSC**

*Eastern Surfing Association—Celebrating 50+ Years 1967–2019!!!*

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
<th>Event Description</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>16-17</td>
<td>Ice Box Open—OCEAN SURF SHOP</td>
<td>THE WASHOUT</td>
</tr>
<tr>
<td></td>
<td>23-24, March 2-3, 9-10</td>
<td>On Call Event, 1 Day Only</td>
<td>Folly Beach</td>
</tr>
<tr>
<td>April</td>
<td>13-14</td>
<td>Points Contest #1</td>
<td>THE WASHOUT</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Folly Beach</td>
</tr>
<tr>
<td>April-May</td>
<td>TBD</td>
<td>John Kalagian Team Challenge Shortboard, Longboard</td>
<td>THE WASHOUT</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Folly Beach</td>
</tr>
<tr>
<td>May</td>
<td>2-5</td>
<td>ESA Mid Atlantic Regionals</td>
<td>JENNETTES PIER</td>
</tr>
<tr>
<td></td>
<td></td>
<td>By Invitation Only</td>
<td>Nags Head, NC</td>
</tr>
<tr>
<td>May</td>
<td>18-19</td>
<td>Points Contest #2 Sponsored by: OCEAN SURF SHOP</td>
<td>THE WASHOUT</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Folly Beach</td>
</tr>
<tr>
<td>June</td>
<td>1-2</td>
<td>Folly Beach Wahine Classic</td>
<td>THE WASHOUT</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Contest Director: Patti Noe- <a href="mailto:patti@follywahine.org">patti@follywahine.org</a></td>
<td>Folly Beach</td>
</tr>
<tr>
<td>June</td>
<td>15-16</td>
<td>Points Contest #3 Sponsored by: Parrot Surf Shop</td>
<td>THE WASHOUT</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Folly Beach</td>
</tr>
<tr>
<td>July</td>
<td>6-7</td>
<td>DJ McKeVlin's Gromfest 18 &amp; Under Shortboard &amp; Longboard Contest</td>
<td>THE WASHOUT</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Folly Beach</td>
</tr>
<tr>
<td>August</td>
<td>3-4</td>
<td>THE SOUTH CAROLINA GOVERNOR'S CUP of SURFING</td>
<td>THE WASHOUT</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Presented by SSC-ESA Points Contest #4</td>
<td>Folly Beach</td>
</tr>
<tr>
<td>August</td>
<td>22</td>
<td>Surfer's Healing, A Foundation for Autism</td>
<td>THE PIER</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Folly Beach Surf Camp, <a href="mailto:surfershealingfolly@gmail.com">surfershealingfolly@gmail.com</a></td>
<td>Folly Beach</td>
</tr>
<tr>
<td>August</td>
<td>24-25</td>
<td>Contest Make Up Date/Surf Challenge</td>
<td>THE WASHOUT</td>
</tr>
<tr>
<td>September</td>
<td>15-21</td>
<td>THE EASTERNs</td>
<td>JENNETTE'S PIER</td>
</tr>
<tr>
<td></td>
<td></td>
<td>ESA Surfing Championships By Invitation Only</td>
<td>Nags Head, NC</td>
</tr>
<tr>
<td>October</td>
<td>12-13</td>
<td>Joe Hiller Longboard Classic</td>
<td>ISLE of PALMS Pier</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sponsored by MEX 1</td>
<td>County Park IOP</td>
</tr>
</tbody>
</table>

**SSC-ESA District Director** ---- Marshall DePass 843-200-4653 iopmarshall@aol.com

**Membership/Contest Director** ---- Tanja DePass 843-200-8265 depasstanjasscesa@gmail.com

MAILING ADDRESS: 28 26th Ave. Isle of Palms, S.C. 29451 ssc@surfesa.org

JOIN US ON FACEBOOK(search SSC-ESA) SSC WEBSITE-- www.ssc.surfesa.org
CITY OF FOLLY BEACH

ORDINANCE 07-19

AN ORDINANCE AMENDING CHAPTER 151 (BEACH PRESERVATION AND CONSTRUCTION PROVISIONS) OF THE FOLLY BEACH CODE OF ORDINANCES, SECTION 151.25 (DUNE WALKOVERS) BY AMENDING THE REQUIREMENTS FOR WALKOVERS

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 stuck through, new material in red:

SECTION 151.25 DUNE WALKOVERS.

To protect the integrity of the front dune and to mitigate intrusion into ocean views from adjacent beachfront property, the following standards shall apply to the construction of new and replacement dune walkovers. These standards shall apply in addition to any and all regulations promulgated by the State Office of Ocean and Coastal Resources Management for dune walkovers incidental to residential uses on Folly Beach.

(A) Dune walkovers shall not be wider than six feet.

(B) Dune crossovers shall not be built more than three feet higher than required by beachfront management regulations, floodplain management standards, or other applicable requirements, or, in the absence of such requirements, no more than three feet above grade, excepting stairs and handicap access ramps leading to the first heated floor of the primary structure on the lot.

(C) Observation decks shall be limited to 35 square feet in area. These may include beaches, light storage, and other appurtenant features in accordance with OCRM and/or city floodplain management standards.

(D) Observation decks shall not be covered, roofed, or provided with any overhead structure.

(Ord. 05-06, passed 1-24-06)

ADOPTED this 11th day of February 2019, at Folly Beach, South Carolina.

Ayes: _______ Nays: _______ Abstains: _______

_____________________________ ______________________________
Municipal Clerk Tim Goodwin, Mayor
ORDINANCE 14-18

AN ORDINANCE AMENDING CHAPTER 150 (BUILDING REGULATIONS) OF THE FOLLY BEACH CODE OF ORDINANCES, SECTION 150.007 (FEES) BY AMENDING THE DEMOLITION FEES.

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 150.007 FEES

(A) Building permit. All construction (new and remodeling and repairs) shall require a permit to include docks, retaining-walls, sea walls, fences, pools, septic tank installations and/or repairs. (To obtain a permit the applicant must either be the owner of the property and the primary resident, or a South Carolina State Licensed Contractor (exceptions to the requirement to be a State Licensed Contractor: floor covering, painting/caulking and wall papering, drywall repairs, replacing screens/screen doors, pressure washing and routine interior and exterior cleaning). For example, owners of rental property may pull permits for the exceptions listed above.)

(1) Changes to the exterior of the property may require a sign off from the Zoning Administrator. Changes to the exterior of commercial properties may need approval from the Design Review Board at the discretion of the Zoning Administrator.

(2) All permit cards will be displayed onsite and must be visible from the public right-of-way at the access to the property.

(B) Zoning permit. The zoning permit fee shall be needed for all new residential and commercial construction, rebuilds and construction that would change the footprint of the existing structure. The cost of each zoning permit shall be $100.

(C) Permit fees. All permit fees, whether single family or multi-family, shall be calculated on a per residential unit basis.

(D) Senior citizens. Senior citizens applying for permits in this section shall be given a 10% discount if the citizens meet all of the criteria below:

(1) Senior citizen is 65 years or older;
(2) Senior citizen is the owner or co-owner of the premises for which a permit is issued, or a fee is paid; and

(3) Senior citizen is a permanent resident, living full-time at the premises or the premises is a second home for the senior citizen for which the permit is issued or a fee is paid.

**Total valuation  Fee (building permits, mechanical permits, and repair permits)**

<table>
<thead>
<tr>
<th>Total valuation</th>
<th>Fee for the first $1,000 plus $7.50 for each additional $1,000 or fraction thereof, to and including $50,000.</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,000 and less</td>
<td>$10 filing fee (no charge for owner of the property), if inspection is required, a $50 fee for each inspection shall be charged.</td>
</tr>
<tr>
<td>$1,001 to $50,000</td>
<td>$50 for the first $1,000 plus $7.50 for each additional $1,000 or fraction thereof, to and including $50,000.</td>
</tr>
<tr>
<td>$50,001 to $100,000</td>
<td>$370 for the first $50,000 plus $6.50 for each additional $1,000 or fraction thereof, to and including $100,000.</td>
</tr>
<tr>
<td>$100,001 to $500,000</td>
<td>$710 for the first $100,000 plus $5.50 for each additional $1,000 or fraction thereof, to and including $500,000.</td>
</tr>
<tr>
<td>$500,001 and up</td>
<td>$2,445 for the first $500,000 plus $4 for each additional $1,000 or fraction thereof.</td>
</tr>
</tbody>
</table>

(E) **All other permits.**

(1) The permit fee for electrical installation shall be: 100 AMP: $30; 200 AMP: $50. Permit fees for electrical installations over 200 AMP shall be $25 per 100 AMP. Repairs shall be based on cost of the work and the permit fee shall be on the regular valuation fee schedule as shown above.

(2) The permit fee for plumbing work or repair shall be $4.50 per fixture.

(3) The permit fee for natural gas work or repairs shall be: gas piping at one location - total fees unless additional or replacement work, one to four outlets inclusive $15, additional outlets at $3.

(4) **Demolition permits.**

(1) Permits for the partial or complete demolition of any structure within the City shall be issued only after the age of the structure or portion of the structure proposed to be demolished is established by the following evidence:

(a) A Certificate of Occupancy.

(b) A building permit clearly describing the address of the building or addition and, where applicable, the nature of any addition authorized by the permit.

(c) A property tax bill or property record card from Charleston County describing the address and nature of improvements to the site.
(d) A report from an architect or engineer licensed in the State of South Carolina with an estimated construction date based on materials, styles, building methods or any other relevant criteria.

(2) For the partial or complete demolition of any building or structure in sound condition constructed less than 50 years prior to the date of application for demolition, the fee shall be $100.

(3) For the demolition of any residential or commercial structure in sound condition and constructed more than 50 years prior to the date of application for demolition:

   (a) The fee shall be $100 for partial demolition of additions made less than 50 years prior to the date of application for demolition provided that the applicant provides documentation of the construction dates of the areas to be demolished.

   (b) The fee shall be $5,000 for complete demolition.

(4) The fee for demolition of any of the following structures shall be $100:

   a) Any residential or commercial structure that has been inspected by the Building Official and deemed to be a threat to the safety, health, and welfare of the public.

   b) Any residential or commercial structure which has been certified by an architect or engineer licensed in the State of South Carolina to be structurally unsound, non-compliant with current building and fire codes in effect for development within the City, or by virtue of an elevation certificate, has been shown to be non compliant with the required flood elevation and for which the cost of compliance whether individually or cumulatively exceeds 50% of the appraised value of the structure.

   d) Any accessory structure.

(5) For the moving of any building or structure, the fee shall be $100.

(F) Application fee.

(1) There shall be an application fee for each building permit as follows:

   Under $1,000    $10 unless owner of the property

   $1,000 to $5,000 $50

   Over $5,000      $100

(G) Additional inspections; fees. When extra inspections are made necessary for reasons of defective work or otherwise through fault or error on the part of the permit holder, or on the part of his or her employees after the notice has been given in writing by the Building Official setting forth the violation, only one extra inspection shall be made under the regular permit fees, and for each and every visit or inspection for which the permit holder or his or her employee is entirely
responsible, additional fees shall be charged in accordance with the fee schedule adopted by the City Council.

(H) **Plan review fees.** There shall be a plan review charge on all construction over $1,000 of 50% of the permit fee.

(I) **Flood plain management fees.** There shall be 1% FPMF fee charged on all new construction or substantial improvement (over 50% of the value of the structure) not to exceed $50.

(J) **Penalties.** Where work for which a permit is required by this code is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein. If a citation is issued it will be based on 10.99 General Penalty.

*Editor’s Note:*

*These fees derive from Appendix B of the International Residential Code, as published by the International Code Council.*

**ADOPTED** this 11th day of February 2019, at Folly Beach, South Carolina.

Ayes: _______ Nays: _______ Abstains: _______

__________________________  __________________________
Municipal Clerk Tim Goodwin, Mayor
ORDINANCE 07-19

AN ORDINANCE AMENDING CHAPTER 151 (BEACH PRESERVATION AND CONSTRUCTION PROVISIONS) OF THE FOLLY BEACH CODE OF ORDINANCES, SECTION 151.25(DUNE WALKOVERS) BY AMENDING THE WALKOVERS

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 stuck through, new material in red:

SECTION 151.25 DUNE WALKOVERS.

To protect the integrity of the front dune and to mitigate intrusion into ocean views from adjacent beachfront property, the following standards shall apply to the construction of new and replacement dune walkovers. These standards shall apply in addition to any and all regulations promulgated by the State Office of Ocean and Coastal Resources Management for dune walkovers incidental to residential uses on Folly Beach.

(A) Dune walkovers shall not be wider than six feet.

(B) Dune crossovers shall not be built more than three feet higher than required by beachfront management regulations, floodplain management standards, or other applicable requirements, or, in the absence of such requirements, no more than three feet above grade, excepting stairs and handicap access ramps leading to the first heated floor of the primary structure on the lot.

(C) Observation decks shall be limited to 35 square feet in area. These may include beaches, light storage, and other appurtenant features in accordance with OCRM and/or city floodplain management standards.

(D) Observation decks shall not be covered, roofed, or provided with any overhead structure.

(Ord. 05-06, passed 1-24-06)

ADOPTED this 11th day of February 2019, at Folly Beach, South Carolina.

Ayes: _____ Nays: _____ Abstains: ________

__________________________  __________________________
Municipal Clerk     Tim Goodwin, Mayor
ORDINANCE 08-19

AN ORDINANCE AMENDING CHAPTER 152 (FLOOD DAMAGE PREVENTION) OF THE FOLLY BEACH CODE OF ORDINANCES, SECTIONS 152.05 (DEFINITIONS), 152.25 (GENERAL STANDARDS), AND 152.26 (SPECIFIC STANDARDS) BY INCREASING THE REQUIRED FREEBOARD ELEVATION FROM ONE TO TWO FEET.

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 stuck through, new material in red:

SECTION 152.05 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FREEBOARD. A factor of safety usually expressed in feet above a flood level for purposes of flood plain management intended to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed. The freeboard requirement also applies to utilities. The freeboard requirement for the City of Folly Beach is one foot two feet above BFE.

SECTION 152.25 GENERAL STANDARDS.

In all areas of special flood hazard, all permits for new construction and substantial improvement must be reviewed to determine whether proposed structures will be reasonably safe from flooding. Additionally, the following provisions are required:

(A) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(B) (1) Manufactured homes shall be anchored to prevent flotation, collapse or lateral movement.

(2) Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors.

(3) This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

(C) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
(D) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

(E) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the base level plus one foot two feet.

(F) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(G) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(H) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(I) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this chapter, shall meet the requirements of “new construction,” as contained in this chapter.

(J) Noncompliant buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this chapter. Provided, however, nothing in this chapter shall prevent the repair, of an existing building or structure located totally or partially within the floodway, provided that the bulk of the building or structure below base flood elevation in the floodway is not increased and provided that such repair meets all of the other requirements of this chapter.

(K) All new and substantially improved critical development shall be elevated to the 500-year flood elevation or be elevated to the highest known historical flood elevation (where records are available), whichever is greater. If no data exists establishing the 500-year flood elevation or the highest known historical flood elevation, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates 500-year flood elevation data.

(L) All gas or liquid storage tanks, either located above ground or buried, shall be anchored to prevent flotation and lateral movement resulting from hydrodynamic and hydrostatic loads.

(M) All new construction and substantial improvements must meet the Americans with Disabilities Act (ADA) requirements including specific ADA requirements for construction in the floodplain. The ADA shall not be used as justification for the issuance of a variance or otherwise waiving floodplain construction requirements. The cost of applicable ADA improvements shall be included in calculating the threshold of substantial improvement.

(95 Code, § 5-4-18) (Am. Ord. 05-97, passed 4-1-97; Am. Ord. 24-99, passed 9-14-99; Am. Ord. 01-00, passed 2-22-00; Am. Ord. 22-16, passed 9-13-16; Am. Ord. 21-17, passed 7-11-17)

SECTION 152.26 SPECIFIC STANDARDS.

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in 152.07 or 150.20, the following provisions are required:

(A) Residential construction.
(1) New construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one foot two feet above the base flood elevation.

(2) Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood water shall be provided in accordance with standards of 152.41.

(B) Nonresidential construction.

(1) New construction and substantial improvement of any commercial, industrial or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one foot two feet above the base flood elevation. Commercial buildings located in all A-zones may be floodproofed in lieu of being elevated provided that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A flood proofing certificate must be submitted to the Building Official certified by a licensed South Carolina architect or engineer prior to occupation of the structure.

(2) A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. The certification shall be provided to the official as set forth in 152.41.

(3) This section does not raise the height restriction.

(4) Structures that are floodproofed are required to have an approved maintenance plan with an annual review. The local floodplain administrator must approve the maintenance plan and be provided with a notification of the annual review.

ADOPTED this 11th day of February 2019, at Folly Beach, South Carolina.

Ayes: _______ Nays: _______ Abstains: _______

_________________________ ________________________
Municipal Clerk Tim Goodwin, Mayor
CITY OF FOLLY BEACH

1st Reading: January 8th, 2019
2nd Reading: February 11th, 2019

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

ORDINANCE 09-19

AN ORDINANCE AMENDING CHAPTER 151 (BEACH PRESERVATION AND CONSTRUCTION PROVISIONS) OF THE FOLLY BEACH CODE OF ORDINANCES, SECTION 151.23(CONSTRUCTION STANDARDS FOR BULKHEADS, SEAWALLS, AND REVETMENTS BY AMENDING THE STANDARDS FOR SEAWALLS AND BULKHEADS.

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 stuck through, new material in red:

SECTION 151.23 CONSTRUCTION STANDARDS FOR BULKHEADS, RIPRAP, SEAWALLS AND REVETMENTS.

(A) For the purposes of the section the following definitions shall apply:

**BULKHEAD**, a vertical erosion control device installed on high ground which is adjacent to the marsh front critical line as defined by OCRM.

**RIPRAP**, sloping material installed in front of a bulkhead on the side of the bulkhead facing the marsh front critical line as defined by OCRM.

**SEAWALL**, a vertical erosion control device installed on high ground which is adjacent to the oceanfront baseline as defined by OCRM.

**REVETMENT**, sloping material installed seaward of a seawall facing the oceanfront baseline as defined by OCRM.

__(A) (1) (B)__ The following minimum construction standards are enacted.

(2) (1) All erosion control structures placed in the beach and sand dune critical areas, wholly or partly within the Dune Management Area or the setback from the critical line must be maintained in an intact usable condition or removal may be sought at the owners expense.

(2) New or substantially improved seawalls and associated revetments on the beach constructed after March 1, 2019 and placed wholly or partly within the Dune Management Area must be constructed so that the top of the vertical seawall is at an elevation of 8’ NAVD ’88. Any portion of the Dune Management Area disturbed for the
repair of an existing seawall or the construction of a new or substantially improved seawall after March 1, 2019 shall be filled such that the finished grade of the area of disturbance is at an elevation of 10’ NAVD ’88 and planted with appropriate vegetation as designated by the Building Official.

(3) New or substantially improved bulkheads and associated riprap constructed along the marsh after March 1, 2019 and placed wholly or partly within the required setback from the critical line must be constructed so that the top of the vertical bulkhead is no higher than the adjacent grade on the landward face. Any portion of the critical line setback disturbed for the repair of an existing bulkhead or the construction of a new or substantially improved bulkhead after March 1, 2019 shall be filled such that the finished grade of the area of disturbance is at an elevation similar to the grade on the landward side and planted with appropriate vegetation as designated by the Building Official.

(4) Construction of bulkheads, seawalls, and revetments as well as the placement of riprap shall require a permit from the City and proof of location behind the SCDHEC OCRM critical line or baseline in the form of an as built current showing a certified baseline or critical line as applicable.

(5) No portion of a bulkhead, riprap, seawall, or revetment shall be placed seaward of the baseline or beyond the critical line without approval of SCDHEC OCRM.

(6) Bulkheads, riprap, and seawalls, and revetments shall either be designed by a professional engineer, registered in the state or and shall meet the following minimum standards:

(a) **Bulkheads and seawall requirements.**

1. **Materials.**
   i. Reinforced concrete six inches thick designed with adequate reinforcement to achieve a 3,000 psi 28-day strength.
   ii. Pressure treated wood three inches by ten inches or three inches by 12 inches tongue and groove, or a double thickness of two inches sheeting with staggered joints is acceptable for walls with a standing height of under four feet.

2. **Depth of embedment.** The depth of embedment of a bulkhead shall be at least equal the height of the wall above the ground. An allowance should be made to account for erosion scour after construction.

3. **Tiebacks.** Tiebacks shall be located at a spacing of eight feet or less and attached to secure anchors capable of withstanding a 2,000-pound pull. Tiebacks may be deleted if a revetment is placed seaward of the bulkhead.

4. **Backfill.** The bulkhead will be backfilled with a compacted clean granular material to provide adequate support. “Clean” shall mean no metal, wood or glass.

5. **Protection from flanking.** Bulkheads will either tie into adjacent bulkheads or will have an adequate return wall meeting the same requirements as the seaward wall.

6. **Seawalls.** No new vertical unfaced seawall shall be allowed on the ocean front. Any new vertical seawall surface must be faced with a sloping revetment.

(b) **Revetments.**
1. **Materials.** Broken pavement, blocks or bricks are not acceptable materials for the outer layer of a revetment. However, they may be used for under layers. The outside of a revetment shall consist of at least two layers of armor stones whose pieces shall range in weight from a minimum of ten pounds to a maximum of 250 pounds; at least 60% shall weigh more than 150 pounds.

2. **Construction.** Revetments shall be underlain with a commercial grade porous filter cloth designed for ocean erosion control and approved by the Building Official (i.e. Phillips 66 stock or equal), and placed on a slope no steeper than one vertical to two horizontal. The toe at the revetment shall extend at least two feet below the existing beach elevation and the ends shall be protected from flanking.

   (c) **Riprap.**

   1. **Materials.** Broken pavement, blocks or bricks are not acceptable materials for riprap.

   2. **Design.** Riprap placement must be designed by a licensed marine contractor or a designed professional registered in the State of South Carolina.

   (B) (C) (1) Adherence to these minimum standards will not guarantee that the bulkhead, riprap, seawall or revetment will withstand wave or tide forces or that it will protect against beach erosion.

   (2) These standards are to prevent unsightly and inferior structures that would have little or no chance of success, and could possibly become a hazard or nuisance on the beach.

   ('95 Code, § 5-3-22) (Ord. 83-10, passed 8-2-83; Am. Ord. 83-18, passed 1-3-84; Am. Ord. 84-29, passed 12-18-84; Am. Ord. 02-05, passed 1-25-05; Am. Ord. 10-15, passed 8-11-15)

**SECTION 151.24 SPECIAL REQUIREMENTS FOR CONSTRUCTION SEAWARD OF THE BASELINE OF FRONT BEACH LOTS.**

If an applicant requests to build or rebuild a structure, other than an including an erosion control structure or device, seaward of the proposed baseline that is not allowed otherwise, the City may issue a special permit to the applicant authorizing the construction or reconstruction upon verification from SCDHEC OCRM that the structure has received approval from the State. if the The structure is shall not be constructed or reconstructed on a primary oceanfront sand dune or on the active beach. and, if the beach erodes to the extent the permitted structure becomes situated on the active beach, the permittee agrees to remove the structure from the active beach. However, the use of the property authorized under this provision, in the determination of the city, must not be detrimental to the public health, safety, or welfare.

(Ord. 28-98, passed - - 98)

*ADOPTED* this 11th day of February 2019, at Folly Beach, South Carolina.

Ayes: _______ Nays: _______ Abstains: _______

______________________________________________
Municipal Clerk

______________________________________________
Tim Goodwin, Mayor
ORDINANCE 12-19
AN ORDINANCE AMENDING CHAPTER 150 (BUILDING REGULATIONS) OF THE FOLLY BEACH CODE OF ORDINANCES BY AMENDING SECTION 150.120 (BUILDING OFFICIAL ESTABLISHED; DUTIES) BY REQUIRING AN AS BUILT SURVEY BEFORE THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR NEW AND SUBSTANTIALLY IMPROVED STRUCTURES

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 150.120 BUILDING OFFICIAL ESTABLISHED DUTIES

(B) Duties.

(1) The Building Official is hereby appointed to administer and implement the provisions of this chapter. ('95 Code, § 5-4-14)

(2) Duties of the Building Official shall include, but not be limited to:

(a) Review all development permits to assure that the permit requirements of this chapter have been satisfied;

(b) Advise the permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of the permits be provided and maintained on file with the development permit;

(c) Notify adjacent communities and the State Coastal Council prior to any alteration or relocation of a watercourse, and submit evidence of the notification to the Federal Emergency Management Agency;

(d) Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished;

(e) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with 152.41; and

(f) Verify that the height; lot coverage; heated square footage; and setbacks from property lines, the SCDHEC Critical Line, and the SCDHEC OCRM Baseline as required by zoning regulations are met. The Building Official shall require as-built certification in the form of a site plan from a registered professional surveyor, engineer, or architect that any new or substantially improved structure meets the applicable zoning requirements prior to the issuance of a certificate of occupancy (C.O.).

(g) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed, in accordance with 152.41.
1. In coastal hazard areas, certification shall be obtained from a registered professional engineer or architect that the buildings is designed to be securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.

2. In coastal high hazard areas, the Building Official shall review plans for adequacy of breakaway walls in accordance with 151.26.

3. When floodproofing is utilized for a particular building, the Building Official shall obtain certification from a registered professional engineer or architect, in accordance with 151.26.

4. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Building Official shall make the necessary interpretation as provided in this chapter. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.

5. When base flood elevation data or floodway data have not been provided in accordance with 151.07, then the Building Official shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of 151.25.

6. Before a certificate of occupancy is issued for the structure, the Building Official shall inspect the premises to assure that the requirements of this chapter have been met.

7. All records pertaining to the provisions of this chapter shall be maintained in the Office of the Building Official and shall be open for public inspection.

(‘95 Code, § 5-4-16) (Am. Ord. 37-16, passed 1-10-17)

ADOPTED this 11th day of February 2019, at Folly Beach, South Carolina.

Ayes: _____ Nays: _____ Abstains: _____

______________________________     ________________________________
Municipal Clerk      Tim Goodwin, Mayor
ORDINANCE 13-19

AN ORDINANCE AMENDING CHAPTER 150 (BUILDING REGULATIONS) OF THE FOLLY BEACH
CODE OF ORDINANCES, SECTIONS 150.005 (RESERVED), AND SECTION 150.007 (FEES) TO
REQUIRE THAT LETTERS OF COORDINATION BE REQUIRED FOR PERMITS FOR THE
CONSTRUCTION OF DOCKS IN THE CONSERVATION DISTRICT AND FOR ALL BUILDING
PERMITS ON MARSH ISLANDS.

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 stuck through, new material in red:

SECTION 150.005 RESERVED. BUILDING PERMIT REQUIRED (moved from Section 150.007)

(A) Building permit. All construction (new and remodeling and repairs) shall require a permit to
include docks, retaining-walls, sea walls, fences, pools, septic tank installations and/or repairs. (To
obtain a permit the applicant must either be the owner of the property and the primary resident, or
a South Carolina State Licensed Contractor (exceptions to the requirement to be a State Licensed
Contractor: floor covering, painting/caulking and wall papering, drywall repairs, replacing
screens/screen doors, pressure washing and routine interior and exterior cleaning). For example,
owners of rental property may pull permits for the exceptions listed above.)

(1) Changes to the exterior of a property may require a sign off from the Zoning Administrator.
Changes to the exterior of commercial properties may need approval from the Design Review Board
at the discretion of the Zoning Administrator.

(2) Permits for the construction of new docks in the Conservation Zoning District shall require
a letter of coordination with Charleston County.

(3) All building permits located on islands less than 10 acres shall require a letter of
coordination from SCDHEC confirming that the proposed developments meet all applicable State
regulations for marsh island development.

(4) All permit cards will be displayed onsite and must be visible from the public right-of-way at
the access to the property.

(B) Zoning permit. A zoning permit shall be required for all new residential and commercial
construction, including rebuilds and construction that would change the footprint or use of an
existing structure.
SECTION 150.006 STANDARD BUILDING CODE DEFINITIONS.

Section 201.1, “Definitions,” is amended by adding the following after “Wall, Bearing” and before “Wall, Cavity:”

“New Construction.” A project in which an entirely new facility is built from the ground up, including all appurtenances.

“Remodeling.” As any changes or improvements to structures and building components and systems such as partitions, floors, ceilings, ventilation, heating, cooling and lighting. It could include such work on utilities and grounds.

“Wall, Break-Away Screening. A non-bearing wall with 50 percent of the area void and evenly distributed throughout, and located between piles or columns, and shall meet the requirements of Section 2905.3.”

(‘95 Code, § 5-3-15)

SECTION 150.007 FEES.

—(A) Building permit. All construction (new and remodeling and repairs) shall require a permit to include docks, retaining walls, sea walls, fences, pools, septic tank installations and/or repairs. (To obtain a permit the applicant must either be the owner of the property and the primary resident, or a South Carolina State Licensed Contractor (exceptions to the requirement to be a State Licensed Contractor: floor covering, painting/caulking and wall papering, drywall repairs, replacing screens/screen doors, pressure washing and routine interior and exterior cleaning). For example, owners of rental property may pull permits for the exceptions listed above.)

—(1) Changes to the exterior of the property may require a sign off from the Zoning Administrator. Changes to the exterior of commercial properties may need approval from the Design Review Board at the discretion of the Zoning Administrator.

—(2) All permit cards will be displayed onsite and must be visible from the public right-of-way at the access to the property.

—(B) Zoning Permit fees. The zoning permit fee shall be needed for all new residential and commercial construction, rebuilds, and construction that would change the footprint of the existing structure. The cost of each zoning permit shall be $100.

—(C) Building Permit fees. All permit fees, whether single family or multi-family, shall be calculated on a per residential unit basis.

—(D) Senior citizens. Senior citizens applying for permits in this section shall be given a 10% discount if the citizens meet all of the criteria below:

(1) Senior citizen is 65 years or older;
(2) Senior citizen is the owner or co-owner of the premises for which a permit is issued or a fee is paid; and

(3) Senior citizen is a permanent resident, living full-time at the premises or the premises is a second home for the senior citizen for which the permit is issued or a fee is paid.

Total valuation Fee (building permits, mechanical permits, and repair permits)

$1,000 and less $10 filing fee (no charge for owner of the property), if inspection is required, a $50 fee for each inspection shall be charged.

$1,001 to $50,000 $50 for the first $1,000 plus $7.50 for each additional $1,000 or fraction thereof, to and including $50,000.

$50,001 to $100,000 $370 for the first $50,000 plus $6.50 for each additional $1,000 or fraction thereof, to and including $100,000.

$100,001 to $500,000 $710 for the first $100,000 plus $5.50 for each additional $1,000 or fraction thereof, to and including $500,000.

$500,001 and up $2,445 for the first $500,000 plus $4 for each additional $1,000 or fraction thereof.

(E) All other permits.

(1) The permit fee for electrical installation shall be: 100 AMP: $30; 200 AMP: $50. Permit fees for electrical installations over 200 AMP shall be $25 per 100 AMP. Repairs shall be based on cost of the work and the permit fee shall be on the regular valuation fee schedule as shown above.

(2) The permit fee for plumbing work or repair shall be $4.50 per fixture.

(3) The permit fee for natural gas work or repairs shall be: gas piping at one location - total fees unless additional or replacement work, one to four outlets inclusive $15, additional outlets at $3.

(4) For the demolition of any buildings or structures, the fee shall be $100.

(5) For the moving of any building or structure, the fee shall be $100.

(F) Application fee.

(1) There shall be an application fee for each building permit as follows:

Under $1,000 $10 unless owner of the property

$1,000 to $5,000 $50

Over $5,000 $100
(G) **Additional inspections; fees.** When extra inspections are made necessary for reasons of defective work or otherwise through fault or error on the part of the permit holder, or on the part of his or her employees after the notice has been given in writing by the Building Official setting forth the violation, only one extra inspection shall be made under the regular permit fees, and for each and every visit or inspection for which the permit holder or his or her employee is entirely responsible, additional fees shall be charged in accordance with the fee schedule adopted by the City Council.

(H) **Plan review fees.** There shall be a plan review charge on all construction over $1,000 of 50% of the permit fee.

(I) **Flood plain management fees.** There shall be 1% FPMF fee charged on all new construction or substantial improvement (over 50% of the value of the structure) not to exceed $50.

(J) **Penalties.** Where work for which a permit is required by this code is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein. If a citation is issued it will be based on 10.99 General Penalty.

(‘95 Code, § 5-3-16) (Ord. 07-97, passed - - 97; Am. Ord. 11-04, passed 6-22-04; Am. Ord. 01-05, passed 1-25-05; Am. Ord. 06-05, passed 3-8-05; Am. Ord. 28-06, passed 7-25-06; Am. Ord. 04-08, passed 3-11-08; Am. Ord. 19-09, passed 11-10-09; Am. Ord. 06-11, passed 3-22-11; Am. Ord. 18-13, passed 7-23-13)

**Editor's Note:**

These fees derive from Appendix B of the International Residential Code, as published by the International Code Council.

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**ADOPTED** this 11th day of February 2019, at Folly Beach, South Carolina.

Ayes: _______  Nays: _______  Abstains: _______

__________________________  ______________________
Municipal Clerk  Tim Goodwin, Mayor
ORDINANCE 11-19

AN ORDINANCE AMENDING THE FOLLY BEACH CODE OF ORDINANCES BY REPEALING CHAPTER 55 (ON-SITE SEPTIC SYSTEM MANAGEMENT) AND ENACTING CHAPTER 55 [REQUIREMENTS FOR ON-SITE SEWAGE DISPOSAL SYSTEMS (OSDS) AND SPECIALIZED ONSITE WASTEWATER SYSTEMS (SOWS)].

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

NOTE: This is a repeal and replace amendment, new material/concepts shown in red only for clarity

SECTION 55.01 INTENT.

The purpose of this chapter is to promote the health and safety of residents, visitors, and other community members by preventing the spread of diseases associated with failing on-site sewage disposal systems (OSDS), also known as septic systems; to educate the public about proper septic system operation and maintenance; to promote a quality environment in the marshes, wetlands, rivers, and beaches by reducing contamination from runoff generated by failed, poorly maintained, and eroded septic systems; and by ensuring that septic systems are properly operated, inspected, and routinely maintained.

SECTION 55.02 APPLICABILITY.

(A) This chapter shall be applicable to every owner of property that operates an OSDS or is proposing to install an OSDS. In no way do the provisions of this chapter abrogate the powers and duties of the South Carolina Department of Health and Environmental Control (DHEC) in regards to the permitting wastewater systems and enforcement of wastewater system regulations.

(B) The City of Folly Beach also allows specialized onsite wastewater systems (SOWS) designed by a registered professional engineer and SCDHEC. All owners of premises who operate SOWS with designs requiring storage tanks and alternative drain fields shall comply with the requirements set forth in this chapter. All other SOWS shall be maintained according to state standards, the approved management plan, and the product manufacturer. Property owners shall provide the City of Folly Beach a copy of the approved SCDHEC Management Plan and installation permit.

SECTION 55.03 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
**ALTERATION.** Any modernization, modification or change in the size, type, or flow of an existing on-site sewage disposal system, including but not limited to any work performed in connection with a building renovation and/or change of occupation of that building.

**BASELINE INSPECTION.** A thorough evaluation of an operating on-site sewage disposal system conducted by an inspector, as defined by this section, to determine whether the system is functioning as designed, is not exhibiting signs of failure, and is being operated properly. A pump out of the system is required for a baseline inspection to properly examine the interior of the tank and to check for leaks from the house or saturated conditions in the drainfield. Property owners must arrange with the inspector to have a licensed pumper present during the inspection.

**BEDROOM.**

(1) Any room in a residential structure which is greater than 70 square feet in area, which is susceptible to present or future use as a private sleeping area and which has:

   (a) One egress window or door per fire code;
   (b) One interior method of entry and egress, excluding closets and bathrooms, allowing the room to be closed off from the remainder of the residence for privacy; and
   (c) A closet.

(2) In determining the number of bedrooms contained in any residence, it shall be presumed that all residences contain a living room, kitchen, bathroom and at least one bedroom.

**CHANGE IN OCCUPANCY.** Refers to any single-family or duplex residential property for which the owner should apply for a business license to change the occupancy of the dwelling (such as converting to multiple-family or to short-term rental) and that is likely to result in an increase in sewage flow into the system; conversely, switching from commercial property to residential property.

**DEPARTMENT (or DPW).** The Department of Public Works, City of Folly Beach.

**DRAINFIELD.** A system of trenches or beds, or other such seepage systems approved by DHEC, designed to disperse septic tank effluent into the soil for treatment.

**FAILED SYSTEM.** Any sewage disposal system that does not adequately treat and dispose of sewage that consequently creates a public or private nuisance or threat to public health and/or environmental quality, as evidenced by, but not limited to, one or more of the following conditions:

(1) Failure to accept sanitary sewage into the building sewer system;

(2) Discharge of sanitary sewage to a basement, subsurface drain, surface drain or surface water unless expressly permitted by SCDHEC;

(3) Sanitary sewage rising to the surface of the ground over or near any part of an on-site sewage disposal system or seeping down-grade from the drainfield at any change in grade, bank or road cut;
(4) Any deterioration or damage to any on-site sewage disposal system that would preclude adequate treatment and disposal of wastewater (for example, damage from a vehicle driven over the drainfield or septic tank);

(5) A septic tank that is not constructed to be watertight (such as bottomless tank) as required to hold wastewater for primary treatment prior to discharging to a drainfield;

(6) The presence of a grease trap to which kitchen waste is discharged and which is not connected to the septic tank or drainfield;

(7) Exposure, reduction, or elimination of the drainfield area or holding through erosion;

(8) Repeated and prolonged inundation by floodwaters resulting in leakage of sewage;

(9) Water quality testing of adjacent and nearby waters that reveals an OSDS as the source of contamination.

GOOD OPERATING CONDITION. An OSDS that, upon inspection, is determined to function in a safe and sanitary manner, prohibits the discharge of untreated or partially treated wastewater onto the ground surface, into surface water, or into groundwater, and allows building plumbing to discharge properly.

GREASE TRAP. An interceptor tank used to trap grease and oils from kitchen waste. If the tank is not plumbed so that the remaining liquid enters the septic tank or a drainfield, it is in violation of this chapter.

INSPECTOR. An individual who has been approved by the Department to inspect septic systems at Folly Beach.

LICENSED INSTALLER. Any individual who holds a valid SCDHEC license for the installation and repair of OSDS. Licensed installers may hold a dual license for installation/repair and cleaning of OSDS; installers with a dual license are also classified as licensed pumpers.

LICENSED PUMPER. Any individual who holds a valid SCDHEC license to clean septic tank and self-contained toilets.

MAINTENANCE. The clearing of stoppages in pipes and the regular pump out and cleaning of any septic tank, grease trap, building sewer, distribution lines or any other component of an OSDS for the purpose of removing any accumulated liquid, scum and/or sludge without removing, replacing, or rearranging of pipes or surrounding soils. The term MAINTENANCE shall also be held to include any regularly required servicing or replacement of related mechanical, electrical or other equipment.

OCRM. The South Carolina DHEC Office of Ocean and Coastal Resource Management.

ON-SITE SEWAGE DISPOSAL SYSTEM (or OSDS). Any system of piping, tanks, drainfields, alternative toilets or other facilities designed to function as a unit to convey, store, treat and/or
dispose of sanitary sewage by means other than discharge into a public sewer system. This includes specialized on-site wastewater systems (SOWS).

**OWNER.** Any person who alone or jointly or severally with others holds legal title to any real property or has possession or control of any real property through any agent, executor, administrator trustee, or guardian of the estate of a holder of a legal title or has possession or control through any lease or purchase and sale agreement. Each such person is bound to comply with the provisions of these rules and regulations.

**REGULATION 61-56 (R.61-56) INDIVIDUAL WASTE DISPOSAL SYSTEMS.** Statewide regulation that governs the permitting, design and installation of OSDS.

**RENOVATION.** Any addition (including structural and plumbing fixtures with waste lines), replacement, demolition and reconstruction, or modification of an existing structure on the subject property that:

1. Results in an increase in sewage flow into the system; or
2. Adds bedroom(s) and/or significant water-using fixtures to the house (bathroom, hot tub, etc.).

Note: All sewage flows shall be determined in conformance with S.C. Regulation 61-56.

**REPAIR.** Work performed on an OSDS in order to mend or remedy a specific defect or deficiency after the failure, injury, deterioration, or partial destruction of a previously existing OSDS or component thereof. A **REPAIR** shall not include any alteration work performed on an existing OSDS that increases the flow capacity of the system.

**RESIDENCE.** Any structure used for housing purposes, including but not limited to single- or multiple-family dwellings, duplexes, tenements, apartment buildings, condominiums, mobile homes, recreational vehicles or trailers.

**SANITARY SEWAGE** or **WASTEWATER.** Any human or animal excremental liquid or substance, any putrescible animal or vegetable matter and/or any garbage and filth, including but not limited to any black water discharged from toilets, or grey water discharged from laundry tubs, washing machines, sinks and dishwashers, as well as the content of septic tanks or privies.

**SHORT-TERM RENTALS.** Transient vacation rentals or uses in which overnight accommodations are provided in dwelling units to guests for compensation, for periods of less than 30 days.

**SEPTIC SYSTEM.** For the purpose of this chapter, a **SEPTIC SYSTEM** is analogous to an on-site sewage disposal system (OSDS).

**SEPTIC TANK.** A watertight receptacle that receives the discharge of sanitary sewage from a building waste water system and is designed and constructed to permit the deposition of settled solids, the digestion of the matter deposited and the discharge of the liquid portion into a leaching system (such as a drainfield).
**SPECIALIZED ONSITE WASTEWATER SYSTEM (or SOWS).** An engineered OSDS permitted by DHEC pursuant to Standard 610 of Regulation 61-56.

**SECTION 55.04 ENFORCEMENT RESPONSIBILITY.**

The enforcement and management of this chapter shall be the responsibility of the City of Folly Beach Departments of Public Works (DPW) and Utilities.

**SECTION 55.05 CONSTRUCTION OF NEW STRUCTURES, SUBSTANTIAL IMPROVEMENTS, OCCUPANCY CHANGES, OR RENOVATIONS.**

A valid DHEC OSDS or SOWS permit must be submitted to the City for changes in occupancy, new construction, and substantial improvements as well as any renovation that increases the number of bedrooms. The number of bedrooms on the DHEC permit application must be determined as defined by this chapter so the system will not be undersized.

(A) **Permit required.**

(1) The number of bedrooms must correspond to the number of gallons per day of approved flow indicated on the DHEC permit application at a rate of one hundred and twenty gallons per day, per bedroom.

(2) A permit to construct the system must be issued by DHEC before construction on the structure or the septic system can begin.

(3) The proposed system must be located adjacent to the most landward SCDHEC septic setback and as landward as possible unless the property owner can demonstrate that the area is unsuitable. In no instance shall a building permit be issued for a structure for which the proposed OSDS is located with the Dune Management Area as defined by Section 164.04-04.

(B) **Certificate of final approval.** The owner must receive a DHEC certificate of final approval to operate the system before the Building Official can issue a certificate of occupancy (C.O.).

(C) **Survey required.** Any application for a change of occupancy, new construction, or substantial improvement which relies on a DHEC approved septic permit dated prior to January 1, 2007 shall require a survey which:

(1) Is stamped by a licensed SC surveyor or engineer.

(2) Shows the location of all components of the proposed OSDS.

(3) Indicates the nearest distance from any portion of the OSDS to the baseline or a critical line. Any baseline or critical line indicated the survey must be certified by SCDHEC OCRM.

(4) Clearly displays the setbacks required by SCDHEC at date of original approval of the septic permit.

(6) Shows all proposed parking areas.
SECTION 55.07 INSPECTIONS

(A) Baseline inspection required prior to sale. Prior to the sale of, any property with and OSDS or SOWS is be required to have a baseline inspection using Department approved inspectors and DPW inspection forms. The inspection shall take place no earlier than 60 days prior to the sale of any ownership interest in property. In the event that the inspection does not occur as specified prior to the sale, an inspection must be completed within 30 days of the water transfer.

(B) Baseline inspection after failure and repair. Properties with an OSDS or SOWS that has been repaired after notification of failure by the City are required to have a baseline inspection using SCHDHEC approved inspectors and DPW inspection forms. The inspection shall take place no later than 60 after the repair to the system is complete.

(C) Baseline inspections for short term rentals. Any OSDS or SOWS servicing a short term rental shall be inspected annually. Most seasonal short-term rental properties have a larger number of occupants per bedroom than the average single family dwelling creating a potential for contaminated runoff from failed or poorly maintained septic systems and the spread of diseases associated with failing onsite sewage disposal systems. Requiring seasonal short-term rental properties to have scheduled inspections, as follows, will ensure that OSDS are operated properly, inspected, and routinely maintained; thereby creating a healthier environment.

(D) Copies of inspections required. The inspector shall give a copy of the completed inspection report to the occupant, to the property owner, and to the City. A copy of the inspection report and the receipt from the pumper, must be submitted to the City within ten business days of the inspection. For sale of property, a copy of the report also shall be provided to the

SECTION 55.08 OSDS OPERATION AND MAINTENANCE.

(A) Role of City.

(1) The DPW (and/or DHEC) may conduct random site visits during inspections, pumping, repairs, or alterations to evaluate the quality of such work. The DPW (and/or DHEC) will also respond to citizen complaints with regard to OSDS services and/or inspections.

(2) The City shall inspect the beach after major erosional events and notify owners of exposed and eroded septic systems.

(3) The City shall cut off water to properties where failed systems have been identified.

(4) The City shall notify owners in situations where a failed system has been identified and documented.
If, upon receipt of a baseline inspection report than an OSDS or SOWS is determined to be a failed system as defined by this chapter, the City will notify DHEC of the failure within five 5 business days of receiving the inspection report.

The City shall maintain a record of each OSDS installed, inspected, pumped, repaired and altered.

Role of property owner.

It shall be the responsibility of the property owner to ensure that the OSDS or SOWS is operated and maintained according to its designed use and capacity, and according to the approved management plan for all SOWS.

Property owners shall provide all requested and known information about the OSDS or SOWS to the city and the inspector to facilitate locating and assessing the condition of the system.

The property owner shall maintain the OSDS or SOWS so that it is accessible for inspection and maintenance.

The property owner shall maintain the OSDS or SOWS so that it is protected from vehicular traffic and parking.

The property owner shall protect all parts of the system from erosion and prolonged inundation.

The property owner shall initiate repairs to failed systems within 15 days of notification by the City.

If, during a baseline inspection, the inspector determines that minor repairs or alterations are needed to bring the OSDS into good operating condition (such as replacing cracked lids and missing or broken tees and baffles), the property owner must complete such work within 90 days of the inspection. Evidence of said work must be submitted to the City.

If, upon receipt of a baseline inspection report than an OSDS or SOWS is determined to be a failed system as defined by this chapter, the owner will request from DHEC a failure evaluation within 15 days of receiving the inspection report. Evidence of necessary repairs must be submitted to the City 30 days of the failure evaluation. The DPW may grant the owner an extension of the time limit to complete any identified repairs.

SECTION 55.09 ENFORCEMENT; PENALTIES FOR OFFENSES.

Failure to comply with the inspection and repair provisions of this chapter will be deemed a violation of Chapter 94: Health and Sanitation; Nuisances. Penalties up to and including water cut off will be administered as per 10.99.

ADOPTED this ___ day of ____________, 2019, at Folly Beach, South Carolina.
Municipal Clerk

Tim Goodwin, Mayor
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 TO THE CURRENT 10’ 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 stuck 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 unless in conformance with the standards for the zoning district in which it is located, except that marshfront 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 other City ordinances as well as 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 162.03-03) 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 the provision of at least 15’ of street frontage. The requirement for access may be satisfied by direct frontage or platted easement.

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

66
ORDINANCE 16-19

AN ORDINANCE AMENDING CHAPTER 165 (DIMENSIONAL STANDARDS) SECTION 165.01-02 (DIMENSIONAL STANDARDS IN THE ZONING DISTRICTS), AND CHAPTER 166 (ENVIRONMENTAL STANDARDS) OF THE FOLLY BEACH CODE OF ORDINANCES, SECTION 166.04-04 (BEACH AND DUNE BUFFERS), BY ESTABLISHING A 40' DUNE MANAGEMENT AREA.

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 165.01-02 DIMENSIONAL STANDARDS IN THE ZONING DISTRICTS.

Unless otherwise specified, all principal and accessory structures in the zoning districts are subject to the dimensional standards set forth in Table 165.01, Dimensional Standards.

<table>
<thead>
<tr>
<th>ZONING DISTRICT/USE</th>
<th>LOT AREA</th>
<th>SETBACKS (2)</th>
<th>MAX. HEIGHT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Density (DU/Sq. Ft.)</td>
<td>Max. Lot Coverage</td>
<td>Min. Lot Area (Sq. Ft.)</td>
</tr>
<tr>
<td>RESIDENTIAL SINGLE-FAMILY (RSF)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All uses</td>
<td>1/10,500</td>
<td>35% of high ground</td>
<td>10,500 per dwelling</td>
</tr>
<tr>
<td>RESIDENTIAL TWO-FAMILY (RTF)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All uses</td>
<td>1/5,250 (up to 4)</td>
<td>35% of high ground</td>
<td>5,250 per dwelling</td>
</tr>
<tr>
<td>Use Type</td>
<td>L</td>
<td>P</td>
<td>F</td>
</tr>
<tr>
<td>------------------------------</td>
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<td>---</td>
</tr>
<tr>
<td><strong>RESIDENTIAL MULTI-FAMILY (RMF)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All uses</td>
<td>1/3,500 (up to 12 per acre max.)</td>
<td>35% of high ground</td>
<td>3,500 per multi-family dwelling unit</td>
</tr>
<tr>
<td><strong>DOWNTOWN COMMERCIAL (DC)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single- and two-family uses</td>
<td>1/10,500 (up to 4 per acre max.)</td>
<td>10,500</td>
<td>10 (5)</td>
</tr>
<tr>
<td>Multi-family uses</td>
<td>1/3,500 (up to 12 per acre max.)</td>
<td>3,500 per multi-family dwelling unit</td>
<td>35</td>
</tr>
<tr>
<td>Outdoor retailers</td>
<td>None required</td>
<td>2,625 per outdoor retailer</td>
<td>None</td>
</tr>
<tr>
<td>All other uses</td>
<td>N/A</td>
<td>5,250</td>
<td>None</td>
</tr>
<tr>
<td><strong>ISLAND COMMERCIAL (IC)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single- and two-family uses</td>
<td>1/10,500 (up to 4 per acre max.)</td>
<td>10,500</td>
<td>10</td>
</tr>
<tr>
<td>All other uses</td>
<td>N/A</td>
<td>5,250</td>
<td>None</td>
</tr>
<tr>
<td>USES</td>
<td>DISTRICT COMMERICAL (MC)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All other uses</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>35% (3)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>10,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>35' above BFE</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MARINE COMMERCIAL (MC)</td>
<td>Single- and two-family uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1/10,500 (up to 4 per acre max.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>35% (3)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>10,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>35, 10, 5, 10</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>35' above BFE</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CORRIDOR COMMERCIAL (CC)</td>
<td>Single- and two-family uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1/10,500 (up to 4 per acre max.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>35% (3)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>10,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>50, 10, 5, 10</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>24' above BFE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All other uses</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>35% (3)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>5,250</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>None required except when abutting RSF, RTF, or RMF; then greater of ½ structure height or 15 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>35' above BFE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CONSERVATION (CN)</td>
<td>All uses (7)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>5%</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>10,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>20, 10, 10, 25</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lesser of one story or 20' above BFE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PLANNED DEVELOPMENT (PD)</td>
<td>See 163.05</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NOTES:
Uses may also be subject to district-specific standards (Chapter 163), use-specific standards (Chapter 164), or design standards (Chapter 166) that further limit these standards.
(2) Required setbacks may be increased in accordance with the standards in 166.04-03, Marsh Buffers, and 166.04-04, Dune Management Area Beach and Dune Buffers (if applicable). Single- and two-family structures are subject to maximum floor area ratio limitations in § 166.05-03, Single-and Two-Family Design Standards (as appropriate). Multi-family uses are limited to a maximum of two stories (measured from BFE).

New development fronting Center Street shall be built to the edge of the street right-of-way, to the maximum extent practicable.

There is no minimum lot size except where required by DHEC for on-site wastewater facilities. There shall also be a setback of 25 feet from the OCRM critical line in the CN district. Setbacks in the RSF and RTF zones shall be a minimum of five and a maximum of ten feet. Eaves may extend into the required setback up to 18". HVAC platforms may extend into the required setback up to 5' on side of the structure, but cannot be located on both sides.

SECTION 166.04-04 DUNE MANAGEMENT AREA BEACH AND DUNE BUFFERS.

(A) Applicability. Development on oceanfront lots in the city shall provide and maintain an undisturbed Dune Management Area beach or dune buffers in accordance with the standards in this section, unless exempted in accordance with 166.04-04(B), Dune Management Area Exemptions.

(B) Dune Management Area Beach and Dune Buffers exemptions. The following development shall be exempt from these standards:

(1) Beach walkovers, sand fencing, boardwalks, public piers, docks, and erosion control devices, utilities, and sidewalks, provided such features are configured to minimize the impact on beach and dune areas;
(2) Plantings of bitter panic grass, sea oats, or other beach compatible vegetation approved by the Building Official;
(3) Beach compatible sand;
(4) Temporary construction activities authorized by a building permit (See 162.03-08); and
(5) Lawfully-established development, landscaping, or impervious surfaces in place prior to March 23, 2010. (However, any subsequent development, redevelopment, or land disturbing activities shall comply with the standards in this subsection to the maximum extent practicable).

(C) Standards.

(1) All development shall maintain a minimum setback of forty (40) feet buffer from the Perpetual Easement Line or, where no Perpetual Easement Line exists, the OCRM Baseline. Renourishment line equal to or greater than 0.067% of the lot's street frontage distance. For the purposes of this subsection, Renourishment Perpetual Easement Line shall mean the landward edge of the federal beach renourishment project as defined by the Army Corps of
Engineers, beach/dune system critical area beyond which structures are prohibited as identified by the Office of Ocean and Coastal Resources Management (OCRM).

(2) Regardless of an oceanfront lot's street frontage, in no instance shall the beach/dune buffer have a width less than five linear feet.

(3) Except for development or land disturbing activity exempted in accordance with § 166.04-04(B), Beach and Dune Buffer Exemptions, the beach/dune buffer shall remain undisturbed during and after the development process.

(2) Mitigation of the Dune Management shall be required in the event of unauthorized disturbance of the Dune Management Area or prior to the issuance of a Certificate of Occupancy for new construction or substantial improvement of a structure located on a lot that is bounded by the PEL or the OCRM Baseline where no PEL exists. Mitigation shall consist of:

   (a) raising any area within the first ten linear feet landward of the PEL or Baseline that is below an 8’ NAVD88 elevation to an elevation of 10’ NAVD88; and

   (b) planting any non-vegetated area with appropriate beach compatible vegetation as approved by the Building Official.

   (c) In previously-eroded areas, The Building Official is authorized to designate a more landward area of mitigation.

(3) No permit shall be issued for any new structure which proposes the use of a septic system which is located wholly or in part within Dune Management Area.

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

Ayes: _____ Nays: _____ Abstains: ________

______________________________     _________________________
Municipal Clerk                  Tim Goodwin, Mayor
RESOLUTION 02-19
A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL AUTHORIZING CITY STAFF TO ACQUIRE REPLACEMENT PARKING ENFORCEMENT/BEACH PATROL CARTS FROM EXCESS SALE OF ASSET REVENUES (GL ACCOUNT 10-4600-5000).

WHEREAS,  The previous Parking Enforcement/Beach Patrol Carts were deteriorated and no longer serviceable; and

WHEREAS,  The Department of Public Safety has acquired excess funds from the sale of these deteriorated assets and desires to use these funds to replace them; and

WHEREAS,  The FY2019 General Fund budget projected $5,000 in revenue from the sale of assets for the fiscal year, and the current Sale of Asset revenues received to date are $13,832.20.

NOW THEREFORE LET IT BE RESOLVED, by the City Council of Folly Beach, South Carolina, that staff is authorized to use the excess revenue of $8,832.20 from the Sale of Assets (GL Account 10.4600.5000) to provide for the replacement of the Parking Enforcement/Beach Patrol Carts.

RATIFIED this 11th day of February 2019 at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

________________________________________   ________________________________
Municipal Clerk                                           Tim Goodwin, Mayor
RESOLUTION 10-19

A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL AUTHORIZING THE CITY OF FOLLY BEACH TO PARTICIPATE IN LITIGATION SEEKING A DECLARATORY JUDGMENT REGARDING THE STATE’S OWNERSHIP OF PREVIOUSLY-ERODED PROPERTY

WHEREAS, The State Constitution of South Carolina provides “all navigable waters shall forever remain public highways free to the citizens of the state and the United States” (Article XIV, Section 4); and

WHEREAS, The “Public Trust Doctrine” dictates that the State of South Carolina owns all land seaward of mean high water to be held in trust for the public’s use and benefit; and

WHEREAS, State environmental groups and several Folly Beach property owners seek a court declaration that sand fill, renourishment, and other “avulsive” events do not alter the existing mean high water boundary between private property and state-owned public trust, an interpretation consistent with other states; and

WHEREAS, The City wishes to participate in this litigation to safeguard and preserve our interest in the outcome as it relates to zoning and beach setbacks, and to provide for predictable results in its administration of these authorities.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, South Carolina

That the City of Folly Beach join the South Carolina Environmental Law Project (SCELP) litigation to seek a declaratory ruling regarding the state’s ownership of eroded land that is restored by sand placement and renourishment. Such participation is conditioned on there being no expense to the City, including attorney’s fees or other financial involvement or commitment for the litigation.

The Mayor is authorized to execute client agreements and other documents necessary to participate as a party in the SCELP litigation.

RATIFIED this 11th day of February 2019 at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

__________________________________
Municipal Clerk

__________________________________
Tim Goodwin, Mayor
RESOLUTION 11-19

A RESOLUTION BY THE FOLLY BEACH CITY COUNCIL AUTHORIZING THE PARK FOLLY BEACH PROGRAM TO EXPEND UP TO $100,000 FROM EXCESS PARKING REVENUE ON NEW PARKING MACHINES FOR THE PAID PARKING LOTS.

WHEREAS, City Council awarded the paid parking contract to Lanier Parking to operate the “PARK Folly Beach” program in the City's paid parking lots with the intent of increasing the number of parking payment machines; and

WHEREAS, The “PARK Folly Beach” program proposes to expend $100,000 to purchase and install 17 additional Parkeon brand machines, as well as to relocate several existing Luke brand machines to less heavily used lots and retrofit them with solar panels; and

WHEREAS, The FY 18-19 Operating Budget allocated $23,000 for the purchase of new machines and projected parking revenue of $210,000 for the year; and

WHEREAS, As of December 31, 2018, the paid parking program has generated $195,000 in revenue and based on last year’s revenue, it is likely that we can expect an additional $150,000 in revenue leaving $135,000 in revenue over budget projection.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Folly Beach, South Carolina, that the Administration is transfer $100,000 to PARK Folly Beach for the purchase and installation of 17 new machines and the relocation of existing parking machines.

RATIFIED this 11th day of February, 2019, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

___________________________________   ________________________________
Municipal Clerk                                          Tim Goodwin, Mayor