

**Sec. 14-110. - Application, purpose, objectives, and warning and disclaimer of liability.**

(a)

*Lands to which this article applies.* This article shall apply to all areas of special flood hazard within the jurisdiction of the Town of Edisto Beach as identified by the Federal Emergency Management Agency in its flood insurance study, dated November 7, 2001, with accompanying maps and other supporting data that are hereby adopted by reference and declared to be a part of this article. Upon annexation, any special flood hazard areas identified by the Federal Emergency Management Agency in its flood insurance study for the unincorporated areas of Colleton County, with accompanying map and other data are adopted by reference and declared part of this article.

(b)

*Statement of purpose and objectives.* It is the purpose of this article to protect human life and health, minimize property damage, and encourage appropriate construction practices to minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. Uses of the floodplain which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion are restricted or prohibited. These provisions attempt to control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters, and control filling, grading, dredging and other development which may increase flood damage or erosion. Additionally, the article prevents or regulates the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

The objectives of this article are to protect human life and health, to help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas, and to insure that potential home buyers are notified that property is in a flood area. The provisions of the article are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in the floodplain, and prolonged business interruptions. Also, an important floodplain management objective of this article is to minimize expenditure of public money for costly flood control projects and rescue and relief efforts associated with flooding.

(c)

*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 consideration. 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 town or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

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(Ord. of 11-8-07(1))

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**Sec. 14-111. - Administrator.**

(a)

The building codes administrator and or his designee is the official designated to administer the provisions of this article.

(b)

The building codes administrator shall advise 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 development permit.

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(Ord. of 11-8-07(1))

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**Sec. 14-112. - Alterations to meet new construction requirements.**

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

**Sec. 14-113. - Definitions.**

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 that is located on the same parcel of property as the principal structure and the use of 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 (to an existing building)* 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. Where a firewall or load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction. See "new construction" and "substantial improvement" definitions.

*Appeal* means a request for a review of the building codes administrator's interpretation of any provision of this section.

*Appurtenant structure* means a structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

*Area of special flood hazard* means the land in the floodplain within the town subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood insurance rate map.

*Base flood* means one foot above the flood having a one percent chance of being equaled or exceeded in any given year.

*Basement* means any enclosed area of a building that is below grade on all sides. Basements are not allowed.

*Breakaway wall* means a wall intended to collapse under stress without jeopardizing the structural support of the building. There are characteristics that may be used as guides in identifying breakaway walls and understanding their limited use. Breakaway walls are designed to fail without causing any damage to the structural integrity of the building and, therefore, are not connected to the building's support system (piers, piles, columns, braces, etc.). Areas so enclosed are not secure against forcible entry. For example, plywood sheets would be loosely toenailed top and bottom; brick or concrete masonry units are stacked loosely without grout, mortar or reinforcement. Stored boxes or furniture placed against breakaway walls must be avoided. Breakaway walls shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. Walls that exceed these guidelines are non-breakaway walls.

*Building* means a walled and roofed structure that is principally above ground and affixed to a permanent site.

*Coastal high-hazard area* means the area subject to high-velocity waters, including but not limited to hurricane wave wash or tsunamis. The area is designated on a flood insurance rate map as zone V1—30.

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

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

*Erosion* means the process of the gradual wearing away of land masses. This peril is not per se covered under the National Flood Insurance Program.

*Existing construction* means for the purpose of determining rates, structures for which the start of construction commenced before the effective date of the flood insurance rate map, or before January 1, 1975, for flood insurance rate maps effective before that date. Existing construction may also be referred to as "existing structures."

*Existing 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 pouring of concrete pads is completed before October 9, 1986.

*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, the construction of streets, and either final site grading or the pouring of concrete slabs).

*Flood or flooding* means:

(1)

A general and temporary condition of partial or complete inundation of normally dry land areas from:

a.

The overflow of inland or tidal waters.

b.

The unusual and rapid accumulation or runoff of surface waters from any source.

(2)

The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event that results in flooding as defined in subsection (1)a. of this definition.

*Flood elevation determination* means a determination by the administrator of the water surface elevations of the base flood, that is, one foot above the flood level that has a one percent or greater chance of occurrence in any given year.

*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.

*Floodplain or floodprone area* means any land area susceptible to being inundated by water from any source (see definition of "flooding").

*Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

*Floodplain management regulations* means zoning ordinances, subdivision regulations, building codes, health regulations, special-purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or

local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

*Floodproofing* means any combination of structural and non-structural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Flood-resistant material* means any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that 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 and naturally decay-resistant lumber are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials, which are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively 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 FIA-TB-2, dated 4/93, 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 facility* means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, or related manufacture, sales, or service facilities.

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

*Historic structure* means any structure that is:

- (1) Listed individually in the National Register of Historic Places, a listing maintained by the U.S. Department of the Interior (DOI) 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;
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified:
  - a. By an approved state program as determined by the Secretary of Interior, or
  - b. Directly by the Secretary of Interior in states without approved programs. Some structures or districts listed on the state or local inventories may not be "historic" as cited above, but have been included on the inventories because it was believed that the structures or districts have the potential for meeting the "historic" structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has individually determined that the structure or district meets DOI historic structure criteria.

*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.

*Lowest floor* means the lowest floor (including basement) of the lowest enclosed area. Modifications of the lowest floor definition are permitted as outlined in division 6 of this article. The lowest floor elevation is the elevation of the bottom of the floor beam of the lowest floor in zone V. In all other zones, the lowest floor elevation is the elevation of the top of the lowest floor. Exceptions to construction below base flood level are clearly defined in division 6 of this article.

*Manufactured home* means used in lieu of the term "mobile home" and means a structure, transportable in one or more sections that is built on a permanent chassis and designed to be used with or without a permanent foundation.

*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.

*Market value* means the current assessed building value as determined by the county assessor's office or the value of an appraisal performed by a licensed appraiser at the expense of the owner and/or real estate purchase contract within 12 months prior to the date of the application for a permit.

*Mean sea level* means the average height of the sea for all stages of the tide.

*New construction* means, a structure for which the start of construction commenced after the effective date of the town's first flood ordinance, or October 9, 1986. The term does not preclude improvements such as, additions, extensions or increases in the floor area or height of a building or structure defined as new construction that does not constitute substantial improvement. These improvements are allowed if they comply with the flood standards in place at the time the structure was constructed.

*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 slabs) is completed on or before October 9, 1986.

*National Geodetic Vertical Datum (NVGD)* means, as corrected in 1929, elevation reference points set by National Geodetic Survey based on mean sea level.

*Non-conforming structure or building* means a structure that does not conform to the provisions of the current Article IV, Flood Damage Prevention Ordinance whether it was built prior to the initial adoption of Flood Damage Prevention Ordinance (FDPO) on October 9, 1986, or became non-conforming due to a subsequent change in the flood insurance rate map (FIRM) or FDPO.

*North American Vertical Datum (NAVD)* means, datum point established at Pointe-au-Pere on the St. Lawrence River, Quebec Province, Canada, based on the mass or density of the earth. The datum listed as the reference datum on flood insurance rate maps should be used for elevation certificate and floodproofing certificate completion.

*Prefabricated building* means a building that is built in one or more standardized sections for shipment and quick assembly on a permanent foundation.

*Primary frontal dune* means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and subject to erosion and overtopping from high tides and waves during coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

*Recreational vehicle* means a vehicle which is:

(1)

- Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
  - (3) Designed to be self-propelled or permanently towable by a light duty truck; and,
  - (4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

*Special hazard area* means an area having special flood or flood-related erosion hazards.

*Start of construction, includes substantial improvement* means the date the building permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (other than a manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. 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 a part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

*Structure* means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

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

*Substantial improvement* means any improvement of a structure, whether it is a 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 that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) 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 local code enforcement official and which are the minimum necessary to assure safe living conditions (does not include American with Disabilities Act compliance standards); or
- (2) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

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.

For the purposes of residential structures only, the cost of work counted for determining if and when substantial improvement to a structure occurs shall be cumulative for a period of five years.

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

- 1.

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; or

2.

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 depreciation for functionality and obsolescence and site improvements. The Marshall & Swift Residential Cost handbook shall be used to determine costs for buildings or structures.

3.

Real estate purchase contract within 12 months prior to the date of the application for a permit.

*Substantially improved existing manufactured home park or subdivision* means where 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, rehabilitation or improvement commenced.

*Unfinished area* means an enclosed area used for parking vehicles and/or storage purposes only. Sheetrock (drywall) used for fire protection is permitted.

*Variance* means a grant of relief by a community from the terms of a floodplain management regulation.

*Violation* means the failure of a structure or other development to be fully compliant with these regulations.

*Water surface elevation* means the projected heights in relation to mean sea level reached by floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

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(Ord. of 11-8-07(1); Ord. No. 2010-08, 4-8-10)

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Cross reference— Definitions generally, [§ 1-2](#)

## **Sec. 14-114. - Required permits and general construction standards.**

(a)

A permit is required for all proposed construction and other developments, including but not limited to the placement of manufactured homes and placement of fill material.

(b)

All permit applications shall be reviewed to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a floodprone area, all new construction and substantial improvements (including the placement of prefabricated buildings and manufactured homes) shall:

(1)

Be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure.

(2)

Be constructed with materials and utility equipment resistant to flood damage.

(3)

Be constructed by methods and practices that minimize flood damage.

(c)

All buildings and structures under the jurisdiction of the building code erected or relocated in areas subject to rising waters, flood, or flooding from overflow of streams, rivers or other inland water or abnormally high tidal water or rising coastal water resulting from severe storms, hurricanes or tsunamis shall be elevated as set forth in this section and shall meet construction requirements as herein set forth, in addition to meeting all other code requirements.

(d)

All construction permitted in the town located in "A" flood zones shall position the lowest floor elevations, including basements, air conditioning and mechanical units, not lower than one-foot above the 100-year base flood elevation for the zone in which they are located. Elevations are based upon mean sea level, and the regulated zones of the town are indicated on flood insurance rate maps as follows:

Map Number	Date
45029C0689 F	November 7, 2001
45029C0693 F	November 7, 2001
45029C0694 F	November 7, 2001
45029C0726 F	November 7, 2001
45029C0727 F	November 7, 2001
45029C0731 F	November 7, 2001

(e)

An elevation certificate attesting to a structure's elevation based on mean sea level datum shall be furnished to the building official at the time of the inspection of first floor construction. This certificate shall be prepared by a land surveyor or civil engineer, registered and licensed in the state and shall bear his or her seal. For structures in "V" zones the certificate shall state the elevation of the bottom of the lowest horizontal member of the structure. In "A" zones the certificate shall state the elevation of the top of the finished first floor.

(f)

The building codes administrator shall obtain from the owner or representative of the owner, a completed construction elevation certificate of all new structures as well as substantially improved structures. This certificate shall be based on mean sea level datum and shall be signed and sealed by a licensed land surveyor or civil engineer, registered in the state.

(1)

For structures located in "V" zones, this certificate shall indicate the elevation at the bottom of the lowest horizontal structural member.

(2)

For structures located in "A" zones this certificate shall indicate the elevation at top of the lowest first floor.

(3)

Obtain, if the structure has been flood proofed, the elevation (in relation to mean sea level) to which the structure was floodproofed.

(g)

(1)

No person shall in any manner damage, destroy, remove, or redistribute sand dunes or alter, interfere with, do or perform any act which tends to lessen the protection afforded by the dunes, without first having obtained a permit from the building department in accordance with all applicable section(s) of this chapter and [chapter 86](#)

(2)

No revetment, breakwater, groin, earthwork or other erosion control device shall be constructed or altered without the approval of the building code administrator and without the issuance of a valid permit pursuant to the conditions and limitations of this section.

(3)

In the event of construction of any such revetment, breakwater, groin or any other erosion control device, it shall be the responsibility of the property owner and contractor to use materials and construction techniques that will minimize the possibility of damage or danger to other property, public or private, or to persons on the beach or adjacent properties. It shall be the responsibility of the property owner to maintain such structures in a manner so as to prevent their floating or washing away and endangering other persons or property.

(4)

No seawalls or bulkheads shall be constructed within the Beach Management Overlay Zoning District and the areas between this district and the first public street right-of-way running parallel to the beachfront.

(5)

Revetments located landward of the OCRM baseline may be permitted by the Edisto Beach Building Code Administrator subject to this section. Revetments must be designed by a registered professional coastal engineer and the design must be certified by the engineer not to accelerate erosion where installed or on adjacent or downdrift lots. The following conditions must be met:

a.

The design and construction of revetments must be approved by all property owners within the groin compartment in which the revetment is to be constructed and their written permission secured before proceeding with construction of the revetment;

b.

The applicant for the permit shall be each property owner on which any portion of the revetment is to be constructed;

c.

No revetment will be constructed on greater than a 1:2 slope. The base of the revetment will extend from minus one foot NGVD to plus seven feet NGVD;

d.

The revetment must be continuous between groins or existing bulkheads;

e.

The revetment armor layer shall be stone large enough to resist displacement by wave action. Minimum weight range shall be 150 to 2,000 pounds. Layer shall be three feet thick minimum;

f.

The bedding stone weight shall be in the 25-pound to 150-pound range. Layer shall be one foot thick minimum;

g.

The base of the revetment shall be woven synthetic geotextile cloth.

(6)

For purposes of this article, the term "revetment" shall mean a sloping structure built along an escarpment or in front of a bulkhead to protect the shoreline or bulkhead from erosion.

(7)

Nothing in this article shall prohibit the erection of sand fences on the beach or dunes, or the planting of vegetation, e.g. sea oats, for the purpose of protection of and building the dune structure.

(8)

This article shall not prohibit the ability of the town to issue valid emergency orders in accordance with its terms in order to re-nourish and/or protect beachfront building, structures and property as a result of erosion during and after storm events.

(h)

Copies of the flood insurance rate maps indicated below with dates as indicated, for the town, prepared by the National Flood Insurance Program and the Federal Emergency Management Agency, copies of which are on file in the Town Hall:

Map Number	Date
45029C0689 F	November 7, 2001
45029C0693 F	November 7, 2001
45029C0694 F	November 7, 2001
45029C0726 F	November 7, 2001
45029C0727 F	November 7, 2001

- (i) Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such an enlargement or reconstruction is accomplished in conformance with the provisions of this article. Provided, however, nothing in this article 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 other requirements of this article. For all improvements and additions to a non-conforming structure that was constructed subsequent to the initial adoption of this article which do not constitute substantial improvement shall be required to meet the flood elevations and other flood construction standards in place at the time the structure was constructed. However, the foundation and anchoring of an addition to any structure located in a "V" flood zone shall be certified by a professional engineer.
- (j) When substantial improvement occurs, the entire structure must be made to comply with the current requirements of a newly constructed structure in accordance with Article IV, Flood Damage Prevention Ordinance.
- (k) Federally funded development. The president issued *Executive Order 11988*, Floodplain Management, May, 1977. E.O. 11988 directs federal agencies to assert a leadership role in reducing flood losses and losses to environmental values served by floodplains. Proposed developments must go through an eight-step review process. Evidence of compliance with the executive order must be submitted as part of the permit review process.

(Ord. of 11-8-07(1))

#### **Sec. 14-115. - Miscellaneous provisions.**

- (a) In riverine situations, adjacent communities and the state coordinating office shall be notified prior to any alteration or relocation of a watercourse. Copies of such notifications shall be submitted to the Federal Emergency Management Agency.
- (b) It shall be assured that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (1) In addition to the notifications required watercourse alterations per these revisions, written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished. This maintenance must consist of a comprehensive program of periodic inspections, and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file for FEMA inspection.
- (2) If the proposed project will impact the configuration of the watercourse, floodway, or base flood elevation for which a detailed flood insurance study has been developed, the applicant shall apply for and must receive approval for a conditional letter of map revision with the Federal Emergency Management Agency prior to the start of actual construction.
- (3) Within 60 days of completion of an alteration of a watercourse, referenced in the certification requirements of these regulations, the applicant shall submit an as-built certification by a registered professional engineer, to the Federal Emergency Management Agency.
- (c) Should there be any conflict between the provisions of this article and other laws, regulations, ordinances, or codes of the town, the provisions of the stricter shall prevail.

(d)

The building codes administrator is authorized and directed to make periodic inspections of improvements within the town that may be subject to the terms of this article. Whenever necessary to make an inspection to enforce any provision of this article, the building codes administrator may enter buildings or premises as outlined in the building codes adopted in [section 14-31](#), "Right of entry". If the building codes administrator discovers changes in the nature or scope of the work made subsequent to any final inspection, or without obtaining a building permit, and which constitute a violation of this article, or of the codes, the building codes administrator shall have all of the enforcement authority given by this article or by the codes and, in addition, the authority to revoke the certificate of occupancy. If the changes or construction were performed by a contractor authorized to do business within the town or by a subcontractor, the building codes administrator shall give notice of such fact to the administrator; and the administrator shall forthwith suspend the business license of the contractor or subcontractor for 30 days for the first offense, 90 days for a second offense, and one year for a third and subsequent offense.

(e)

Section 1316 of the National Flood Insurance Act of 1968 provides that no new flood insurance shall be provided for any property found by the Federal Emergency Management Agency to have been declared by a state or local authority to be in violation of state or local ordinances. If property is declared to be in violation and does not bring itself into compliance, the building codes administrator shall notify the administrator of the Federal Emergency Management Agency; and the administrator, upon due findings, will take appropriate action listed below:

(1)

*Denial of flood insurance coverage.*

a.

No new flood insurance shall be provided for any property that the administrator 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 flood prone areas.

b.

New and renewal flood insurance shall be denied to a structure upon a finding by the administrator of a valid declaration of a violation.

c.

The town shall determine whether to submit a declaration to the administrator for the denial of insurance.

d.

A valid declaration shall consist of:

1.

The name of the property owner and address or legal description of the property sufficient to confirm its identity and location;

2.

A clear and unequivocal declaration that the property is in violation of a cited state or local law, regulation or ordinance;

3.

A clear statement that the public body making the declaration has authority to do so and a citation to that authority;

4.

Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and

5.

A clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

(2)

*Restoration of flood insurance coverage.*

a.

Insurance availability shall be restored to a property upon a finding by the administrator of a valid rescission of a declaration of a violation.

b.

A valid rescission shall be submitted to the administrator and shall consist of:

1.

The name of the property owner and an address or legal description of the property sufficient to identify the property and to enable Federal Emergency Management Agency to identify the previous declaration;

2.

A clear and unequivocal statement by an authorized public body rescinding the declaration and giving the reason for the rescission;

3.

A description of and supporting documentation for the measures taken in lieu of denial of insurance in order to bring the structure into compliance with the local floodplain management regulations; and

4.

A clear statement that the public body rescinding the declaration has the authority to do so and a citation to that authority.

(f)

*Annexations and detachments.* Notify the South Carolina Department of Natural Resources Land, Water and Conservation Division, within six months, of any annexations or attachments that include special flood hazard areas. The community must incorporate applicable maps from surrounding jurisdictions into this ordinance within 90 days of date of the annexation.

(g)

*Use of best available data.* When base flood elevation data or floodway data has not been provided in accordance with these regulations, obtain, review, and reasonably utilize best available base flood elevation data and floodway data available from a federal, state, or other source, including data developed pursuant to the standards for subdivision proposals outlined in these regulations, in order to administer the provisions of this article. Data from preliminary, draft, and final flood insurance studies constitutes best available data from a federal, state, or other source. Data must be developed using hydraulic models meeting the minimum requirement of NFIP approved mode. If an appeal is pending on the study in accordance with 44 CFR [Ch. 1](#), Part 67.5 and 67.6, the data does not have to be used.

(Ord. of 11-8-07(1))

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### **Sec. 14-116. - Violations; penalties.**

Any violation of this article shall be deemed to be a misdemeanor punishable in accordance with [section 1-6](#).

(Ord. of 11-8-07(1))

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### **Secs. 14-117—14-140. - Reserved.**

### **Sec. 14-141. - Regulated.**

(a)

Subdivision proposals as well as other proposed development shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to assure that:

(1)

All such proposals are consistent with the need to minimize flood damage within the flood prone area.

- (2) All public utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage.
- (3) Adequate drainage is provided to reduce exposure to flood hazards.
- (b) Proposed development shall be reviewed to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law.
- (c) All subdivision proposals and other proposed new developments greater than 50 lots or five acres, whichever is the lesser, shall include within such proposals base flood elevation data.
- (d) New and replacement water supply systems within flood prone areas shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
- (e) Within flood prone areas:
  - (1) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters as approved by SC DHEC.
  - (2) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (f) An evacuation plan indicating alternate vehicular access and escape routes shall be filed with appropriate disaster preparedness authorities for mobile home parks and mobile home subdivisions located within flood zones.

*(Ord. of 11-8-07(1))*

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**Secs. 14-142—14-160. - Reserved.**

**Sec. 14-161. - Regulated.**

- (a) All existing manufactured homes within flood zones shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
  - (1) Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, and manufactured homes less than 50 feet long requiring one additional tie per side.
  - (2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side.
  - (3) All components of the anchoring system be capable of carrying a force of 4,800 pounds.
  - (4) Any additions to the manufactured home be similarly anchored.
- (b) For new manufactured home parks and manufactured home subdivisions within zones A1—30:
  - (1)

Manufactured homes shall not be permitted except in approved mobile home parks or as temporary structures as defined by the zoning ordinance.

(2)

Stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at least one foot above the base flood elevation.

(3)

Adequate surface drainage and access for a hauler shall be provided.

(4)

In the instance of elevation on pilings, lots shall be large enough to permit steps, pilings foundations shall be placed in stable soil no more than ten feet apart, and reinforcement shall be provided for piers more than six feet above ground level.

(5)

Manufactured homes that are placed or substantially improved on sites outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(6)

Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions for residential construction in these regulations of this article must be elevated so that the lowest floor of the manufactured home is elevated no lower than one foot above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.

(7)

Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement in accordance with Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations, effective date May 25, 1990, as amended. Additionally, when the elevation requirement would be met by an elevation of the chassis at least 36 inches or less above the grade at the site, reinforced piers or other foundation elements of at least equivalent strength shall support the chassis. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.

*(Ord. of 11-8-07(1))*

**Secs. 14-162—14-180. - Reserved.**

**Sec. 14-181. - Regulated.**

(a)

All new construction and substantial improvements (including the placement of prefabricated buildings or manufactured homes) of residential structures within "A" zones on the community's flood insurance rate map shall have the lowest floor (including basement) elevated to or above the base flood level.

(b)

All new construction and substantial improvements of non-residential structures within "A" zones on the community's flood insurance rate map shall:

(1)

Have the lowest floor (including basement) elevated at least one foot above the base flood level;

(2)

Together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight 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; or

(3)

Be constructed so as to use vents below the base flood elevation; no breakaway walls may be constructed below the base flood elevation in the "A" zone.

(c)

Where flood proofing is utilized for a particular structure, a registered professional engineer or architect licensed in the state shall certify that the flood proofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and a record of such certificates indicating the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained with the building inspector.

(d)

In "A" zones, minimum depth of pilings and support of same shall be as follows:

(1)

Pilings at least eight inches by eight inches square in dimension shall be placed under any part of a roofed structure. Pilings at least six inches by six inches square in dimension shall be placed under any part of a deck or porch without a roof. Pilings under steps or landings shall be at least four inches by four inches square in dimension. All pilings shall be LP-2 or greater and set a minimum of 36 inches below the average level or surrounding surface.

(2)

Pilings will be placed upon at least three inches thick mud sill and attached via L-brackets or other approved means as designated by the building inspector, or on square two feet by two feet pallets consisting of LP22 penetrated wood held together with rustproof nails or bolts. Piles shall be attached to pallets with 40 penny or larger rustproof nails with at least two nails in each side; or with at least two-eighths inch or larger L-brackets using galvanized lag screws three-eighths inch by two inches larger or other approved means accepted by the building inspector.

(3)

Super-structures shall be adequately anchored to foundations to meet the requirements specified, i.e., hot dip galvanized bolts through joists and piles one-half inch or larger with flat washers and nuts, or L-brackets one-fourth inch thick by one inch wide by eight inches long or larger attached to piles and joists with hot dip galvanized lag screws three-eighths inch by three inches or larger or other approved means.

(4)

When pilings are driven or washed in "A" zones, the allowable lateral load capacity shall be considered to be half the test load (applied laterally) which causes a deflection of one-half inch at the ground line and a 75 percent recovery.

(e)

Fill in "A" flood zones shall be limited as follows:

(1)

Fill may not be placed in the floodway unless it is 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 building codes administrator;

(2)

Fill may not be placed in tidal or non-tidal wetlands without the required state and federal permits;

(3)

Fill must consist of soil and rock materials only. Dredged material may be used as fill only upon certification of suitability by a registered professional geotechnical engineer. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain;

(4)

Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered, professional engineer;

- (5) Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion. A statement signed by a state of South Carolina registered engineer or land surveyor certifying compliance with this section shall be provided to the building codes administrator upon completion of the fill; and,
- (6) Where fill is used in "A-E" flood zones, a State of South Carolina registered professional engineer shall be required to certify it does not increase the potential for flooding of streets, roads, structures, etc., nor cause drainage problems on neighboring properties.

*(Ord. of 11-8-07(1))*

**Secs. 14-182—14-200. - Reserved.**

**Sec. 14-201. - Regulated.**

- (a) All new construction and substantial improvements in a "V" zone shall be supported on adequately anchored piles or columns so that the lowest portion of the structural members of the lowest floor (excluding the piles or columns) is elevated at least one foot above the base flood level, and a registered professional engineer or architect shall certify that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash. All "V" zone foundation plans shall be designed by a structural architect or engineer licensed by the state and shall bear his seal. Such foundations in the "V" zone shall extend down to an elevation not higher than mean sea level to resist erosion from wave action. Soil conditions may require a depth greater than that indicated above to meet design load requirements as required by Section 1303, Standard Building Code. All piles or columns shall be free of obstructions so that the impact of abnormally high tides or wind-driven water is minimized.
- (b) All new construction within "V" zones shall be located landward of the reach of mean high tide. Manufactured homes are not allowed in "V" zones except as allowed in division 6 of this article for temporary uses.
- (c) The use of fill for structural support of buildings within "V" zones is prohibited. 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 building codes 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, which demonstrates that the following factors have been fully considered:
- (1) Particle composition of fill material does not have a tendency for excessive natural compaction;
  - (2) Volume and distribution of fill will not cause wave deflection to adjacent properties; and,
  - (3) Slope of fill will not cause wave run-up or ramping.
- (d) Manmade alteration of sand dunes within "V" zones that would increase potential flooding is prohibited. Where sand dunes located in the ocean front lots are altered, a State of South Carolina registered professional engineer shall be required to certify it does not increase the potential for flooding of streets, roads, structures, etc., nor cause drainage problems on neighboring properties.
- (e) With the exception of recreational piers, groins, seawalls, etc., all construction permitted under various town regulations, ordinances and codes within the extra-hazardous, oceanfront zones where velocity and flood hazards are combined shall:
- (1)

Not include any manufactured homes other than campers, travel trailers, or approved temporary construction trailers capable of immediate removal when storm warnings are in effect.

(2)

Have no walls, basements or habitable areas below the flood level and have the space below the required elevation and natural ground level free of obstructions so that the impact of a normally high tide combined with wind-driven water is minimized, except where allowed in division 6 of this article.

*(Ord. of 11-8-07(1))*

**Secs. 14-202—14-220. - Reserved.**

**Sec. 14-221. - Generally.**

(a)

Notwithstanding any of the provisions of this article, construction of the following are not subject to the provisions of this article even though located within flood danger areas and below base flood elevations:

(1)

Boat docks.

(2)

Launching ramps.

(3)

Piers (except as outlined in subsection [14-114\(g\)](#)).

(4)

Bulkheads (except as outlined in subsection [14-114\(g\)](#)).

(5)

Seawalls (except as outlined in subsection [14-114\(g\)](#)).

(6)

Construction which is not both walled and roofed.

(7)

Elevator shafts.

(8)

Stairwell (provided guidelines of the building code are observed).

(9)

Temporary structures such as construction trailers or other approved uses if they are placed on a site for less than 180 days provided a permit is issued with the condition that the temporary structure shall be removed from the town limits a minimum of 72 hours in advance of landfall of a hurricane and the permittee provides written evidence that he has available when needed equipment necessary for the removal of the temporary structure and he further designates a location outside the town limits to which the temporary structure will be moved.

(b)

Residential buildings in "A" flood zones may have limited storage areas, areas used for the parking of vehicles, provided the following conditions are observed:

(1)

The floor of an attached or unattached, unfinished enclosed garage or storage area shall not exceed 600 square feet.

(2)

The floor of an unfinished garage used for parking vehicles and storing articles and maintenance equipment used in connection with the premises but not attached to the building may be treated or used as a limited storage area, provided the walls of the unfinished enclosed areas are constructed with openings to facilitate the unimpeded movement of floodwaters or the walls are breakaway walls. Fully enclosed areas below the lowest floor for all new construction and substantial improvements shall be designed to

automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of no less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one-foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. Parallel sheer walls, open lattice walls, discontinuous foundation walls or combinations of both may be utilized.

(3)

Space below the lowest supporting member must be open so as to not impede the flow of water. Walls below the base flood elevation in "A" zones made of insect screening or open wood constructed lattice work may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action. Prior to construction, plans for any structures that will have lattice work or decorative screening must be submitted to the building codes administrator.

(4)

Enclosed areas shall not be flood proofed for residential buildings.

(c)

Non-residential buildings in "A" flood zones may have walls, basements, utility and sanitary facilities as well as habitable areas below the 100-year flood level provided the enclosure is specifically designed and constructed for flood proofing by a state-registered architect or engineer.

(d)

Under the floor of buildings, enclosed crawl spaces below the 100-year flood level in the "A" flood zones shall be drained to discharge onto adjacent grade or into an approved drainage system.

(e)

The floor of an unfinished enclosed area at ground level or above which is a crawl space, or space within foundation walls, usable as areas for building maintenance, access, or storing of articles and maintenance equipment (not attached to the building) used in connection with the premises shall be allowed in "A" zones provided the walls of the unfinished enclosed areas are constructed with openings as defined in subsection (b)(2) of this section.

(f)

Only flood resistant materials shall be used below one-foot above the 100-year flood level.

(g)

Mechanical or utility equipment such as electrical outlets, automatic washers, dryers, air conditioning equipment, heating equipment, hot water tank, second refrigerator in storage room or garage for cold storage, and bathrooms shall not be located below one-foot above the 100-year flood level.

(h)

All air ducts, large pipes and storage tanks located at or below the flood level shall be firmly anchored to prevent flotation and designed to prevent water from entering components. Tanks shall be vented at a location above flood level.

(i)

Electric meters may be located below the 100-year flood level in "A" or "V" zones but shall be located at the highest elevation possible to accomplish the requirement of minimizing or eliminating flood damage and still meet the utility company's requirement to service the meter.

(j)

In "V" zones and oceanfront building lots, breakaway walls to enclose storage areas or garages shall be permitted below base flood elevation. The attached or unattached, unfinished enclosed area shall be less than 300 square feet. All breakaway walls shall be constructed in accordance with design documents prepared by a structural architect or engineer licensed by the state. A "breakaway V zone pre-construction design certificate" shall accompany the construction documents indicating a safe loading resistance of not less than ten and no more than 20 pounds per square foot. The design documents and certificate shall bear the designer's seal and signature. No plumbing pipes, gas piping, electric wires, or other equipment shall be run or mounted on or in the breakaway wall or in any way impede or prevent breakaway of the wall under the designated load.

(k)

Space below the lowest supporting member must be open so as to not impede the flow of water. Walls below the base flood elevation in "V" zones made of insect screening or open wood constructed lattice work may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action. Prior to construction, plans for any structures that will have lattice work or decorative screening must be submitted to the building codes administrator for approval.

(l)

All construction materials used below the base flood elevation shall be flood resistant, treated or decay resistant.

*(Ord. of 11-8-07(1))*

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**Secs. 14-222—14-240. - Reserved.**

**Sec. 14-241. - Generally.**

(a)

Town council is designated to hear and decide appeals and requests for variances from the requirements of this article.

(b)

Town council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the building inspector in the enforcement or administration of this article.

(c)

The notice of appeal or request for variance must be specific as to the relief sought and must be fully documented, setting forth the technical reasons why proper elevations cannot be met.

(d)

Variances must be considered on a case-by-case basis, and no requests for multi-lot, subdivision or variances for more than one structure may be considered.

(e)

Conditions for variances are as follows:

(1)

Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

(2)

Variances shall only be issued upon a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship to the applicant; and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense; create nuisance; cause fraud on or victimization of the public; or conflict with existing local laws or ordinances.

(f)

In passing upon such applications, the council shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this article, and:

(1)

The danger that materials may be swept onto other lands to the injury of others;

(2)

The danger to life and property due to flooding or erosion damage;

(3)

The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4)

The importance of the services provided by the proposed facility to the community;

(5)

- The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (g) Upon consideration of the factors listed above and the purposes of this article, the council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.
- (h) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of functionally dependent uses. However, all variance criteria must be met, and the structures or other development must be protected by methods that minimize flood damages during the base flood.
- (i) In the event of action or threatened action under 44 CFR 59.24(b) to suspend the eligibility of the town from the benefits of the National Flood Insurance Program, the council may, after reasonable notice to the grantee or his successor in interest of any variance from the terms of this article, revoke such variance and require the grantee or his successor in interest to remove the non-conforming improvement. By making application for a variance, the applicant acknowledges that he understands that any variance granted hereunder is revocable and that no claim or cause of action will be asserted against the town for losses, if any, arising from the revocation of any such variance.
- (j) Any applicant to whom a variance is granted shall be given written notice signed by the presiding officer at the variance hearing, specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest flood elevation. This notice shall also invite the attention of the applicant to the provisions of [section 14-221](#) et seq. A copy of this letter will be retained with the permanent records of the town.
- (k) The building codes administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency in the town's annual report to the administrator.

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*(Ord. of 11-8-07(1))*

**Secs. 14-242—14-270. - Reserved.**