

CITY OF FOLLY BEACH

Chris Bizzell, Mayor



Folly Beach, SC 29439

www.cityoffollybeach.com

(P) 843-588-2447

William Farley, Council Member

Skip Fink, Council Member

Billy Grooms, Council Member

Blair Holladay, Council Member

Katherine Houghton, Mayor Pro Tem

DJ Rich, Council Member

**City Council Work Session Meeting 6:30 PM
Tuesday, December 13, 2022**

City Hall

21 Center Street

2nd Floor Council Chambers

Folly Beach, SC 29439

1. Work Session Items

- a. Save Folly's Future Citizen Petition- Aaron Pope.
- b. Proposed Moratorium on Short Term Rental Licenses-Aaron Pope.
- c. Rezoning the High Ground of Long Island and The Associated Small Marsh Islands Including Palm Island from Residential Single Family to Marsh Island Residential-Jenna Stephens.
- d. Weston & Sampson Overage Request-Eric Lutz.

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.



City of Folly Beach

Date: December 13th, 2022
RE: Save Folly's Future Petition

Mayor/Council,

The City has received the certified signature count for the ordinance petition submitted by Save Folly's Future. **The threshold of verified signatures was met.**

As required by State law, an ordinance adopting the petition's language is now presented to Council for action. If Council chooses not to adopt the ordinance as presented or otherwise declines to act, the language must be presented to the voters in a special election. The election must occur no sooner than 30 days after the meeting and no later than one year after the meeting. We have notified the County to standby for notice of an election and our desire to schedule the vote as soon as possible. We do not know how soon that can be but hope that it will be within three to six months.

The current moratorium on rental licenses is due to expire in mid-January and any extension/replacement requires two readings. A new ordinance extending the moratorium for an additional three months is included in the packet. Should Council approve first reading of the extended moratorium, it will be scheduled for a second reading at the January meeting. The new language also allows the moratorium to end sooner than the three month period if a vote is scheduled prior to the new end date. *period or until a vote on the matter by the public.* Should the moratorium extension fail first or second reading, licensing will resume until the special election.

Aaron Pope, AICP
City Administrator



CITY OF FOLLY BEACH

1st Reading: December 13th, 2022
2nd Reading:

Introduced by: Mayor Goodwin
Date: December 13th, 2022

ORDINANCE 033-22

AN ORDINANCE AMENDING THE FOLLY BEACH CODE OF ORDINANCES CHAPTER 117 (SHORT TERM RENTALS) BY INCLUDING LANGUAGE PROPOSED BY CITIZEN PETITION TO DEFINE OWNER OCCUPIED AND INVESTMENT SHORT TERM RENTAL LICENSES AND LIMIT THE NUMBER OF INVESTMENT SHORT TERM RENTAL LICENSES TO EIGHT HUNDRED

§ 117.01 PURPOSE, APPLICABILITY, AND DEFINITIONS.

(A) The purpose of this chapter is to regulate the use of residential units as short term rentals in order to:

- (1) Protect the integrity of the city's neighborhoods and the quality of life of its citizens;
- (2) Establish a system to track the short term rental inventory in the city;
- (3) To protect the health and safety of occupants of short term rental units;
- (4) To ensure a level playing field for individuals in the short term rental market; and
- (5) To protect the residential character of the residential districts of the city.

(B) The following definitions apply:

DESTINATION CLUBS. Destination or private vacation clubs ("destination clubs") are classified as private and/or exclusive membership organizations or commercial businesses primarily engaged in providing short term overnight accommodations and related services for its club members with non-ownership interest who seek alternative options to standard vacation home rentals. **DESTINATION CLUBS** typically own or lease properties from the owners on a long term basis, provide those properties in a variety of locations to its members on a short term basis, and model a membership access structure where its members purchase membership levels granting access to properties and personalized services. Properties offered by destination clubs to a member for less than 30 days are considered short term rentals whether the destination club is an owner of record or a lessee. All references to "owners" in this chapter apply to destination clubs.

HOUSE EXCHANGE PROGRAMS. The occasional occupancy of a residential occupancy assessed by Charleston County at a 4% property tax rate by someone other than the owner of the residence while the owner is temporarily absent from the residence, and no monetary compensation is paid to the owners for such occupancy. **HOUSE EXCHANGE PROGRAMS** are not short term rentals.

TIME SHARES. "Vacation time sharing plans" as defined in S.C. Code § 27-32-10(9) are not short-term rentals. However, any "vacation time sharing lease plan" as defined in S.C. Code § 27-32-10(8) that is less than three years is considered a short term rental. "Vacation multiple ownership interests" as defined in S.C. Code § 27-32-250(1) are not short term rentals.

INVESTMENT SHORT TERM RENTAL (ISTR) - A dwelling unit licensed for short term rentals, whose owner does not claim the licensed property to be their primary residence.

OWNER-OCCUPIED SHORT TERM RENTAL (OSTR) – A property and/or dwelling unit, in whole or part, licensed for short term rentals whose owner claims the licensed property to be the owner's primary residence as evidenced by: (a) current S.C. drivers license or S.C. identification card, (b) the address where they are, or may be, enrolled and registered to vote in local, state and federal elections and (c) the physical address used for the purpose of filing local, state and federal income taxes.

RENTAL OCCUPANT. Any person who, in exchange for compensation paid, occupies a dwelling unit for less than 30 days.

SHORT TERM RENTALS. Residential dwellings rented for less than 30 days, used in a manner consistent with the residential character of the dwelling. Tourist accommodations, including hotels, motels, inns, and bed and breakfasts, are not considered **SHORT TERM RENTALS**.
(Ord. 19-10, passed 9-28-10; Am Ord. 26-17, passed 1-9-18; Am. Ord. 027-22, passed 9-13-22)

§ 117.02 SHORT TERM RENTAL BUSINESS LICENSES.

(A) The City is authorized to issue two classes of short term rental business licenses:

- (1) Investment Short Term Rental business license, and
- (2) Owner-Occupied Short Term Rental business license.

(B) Owner Occupied Short Term Rental Business License: There will be no limit on the number of Owner Occupied Short Term Rental business licenses issued.

(C) Investment Short Term Rental CAP.

(1) The maximum number of permitted Investment Short Term Rental business licenses, city wide, shall be no more than 800, henceforth referred to as the CAP.

(a) Upon enactment the CAP shall be set at 800.

(2) No New Investment Short Term Rentals shall be permitted unless the total number of Investment Short Term Rentals is below the CAP.

(a) Exception: After enactment, all existing Investment Short Term Rental business License holders in good standing may continue to renew annually, even if the initial number of Investment Short Term Rentals exceeds the CAP.

(3) Investment Short Term Rental Wait List: If demand for Investment Short Term Rental business licenses exceeds the CAP a wait list will be established and maintained by the City of Folly Beach.

(a) When the number of allowable Investment Short Term Rental business licenses falls below the CAP, a license shall be offered by US Mail to the next qualified applicant on the wait list.

(b) If the applicant fails or neglects to complete an application for an Investment Short Term Rental business license within 45 days after notice is given, the city shall deem the offer to have been rejected and thereupon offer the available business license to the next listed applicant.

(D) Non- transferable.

(1) Investment Short Term Rental wait list status terminates upon transfer of property and is non-transferable.

(2) Investment Short Term Rental business licenses terminate upon transfer of property and are non-transferable.

(3) Owner Occupied Short Term Rental business licenses terminate upon transfer of property and are non- transferable.

§ 117.023 LICENSE, REGISTRATION, AND TAX REQUIREMENTS.

Any owner wishing to operate a short term rental must maintain a current business license, comply with rental registration permit requirements, and make proper payment of local, county, and state taxes.

(A) *Business license.* A business license must be obtained and renewed annually by the submittal of a form and fee as established by the city for each residential dwelling unit or portion thereof offered as a short term rental

(1) No business license shall be issued for the rental of a residential unit which is planned or under construction until a certificate of occupancy is issued for the unit.

(2) A business license shall only be issued to owners of a residential unit. Lessees of residential dwelling units may not apply for a business license to rent the unit.

(3) A designated agent may apply for a short term rental business license on behalf of an owner. An application for a business license submitted by a designated agent must provide the correct taxpayer identification and contact information for the owner including name, address, phone number, email, and any other information as required on the application form.

(B) *Rental registration permit.* A rental registration permit must be obtained and renewed annually by the submittal of a form and fee as established by the city for each residential dwelling unit or portion thereof offered as a short term rental.

(1) *Annual registration.* The rental registration permit application shall be completed prior to June 1 of each year.

(a) No new business license to operate a short term rental shall be issued prior to the approval of a rental registration permit.

(b) Renewals of valid prior year business licenses shall be allowed prior to the approval of a rental registration permit. Failure to complete a rental registration permit application within 30 days of the business license renewal date shall be grounds for revocation of the license.

(2) *Annual fee.* The fee for a rental registration permit shall be set by City Council and shall be reviewed periodically.

(3) A rental registration permit shall only be issued to owners of a residential unit. Lessees of a residential dwelling unit may not apply for a rental registration permit.

(4) A designated agent may apply for a rental registration permit on behalf of an owner. An application for a rental registration permit submitted by a designated agent must provide the correct taxpayer identification and contact information for the owner, including name, address, phone number, email, and any other information as required on the application form.

(5) *Change in registered information.* The owner or designated agent of a rental dwelling already registered with the city shall re-register within 60 days after any change occurs in the registration information. There shall be no additional fee upon change of registration information except that a new owner of a registered dwelling, upon application for a new business license, shall re-register the dwelling and pay the appropriate fee within 60 days of assuming ownership.

(6) *Information required.* Application for rental registration permit shall contain the following information:

(a) The street address of the rental dwelling unit;

(b) The unit number if applicable;

(c) The number of bedrooms in each rental dwelling unit;

(d) The number of parking spaces provided on site as well as a site plan showing the location of all on site parking spaces. One on site parking space must be provided for each bedroom being rented. This requirement shall not apply to:

1. New and renewed permits issued to residential units located in a multi-family housing development.

2. New and renewed permits issued to residential units approved by the city for resident only parking signs in the right-of-way.

3. Renewed permits issued to residential units with a valid business license and rental registration permit before September 13, 2022. Rental registration permits for such properties may be renewed without the required parking until such time as the ownership of the property changes.

(e) The maximum overnight occupancy of each rental dwelling unit, which shall not exceed two persons per bedroom, plus two additional people per rental dwelling unit, except as allowed under an exception under § 164.03-01(C);

(f) The type of wastewater system (septic or sewer). If the property is serviced by a septic system, the owner must certify that the system is protected from parking;

(g) The name, mailing address, business phone number, personal phone number, and business address of the owner and local agent;

(h) The physical address and email address where the owner and local agent will accept notices and orders from the city and acknowledgment that service by U.S. Mail and/or transmission to the provided email addresses will constitute acceptable service of any notice, notice of violation, ordinance summons, or ticket;

(i) Certification that the owner has read applicable city ordinances, including, but not limited to, regulations regarding noise, trash, parking, alcohol on the beach, animals, litter, surfing, dune protection, sea turtles, smoking on the beach, requirements for special events, maximum occupancy, and golf carts;

(j) Certification that a copy of the parking diagram provided to the city for the property as well as a summary of applicable city ordinances, including, but not limited to, regulations regarding noise, trash, parking, alcohol on the beach, animals, litter, surfing, dune protection, sea turtles, smoking on the beach, requirements for special events, maximum occupancy, and golf carts is prominently posted within the residential dwelling unit to be rented;

(k) Certifications that tenants listed on any rental agreement shall receive a copy of the parking diagram provided to the city for the property as well as a summary of applicable city ordinances, including, but not limited to, regulations regarding noise, trash, parking, alcohol on the beach, animals, litter, surfing, dune protection, sea turtles, smoking on the beach, requirements for special events, maximum occupancy, and golf carts is prominently posted within the residential dwelling unit to be rented. The summary of applicable ordinances shall be in a form determined by the city, and made available to all owners of rental property;

(l) Proof of payment from the owner or designated agent for payment of local, county, and state taxes due on short term rental accommodations;

(m) Certification that the owner is aware that short term rental licensees shall be subject to strikes issued against the license when the owner, agent, occupant, or guest has been convicted of any violation of the requirements of this chapter or other city ordinances related to the use of the property as a short term rental, and that three strikes during any rolling twelve-month period can result in suspension, revocation, or non-renewal of the license;

(n) Certification by the owner verifying the presence of smoke alarms, carbon monoxide monitors, fire extinguishers, the number of bedrooms, the number of parking spaces, the provision of trash receptacles, the posting of address and house numbers, and posting of rules and regulations, and, if present, that sprinklers are operational; and

(o) Documentation in the form of Charleston County property records or a certificate of occupancy confirming the number of bedrooms offered for rent.

(7) *Designation of local agent.* The owner of a rental dwelling shall designate a responsible agent who shall be responsible for operating the rental dwelling in compliance with the law. Official notices may be served on the responsible local agent and/or the owner, and any notice served on the agent shall be deemed to have been served upon the owner of record.

(a) Nothing shall prevent the owner of rental property from designating himself or herself as the agent.

(b) Non owner agents must be licensed by the State of South Carolina as an attorney, real estate agent, broker in charge, or property manager. Employees under the direct supervision of attorneys, real estate agents, brokers in charge, or property managers licensed by the State of South Carolina may be designated as local agents.

(c) The agent shall be required to be able to physically respond to the site upon notification from the city within 60 minutes in case of emergency or need by the city for entry into the property.

(8) *More than one owner or ownership by entity.* Where more than one person has an ownership interest in a short term rental, the required information shall be provided for each owner. In those cases in which the owner is not a person, the information required shall be provided for the organization owning the rental dwelling, and for the president, general manager, or other chief executive officer of the organization.

(C) *Taxes.* Owners of short term rentals are subject to local, county, and state taxes, including, but not limited to, sales, use, and accommodations taxes, and are liable for the payment thereof as established by state law and the city code of ordinances.

(D) *Violations and penalties.*

(1) *Violations.* Violations of this chapter include but are not limited to:

(a) Operating a short term rental without complying with the requirements of this chapter and the city code of ordinances;

(b) Advertising a property as being available as a short term rental without first complying with the requirements of this chapter;

(c) Operating a short-term rental without a business license, registration permit, and accommodations tax account;

(d) Advertising a short-term rental without listing the business license number and rental registration permit number;

(e) Operating a short-term rental in such a manner that individual rooms are rented at the same time under separate rental contracts;

(f) Advertising a short term rental as being available for more overnight occupants than have been permitted pursuant to this chapter;

(g) Expanding the allowable occupancy of a short term rental without obtaining a new permit;

(h) Advertising more short term rental units on a property than have been permitted pursuant to this chapter. For example, advertising a single-family dwelling as accommodating multiple short term rentals is not permitted;

(i) Advertising a property as a short term rental or “event house” for events or parties with more than 25 people in attendance;

(j) Offering a short-term rental in any zoning district for fewer than two consecutive nights;

(k) Failure to post the business license number, rental registration permit number, allowable overnight occupancy, and city approved beach rules prominently within a rental unit;

(l) Failure to obtain a rental registration permit within 30 days of renewing a business license, failure to provide accurate information for the registration of rental dwellings, failure to provide information required by the application form;

(m) Failure to complete a new rental registration permit application within 60 days of a change in ownership;

(n) Failure of the designated agent listed on the rental registration permit to respond physically to the site within 60 minutes of notification from the city of an emergency;

(o) Failure to maintain, and provide to the city, any and all information required in § 117.02(A);

(p) Failure to provide tenants listed on any rental agreement information as required under § 117.02(B);

(q) Failure to inspect and repair a failed septic system as required under § 55.07;

(r) Operating a business out of a short term rental or otherwise using a short term rental for non-residential use except for allowable home occupations, e-commerce, and remote work; and

(s) Operating a short term rental that has received three strikes within any twelve-month rolling period.

1. The number strikes shall be reset upon a change of ownership that results in no overlap with prior common ownership.

2. For the purpose of determining the total number of strikes, all convictions stemming from violations occurring within a single rental contract period shall be considered one instance. In no case shall strikes exceed one per rental contract period.

3. All strikes issued prior to the date of this section shall not be counted for the purposes of license revocation.

(2) *Penalties.* No permit may be issued or approved unless the requirements of this chapter, or any ordinance adopted pursuant to it, are complied with. A violation of this chapter may result in the following penalties:

(a) Any person violating any provision of this chapter shall be deemed guilty of a civil offense and shall be subject to a fine of up to \$500 upon conviction. Each day of violation shall be considered a separate offense. Punishment for violations shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for in this chapter.

(b) Denial, revocation, suspension, or non-renewal of a business license pursuant to §§ 110.14 or 110.15 and in accordance with the appeal procedures set forth in § 110.16.

(c) Revocation, suspension, or non-renewal of the short term rental business license, in accordance with the appeal procedures set forth in § 110.16, for three strikes during a rolling twelve-month period.

1. The license will be assessed a strike when the owner, agent, occupant, or guest of the property has been convicted of any violation of the requirements of this chapter or any other city ordinances related to the use of the property as a short-term rental, including but not limited to noise, trash, parking, litter, dune protection, animals at large, and sea turtle violations and when the registered agent of the property is given notice of the strike as set forth herein.

2. For the purpose of determining the total number of strikes, each strike issued upon conviction shall be considered in effect on the date of the original offense and all convictions related to offenses occurring within a single rental contract period shall be considered one strike. In no case shall strikes exceed one per rental contract period.

3. Strikes will re-set upon the transfer of the property.

4. The city will provide notice of each strike to the registered agent of the property as follows:

A. First strike: a description of the violation and resultant conviction, and a warning that progressive action shall be taken by the city in the case of further violations.

B. Second strike: a description of the violation and resultant conviction, and a warning that the city shall initiate revocation of the rental license in the case of further violations.

C. Third strike: a description of the violation and resultant conviction, and notice of the initiation of license revocation procedures.

(d) Any violation of a noise ordinance that occurs on the property will result in a notice that the owner is strongly encouraged to install noise monitoring.

(Ord. 19-10, passed 9-28-10; Am Ord. 26-17, passed 1-9-18; Am. Ord. 32-19, passed 11-12-19; Am. Ord. 033-21, passed 11-9-21; Am. Ord. 027-22, passed 9-13-22)

§ 117.034 ADDITIONAL REQUIREMENTS FOR SHORT TERM RENTALS.

(A) All owners and/or agents responsible for the leasing of short term rentals shall be required to keep the following for city inspection and copying for a period of one year:

(1) The name, address, and other contact information of each signatory on the rental agreement;

(2) A copy of the city approved rental regulations summary, signed by each signatory of the rental agreement.

(3) A document signed by the owner and/or agent responsible for renting the dwelling, certifying the number of persons intended to occupy the dwelling.

(4) The information required by this section shall be updated by the owner and/or agent for each rental to different tenants or occupants.

(B) The owner and/or agent shall provide the following for each person signing a rental agreement as a responsible party for a short term rental:

(1) The address of the short term rental and emergency contact numbers;

(2) The name and contact information for the owner or designated agent; and

(3) A copy of the parking diagram provided to the city for the property as well as a copy of the city's rules and regulations regarding noise, trash, parking, alcohol on the beach, animals, litter, surfing, dune protection, sea turtles, smoking on the beach, requirements for special events, maximum occupancy, and golf carts.

(C) Each residential dwelling unit may contain only one short term rental. Individual rooms in short term rentals may not be rented under separate contracts at the same time. For example, a single family home or individual multi-family unit may only be rented as a single short term rental under one contract.

(D) Any events held on the premises of a short term rental shall meet the following requirements:

(1) Must follow any applicable special event notification rules established by the city in § 153.05 for events on private property;

(2) Shall be subject to all applicable provisions of the noise regulations in §§ ~~131.30~~ through ~~131.35~~; and

(3) May not feature mobile food trucks, carts, or other outdoor retailers offering products for sale or in exchange for donations. Caterers are allowed at events on the premises of short term rentals.

(E) All special events held after October 11, 2022, on the premises of a short term rental shall meet the following requirements:

(1) May not exceed 25 people; and

(2) May not include outdoor amplified music, including bands, deejays, music broadcast through speakers and electronic musical instruments.

(3) These requirements do not apply to events hosted by the owner of the property for which the owner is on site for the duration the event, the owner has completed the required special event notification, and for which no compensation has been paid for the event or the use of the house.

RATIFIED this _____ day of _____ 2022, at Folly Beach, South Carolina, in City Council duly assigned.

ATTEST:

Municipal Clerk

Tim Goodwin, Mayor

PETITION CHECK WORKSHEET		Statement of Purpose If candidate petition, enter name, office, and date of election.		Petition: To Limit Investment Short Term Rental Businesses Licenses to a maximum of 800 within the City of Folly Beach	
Date Petition Submitted		10/13/2022		Signatures on Petition	478
County	Charleston			Signatures Required	370
Part I – Complete this section for all petitions. If using percentage method, report at least the first 500 signatures here and complete Part II for remaining signatures.					
A. Signatures Checked				415	
B. Signatures Rejected by Reason		Signature missing			
		Insufficient information to locate record			
		Not a registered voter			
		Not a resident of district / area		1	
		Inactive voter		1	
		Not the voter's signature		2	
		Duplicate signature			
		TOTAL			
C. Signatures Valid				411	
Part II – Complete this section only if using percentage method (for petitions with more than 500 signatures).					
D. Total Signatures to Which Percentage Method Applied					
E. Signatures Checked					
F. Signatures Rejected by Reason		Signature missing			
		Insufficient information to locate record			
		Not a registered voter			
		Not a resident of district / area			
		Inactive voter			
		Not the voter's signature			
		Duplicate signature			
		TOTAL			
G. Signatures Valid				0	
H. Signatures Valid via Percentage Method = $[(G \div E) \times D]$					
Total Signatures Valid = (C + any total from line H)				411	

Signature of Official

Supervising Petition Check:

Benji Schaff

Date: 11/29/22



CITY OF FOLLY BEACH

1st Reading: December 13th, 2022
2nd Reading:

Introduced by: Mayor Goodwin
Date: December 13th, 2022

ORDINANCE 034-22

AN ORDINANCE TO EXTEND A MORATORIUM ON THE ISSUANCE OF NEW BUSINESS LICENSES FOR SHORT TERM RENTALS WITHIN THE CITY OF FOLLY BEACH DUE TO VERIFICATION OF A CITIZEN INITIATIVE PETITION TO ESTABLISH A CAP ON SHORT TERM RENTALS.

- WHEREAS,** The City has received a citizen petition to limit the number of short-term rental licenses for the rental non primary residences to 800; and
- WHEREAS,** The Charleston County Board of Elections has verified that the petition contains the required number of signatures to trigger Council action; and
- WHEREAS,** The City has issued approximately 1,208 short term rental licenses for the 2022/2023 business license year as of December 1, 2022 with approximately 920 of those licenses issued for the rental of non primary residences; and
- WHEREAS,** The City desires to limit further increase in the number of short term rental licenses issued for the rental of non primary residences until the question posed by the petition is settled by vote of Council or general referendum; and
- WHEREAS,** The City approved a moratorium on the issuance of new rental licenses for non primary residences on 10/18/22 that expires on January 11, 2023.

NOW BE IT THEREFORE ORDAINED:

1. The City of Folly Beach imposes a moratorium, to be effective immediately upon ratification of this Ordinance, on the issuance of new business licenses for short term rentals of non primary residences within the City:
 - a. Subject to Section (b) hereof, no application shall be approved for a business license to for any residential dwelling taxed at a 6% property tax rate.
 - b. Subject to the limitations set forth in Section (c) excepted from the provisions of Section 1 (a) are each of the following:
 - i. Renewals of short term rental licenses for properties that were legally licensed as of October 18th, 2022.
 - ii. New licenses resulting from the transfer of ownership of properties that were legally licensed as short term rentals as of October 18th, 2022.
 - iii. New licenses for a short term rental for which an application, deemed sufficient

for approval, has been filed with the City of Folly Beach prior to October 18th, 2022.

- iv. New licenses for properties in Downtown Commercial district for which Final Approval has been granted by the Design Review Board prior to the ratification of this ordinance.
 - c. In order to be excepted from this moratorium under Section 1.(b)(iv), all applications must comply with the following requirements:
 - i. Applications must be deemed sufficient for approval by City staff; and
 - ii. Applications must be for a license to rent:
 - 1. An existing residential unit that is currently available to rent or will be within thirty days of ratification of this Ordinance; or
 - 2. A planned residential unit for which an application for a building permit, sufficient for approval by City staff, has been submitted within thirty days of ratification of this Ordinance and which shall be available to rent within twelve months of the ratification of this Ordinance.
 - 3. A residential unit for which a building permit has been issued within thirty days of ratification of this Ordinance and for which a certificate of occupancy shall be issued and the unit made available to rent within twelve months of the ratification of this Ordinance.
2. This ordinance shall take effect immediately upon adoption and shall expire automatically on April 15th, 2023, or five business days after any special election called to adopt the ordinance proposed by petition, unless earlier repealed.

ADOPTED this 13^h day of December 2022, at Folly Beach, South Carolina.

Ayes: _____

Nays: _____

Abstains: _____

Municipal Clerk

Tim Goodwin, Mayor



City of Folly Beach

Date: December 13th, 2022

Re: Rezoning Marsh Islands to Marsh Residential

Mayor/Council,

The 2020 Comprehensive Plan recommended creating a new lower density zoning for marsh islands in Folly Beach. The City began by creating the Marsh Island zoning district, described as:

Marsh Island Residential (MR). The MR District is established as a district in which the principal use of land is single-family detached residential development with minimal impact on sensitive landscapes. The regulations of this district are intended to prohibit any use that substantially interferes with the development of single-family detached dwellings and that is detrimental to the quiet residential, scenic, and environmentally sensitive nature and of the district. Complementary uses customarily found in residential zoning districts such private recreational docks and accessory structures. Short term rentals are prohibited. Accessory dwelling units are not permitted. The minimum lot area for development is 14,500 square feet and the maximum density allowed is three dwelling units per acre. Maximum lot coverage in the district is 30% of a lot's high ground area.

So far created the zoning category has only applied to one island (Black Island behind the light house). Prior planning staff worked with the authorization of Council to poll the residents of Bowen's Island, who rejected the proposal. Staff now proposes that the City move forward with the Comp Plan recommendation by rezoning the remaining islands to Marsh Island Residential. The affected islands are Long Island (and associated small islands) and Palm Island. This change will not affect the islands to the south of the causeway because the high ground of those islands is in Charleston County.

There are several key differences in Marsh Island and Residential Single Family zoning:

- Short term rentals are prohibited in the Marsh Island District.
- Density is reduced from 10,500 square foot lots (4 per acre) to 14,500 (3 per acre).
- Lot coverage is 30% versus 35%.
- Front, rear, and side setbacks are increased.

If Council agrees to move forward, the public hearing will be scheduled for later winter/early spring.

Jenna Stephens
Zoning Administrator



Marsh Islands Map

PID: 4500000005

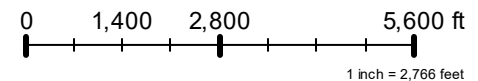
OWNER1: KAND A ACQUISITION
GROUP

PLAT BOOK PAGE: B34-15

DEED BOOK PAGE: F530-395

Jurisdiction: CITY OF FOLLY BEACH

Note: The Charleston County makes every effort possible to produce the most accurate information. The layers contained in the map service are for information purposes only. The Charleston County makes no warranty, express or implied, nor any guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided. The County explicitly disclaims all representations and warranties. The reader agrees to hold harmless the Charleston County for any cause of action and costs associated with any causes of action which may arise as a consequence of the County providing this information.



Author: Charleston County
Date: 12/5/2014



City of Folly Beach

Date: December 13th, 2022
RE: Weston Sampson Overage

Mayor/Council,

The City, as a continuation of services from our redundant water main HMGP award, hired Weston & Sampson, Inc. to compile and submit multiple grant applications for ARPA, SCIP, BRIC, and RIA grant funding. These projects are identified in the Water Capital Improvement Plan and Island Wide Drainage Study. The initial effort exceeded the contracted amount by approx. \$18,000.00 due to an expanded scope (the City chose to pursue multiple grants at the same time). Weston & Sampson, Inc is asking the City for \$10,000.00 to help with these labor overages in their effort.

This firm has done a very good job for the City in obtaining the original HMGP grant funding for the redundant water main, collaborating with Charleston Water Systems in partnership, and completed multiple grant application submittals with accuracy and timeliness on the City's behalf. Furthermore, they have agreed and already started on, at no additional cost to the City, assisting with RFP preparation for the various scopes applied for. The goal here being that once grants are awarded, we will have selected engineering firms available and ready to start immediately on design and engineering.

Staff recommends support of their request for additional funds to cover a portion of their overages/expenses in their initial grant application efforts. The work to date will potentially result in \$9.6 million in grant funding. The funds are proposed to come from the water capital account (30-5-4000)

If you have any questions, please feel free to contact me.

Eric Lutz
Director of Public Works