COUNTY COUNCIL OF BEAUFORT COUNTY

ADMINISTRATION BUILDING
BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX
100 RIBAUT ROAD
POST OFFICE DRAWER 1228
BEAUFORT, SOUTH CAROLINA 29901-1228
TELEPHONE: (843) 255-2180
www.bcgov.net

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ROBERTS "TABOR" VAUX

THOMAS J. KEAVENY, II
INTERIM COUNTY ADMINISTRATOR
COUNTY ATTORNEY

CONNIE L. SCHROYER
CLERK TO COUNCIL

AGENDA
GOVERNMENTAL COMMITTEE
(Includes Public Safety Division)
Monday, November 5, 2018
4:00 p.m.
Executive Conference Room, Administration Building
Beaufort County Government Robert Smalls Complex
100 Ribaut Road, Beaufort

Governmental Committee Members:
Gerald Dawson, Chairman
Steve Fobes, Vice Chairman
Mike Covert
Brian Flewelling
York Glover
Jerry Stewart
Roberts "Tabor" Vaux

Staff Support:
Phil Foot, Assistant County Administrator
Public Safety

1. CALL TO ORDER – **4:00 P.M.**

2. UPDATE / BEAUFORT COUNTY ECONOMIC DEVELOPMENT CORPORATION QUARTERLY REPORT (backup)

3. UPDATE / PUBLIC SAFETY DIVISION (backup)

4. TEXT AMENDMENTS TO THE BEAUFORT COUNTY CODE OF ORDINANCES / CHAPTER 78 – FLOODS (backup)

5. EXECUTIVE SESSION
   A. Legal advice regarding a potential lease agreement with the City of Beaufort
   B. Potential acquisition of property on Shanklin Road, Beaufort

6. MATTERS ARISING OUT OF EXECUTIVE SESSION

7. ADJOURNMENT

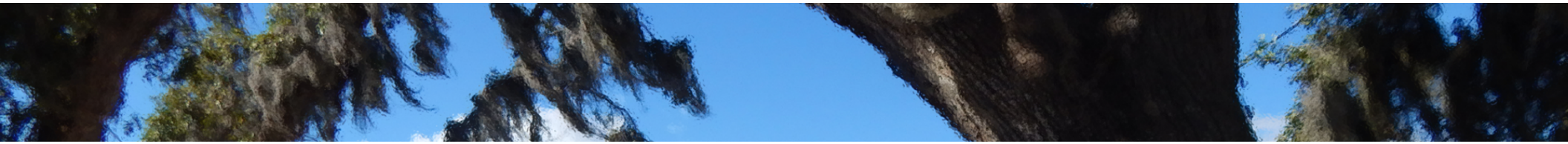
The County Channel


Beaufort County
Economic Development Corporation
John A. O'Toole, CEcD
November 5, 2018

Beaufort County
Economic Development Corporation

Beaufort County Econonmic Development Corp 2018 -19 Dashboard **10/18/2018**

Focus Area	Measure	Count	Percent
Capital Investment	$50 Million	12.64	25%
Job Creation	200	146	73%
Retention	100	60	60%
Product Development	Shovel Ready 3	4 - 5	4 - 5
Business Retention	50 Meetings - Follow-up	28	56%
Leads	75 Leads	53	71%
Marketing/Communications	Executing Plan/Speaking Engagements		
Partnerships	DofC, SCA, Munis/County		
Sustainablity	Public Support for Economic Development		
Workforce	Fidelis Employment Program Success		
Incentives for Companies			$1,132,570
Site Development Grants			$740,000
			$1,872,570



368 jobs coming to Walterboro

by THE PRESS AND STANDARD | October 4, 2018 5:00 AM

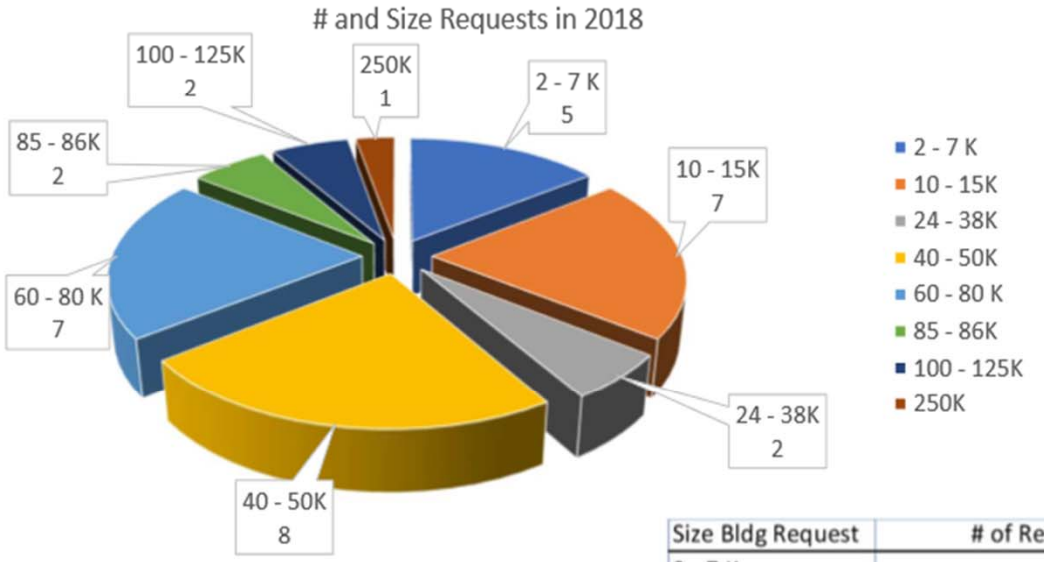
Last Updated: October 3, 2018 at 9:37 AM

COLLETON COUNTY
SOUTH CAROLINA
ECONOMIC ALLIANCE, INC.

Evanesce Packaging Solutions Inc. is poised to bring a cutting-edge food service container operation to Colleton County.

On Oct. 3, the company announced its first large-scale production facility will take up residence at the Colleton County Commerce Center.

The facility, which will manufacture compostable food service trays, represents a $70 million investment and is expected to create 368 new jobs over its first five years of operation.



Size Bldg Request	# of Requests
2 - 7 K	5
10 - 15K	7
24 - 38K	2
40 - 50K	8
60 - 80 K	7
85 - 86K	2
100 - 125K	2
250K	1





$500,000 in Economic Development Funds

Site Development

Job Creation & Retention



Request #1: Site Prep

Secured $200,000 grant from SC Department of Commerce for product development at Beaufort Commerce Park

Requesting the release of $155,000 in site funds to move forward with site prep on parcels at Beaufort Commerce Park



Request #2: Wetland Delineation

A wetland delineation has been completed on two parcels within the Beaufort Commerce Park

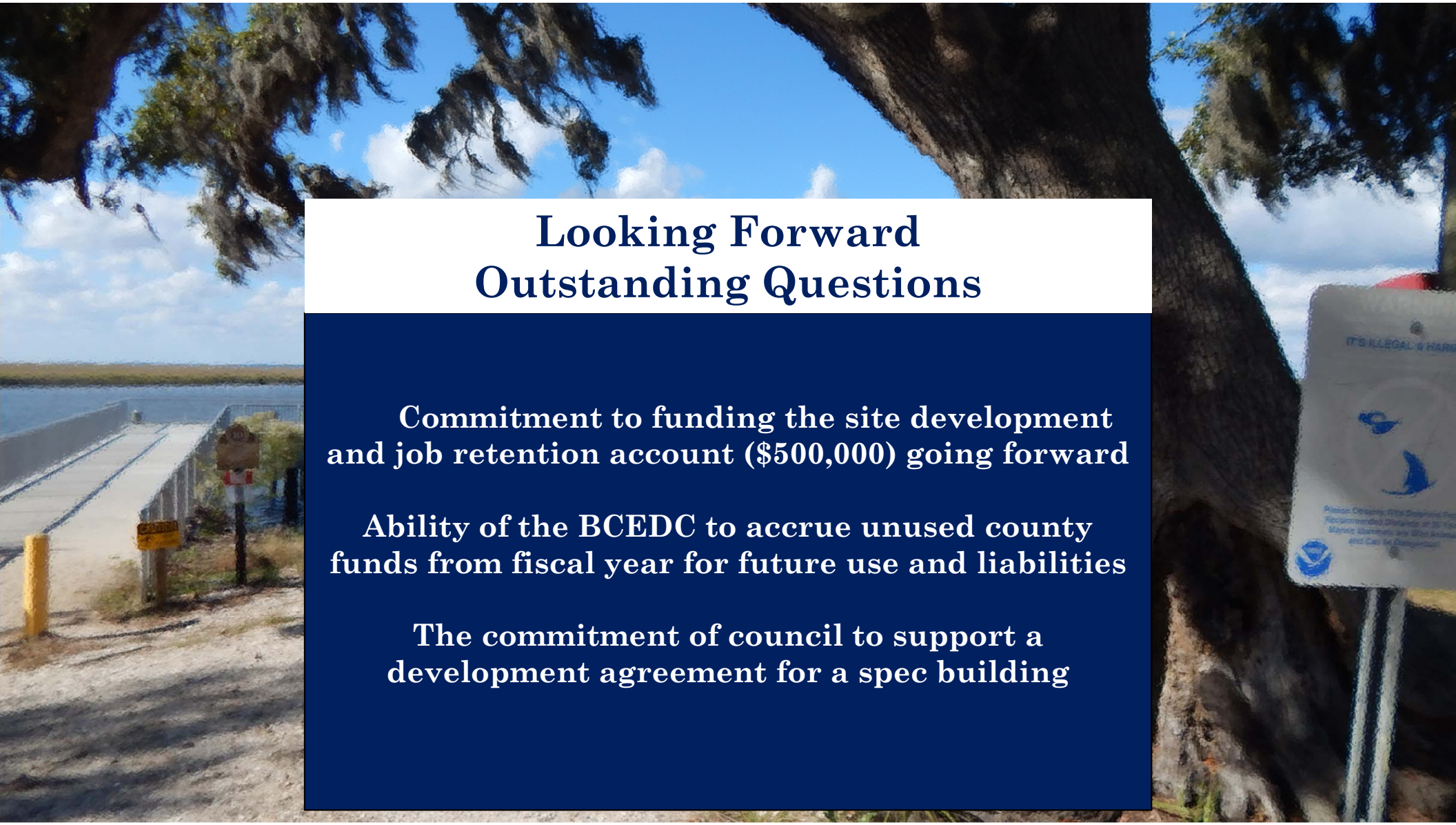
Requesting the release of $13,000 in site funds to cover costs incurred on this project

Request #3: Job Retention

Beaufort County Company that currently employs 50 people is looking to add an additional 70 to 100 employees with an estimated average wage of $60,100 to $89,800. The company is considering an investment of $8.7 million. We are competing against Pittsburg and Orlando

Requesting the release of $100,000, which will be coupled with funds from Palmetto Electric and SCDOC to retain company and assist in the companies plan for growth.

	Amount	Program
$	100,000.00	State Grant
$	100,000.00	Beaufort County Grant
$	50,000.00	Palmetto Electric/SC Power Team Grant
$	2,656,151.00	Job Development Credits
$	802,500.00	Job Tax Credits
$	26,250.00	Investment Tax Credits
$	105,000.00	Sales & Use Tax Exemption
$	480,913.00	Property Tax Abatement
	TBD	R&D
	TBD	ReadySC
$	**4,320,814.00**	**Total**



Looking Forward
Outstanding Questions

Commitment to funding the site development and job retention account ($500,000) going forward

Ability of the BCEDC to accrue unused county funds from fiscal year for future use and liabilities

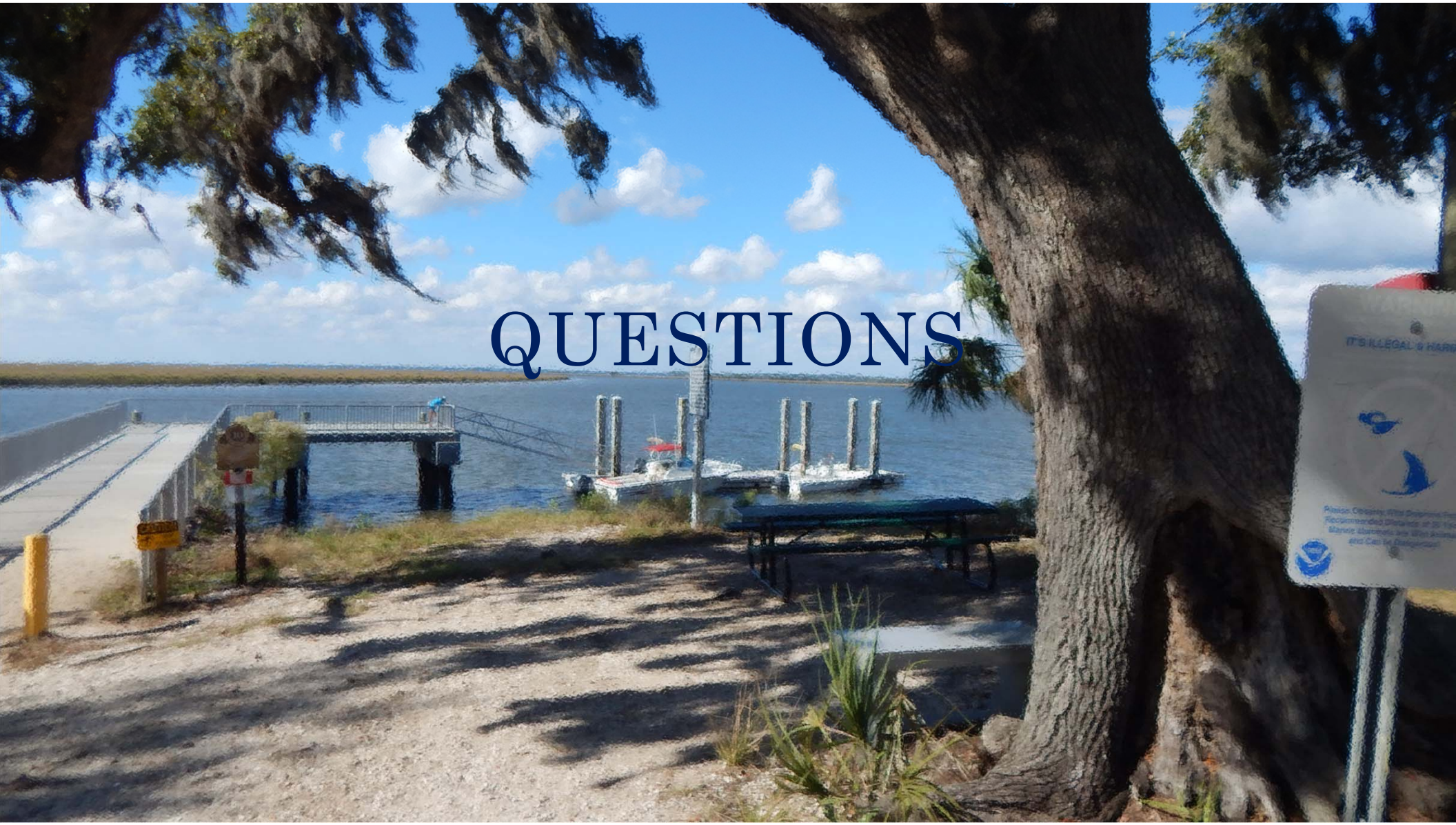
The commitment of council to support a development agreement for a spec building

A 50,000 sq.ft building

No upfront contribution other than site prep funds ($40,000 + $200K from SC DOC)

Cover interest cost only if building isn't leased 2 years after construction begins




QUESTIONS

Beaufort County
Economic Development Corporation

110 Traders Cross, Bluffton, SC 29909
Tel: (843) 705-8418 E-mail: jotoole@Beaufortscedc.org

October 22, 2018

Mr. Jerry Stewart, Vice Chairman
Mr. Thomas Keaveny, Interim County Administrator
Beaufort County Government
100 Ribaut Road
Beaufort, SC 29902

Gentlemen,

We would like to thank the County Council for budgeting $500,000 for economic development in FY 2018 – 19. We are currently working to develop sites; an industrial site adjacent to Hilton Head Airport, a spec building at Myrtle Business Park and sites at Beaufort's Commerce Park.

Moving forward the BCEDC, the City of Beaufort and the County will need to partner with a developer to construct a spec building to compete. Towards this end, the Beaufort County Economic Development Corporation (BCEDC) is nearing the conclusion of negotiations with a developer to construct a 50,000 sq.ft. speculative building in the Beaufort Commerce Park. To facilitate this development, BCEDC will pay for the interest/carrying cost only if the building isn't leased 24 months after the groundbreaking. The building will be completed 32 weeks after groundbreaking. The cost of this project to the county will be mitigated by a $200,000 grant we've received from the Department of Commerce. The BCEDC will contribute and is requesting $40,000 in county funds to move this project forward and $115,000 to begin site work on another site in the Beaufort Commerce Park. For this initiative the BCEDC is requesting release of $155,000 in site funds. At this critical juncture the BCEDC is also requesting clarification from the council's:

- commitment to funding the site development account ($500,000) going forward,
- the ability of the BCEDC to accrue unused county funds in the fiscal year for future use, and
- the commitment of council to support this development agreement.

Additionally, the BCEDC is currently conducting wetlands delineation on two development sites identified in the Beaufort Commerce Park. We would like to formally request $13,000 to cover the cost we have incurred to date on this project. On the Hilton Head Island site, we have secured $15,000 funding from the Palmetto Electric Cooperative and the SC Power Team for the wetlands delineation, thus we will not need county funds for this project at this time.

We are confidentially working to retain a Hilton Head Island laser company. The company currently employs 50 people on HHI and would look to grow to 70 - 100 employees with an estimated average annual wage of $60,100 – 89,800. To support its plans the company will be investing $8.7 million. We would like to request a total of $100,000, which will be coupled with an additional $50,000 provided by Palmetto Electric and SC Power Team, to retain this important company in Beaufort County. These funds will be included in the incentive package that the Department of Commerce is crafting to retain the company. The company, through its consultant is evaluating consolidating operations in Pittsburg, PA or Orlando, FL where it currently has facilities.

In total we are formally request access to a total of $268,000 and guidance on long term funding and our ability to enter into long-term agreements. Thank you for your consideration of our request. Please contact me if you have any questions or would like any additional details on these ongoing projects.

Sincerely,

John A. O'Toole, CEcD
Director of Beaufort County Economic Development Corporation

Request of Site and Job Retention Funds:

Use of Funds	Amount Requested
Beaufort Commerce Park Site Development	$155,000
Beaufort Commerce Park Wetland's Mapping	$13,000
Project Unicorn Retention Grant	$100,000
Total	$268,000

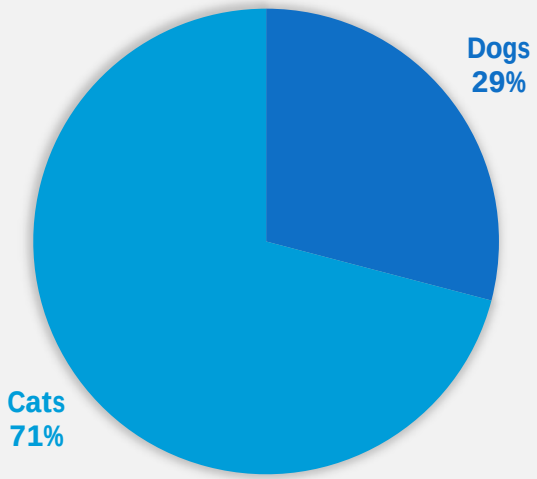
Public Safety Monthly Update: October 2018

Beaufort County Public Safety Division

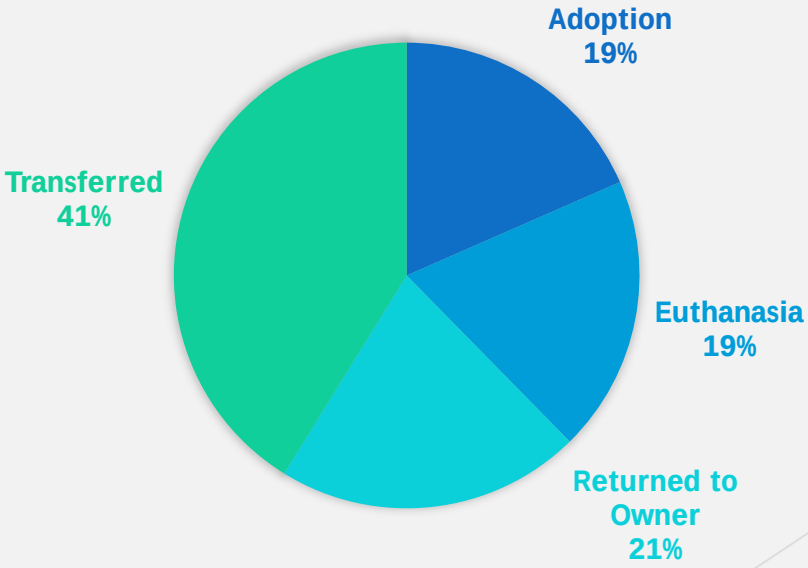
Presented by Philip A. Foot, CJM

Animal Services

INTAKE BY ANIMAL



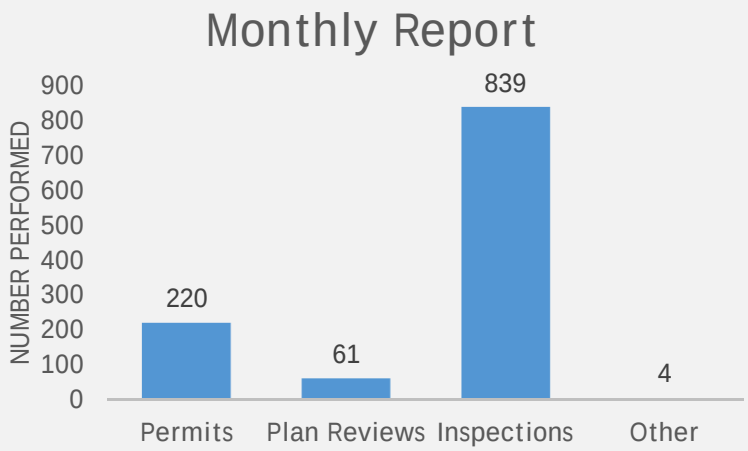
OUTCOMES

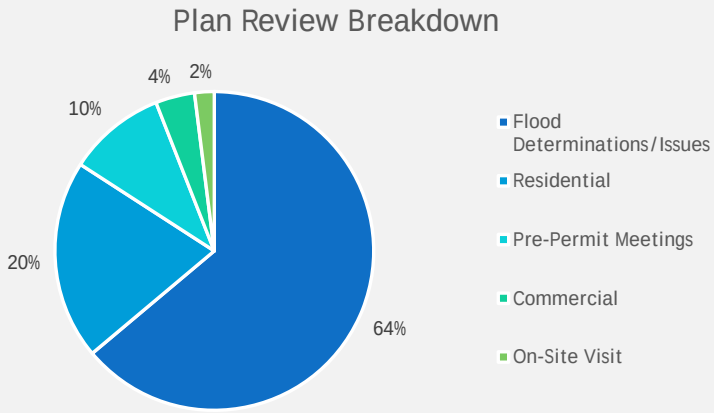


Animal Campus Construction Update

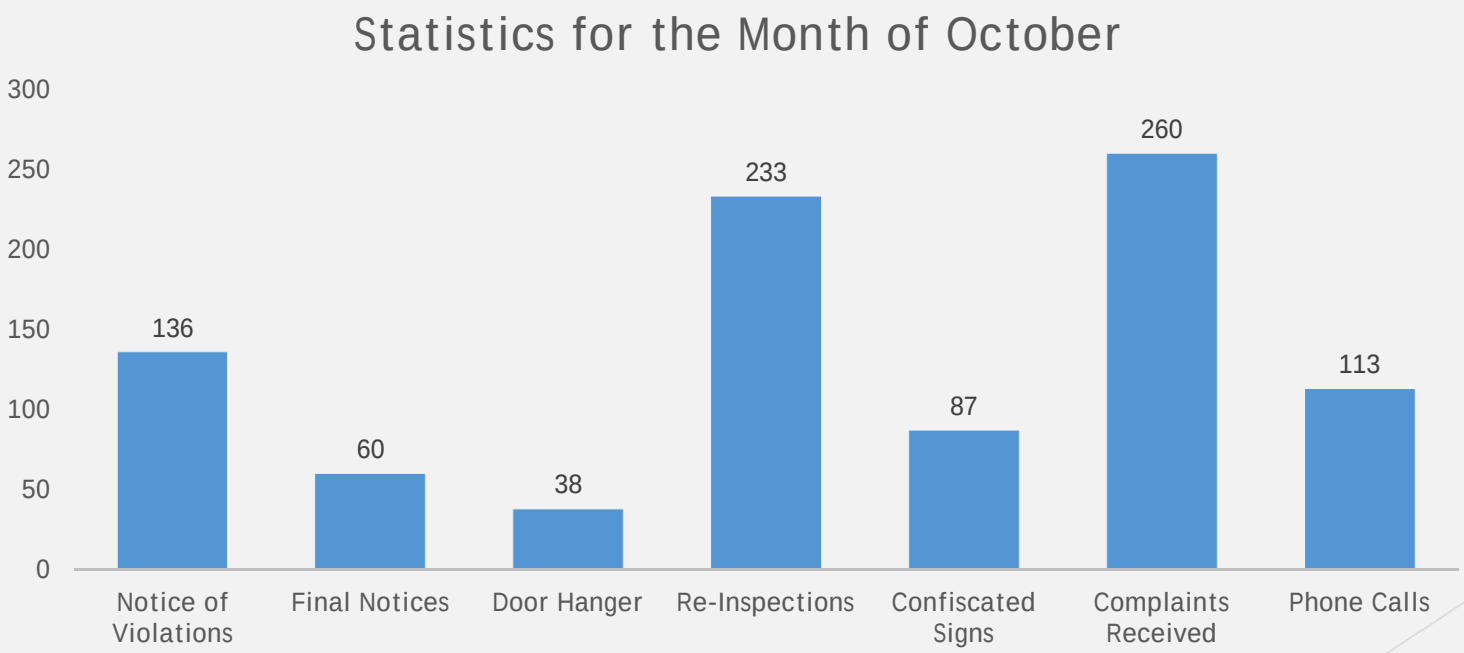


Building Codes



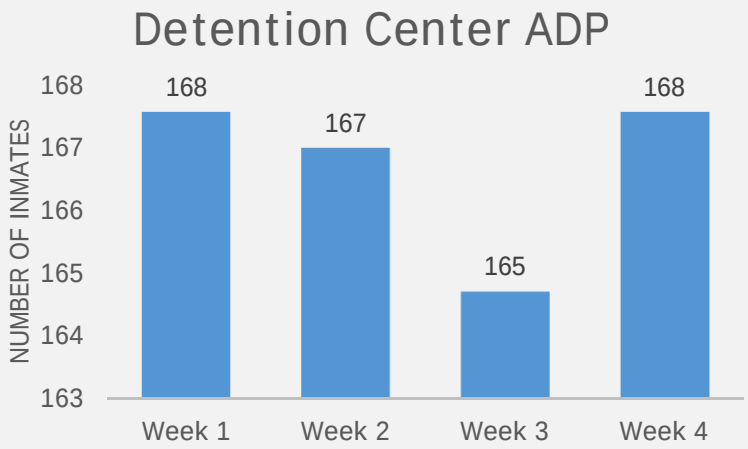


Codes Enforcement



Detention Center

- Continuing to fill positions for the current vacancies.
- The Average Daily Population (ADP) for the month of August was ~167 inmates.



Detention Center

- Integrated Electronic Security System Upgrade





Emergency Medical Services

- EMS has performed 980 calls in the month of October.
- Continuing to fill positions for the current vacancies.
- EMS received $50,000 Regional Medical Assistance Team (RMAT) grant and $12,000 Grant in Aid(GIA) grant.

Emergency Medical Services

- New ambulances were delivered October 23rd.



Mosquito Control

- Mosquito Control has received 56 service requests for the month of October.
- Helicopter (Saluda) is down for repairs.



Parks and Recreation

- Yoga is being offered Tuesdays and Thursday at the Buckwalter Recreation Center.
- Basketball Season has started.
- Currently working on updating Master Plans for Buckwalter and Burton Wells.

COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY INSPECTION DEPARTMENT

Multi Government Center – 100 Ribaut Road
Post Office Drawer 1228, Beaufort, SC 29901 – 1228
Phone: (843) 255-2065 - Fax: (843) 255-9410

10/26/2018

To: Councilman Gerald Dawson, Chairman, Governmental Committee, and Members

From: Philip Foot, CJM. Public Safety Division Director; Charles Atkinson, Building Codes Director; Chris Inglese, Esq. Assistant County Attorney

Subject: Required update to Chapter 78, Article II – Flood Damage Prevention

Executive Summary:

The National Flood Insurance Program (NFIP) is a highly technical program that governs if and how those citizens in Beaufort County who live in flood hazard areas can protect and insure their homes and businesses from rising water in the event of a natural disaster. The NFIP is a Federal program created by Congress to mitigate future flood losses nationwide through sound, community enforced ordinances and to provide access to affordable, federally backed flood insurance protection for property owners. The NFIP is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods.

Participation in the NFIP is based on an agreement between local communities and the Federal Government that states that if a community will adopt and enforce a floodplain management ordinance to reduce future flood risks to new construction in Special Flood Hazard Areas (SFHAs), the Federal Government will make flood insurance available within the community as a financial protection against flood losses. These ordinances are required to be periodically updated to ensure that the most current mandates are being implemented in our community.

The following proposed changes to the Beaufort County Flood Damage Prevention Ordinance are being submitted for Council's approval to ensure strict compliance with both federal and state mandates regulating our continued participation in FEMA's National Flood Insurance and Community Rating System Programs. All proposed changes were taken from South Carolina Department of Natural Resources model flood

ordinance, were reviewed for compliance by SC DNR staff, and subsequently approved for use as proposed.

The key changes are as follows:

78-26 Authority: This ordinance preamble is being expanded to more clearly state the county's intent to participate in the National Flood Insurance Program.

78-29 Definitions: Multiple NFIP specific terms have been added and/or amended to provide clear and precise administrative guidance in respect to the program's implementation and enforcement. In addition, these modifications serve to align the provisions of this ordinance with all applicable FEMA documents and publications that govern NFIP participation.

78-38 Administration:
(a) Amendment changes the official designation of the program administrator from "Building Official" to "County Administrator or his/her designee".

(b) (6) Addition of this section more clearly states the NFIP's requirement for Final Flood Elevation Certificate submittal at the conclusion of applicable projects.

(c) (10) and (11) Addition of these sections serve to provide clear policy concerning FEMA's right to deny flood insurance for properties that are deemed in violation and to specifically identify enforcement documents and manuals as published by FEMA.

(d) (11) This section provides information relevant to correcting Flood Insurance Rate Map elevation errors.

(d) (12) This section provides a prescriptive process to correct Special Flood Hazard Area and topographic boundary conflicts. (Letters of Map Amendment)

(d) (16-23) These sections have been added to more clearly define the duties and responsibilities of program administrators. More clearly defined duties include: encroachment prevention, notifications, enforcement actions, assessment of substantial improvements, and value determinations.

(e) This sections states that all Letters of Map Revision (LOMR's) issued by FEMA must be implemented by Beaufort County.

78-66 General Standards:
(10) This new section requires that all development that is critical to the public's health and safety, orderly functioning, or uses that may pose a high hazard to the public must be elevated to the 500 year base flood elevation. (jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants, gas/oil storage, etc..)

(11) This section states that non-conforming structures may not be enlarged, replaced, or rebuilt unless the changes are in compliance with all applicable sections of this ordinance.

78-67 Specific Standards:

(4) Accessory Structures:
(a), (b) (1-7) This section provides prescriptive guidelines for the placement and use of accessory structures in Special Flood Hazard Areas.

(5) Floodways:
(a), (b) This section provides prescriptive guidelines for all activity within areas designated as a "Floodway".

(6) Map Maintenance Activities:
(a), (b) This section requires that all NFIP flood data be reviewed and approved by FEMA. (flood map revisions, LOMA's, LOMR's, floodway encroachment data, etc.)

78-68 (d) This section requires that the county address the evacuation of flood prone areas. This is accomplished via Beaufort County's Emergency Operations Plan, as directed by local and state emergency management.

78-69 Enclosed Areas Below Flood:
(a) (3) This section states that only the portions of hydrostatic vents that are below the established Base Flood Elevation (BFE) may be counted toward the required net open area of the vent.

78-70 Coastal High Hazard Areas (V Zones):
(1)-(18) Changes to this section reflect existing technical requirements that are only applicable to Velocity Zones - Limits site modifications, modifies MEP required elevation by one foot, limits structure access, and regulates deck construction.

Chapter 78 - FLOODS[1]

Footnotes:

--- (**1**) ---

Cross reference— Environment, ch. 38; health and sanitation, ch. 46; buildings and building regulations, ch. 74; manufactured homes and trailers, ch. 86; planning, ch. 94; waterways, ch. 102; zoning and development standards, ch. 106; natural resource protection standards for flood hazard area, § 106-1848; subdivision and land development standards, § 106-2766 et seq.; flood control design criteria, § 106-2859.

ARTICLE I. - IN GENERAL

Secs. 78-1—78-25. - Reserved.

ARTICLE II. - FLOOD DAMAGE PREVENTION

DIVISION 1. - GENERALLY

Sec. 78-26. - Authority.

This article is adopted pursuant to the authority conferred by S.C. Code 1976, § 4-9-30(5) delegating the responsibility of local governments to adopt regulations designed to promote the public health, safety and general welfare.

Findings of Fact - The Special Flood Hazard Areas of Beaufort County are subject to periodic inundation, which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

Furthermore, these flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(Code 1982, § 5-110)

Sec. 78-27. - Purpose.

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to accomplish the following:

(1) Restrict and prohibit uses which are dangerous to health, safety, and property due to water or erosion or in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities serving such uses, be protected against flood damage at the time of initial construction;

(3) Control filling, grading, dredging, and other development which may increase erosion or flood damage; and

(4) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Code 1982, § 5-111)

Sec. 78-28. - Objectives.

The objectives of this article shall include but not be limited to, the following:

(1) Protect human life and health;

(2) Minimize expenditure or public money for costly flood control project;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone, and sewer lines; streets and bridges located in floodplains;

(6) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and

(7) Ensure that potential homebuyers are notified that property is in a flood area.

(Code 1982, § 5-112)

Sec. 78-29. - Definitions.

Unless specifically defined in this section, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory structure means a structure, which is, located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

Addition means an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction, ~~unless the addition, renovation or reconstruction to any building that was constructed prior to the initial flood insurance study for that area, and the addition, renovation or reconstruction does not equal 50 percent of the present market value of the structure.~~ regardless as to whether the addition is a substantial improvement or not. Where a firewall or load-bearing wall is provided between the addition and the existing building, the addition shall be considered a separate building and must comply with the standards for new construction.

Agricultural structure means a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Agricultural structures are not exempt from this article.

Appeal means a request for a review of the building official's interpretation of any section of this article or a request for variance.

Area of shallow flooding means a designated AO or VO zone on the community's flood insurance rate map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate and where velocity flow may be evident.

Area of special flood hazard means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

Base flood means the flood having a one-percent chance of being equalized or exceeded in any given year.

Basement means that portion of a building having its floor subgrade (below ground level) on all sides.

Building means any structure built for support, shelter, or enclosure for any occupancy or storage.

Coastal high hazard area means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along open coast and any other area subject to high velocity wave action caused by but not limited to hurricane wave wash or tsunamis; the area designated as V, VE and V1-30.

Critical development means development that is critical to the community's public health and safety, is essential to the orderly functioning of a community, store or produce highly volatile, toxic or water-reactive materials, or house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical development include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants and gas/oil/propane storage facilities.

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be comprised.

Development means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or permanent storage of materials or equipment.

Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundations, perimeter walls, pilings, columns, piers, or shear walls parallel to the flow of water.

E.O. 11988 means Executive Order 11988 which is a directive, issued by President Carter in 1977, that requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas unless there is no practical alternative.

Existing construction means, for the purposes of determining rates, a structure for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975 for FIRM's effective before that date. The term "existing construction" may also be referred to as "existing structure."

Existing manufactured home park or subdivision means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed, including at a minimum the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets, is completed before the effective date of the ordinance from which this article derives. Reference Ordinance 77-17 adopted September 30, 1977.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be

affixed, including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets. Any expansion is considered new construction.

Flood or *flooding* means a general temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters; or

(2) The unusual and rapid accumulation of runoff of surface water from any source.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as zone A.

Flood insurance rate map (FIRM) means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood insurance study means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary-floodway map and the water surface elevation of the base flood.

Flood-resistant material means any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage which requires more than low-cost cosmetic repair. Any material which is water soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood resistant. Pressure-treated lumber or naturally decay-resistant lumber are acceptable flooring materials. Sheet-type flooring coverings which restrict evaporation from below and materials which are impervious, but dimensionally unstable, are not acceptable. Materials which absorb or retain water after submergence are not flood resistant. Please refer to Technical Bulletin 2-93, Flood-Resistant Materials for Buildings Located in Special Flood Hazard Areas in Accordance with the National Flood Insurance Program, document number FLA-TB-2, dated April 1993, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic structure means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

    a. By an approved state program as determined by the Secretary of the Interior; or

b. Directly by the Secretary of the Interior in states without approved programs.

Some structures or districts listed on the state or local inventories may not be historic as cited in subsections (3) and (4) of this definition but have been included on the inventories because it was believed that the structures or districts have the potential of meeting the historic structure criteria of the Department of the Interior. In order for these structures to meet National Flood Insurance Program historic structure criteria, it must be demonstrated and evidenced that the state department of archives and history has individually determined that the structure or district meets historic structure criteria of the Department of the Interior.

Increased Cost of Compliance applies to all new and renewed flood insurance policies effective on and after June 1, 1997. The NFIP shall enable the purchase of insurance to cover the cost of compliance with land use and control measures established under Section 1361. It provides coverage for the payment of a claim to help pay for the cost to comply with State or community floodplain management laws or ordinances after a flood event in which a building has been declared substantially or repetitively damaged.

Levee system means a good protection system which consists of a levee and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Limited Storage means an area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities except for essential lighting and cannot be temperature controlled. If the area is located below the base flood elevation in an A, AE and A1-A30 zone it must meet the requirements of section 78-66(1) and (2) of this ordinance If the area is located below the base flood elevation in a V, VE and V1-V30 zone it must meet the requirements of section 78-70 of this ordinance.

Lowest adjacent grade means the elevation of the lowest ground surface that touches any deck support, exterior walls of a building or proposed building walls.

Lowest floor means the top surface of an enclosed area in a building, including basement; i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor or a garage used solely for parking vehicles, building access or storage.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a recreational vehicle.

Manufactured home park or subdivision means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

National Geodetic Vertical Datum (NGVD) means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

North American Vertical Datum (NAVD) of 1988 means vertical control, as corrected in 1988, used as the reference datum on Flood Insurance Rate Maps.

New construction means structures for which the start of construction commenced on or after the effective date of the ordinance from which this article derives.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed on or after the effective date of the ordinance from which this article derives. Reference Ordinance No. 77-17 dated September 30, 1977.

Recreational vehicle means a vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light-duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Remedy a violation means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protection of the structure or other affected development from flood damages, implementing the enforcement provisions of this article or other otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Repetitive loss means any building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a 10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, and the average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.

Sand dunes means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Start of construction, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (PL 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Section 1316 means section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that FEMA finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations or ordinances that are intended to discourage or otherwise restrict land development or occupancy in floodprone areas.

Stable natural vegetation means the first place on the oceanfront where plants such as sea oats hold sand in place.

Structure means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other manmade facilities or infrastructures.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either: (i) Any project of improvement to a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions (does not include Americans with Disabilities Act compliance standards); or (ii) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. Permits shall be cumulative for a period of ten years.

Substantially improved existing manufactured home parks or subdivisions means that the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

V zone. See *Coastal high hazard area.*

Variance means a grant of relief to a person from the requirements of this article which permits construction in a manner otherwise prohibited by this article where specific enforcement would result in unnecessary hardship.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in CFR section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum of 1929 or other datum where specified, of floods of various magnitudes and frequencies in the floodplains of coastal or river areas.

(Code 1982, § 5-113)

Cross reference— Definitions generally, § 1-2.

Sec. 78-30. - Lands to which article applies.

This article shall apply to all unincorporated areas of special flood hazard within the jurisdiction of the county.

(Code 1982, § 5-114(a))

Sec. 78-31. - Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency through a scientific and engineering report entitled "The Flood Insurance Study For The County of Beaufort," dated September 30, 1977, Federal Register Vol. 41, No. 207, pages 46962 through 46992, dated Tuesday, October 26, 1976, and subsequent supplement titled "Wave Height Analysis," dated June 4, 1984, with accompanying flood insurance rate maps and flood boundary maps, dated September 30, 1977, and subsequent maps adding wave height dated December 4, 1984 and September 29, 1986, November 4, 1992 and adopt current FIS and map of January 17, 1991.

(Code 1982, § 5-114(b); Ord. No. 2009/2, 1-12-2009)

Sec. 78-32. - Establishment of development permit.

A development permit or building permit shall be required in conformance with this article prior to the commencement of any development activities.

(Code 1982, § 5-114(c))

Sec. 78-33. - Compliance.

No structure or land shall be located, extended, converted, or structurally altered without full compliance with the terms of this article and other applicable regulations.

(Code 1982, § 5-114(d))

Sec. 78-34. - Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Code 1982, § 5-114(e))

Sec. 78-35. - Interpretation.

In the interpretation and application of this article, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the county council; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Code 1982, § 5-114(f))

Sec. 78-36. - Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the county or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

(Code 1982, § 5-114(g))

Sec. 78-37. - Penalties for violation.

Violation of this article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $200.00 or imprisoned for not more than 30 days and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing contained in this section shall prevent the county from taking such other lawful action as is necessary to prevent or remedy any violation.

(Code 1982, § 5-114(h))

Sec. 78-38. - Administration.

(a) *Designation of administrator.* ~~The building official is appointed to administer and implement this article.~~ The County Administrator or his/her designee is appointed to administer and implement this article.

(b) *Permit procedures.* Application for a development permit or building permit shall be made to the county on forms furnished by the county prior to any development activities, and may include but not be limited to the following plans, in duplicate, drawn to scale showing the nature, location, dimensions, and elevations of the area in question: existing or proposed structures, fill, storage of materials, drainage facilities, and the location of such. Specifically, the following information is required:

(1) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all structures;

(2) Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;

(3) Provide a certificate from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in subsection 78-67;

(4) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development;

(5) Provide a floor elevation or floodproofing certification after the lowest floor is completed or, when the structure is subject to the regulations applicable to coastal high hazard areas, after placement of the horizontal structural members of the lowest floor. It shall be the duty of the permit holder to submit to the floodplain manager a certification of the elevation of the lowest floor, floodproofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level, before vertical framing or in the case of slab construction before pouring the slab. The certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the surveyor or engineer. When floodproofing is utilized for a particular building, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by the engineer or architect. Any work done prior to submission of the certification shall be at the permit holder's risk. The floodplain manager shall review the flood elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make the corrections required shall be cause to issue a stop work order for the project; and

(6) *As-built certification.* Upon completion of the development a registered professional engineer, land surveyor or architect, in accordance with SC law, shall certify according to the requirements of subsection (b)(3) and (b)(5) of this section that the development is built in accordance with the submitted plans and previous pre-development certifications.

(c) *Administrative procedures.* Administrative procedures shall be as follows:

(1) *Inspections of work in progress.* As the work pursuant to a permit progresses, the local administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to this article and the terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

(2) *Stop work orders.* Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this article, the administrator may order the work to be immediately stopped. The stop work order shall be in writing and directed to the person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop work order constitutes a misdemeanor.

(3) *Revocation of permits.* The local administrator may revoke and require the return of the development permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.

(4) *Periodic inspections.* The local administrator and each member of his inspections department shall have a right, upon presentation of proper credentials, to enter on any premises with the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(5) *Violations to be corrected.* When the local administrator finds violations of applicable state and local laws, it shall be his duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property he owns.

(6) *Actions for failure to take corrective action.* If the owner of a building or property shall fail to take prompt corrective action, the administrator shall give him written notice, by certified or registered mail to his last known address or by personal service, that:

a. The building or property is in violation of this article;

b. A hearing will be held before the local administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

c. Following the hearing, the local administrator may issue such order to alter, vacate, or demolish the building or to remove fill as appears appropriate.

(7) *Order to take corrective action.* If, upon a hearing held pursuant to the notice prescribed in subsection (c)(6) of this section, the administrator shall find that the building or development is in violation of this article, he shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, that the administrator may prescribe; provided that where the administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

(8) *Appeal.* Any owner who has received an order to take corrective action may appeal from the order to the county council by giving notice of appeal in writing to the administrator and the clerk within ten days following issuance of the final order. In the absence of an appeal, the order of the administrator shall be final. The county council shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

(9) *Failure to comply with order.* If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken or fails to comply with an order of the county council following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

(10) *Denial of flood insurance under the NFIP*. If a structure is declared in violation of this ordinance and after all other penalties are exhausted to achieve compliance with this ordinance, then the local floodplain administrator shall notify the Federal Emergency Management Agency (FEMA) to initiate a Section 1316 of the National Flood Insurance Act of 1968 action against the structure upon the finding that the violator refuses to bring the violation into compliance with the ordinance. Once a violation has been remedied the local floodplain administrator shall notify FEMA of the remedy and ask that the Section 1316 be rescinded.

(11) The following documents are incorporated by reference and may be used by the local floodplain administrator to provide further guidance and interpretation of this ordinance:

a) FEMA 55 Coastal Construction Manual

b) All FEMA Technical Bulletins

c) All FEMA Floodplain Management Bulletins

(d) *Duties and responsibilities ~~of the building official. Duties of the building official shall include but not limited to:~~ of the administrator.* Duties of the administrator shall include but not be limited to:

(1) Review all building permits to ensure that the permit requirements of this article have been satisfied;

(2) Advise the permittee that additional federal or state permits may be required and, if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the building permit;

(3) Notify adjacent communities and the South Carolina Department of Natural Resources, Land, Water and Conservation Division, State Coordinator for the National Flood Insurance Program, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;

(4) Ensure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished;

(5) Obtain from a registered professional land surveyor, architect or engineer the actual elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved structures, in accordance with subsection (b)(5) of this section;

(6) Obtain from a registered professional land surveyor, architect or engineer the actual elevation, in relation to mean sea level, to which the new or substantially improved structures have been floodproofed, in accordance with subsection (b)(5) of this section;

(7) In coastal high hazard areas obtain certification from a registered professional engineer or architect that the structure is securely anchored by adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash;

(8) In coastal high hazard areas, review plans for adequacy of breakaway screening or lattice in accordance with sections 78-66 and 78-67;

(9) When floodproofing is utilized for a particular structure, obtain certification from a registered professional engineer or architect;

(10) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided;

(11) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations for flood protection elevations (as found on an elevation profile, floodway data table, etc.) shall prevail. The correct information should be submitted to FEMA as per the map maintenance activity requirements outlined in section 78-67 (a)(6)

(12) Special Flood Hazard Area/ topographic boundaries conflict- When the exact location of boundaries of the areas special flood hazards conflicts with the current, natural topography information at the site, the site information takes precedence when the lowest adjacent grade is at or above the BFE. The property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. The local floodplain administrator in the permit file will maintain a copy of the Letter of Map Amendment issued from FEMA;

(13) Maintain all records pertaining to this article in the office of the building official, and the records shall be open for public inspection;

(14) Submit a report to the administrator of the Federal Insurance Administration concerning the community participation in the program;

(15) Use of best available data. When base flood elevation data or floodway data has been provided in accordance with section 78-31, obtain, review and reasonably utilize best available base flood elevation data and floodway data available from a federal, state, or other source;

(16) Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of section 78-67 (a)(5) are met;

(17) Cooperate with neighboring communities with respect to the management of adjoining floodplains and/or flood-related erosion areas in order to prevent aggravation of existing hazards;

(18) Notify adjacent communities prior to permitting substantial commercial developments and large subdivisions to be undertaken in areas of special flood hazard and/or flood-related erosion hazards;

(19) Make on-site inspections of projects in accordance with the administrative procedures outlined in section 78-38 (c)(1);

(20) Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with the administrative procedures in section 78-38 (c)(2-9);

(21) Notify the South Carolina Department of Natural Resources Land, Water and Conservation Division, State Coordinator for the National Flood Insurance Program within six (6) months, of any annexations or detachments that include special flood hazard areas;

(22) Perform an assessment of damage from any origin to the structure using FEMA's Residential Substantial Damage Estimator (RDSE) software to determine if the damage equals or exceeds 50 percent of the market value of the structure before the damage occurred and

(23) Perform an assessment of permit applications for improvements or repairs to be made to a building or structure that equals or exceeds 50 percent of the market value of the structure before the start of construction. Cost of work counted for determining if and when substantial improvement to a structure occurs shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur.

The market values shall be determined by one of the following methods:

a) The current assessed building value as determined by the county's assessor's office or the value of an appraisal performed by a licensed appraiser at the expense of the owner within the past 6 months.

b) One or more certified appraisals from a registered professional licensed appraiser in accordance with the laws of South Carolina. The appraisal shall indicate actual replacement value of the building or structure in its pre-improvement condition, *less the cost of site improvements and depreciation for functionality and obsolescence.*

c) Real Estate purchase contract within 6 months prior to the date of the application for a permit.

(e) *Adoption of Letter of Map Revisions (LOMR*). All LOMRs that are issued in the areas identified in section 78-30 of this ordinance are hereby adopted.

(Code 1982, § 5-115; Ord. No. 2009/2, 1-12-2009)

Cross reference— Administration, ch. 2.

Sec. 78-39. - Variance procedures.

(a) The county construction board of adjustments and appeals, as established by the county council, shall hear and decide appeals and requests for variances from the requirements of this article.

(b) The construction board of adjustments and appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination of this article.

(c) In passing upon such application, the construction board of adjustments and appeals shall consider all technical evacuations, all relevant factors, and all standards specified in other sections of this article.

(d) Conditions for granting variances shall be as follows:

(1) A variance shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; variances shall be only for land areas not exceeding one-half acre in size;

(2) Variances shall only be issued upon:

a. A showing of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety and extraordinary public expense, create nuisance, cause fraud on or victimization of the public or conflict with existing local laws or ordinances;

(3) Such variance shall be freely transferable with the land and shall not be personal to the applicant;

(4) Unless otherwise provided therein, a variance shall be valid for a period of one year after the date of its issuance. If construction has not commenced pursuant thereto within such time, the variance shall become void. Lapse of a variance by the passage of time shall not preclude subsequent application for variance; and

(5) A copy of the variance granted shall be affixed to the deed of the property in question and recorded with the register of deeds.

(e) Upon consideration of the factors listed in subsection (d) of this section, the board may grant a variance but only per the following; the procedures described shall be the exclusive method for obtaining variances under this article:

(1) Structures for which the start of construction commenced on or before September 30, 1977, and for those structures built between September 30, 1977 and December 4, 1984. No variance for an existing structure will be granted when such improvement would exceed 100 percent of the market value of the structure.

(2) For start of construction commencing on or after September 30, 1977, no variance will be granted for a structure which has been built in compliance with this article and subsequently is made to be in noncompliance with or without the knowledge of the owner. The owner shall be subject to the penalty described in section 78-37.

(3) Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's

continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(4) Variances may be issued to wet floodproof an agricultural structure in accordance with Technical Bulletin 7-93, Wet Flood Proofing Requirements for Structures Located in Special Flood Hazard Areas, in accordance with the National Flood Insurance Program, document number FIA-TB-7, dated December 93, and available from the Federal Emergency Management Agency. In order to minimize flood damages during the base flood and the threat to public health and safety, the structure must meet all of the conditions and considerations of this section, and the standards in division 2 of this article.

(f) Any person aggrieved by the decision of the construction board of adjustments and appeals may appeal such decision to the county council and thereafter to the applicable court as so desired.

(Code 1982, § 5-116)

Secs. 78-40—78-65. - Reserved.

DIVISION 2. - FLOOD HAZARD REDUCTION

Sec. 78-66. - General standards.

: *In all areas of special flood hazard*, the following are required:

(1) All permit applications shall be reviewed to determine whether proposed building sites will be reasonably safe from flooding.

(2) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(3) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(4) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

(5) All new replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.

(6) New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

(7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(8) Electrical, ventilation, plumbing, heating and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. This requirement does not preclude outdoor faucets for shower heads, sinks, hoses, etc., as long as cutoff devices and backflow devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building. No electrical distribution panel shall be allowed at an elevation lower than the base flood elevation.

(9) Any alteration, repair, reconstruction, or improvement to a structure which is in compliance with this article shall meet the requirements of new construction as contained in this article.

(10) Critical Development shall be elevated to the 500 year flood elevation or be elevated to the highest known historical flood elevation (where records are available), whichever is greater. If

no data exists establishing the 500 year flood elevation or the highest known historical flood elevation, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates 500 year flood elevation data.

(11) Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, provided that the bulk of the building or structure below base flood elevation in the floodway is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

(b) *Streams with established base flood elevations but without floodways.* Along rivers and streams where Base Flood Elevation (BFE) data is provided but no floodway is identified for a Special Flood Hazard Area on the FIRM or in the FIS no encroachments, including fill, new construction, substantial improvements or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(Code 1982, § 5-117(a))

Sec. 78-67. - Specific standards.

(a) *Requirements.* In all areas of special flood hazard where base flood elevation data has been provided, as set forth in section 78-31, the following are required:

(1) *Residential construction.* New construction or substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor elevated no lower than the required base flood elevation (BFE). No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, openings shall be installed per section 78-69.

(2) *Americans with Disabilities Act (ADA).* A building must meet the specific standards for floodplain construction outlined in this section as well as applicable ADA requirements. The ADA is not justification for issuing a variance or otherwise waiving these requirements. Also, the cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.

(3) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated no lower than the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that all areas of the structure below the required elevation shall be watertight and with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in subsection 78-38(b)(3).

(4) *Accessory structures*.

a. A detached accessory structure or garage, the cost of which is greater than $3,000, must comply with the requirement as outlined in FEMA's Technical Bulletin 7-93 *Wet Floodproofing Requirements* or be elevated in accordance with section 78-67 (a)(1) and section 78-69 or dry floodproofed in accordance with section 78-67 (a)(3).

b. If accessory structures of $3,000 or less are to be placed in the floodplain, the following criteria shall be met:

1. Accessory structures shall not be used for any uses other than the parking of vehicles and storage;

2. Accessory structures shall be designed to have low flood damage potential;

3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

4. Accessory structures shall be firmly anchored to prevent flotation, collapse and lateral movement of the structure;

5. Service facilities such as electrical and heating equipment shall be installed in accordance with section 78-66 (a)(8);

6. Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with section 78-69 of this ordinance, and

7. Accessory structures shall be built with flood resistance materials in accordance with Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements,* dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

(5) *Floodways.* Located within areas of special flood hazard established in section 78-30 are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:

a. No encroachments, including fill, new construction, substantial improvements, additions, and other developments shall be permitted unless:

1. It has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the local floodplain administrator,

2. A Conditional Letter of Map revision (CLOMR) has been approved by FEMA. A Letter of Map Revision must be obtained upon completion of the proposed development,

b. If subsection (a)(5)a of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section 78-66 and 78-67

c. No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of section 78-98 and the encroachment standards of subsection (a)(5)a are met, and

d. Permissible uses within floodways may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a no-impact certification. The uses listed in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevations or changes to the floodway configuration.

(6) *Map Maintenance Activities*. The National Flood Insurance Program (NFIP) requires flood data to be reviewed and approved by FEMA. This ensures that flood maps, studies and other data identified in section 78-30 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data. The following map maintenance activities are identified:

a. Requirement to Submit New Technical Data

1. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical or scientific data reflecting such changes be submitted to FEMA as soon as practicable , but no later than six months of the date such information becomes available. These development proposals include; but not limited to:

a) Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

b) Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;

c) Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and

d) Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with section 78-71

2. It is the responsibility of the applicant to have technical data, required in accordance with FEMA requirements, prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall also be the responsibility of the applicant.

3. The local floodplain administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

a) Proposed floodway encroachments that increase the base flood elevation; and

b) Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

4. Floodplain development permits issued by the local floodplain administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to section 78-67 (a)(6)

b. Right to Submit New Technical Data - The floodplain administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the local jurisdiction and may be submitted at any time.

(Code 1982, § 5-117(b))

Sec. 78-68. - Standards for manufactured homes and recreational vehicles.

(a) All manufactured homes placed or substantially improved on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.

(b) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

(1) The lowest floor of the manufactured home is elevated no lower than the required base flood elevation;

(2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above grade;

(3) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement; and

(4) In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, any manufactured home placed or substantially improved must meet the standards of subsections (a) and (b)(3) of this section.

(c) A recreational vehicle is ready for highway use if it is on wheels or a jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions. Recreational vehicles placed on any sites shall either be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use or meet the requirements of subsections (a) and (b) of this section.

(d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filed with and approved by the local floodplain administrator and the local Emergency Preparedness Coordinator.

(Code 1982, § 5-118; Ord. No. 2009/2, 1-12-2009)

Cross reference— Manufactured homes and trailers, ch. 86.

Sec. 78-69. - Enclosed area below base flood elevation in zones A1-30.

(a) New construction or substantial improvements of elevated buildings that include fully enclosed areas that are usable solely for the parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to preclude finished living space and shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. All materials used below the base flood elevation must be flood resistant. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(1) Provide a minimum of two openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(2) The bottom of all openings shall be no higher than one foot above grade;

(3) Only the portions of openings that are below the base flood elevation (BFE) can be counted towards the required net open area;

(4) Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

(5) Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.

(b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

(c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.

(d) No environmentally conditioned space is allowed below the required base flood elevation.

(e) Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than five feet per second), foundation systems other than solid foundation walls should be considered so that obstructions to damaging flood flows are minimized.

(Code 1982, § 5-119)

Sec. 78-70. - Coastal high hazard areas (V zones).

Located within the areas of special flood hazard established in section 78-31 are areas designated as coastal high hazard areas. These areas have special flood hazards associated with wave wash; therefore, the following shall apply:

(1) All ~~buildings or structures~~ new construction and substantial improvements shall be located landward of the reach of the mean high tide, first line of stable natural vegetation and comply with all applicable Department of Health and Environmental Control (DHEC) Ocean and Coastal Resource Management (OCRM) setback requirements;

(2) All ~~buildings or structures~~ new construction and substantial improvements shall be elevated so that the lowest supporting horizontal member, excluding pilings or columns, is located no lower than the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Open latticework or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away if abnormal wave action occurs and in accordance with subsection (11) of this section;

(3) All buildings or structures shall be securely anchored on pilings or columns; columns should be spaced so as not to impede the flood flow;

(4) Pilings or columns used as structural support and the attached structure shall be designed and anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used are those associated with the base flood. Wind load values are those required by the Standard Building Code as adopted by the county;

(5) Pool enclosures shall not be located below the base flood elevation in coastal high hazard areas;

(6) Pools shall not be elevated above finished grade in coastal high hazard areas, so as to prevent increased flood flow to adjacent properties;

(7) Compliance with subsections (3), (4) and (5) of this section shall be certified by a professional engineer or architect;

(8) There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, thereby rendering the building free of obstruction prior to generating excessive loading forces, ramping effects, or wave deflection. Only beach compatible sand may be used. The local floodplain administrator shall approve design plans for landscaping/ aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist that demonstrates that the following factors have been fully considered:

a. Particle composition fill material does not have a tendency for excessive natural compaction;

b. Volume and distribution of fill will not cause wave deflection to adjacent properties; and

c. Slope of fill will not cause wave run-up or ramping.

(9) There shall be no alterations of sand dunes or mangrove stands which would increase potential flood damage;

(10) Latticework or decorative screening shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to break away, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used and provided the following design specifications are met:

a. No solid walls shall be allowed; and

b. Materials shall consist of wood or mesh screening only;

(11) If aesthetic latticework or screening is utilized, such enclosed space shall not be used for human habitation;

(12) Prior to construction, plans for any structure that will have latticework or decorative screening must be submitted to the building official for approval;

(13) The placement of manufactured homes is prohibited, except existing manufactured homes;

(14) Any alteration, repair, reconstruction or improvement to a new or existing structure shall not enclose the space below the lowest floor except for latticework or decorative screening, as provided for in section 78-69 and this section;

(15) Access stairs attached to or beneath an elevated building must be constructed of flood-resistant materials and must be constructed as open staircases so they do not block flow underneath the structure in accordance with section 78-70(2).

(16) Decks must meet the following requirements:

a. If the deck is structurally attached to a building then the bottom of the lowest horizontal member must be at or above the elevation of the building's lowest horizontal member;

b. If the deck is to be built below the BFE then it must be structurally independent of the main building and must not cause an obstruction; and

c. If an at-grade, structurally independent deck is proposed then a design professional must evaluate the design to determine if it will adversely affect the building and nearby buildings;

(17) Parking areas should be located on a stable grade under or landward of a structure. Any parking surface shall consist of gravel or aggregate; and

(18) Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of base flood event plus 1 foot. This requirement does not exclude the installation of outdoor faucets for shower heads, sinks, hoses, etc., as long as cut off devices and back flow prevention devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building. *No* utilities or components shall be attached to breakaway walls.

(Code 1982, § 5-120)

Sec. 78-71. - Standards for subdivision proposals.

(a) All subdivision proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development.

(e) Floodplain management criteria associated with the subdivision of land into lots, building sites or building units is contained within the county development standards in chapter 106 or any future ordinance regulating such development activity.

SPECIAL FLOOD HAZARD AREAS

	Zone A-1 through 30	*Yes*	*No*
1.	Garage, residential	X	
2.	Storage rooms, residential (not for habitation)	X	
3.	Walls for enclosing items #1 and #2	X	
4.	Electrical outlets	X (Note 1)	
5.	Electric meters	X	
6.	Automatic washer		X
7.	Dryers		X
8.	Air conditioning equipment, etc.		X
9.	Heating equipment		X
10.	A second refrigerator in storage room or garage for cold storage		X

SPECIAL FLOOD HAZARD AREAS

	Zone V-1 through 30	*Yes*	*No*
1.	Garage, residential	(Note 2)	

2.	Storage rooms, residential	(Note 2)	X
3.	Walls below base flood elevation	(Note 2)	X
4.	Electrical outlets	(Note 1)	
5.	Electrical meters		X
6.	Automatic washer		X
7.	Dryers		X
8.	Air conditioning equipment, etc.		X
9.	Heating equipment		X
10.	Hot water tank		X
11.	A second refrigerator in storage room or garage for cold storage		X

Notes:

(1) Only those outlets required by code will be allowed below, but should be located at the highest elevation to minimize damage.

(2) No solid walls allowed. Only open lattice or insect screening.

(Code 1982, § 5-121)

Sec. 78-72. - Severability

If any section, subsection or any other part of this article is held for any reason to be unconstitutional or otherwise invalid, such holding will not affect the validity of the remaining portions of this article.