

**AGENDA**  
**TOWN OF EDISTO BEACH**  
**OCTOBER 31, 2017**  
**SPECIAL TOWN COUNCIL MEETING**  
**10:00 A.M.**

- I. Call to Order**
- II. New Business**
  - A. First Reading of Ordinance No. 2017-32 to Amend Sections 14-71 (i) (1), (2), (3), (4), (5), (6) and 14-113 and enact 14-71(i)(7) of the Town of Edisto Beach Code of Ordinances
  - B. Change Order #2 – Wharton Smith – Water Improvement Project
- III. Executive Session**

**Upon Returning to Open Session, Action May Be Taken By The Council On The Items Discussed During The Executive Session**

  - A. Contractual – Negotiations related to 3708 Village Court [SC Code 30-4-70(a) (2)]
  - B. Legal Briefing Regarding Beach Access 1A [SC 30-4-70(a)(2)]
- IV. Adjournment**

**TOWN OF EDISTO BEACH**

**AN ORDINANCE**

**To Amend Sections 14-71 (i) (1), (2), (3) (4), (5), (6) and 14-113 and enact 14-71 (i) (7) of the Town of Edisto Beach Code of Ordinances.**

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Edisto Beach, South Carolina, in council duly assembled that Sections **14-71 (i) (1), (2), (3) (4), (5), (6) and 14-113** of the Town's Code be amended and **14-71 (i) (7)** to read as follows:

**14-71**

- (j) Each applicant for a permit for a new building must read and execute an affidavit of non-conversion statement on a form to be approved by the building inspection department to be submitted along with the application. The affidavit must contain at least the following language:
- (1) That the enclosed area below the lowest floor shall be used solely for parking of vehicles, limited storage or access to the building and will never be used for human habitation without first becoming fully compliant with the Flood Damage Prevention Ordinance in effect at the time of the conversion.
  - (2) That all interior walls, ceilings and floors below the base flood elevation plus three (3) feet shall be unfinished or constructed of flood-resistant materials.
  - (3) That mechanical, electrical or plumbing devices shall not be installed below the base flood elevation plus three (3) feet.
  - (4) That, in A and V zones, the opening in the walls of the enclosed areas below the lowest floor, shall not be blocked, obstructed or otherwise altered to reduce the size of the openings or restrict the automatic entry and exit of floodwater. The openings, in A and V zones will be on two different walls with at least one square inch of free area for every square foot of enclosed space and have the bottom of the openings no more than one foot above grade. And walls in V zones shall also be certified breakaway.
    - a.
  - (5) That any variation in construction beyond what is permitted shall constitute a violation of this agreement and Section 71 of Ordinance 14.
  - (6) That the owner and subsequent owners agree to allow a representative of the Town of Edisto Beach in the premises to verify compliance with this agreement at least once each year. The Town representative will provide at least 48 hours' notice of such visit.
  - (7) That this agreement shall be recorded with the deed to the above property so that subsequent owners are made aware of these restrictions.

**14-113**

**Definitions**

*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 48 percent of the market value of the structure before the damage occurred or two floods in ten (10) years with average damage at twenty-four (24) percent of the buildings value. If the repair 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 damage will occur.

Register of Deeds  
Recording Information:



# Town of Edisto Beach

## Affidavit of Non-Conversion Statement

This form must be filed with the Colleton County Register of Deeds.

### OWNERS ACKNOWLEDGEMENT UNDER THE TOWN OF EDISTO BEACH MUNICIPAL ORDINANCE SECTION 14-71

I am the property owner of the property described on the attached. I acknowledge that an application has been made to construct or modify a structure in a Special Flood Hazard Zone.

(NOTE: You must attach a self addressed/stamped envelope and a check for \$10.00 to the Colleton County Register of Deeds and mail to PO Box 157, Walterboro, SC 29488)

Street Address: \_\_\_\_\_

TMS # \_\_\_\_\_ Lot # \_\_\_\_\_ Block # \_\_\_\_\_

Whereas, the permitted building has the lowest floor elevated above the base flood elevation plus three (3) feet and the design and construction of the building meets current building code and flood damage prevention ordinance requirements, and

Whereas, as a condition of a Certificate of Occupancy, the owner must agree to not alter the building at a later date so as to violate the building code or flood damage prevention ordinance requirements,

Now, therefore, the undersigned owner of said property hereby agrees to the following:

1. That the enclosed area below the lowest floor shall be used solely for parking of vehicles, limited storage, or access to the building and will never be used for human habitation without first becoming fully compliant with the flood damage prevention ordinance in effect at the time of conversion.
2. That all interior walls, ceilings, and floors below the base flood elevation plus three (3) feet shall be unfinished or constructed of flood-resistant materials.
3. That mechanical, electrical, or plumbing devices that service the building shall not be installed below the base flood elevation plus three (3) feet.
4. That, in A and V zones, the openings in the walls of the enclosed area below the lowest floor, shall not be blocked, obstructed, or otherwise altered to reduce the size of the openings or restrict the automatic entry and exit of floodwater. The openings in A and V zones will be on two different walls with at least one square inch of free area for every square foot of enclosed space and have the bottom of the openings no more than one foot above grade. And walls in V zones shall also be certified breakaway.
5. That any variation in construction beyond what is permitted shall constitute a violation of this agreement and Section 71 of Ordinance 14.
6. That the owner and subsequent owners agree to allow a representative of the Town of Edisto Beach in the premises to verify compliance with this agreement at least once each year. The Town representative will provide at least 48 hours' notice of such visit.
7. That this Agreement shall be recorded with the deed to the above property so that subsequent owners are made aware of these restrictions.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Owner's name as it appears on Deed

The foregoing instrument was acknowledged before me by \_\_\_\_\_, who is personally known to me or has produced \_\_\_\_\_ as identification and who did not take an oath.

WITNESSED my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public Signature

My Commission expires: \_\_\_\_\_  
Please affix seal or stamp.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date