



CITY OF FOLLY BEACH

1st Reading: August 10th, 2021
2nd Reading: September 14th, 2021

Introduced by: Mayor Goodwin
Date: May 11th, 2021

ORDINANCE 022-21

AN ORDINANCE AMENDING CHAPTER 164 (USE STANDARDS) SECTION 164.04-02 (GENERAL DEVELOPMENT AND OPERATIONAL STANDARDS FOR ACCESSORY STRUCTURES), SECTION 164.05-06 (SPECIFIC REGULATIONS FOR CERTAIN TEMPORARY USES AND STRUCTURES); AND CHAPTER 166 (DEVELOPMENT STANDARDS) SECTIONS 166.05-03 (SINGLE AND TWO FAMILY DESIGN STANDARDS), 166.05-04 (MULTI-FAMILY DESIGN STANDARDS), AND 166.05-05 (COMMERCIAL DESIGN STANDARDS) BY REGULATING SHIPPING CONTAINERS FOR RESIDENTIAL AND COMMERCIAL USES IN A SAFE AND AESTHETICALLY PLEASING MANNER.

WHEREAS, shipping Containers are becoming more popular in design of structures; and

WHEREAS, shipping Containers are regulated in a manner for life safety as determined by the SC Building Code; and

WHEREAS, shipping containers should be regulated in a way that mitigates the “shipping container” aspect, but that is not overly elaborate; and

WHEREAS, the temporary uses of shipping containers needs to be regulated with specific requirements for flood/wind security and time limits.

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 164.04-02 General Development and Operational Standards. (For Accessory Structures)

(A) *Compliance with ZDO requirements.* All accessory uses, structures, and activities shall be subject to the applicable general, dimensional, operational, and use-specific regulations set forth in this ZDO, including the regulations that apply to the associated principal use (including the development standards in Chapter 166: Development Standards). In case of any conflict between the accessory use standards of this section and any other requirement of this ZDO, the

standards of this section shall control.

(B) *Time of establishment.* An accessory use or structure may be approved in conjunction with approval of the principal use or structure; however, no accessory use or structures shall be established on the subject parcel until after a certificate of occupancy has been issued for the principal use.

(C) *General standards.* All accessory uses and structures shall:

- (1) Directly serve the principal use or structure;
- (2) Be customarily accessory and clearly incidental and subordinate to the principal use or structure;
- (3) Be subordinate in area, extent, and purpose to the principal use or structure;
- (4) Be owned or operated by the same person as the principal use or structure;
- (5) Be located on the same lot as the principal use or structure or on a contiguous lot;
- (6) Together with the principal use or structure, not violate the bulk, density, parking, landscaping, or open space standards of this ZDO; and
- (7) Not constitute a combination use, which is the combination of two principal uses (combination uses will not meet the above standards in terms of being subordinate or providing service to the principal use).

Unless otherwise specified in this section, any accessory use or accessory structure shall be treated as a permitted use in the zoning district in which it is located.

(D) *Location of accessory structures.* Unless otherwise specified, all accessory structures shall comply with the following general location requirements:

- (1) An accessory structure may be located only to the side or rear of the lot, and shall not be within a front yard area.
- (2) Detached accessory structures shall be located at least five feet from any lot line and ten feet from any other principal or accessory structure.
- (3) An accessory garage may be attached to the principal building by an open breezeway or similar structure.
- (4) No accessory structure shall be located within any platted or recorded easement or over any known utility.

(E) *Maximum height.* The maximum allowed height for an accessory structure shall be 15 feet from grade, but in no case shall an accessory structure be taller than the associated principal structure.

(F) *Maximum floor area.*

- (1) *Accessory to residential uses.* The combined floor area of all detached accessory structures accessory to residential uses shall consist of no more than 30% of the total floor area of the principal structure.
- (2) *Accessory to nonresidential uses.* For uses accessory to nonresidential uses, the following standards shall apply:
 - (a) If located in a detached structure, the maximum floor area shall be limited to no more than 10% of the lot area; and
 - (b) If located within the principal structure, the maximum floor area shall be limited to a maximum of 30% of the gross floor area of the principal structure.

(G) *Residential occupancy prohibited.* No accessory structure shall be used for residential occupancy.

(H) *Shipping containers and the like:* any shipping container, or other similar modular component, used in the construction of a residential structure shall be, at a minimum, painted with no visible logos, brands, lettering, and advertisements on the exterior surface.

SECTION 164.05-06 Specific Regulations for Certain Temporary Uses and Structures

(B) *Temporary storage in a portable shipping container, POD, or similar device.* Temporary storage in a single portable shipping container, POD, or similar device shall be subject to the standards in this section.

(1) To the maximum extent practicable, portable shipping containers shall not be located in the front yard.

(2) No portable shipping container shall be located within ten feet of any lot line.

(3) The on-site placement of a portable shipping container for temporary storage shall be allowed on an individual parcel or site for no more than ~~30 total days or no more than three separate occurrences per calendar year.~~ 90 total days in any rolling 12 month period unless located on an active construction site or approved by the Building Official.

(4) Any portable shipping container, POD, or similar device used for storage between May 1st and December 1st must be shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(5) Any portable shipping container, POD, or similar device used for storage remaining more than 90 days shall be considered an accessory structure and be subject to all relevant building and zoning codes.

(6) The Building Official must approve the simultaneous placement of more than one portable shipping container per site.

SECTION 166.05-03 Single- and Two-Family Design Standards

(C) *Design standards.*

(1) *Maximum square footage.* The maximum square footage for a single- or two-family dwelling shall be determined in accordance with the following formula:

$$\text{Max. Square Footage} = (\text{Buildable lot area} - 10,500) \times 10\% + 3,600.$$

See Figure 166.05,

(2) *Maximum dwelling size.*

(a) The total heated floor area for a single-family dwelling shall not exceed 4,500 square feet regardless of lot size.

(b) The total heated floor area for a two-family dwelling (or two detached dwellings on a single lot) shall not exceed 4,500 square feet regardless of lot size.

(3) *Maximum height.* The maximum height of a single- or two-family dwelling shall be in accordance with Table 165.01, Dimensional Standards.

(4) *Maximum lot coverage.* Impervious surfaces on lots containing single- or two-family dwellings shall be limited to a maximum of 35% of the lots high ground. For the purposes of this section, decks, porches, patios, pools, paved areas, and areas covered by gravel shall be considered as impervious.

(5) *Facade design.* Primary facades of single-family dwellings with widths of 40 feet or more shall incorporate wall offsets in the form of projections or recesses in the facade plane. Offsets shall have a minimum depth of two feet, so that no single wall plane exceeds 25 feet in width. Front porches may be used in lieu of, or in combination with, this standard.

(6) *Roof penetrations.* All roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys), shall be located on the rear elevations or otherwise configured to the degree practicable to have a minimal visual impact as seen from the

street.

(7) *Shipping containers and the like*: any shipping container, or other similar modular component, used in the construction of a residential structure shall be finished in a manner typical of residential structures including, at a minimum, painting and the removal of any and all logos, brands, lettering, and advertisements from the exterior surface.

SECTION 166.05-04 Multi-Family Design Standards

(G) *Building facades*.

(1) Front facades shall incorporate wall offsets in the form of projections or recesses in the facade plane a minimum of every 30 feet of facade frontage.

(2) Wall offsets shall have a minimum depth of two feet.

(H) *Shipping containers and the like*: any shipping container, or other similar modular component, used in the construction of a residential structure shall be finished in a manner typical of residential structures including, at a minimum, painting and the removal of any and all logos, brands, lettering, and advertisements from the exterior surface.

SECTION 166.05-05 Commercial Design Standards

(C) *Design standards*.

(1) *Off-street parking location*.

(a) For lots within the DC District, no off-street surface parking shall be located between a building wall containing the primary entrance and the primary street the building fronts; however, parking may be permitted between a street and a secondary entrance.

(b) Off-street surface parking lots as a principal or accessory use shall not occupy visually prominent locations on lots that terminate public vistas.

(2) *Internal pedestrian walkways*.

(a) At least one internal pedestrian walkway with a minimum width of five feet shall be provided from the on-site pedestrian network to the public sidewalk system. In the case of corner lots, a connection shall be made to the sidewalk of both streets.

(b) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, or scored/stamped concrete or asphalt to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.


(3) *Shipping containers and the like*: any shipping container, or other similar modular component, used in the construction of a residential structure shall be, at a minimum, painted with no visible logos, brands, lettering, and advertisements on the exterior surface.

ADOPTED this 14 day of Sep, 2021, at Folly Beach, South Carolina.

Ayes: 6

Nays: 1

Abstains: 0



Municipal Clerk



Tim Goodwin, Mayor