



CITY OF FOLLY BEACH

1st Reading: May 10, 2022
2nd Reading:

Introduced by: Mayor Goodwin
Date: May 10, 2022

ORDINANCE 007-22

AN ORDINANCE EXEMPTING NON-CONFORMING MULTIFAMILY USES IN THE RESIDENTIAL TWO FAMILY DISTRICT FROM THE SUBSTANTIAL DAMAGE RULE BY AMENDING SECTION 168.02-05 RECONSTRUCTION AFTER CASUALTY DAMAGE.

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 shown in red,

§ 168.02-05 Reconstruction After Casualty Damage.

(A) In the event a structure housing a nonconforming use in the RMF, DC, or IC Districts is damaged to an extent up to or greater than 50% of its assessed value at the time of damage through an Act of God or other natural catastrophic event, such use may be reconstructed to its state immediately prior to the Act of God or other natural catastrophic event resulting in its damage, provided that a new nonconforming use is not created. Reconstruction shall be initiated within 12 months of the damage, and shall be in accordance with all applicable state and federal laws.

(B) In the event a structure housing a nonconforming multifamily use in the RTF District is damaged to an extent up to or greater than 50% of its assessed value at the time of damage through an Act of God or other natural catastrophic event, such use may be reconstructed to its state immediately prior to the Act of God or other natural catastrophic event resulting in its damage, provided that a new nonconforming use is not created. Reconstruction shall be initiated within 12 months of the damage, and shall be in accordance with all applicable state and federal laws.

~~(B)~~ **(C)** In restoring ~~the structure~~ **such structures**, changes are permitted that reduce the degree or extent of the nonconforming use.

§ 168.03-05 Reconstruction after Damage.

(A) *More than 50% of pre-damaged market value.* In the event a nonconforming structure is damaged or destroyed, by any means, to the extent of 50% of its market value prior to such destruction, such structure shall not be restored unless in conformance with the standards for the zoning district in which it is located except that structures legally permitted prior to March 1, 2019 which are situated 15 feet or less from the OCRM critical line shall be allowed a ten-foot setback from the OCRM critical line. The footprint of any structure restored under this exemption may not be enlarged in such a manner that the area of the footprint within the 15-foot setback from the OCRM critical line or the total square footage of the structure is larger than its pre-damaged state. **Structures located in RMF, DC, IC, and RFT Districts that are damaged by an Act of God or other natural catastrophic event have a limited exception to this provision as set forth in Section 168.02-05.**

(B) *Less than 50% of pre-damaged market value.* Except for homes exceeding the maximum square footage in § [166.05-03](#), Single- and Two-Family Residential Design Standards, a nonconforming structure that is damaged or destroyed, by any means, to an extent of less than 50% of its market value prior to such damage or destruction, it may be restored to its pre-damaged state provided reconstruction is initiated within 12 months and provided the reconstruction complies with all other city ordinances as well as all state and federal laws and does not create any new nonconformities.

(C) *Homes exceeding maximum square footage.* An existing home exceeding the maximum square footage in § [166.05-03](#), Single- and Two-Family Residential Design Standards, damaged to an extent beyond 50% of its pre-damaged market value shall be reconstructed in accordance with the size limitations in this ZDO. A special exception permit (See § [163.03-03](#)) shall be required to reconstruct the home to its original square footage.

(Ord. 05-10, passed 3-23-10; Am. Ord. 035-21, passed 12-14-21)

ADOPTED this ____ day of _____, 2022, at Folly Beach, South Carolina.

Ayes:

Nays:

Abstains:

Municipal Clerk

Tim Goodwin, Mayor