



CITY OF FOLLY BEACH

1st Reading:
2nd Reading:

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

ORDINANCE 16-19

AN ORDINANCE AMENDING CHAPTER 165 (DIMENSIONAL STANDARDS) SECTION 165.01-02 (DIMENSIONAL STANDARDS IN THE ZONING DISTRICTS), CHAPTER 166 (ENVIRONMENTAL STANDARDS) OF THE FOLLY BEACH CODE OF ORDINANCES, SECTIONS 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 165.01: DIMENSIONAL STANDARDS (1)								
ZONING DISTRICT/USE	LOT AREA				SETBACKS (2)			MAX. HEIGHT
	Density (DU/Sq. Ft.)	Max. Lot Coverage	Min. Lot Area (Sq. Ft.)	Min. Lot Width (Ft.)	Front (Ft.)	Each Side (Ft.)	Rear (Ft.)	
RESIDENTIAL SINGLE-FAMILY (RSF)								
All uses	1/10,500	35% of high ground	10,500 per dwelling	70	10	14.3% of lot width (8)	10	35' above BFE
RESIDENTIAL TWO-FAMILY (RTF)								
All uses	1/5,250 (up to 4 per acre max.)	35% of high ground	5,250 per dwelling	70	10	14.3% of lot width (8)	10	35' above BFE

RESIDENTIAL MULTI-FAMILY (RMF)										
All uses	1/3,500 (up to 12 per acre max.)	35% of high ground	3,500 per multi- family dwelling unit	70	10	5	10	24' above BFE (4)		
DOWNTOWN COMMERCIAL (DC)										
Single- and two- family uses	1/10,500 (up to 4 per acre max.)	50% of high ground (3)	10,500	35	10 (5)	5	10	35' above BFE (4)		
Multi- family uses	1/3,500 (up to 12 per acre max.)		3,500 per multi- family dwelling unit						None required (5)	None required except when abutting RSF, RTF or RMF; then greater of ½ structure height or 15 feet
Outdoor retailers			2,625 per outdoor retailer							
All other uses	N/A		5,250					40' above BFE		
ISLAND COMMERCIAL (IC)										
Single- and two- family uses	1/10,500 (up to 4 per acre max.)	35% (3)	10,500	70	10	5	10	35' above BFE		
			3,500 per unit							
All other uses	N/A		5,250					None	None required except when abutting RSF, RTF, or RMF; then greater of ½ structure height or 15 feet	35' above BFE (4)
MARINE COMMERCIAL (MC)										

Single- and two-family uses	1/10,500 (up to 4 per acre max.)	35% (3)	10,500	35	10	5	10	35' above BFE
All other uses	N/A	None	(6)					35' above BFE

CORRIDOR COMMERCIAL (CC)

Single- and two-family uses	1/10,500 (up to 4 per acre max.)	35% (3)	10,500	50	10	5	10	24' above BFE
Multi-family uses	12		3,500 per unit					
All other uses	N/A	35% (3)	5,250	50	None	None required except when abutting RSF, RTF, or RMF; then greater of ½ structure height or 15 feet		35' above BFE (4)

CONSERVATION (CN)

All uses (7)	N/A	5%	10,500	20	10	10	25	Lesser of one story or 20' above BFE
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PLANNED DEVELOPMENT (PD)

See 163.05

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

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

- (1) **Beach walkovers, sand fencing, Boardwalks, piers, docks, 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 fill material;**
- ~~(2)~~ (4) Temporary construction activities authorized by a building permit (See 162.03-08); and
- ~~(3)~~ (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 Ddevelopment shall maintain a minimum **setback of forty (40) feet** ~~buffer~~ from the **Perpetual Easement Line or the OCRM Baseline, whichever is more landward.** ~~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.~~

(2) Except for development or land disturbing activity exempted in accordance with § 166.04-04(B), **Dune Management Area Beach and Dune Buffer Exemptions**, the **Dune Management Area beach/dune buffer** shall remain undisturbed. ~~during and after the development process.~~ **The mitigation for unauthorized disturbance of the Dune Management Area shall be that any area within the first ten linear feet landward of the PEL or Baseline that is either non vegetated or below an eight foot NAVD88 elevation must be raised with beach compatible fill to an elevation of ten feet NAVD88 and planted with appropriate beach compatible vegetation as approved by the Building Official.**

(3) **Prior to the issuance of a certificate of occupancy for any new or substantially improved structure on a lot that is bounded by the PEL or OCRM Baseline, any non vegetated or below an eight foot NAVD88 elevation must be raised with beach compatible fill to an elevation of ten feet NAVD88 and planted with appropriate beach compatible vegetation as approved by the Building Official.**

(4) **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