



# CITY OF FOLLY BEACH

1<sup>st</sup> Reading:  
2<sup>nd</sup> Reading:

Introduced by: Mayor Goodwin  
Date: October 13<sup>th</sup>, 2020

## ORDINANCE 24-20

**AN ORDINANCE AMENDING CHAPTER 168 (NON-CONFORMITIES) OF THE FOLLY BEACH CODE OF ORDINANCES, SECTION 168.04 (NON-CONFORMING LOTS OF RECORD) BY APPLYING THE MERGER DOCTRINE AND REQUIREMENTS FOR STREET ACCESS TO SUBSTANDARD LOTS ADJACENT TO THE MARSH AND OCEANFRONT STATE JURISDICTIONAL LINES.**

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:**

**WHEREAS,** The City of Folly Beach has a goal of preserving and protecting environmentally sensitive lands through development regulations; and

**WHEREAS,** This goal is incorporated into the zoning ordinance which states in part that environmental standards are intended to protect and preserve the quality and quantity of the natural environment in the city, decrease the degradation and restore the health of the dunes, marshes, beaches and other environmentally-sensitive areas by preventing encroachments into adjacent areas, prevent damage to property from flooding and improper drainage, and to protect the quality of surrounding surface waters and resources; and

**WHEREAS,** The *Marshfront Management Plan* adopted by the City of Folly Beach anticipates a high level of sea level rise that will impact marshfront properties; and

**WHEREAS,** The *Local Comprehensive Beach Management Plan* adopted by the City of Folly Beach recognizes super beachfront development as a management concern; and

**WHEREAS,** The City is charged by the Army Corps to regulate and monitor oceanfront development in order to continue renourishment projects.

**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 1, 2019 **that are not adjacent to either the OCRM Critical Line or the OCRM Baseline**, 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 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 are in single ownership on **or after** March 1, 2019, or on the date ~~they~~ **one or more of the lots** become nonconforming, and if all or part of **one or more of** these lots do not comply with the lot area standards in Chapter 165 : Dimensional Standards; **and if one or both of these lots are adjacent to either the OCRM Critical Line or the OCRM Baseline**, 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 (See Table 164.01, Table of Allowable Uses) following approval of a special exception permit (See § 162.03-03) by the ~~ZBA.~~ **BZA.**

(D) *Lots with no frontage on an open, public street.* No lot which **is adjacent to either the OCRM Critical Line or the OCRM Baseline and** does not have frontage on an open, public street as of March 1, 2019 shall be developed without the provision of 20 feet of access to an open, public street. The requirement for access may be satisfied by direct frontage or platted easement. Once developed, a 20-foot access route, clear of obstruction, must be maintained for emergency access. Development on islands that are not accessible by open, public street shall be exempt from this requirement.

**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 \_\_\_\_\_, 2020, at Folly Beach, South Carolina.

**Ayes:** \_\_\_\_\_

**Nays:** \_\_\_\_\_

**Abstains:** \_\_\_\_\_

\_\_\_\_\_  
**Municipal Clerk**

\_\_\_\_\_  
**Tim Goodwin, Mayor**