

## Element: Land Use

This element provides an overview of existing major land use classifications and important developments since the completion of the *2005 Comprehensive Plan*, *2010 Comprehensive Plan Update* and the *Folly Comprehensive Plan 2015* as well as a discussion of various development standards that apply to all zoning classifications.

### Current Land Use Classifications

#### Residential

Residential growth in the City of Folly Beach since the completion of the *2005 Comprehensive Plan* has been primarily single family units. The rapid development of multifamily housing during the early 2000s allowed much of the commercial property in the center of the island to be converted to multifamily housing. Since 2005 this growth was halted first by a prohibition of new multifamily housing and then by economic factors during the Great Recession. Single family growth slowed but did not stop during this period. In 2012, the number of single family permits began to increase and has continued unabated.

**Five Year Update:** Since 2015 residential growth in the City has continued at a strong pace. From 1/1/2015 until 6/11/19 a total of 126 new residential units were built in the City. Seventy-two of these units were detached single family homes. The remainder were either duplexes built primarily in the commercial core of the island or multifamily units built at the Kings Flats and Clam Farm developments.

#### *Residential Single Family*

The primary zoning district in the City of Folly Beach is Residential Single Family (RSF). This use classification extends to roughly 85% of the City.

Folly Beach has taken several actions to limit the scale and impact of residential development since the *2005 Comprehensive Plan* was adopted. In 2013, the City codified regulations that require homes in the RSF district that are nonconforming to adhere to the 50% rule. This limits improvements to nonconforming structures over a 10 year period to 50% of the appraised value of the home. Any homeowner who wishes to exceed this limit must bring the property into conformity with current zoning. Since many of the parcels currently zoned RSF were developed as multiple unit properties, this would mean abandoning all but one of the units.

The City also changed the dimensional standards governing single family development. In 2010, the maximum size of a home allowed on a standard Folly Beach lot was reduced from 4,500 heated square feet to 3,600 heated square feet. Maximum lot coverage was reduced from 50% to 35% of the lot's high ground. Also, the setback from the OCRM Baseline was increased from 0' to a minimum of 5' (maximum 10') and the critical line setback was increased from 5' to 10'. In 2014, the City increased side setbacks from 5' to 10' and required all new driveways to be constructed with pervious surfaces. Finally, the City passed an ordinance which requires that all new construction be built to V-Zone flood standards even if located in A-Zones.

### *Residential Two Family*

The Residential Two Family (RTF) zoning district comprises a handful of parcels in the center of the island. Allowable uses in this zone are limited to single and two family homes. It serves as a buffer between the downtown commercial area and the RSF zone and is located primarily in the second half of the 1st block between Center Street and 2nd Street East and West. One notable development in the RTF zone since the *2005 Comprehensive Plan* is a zoning code amendment that allows owners to develop two individual structures rather than one combined duplex. Prior to this amendment, owners wishing to construct the allowable maximum of two units were forced to build large duplexes which were out of scale with the older surrounding homes. Now owners have the option of building two smaller, detached units which more closely match the size of the older existing development. Relatively little new development has taken place in this zone.

### *Residential Multi Family*

Residential Multi Family (RMF) is the highest intensity residential zone in Folly Beach. Growth in this zoning district since the last update to the *Comprehensive Plan* has occurred primarily in the Preserve, a previously approved project at the intersection of Folly Road and Bowens Island Road. This project was approved for approximately 60 units in 2006. Construction continued at a very slow pace for several years and has recently resumed for the remaining phases. Properties zoned RMF are located along the causeway to the island with two exceptions. Little Oak Villas is located on Little Oak Island and is surrounded by an RSF district. Palmetto Pointe, which takes up the entirety of Peas Island, is also zoned RMF. Since the *2005 Comprehensive Plan*, there have been no new developments approved in the RMF District and there are currently no vacant parcels in the City that have this designation.

### **Five Year Update: *Marsh Island Residential (MR)***

In 2019 the City created this new residential zoning district to achieve a goal identified in the *2015 Comprehensive Plan*. The Marsh Island Residential district is meant to be applied to the marsh islands in Folly's jurisdiction that are currently zoned Residential Single Family as well as the residential portions of Bowens Island which are currently zoned Island Commercial. The MR district increases the critical line setback from 15' to 35', lowers the allowable lot coverage, and requires greater minimum lot sizes. One property, Black Island, has been rezoned to MR and the City aims to contact the owners of other islands to initiate future rezoning.

### **Commercial**

Folly Beach is fortunate in that the original layout of the island, combined with having only one route on and off the beach, resulted in a primary commercial district that is compact and concentrated in the center of the City. This allows for a main street feeling that is often lacking in other communities. The Center Street area is a lively, pedestrian oriented district that reinforces the small town feel that draws many people to Folly Beach. The concentration of retail, office, and eating establishments in the downtown area was reinforced when other commercial areas in the City were developed as multifamily housing. Today new multifamily housing is prohibited in the commercial areas located on the island proper.

**Five Year Update:** In 2017 the City amended the rules for all zoning districts that allowed multifamily housing (including all commercial districts) to allow individual detached units in place of multiple attached dwellings. This change matched previous allowances in the Residential Two Family District. It allows the same density of development but with smaller scale buildings. These changes allowed lower impact projects at Marshwinds and on East Hudson.

### *Downtown Commercial*

The Downtown Commercial (DC) District forms the commercial core of the island. It consists of parcels located along Center Street and extends for ½ of the first block in either direction. The exception to this boundary is East Ashley where the DC District extends along one side of the street to include one parcel in the second block. Any new construction or alteration to buildings in this zone must be reviewed by the Design Review Board.

Architecturally, the DC area contains an eclectic mix of mostly one and two story buildings with simple roof lines and little formal ornamentation. On Center Street, single story, flat roofed buildings made of concrete or brick are located alongside two story wood buildings with pitched roofs. Buildings generally are built to the property line along the street. Moving away from Center Street, the remaining structures in the commercial district tend to be more representative of the beach vernacular, mostly owing to their past or present use as residences. The Tides Hotel (technically in the Island Commercial district), the largest building on the island, is located at the end of Center Street adjacent to the downtown area. At nine stories, it is the tallest building on Folly Beach by a significant margin. It defines the skyline and is highly visible approaching the island by land or by sea.

The current mix of commercial uses in the DC district along Center Street consists of mostly restaurants/bars and souvenir shops. Only a handful of other use types are represented. Government uses consume just over a full block in the form of City Hall, Public Safety, and the Community Center. The Baptist Church occupies a large parcel at West Indian and Center Street with the Catholic Church across the street. Real estate companies represent most of the remaining offices/professional services located along the corridor. There are approximately a dozen residential units located above existing businesses. Land uses in the DC District located off of Center Street consist of professional offices, religious uses, scattered residences, and a few restaurants.

The Center Street Task Force was created in 2014 to study and implement changes to the traffic patterns along Center Street as well as beautify the area. The Task Force has worked with local civic groups and the City government to make recommendations on travel lane realignment and other traffic measures to be brought online in conjunction with the new bridges. The new traffic pattern will help eliminate some of the congestion that occurs during the busy summer season. After the traffic realignment is complete, the task force will focus on beautification. This will include benches, planters, sidewalk improvements, and other street fixtures.

**Five Year Update:** The Downtown Commercial has seen a relatively high rate of development since 2015. Two new Inns and a new restaurant were constructed in this zoning district along with several new

residential units. The newly completed and approved residential units represent a shift in market conditions as they have been constructed primarily for short term rental use.

The recommendations of the Center Street Task Force have continued to be implemented. The City has installed benches, planters, new street lights, and new sidewalk improvements. The major change to the sidewalk areas was a memorial brick program which replaced the empty, sandy areas between the sidewalk and the street with engraved bricks purchased by residents and businesses.

In 2016 the City revised the rules for loading and unloading in the Downtown Commercial areas to create dedicated loading zones and times. These new zones allow large deliveries to be made with minimized affects on traffic. They also improve safety by pushing large trucks away from intersections and keep them off the streets during peak travel hours.

### *Island Commercial*

The Island Commercial District (IC) is made up of two distinct areas. The first is the area located roughly between 3rd Street West and 2nd Street East from the ocean to the seaward side of Ashley Avenue. The second is at the rear of the Island from Center Street to Sandbar Lane along Indian Avenue. The IC District historically allowed the development of multifamily housing at densities similar to those allowed in the Residential Multifamily District. During rapid development from the 1990s until 2007, most of the development in the oceanfront IC District was multifamily housing. The 2010 zoning code removed multifamily development as an allowable use in the IC District. This effectively prohibited the development of any new purely multifamily development on Folly Island proper. The change was also intended to preserve Island Commercial as a viable district for commercial uses. However, there have been very limited new commercial uses introduced. The most common new use is commercial parking. Several formerly vacant lots have been converted into paid parking to serve high demand from both the beach and the Downtown Commercial area.

### *Marine Commercial*

There are two Marine Commercial Districts (MC) in the City: Mariners Cay Marina and Sunset Cay Marina. The Mariners Cay Marina District has only one small associated highland parcel, while the Sunset Cay Marina District extends beyond the actual marina to a larger area. The parcels in this area have developed as single family residences and a small inn. The inn was developed after an amendment to the zoning code which allowed tourist accommodations in the Marine Commercial District. The City has prohibited the expansion of existing MC Districts and the creation of any new areas with this zoning designation.

### *Corridor Commercial*

The Corridor Commercial (CC) District was created in response to annexations that extended the City limits up the causeway and onto James Island. These annexations included property previously developed as a large shopping center with a grocery store, gas station, and several smaller parcels. The CC District is intended to be developed with the most intensive commercial uses in the City. It is located primarily at the intersection of Folly Road and Sol Legare Road. Notable exceptions are Turn of River, Marshwinds, and a vacant parcel immediately behind the development. Although the rear parcel has no direct access to Folly Road and abuts a residential development on either side, it is still zoned for intensive commercial

use. The CC District contains the last large commercially zoned property in the City. This parcel, known as the Edwards Property, contains approximately 4 acres located at the corner of Folly Road and Terns Nest Road.

**Five Year Update:** All of the properties in the Corridor Commercial District are also covered by the Folly Road Overlay District. This is an additional layer of zoning meant to match the long term plans for Folly Road that are jointly adopted by the City, Charleston County, the City of Charleston, and the Town of James Island. Since 2015 the City has formally adopted the Rethink Folly Road Plan, joined an intergovernmental agreement to fund a manager for the plan, and worked with these other jurisdictions to review and approve development along Folly Road.

In 2017 the City denied an application to annex and rezone 1965 Folly Road which sits between Treasure Island and the Harris Teeter shopping center. This kept in place a more restrictive Charleston County zoning.

### *Planned Development*

The zoning rewrite of 2010 reintroduced the option for Planned Developments (PD) within the City. In 2014 a PD was approved for the Toll Booth Property at the corner of Sol Legare and Folly Road. The agreement calls for a mix of single and multifamily uses with a small park as well as a parcel donated to the City of Folly Beach. The donated parcel will be used to place a welcome sign for Folly Beach as well as sign for the historic Sol Legare neighborhood which the City agreed to place several years ago. The PD calls for 32 units on this 4.5 acre parcel. This represents a decrease of 23 units from the maximum number allowed under the previous Corridor Commercial zoning.

**Five Year Update:** in 2016 the Kings Flats plan was amended to further reduce the density of the project by 2 units. In 2019, the developer installed a new welcome sign for Folly Beach as well as signs for the Historic Sol Legare Community. The installation of these signs fulfilled a promise made to the neighborhood after the annexation of the former Toll Booth property in 2005.

### **Development Ordinances**

There are several general development ordinances which affect land use in some or all of the zones in the City. Tree protection, landscaping, design review, and subdivision requirements all work to determine the character of development and redevelopment. All of these ordinances were modified during the 2010 zoning code rewrite. At the time, a weak economy limited new growth on Folly Beach and there was limited opportunity to apply the new code and measure the effects on development. In the last two years, the pace of building on Folly Beach has accelerated and the limitations of the 2010 zoning code are beginning to appear. This is especially true in terms of tree protection rules, off street parking regulations, rules for short term rentals, and landscaping/screening of commercial parking lots.

#### **Tree Protection**

The tree protection laws as presented in the 2010 zoning code were cumbersome and difficult to apply. Canopy protection requirements contradicted other measures and the required mitigation drove tree replacement costs into the tens of thousands of dollars. As a result, the Planning Commission engaged in a full reworking of the tree protection ordinance in 2012. The final version made several significant

changes. Pine trees of all types and all sizes were removed from the list of protected trees. The minimum protected size was changed from 5" diameter at breast height to 12" diameter at breast height. Laws were rewritten to reference only native or valuable species which removed protections for ornamental and invasive species. The option to pay a fee in lieu of mitigation was codified, with the resultant monies directed to a dedicated tree fund.

### Landscaping

Minor changes made in the 2010 code have resulted in positive changes in property development. All new fences along a public street are required to provide new plantings along the street frontage. Visual screening or buffers are required for all new parking lots, trash and service areas, and between different land uses.

### Subdivision Ordinances

The subdivision regulations in Folly's code mandate a minimum lot size that does not take into account the need for very small subdivisions of a technical nature (such as the deeding of private parking spaces, or the creation of legal townhomes). The minimum lot size of 10,500 square feet means that technical subdivisions of this type must go through the variance process. It also ignores the potential for very large subdivisions that could result in a large number of new lots on Long Island, the largest undeveloped tract of land within the City. Although past efforts to subdivide the property have failed due to lack of access, it may be possible to somehow create a viable access to the island in the future. If that happens, the current minimum lot size, applied uniformly over Long Island, would create a new neighborhood with up to 100 lots on an environmentally and historically important site.

### Outdoor Retailers

The City recognizes that outdoor retailers are a valuable addition to the ambience of downtown Folly. These vendors offer goods and services that complement the offerings of brick and mortar businesses. However, after the completion of the *2005 Comprehensive Plan*, the City experienced rapid growth in the number of outdoor retailers operating in the Downtown Commercial District. These vendors were operating with little oversight. A comprehensive set of ordinances for vendors was developed and put into place in 2012. These rules limit the areas in which vendors may operate as well as the number of vendors allowed on each lot.

### Parking

Parking, both as a land use type and as an area of regulation, is of major importance to Folly Beach. Commercial parking lots represent all of the growth in the Island Commercial District. As the demand for paid parking continues to grow, more lots in this zoning district may be converted into commercial parking rather than developed with other uses. Also, requests have been made to allow temporary commercial parking lots on undeveloped residential property. Although these requests have been turned down by City Council, they illustrate the potential for future increases in the number of paid parking lots. It is important that these lots be regulated more closely to preserve the character of the area. There are no current requirements for landscaping, general maintenance, and the overall appearance of commercial parking lots.

General parking regulations are currently in a state of uncertainty. In 2014, Council agreed not to enforce the prohibition against private no parking signs on the island. This decision was based on the number of existing signs and the lack of an objective measure to determine which signs should be grandfathered in. Also, the current untimed parking on Center Street allows the limited on-street parking in this area to be occupied by one car for the entire day. This makes it difficult for customers of the businesses located on Center Street to find parking.

Parking requirements may also be stifling development in the commercial core of the island. The general assumption is that the current mix of uses, which is tilted heavily towards eating/drinking establishments and gift shops, is purely market driven and simply a result of economics. However, changes in the zoning code during the 2010 zoning code rewrite have the potential to greatly impact the mix of uses in the DC District. A significant change in the code was the establishment of parking regulations for the DC District. This requirement has made it difficult to establish any new commercial development because of the generally small lot sizes. The parking requirements are also triggered by a change of any existing use type. This means that the current mix of uses on Center Street will remain in place as long as there are no viable means of meeting increased parking requirements becomes.

*Five Year Update:* There have been several changes to parking regulations since the *2015 Comprehensive Plan*. Shortly after the plan was adopted, the City removed the parking requirements for the DC District in a return to the historical norm. This did unleash some pent up demand for development, but the City failed to anticipate the pace and scale. After permits were issued for two new inns and several residential units the City reinstated parking requirements for those uses (all approved projects provided parking at the previously required rate). After the development of a large new restaurant on a full size lot near the busy intersection of East Ashley and Center, the City reinstated parking for all uses except office and retail moving into current buildings.

Several other development ordinances have been passed that affect development in all zoning classifications. These include:

- A 15' setback and buffer from the OCRM critical line for marsh properties. The new setback includes a provision that allows preexisting homes a onetime exemption to rebuild at a 10' setback.
- A 40' setback and buffer from the OCRM baseline.
- A one foot increase in the required freeboard along with a one foot increase in the maximum height.
- An ordinance allowing the development of detached buildings on lots that are zoned for more than one residential unit.
- An ordinance requiring septic systems to be located as far landward on the lot as possible.
- An ordinance combining adjacent substandard lots that captured existing substandard super beach front lots.