



**Town of Hilton Head Island
Public Planning Committee
Thursday, October 25, 2018 – 3:00 p.m.
Conference Room 3
AGENDA**

As a Courtesy to Others Please Turn Off All Cell Phones and Pagers during the Meeting.

- 1. Call to Order**
- 2. Freedom of Information Act Compliance**
Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
- 3. Approval of Agenda**
- 4. Approval of Minutes** – September 20, 2018 Special Meeting and September 27, 2018 Meeting
- 5. Unfinished Business**
 - a. Vision Phase 2 and Comprehensive Plan
 - b. Response to Qualified Allocation Plan
- 6. New Business**
 - a. Flood Ordinance Amendments
 - b. Pope Avenue Lane Widths
- 7. Committee Business**
- 8. Appearance by Citizens**
- 9. Adjournment**

Please note that a quorum of Town Council may result if four or more of their members attend this meeting.

Please note that meetings are now held on the fourth Thursday of each month at 3:00p.m.

TOWN OF HILTON HEAD ISLAND
Public Planning Committee
Minutes of the September 20, 2018 – 10:00 a.m. Special Meeting
Benjamin M. Racusin Council Chambers

Committee Members Present: Chairman David Ames, Kim Likins

Committee Members Absent: Bill Harkins

Town Council Present: Mayor David Bennett, Marc Grant, John McCann

Town Staff Present: Marcy Benson, Senior Grants Administrator; Shawn Colin, Deputy Director of Community Development; Charles Cousins, Director of Community Development; Anne Cyran, Senior Planner; Carolyn Grant, Communications Director; Josh Gruber, Assistant Town Manager; Brian Hulbert, Staff Attorney; Teri Lewis, LMO Official; Jayme Lopko, Senior Planner; Jennifer Ray, Planning & Special Projects Manager; Steve Riley, Town Manager; Teresa Haley, Senior Administrative Assistant

1. Call to Order

Chairman Ames called the meeting to order at 10:00 a.m.

2. Freedom of Information Act Compliance

Public notification of this meeting has been published, posted, and distributed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

3. Approval of Agenda

The Public Planning Committee approved the agenda by general consent.

4. Affordable Workforce Housing

Introduction of Consultant:

Chairman Ames welcomed all in attendance and presented opening remarks regarding affordable workforce housing. Ms. Ray introduced Lisa Sturtevant, PhD, President and Founder, and Ryan Price, Senior Associate, of Lisa Sturtevant & Associates, LLC (LSA).

Presentation by Lisa Sturtevant and Team:

Dr. Sturtevant introduced herself and the project team. Dr. Sturtevant and Ryan Price will be partnering with the Clemson University Department of City Planning & Real Estate Development (CPRED). The CPRED team members are scheduled to visit at a future meeting. Dr. Sturtevant described the project team and their qualifications. Ryan Price introduced himself and presented statements regarding his role in the project.

Dr. Sturtevant covered the project team's work experience, the project work plan and associated tasks and timeframes, unique challenges in Hilton Head Island, and building on work already underway in Hilton Head Island.

General Discussion and Questions:

The discussion and questions from Town Council members to Dr. Sturtevant and Mr. Price pertained to: the schedule and the deliverables; repurposing vacant commercial space and providing examples from other communities; addressing challenges such as zoning, gentrification, language barriers, and heirs' property; the County housing assessment; State level tax credits associated with low income housing and the associated qualifications and timing; seasonal housing needs; impacts of housing versus density; undeveloped tracks of land; Transfer of Development Rights; and down-zoning and correlated values.

Public Comments:

The public comments received related to: the separation of the PUDs and low incoming housing; adequate wages; government roles; Census Bureau information and research; sustainability; the number of commercial versus residential permits; economic incentive for property owners to develop affordable workforce housing; the RUDAT and the Response to RUDAT; Habitat for Humanity successes; homeownership has proven success; average home prices versus the average income; transportation on and off the Island is key; natives don't have enough infrastructure to build; reviewing and understanding the relative studies associated with this effort; examples of existing affordable housing on the Island; the Chamber and the Sea Pines Resort offered their resources to the Consultant; workforce wants to live on the Island but cannot afford it; multi-family housing concerns; available land and land costs; construction costs are too high, provide incentives to develop affordable housing; and communication and public engagement.

Chairman Ames pointed out Lavon Stevens, Chairman of the Gullah-Geechee Land & Cultural Preservation Task Force, and Alex Brown, Chairman of the Planning Commission, indicating they both have insight to help resolve affordable workforce housing issues.

Closing Remarks:

Chairman Ames thanked Dr. Sturtevant, Mr. Price, and Town staff for their participation and efforts.

5. Adjournment

The meeting was adjourned at 11:30 a.m.

Submitted by: Teresa Haley, Senior Administrative Assistant

Approved:

David Ames, Chairman

TOWN OF HILTON HEAD ISLAND
Public Planning Committee
Minutes of the September 27, 2018 – 3:00 p.m. Regular Meeting
Benjamin M. Racusin Council Chambers

Committee Members Present: Chairman David Ames, Kim Likins, Bill Harkins

Committee Members Absent: None

Town Staff Present: Shawn Colin, Deputy Director of Community Development; Charles Cousins, Director of Community Development; Anne Cyran, Senior Planner; Josh Gruber, Assistant Town Manager; Teri Lewis, LMO Official; Jennifer Ray, Planning & Special Projects Manager; Teresa Haley, Senior Administrative Assistant

1. Call to Order

Chairman Ames called the meeting to order at 3:00 p.m.

2. Freedom of Information Act Compliance

Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

3. Approval of Agenda

The Public Planning Committee approved the agenda by general consent.

4. Approval of Minutes – August 23, 2018 Meeting

Mr. Harkins moved to approve. Ms. Likins seconded. The minutes of the August 23, 2018 meeting were approved with a vote of 3-0-0.

5. Unfinished Business

a. Update on Trolley Service – Mary Lou Franzoni

Mary Lou Franzoni presented the update with information regarding: trolley ridership numbers by week; participation in public events; funding sources, Urban Grants and local matches, and amounts contributed and owed.

The Committee made inquiries and comments regarding: the breakdown of the Town's funding contribution; who are the potential customers; how to quantify potential demand first then determine the resources required and begin to develop a business plan over a three year period; other locations that may be beneficial to have the trolley route; recent feedback from riders; demand for service is highest during evening hours; demand to route the whole Island; the Urban Studies Plan will be provided with the materials for the October 19 LATS meeting; local business input and involvement; providing more than just a transportation system, but an experience for riders; public transportation guidelines and restrictions; drivers receive USCB hospitality training and Palmetto Breeze provides a 40-hour course in defensive driving emphasizing bicyclists and pedestrians; use the average of 550-600 riders per week as a benchmark for next year; modify the trolley stop signs to include information on arrival/departure times, rather than the existing signs indicating the

trolley leaves every 30 minutes; opportunities for communication, education and experiences; benefits for the community and the economy for the trolley drivers as a stage set for riders; obtain input from riders along the way and adjust the service as needed; Town or Chamber prepare informational material/brochure to handout on the trolley; finding ways to incorporate the trolleys in various events throughout the Island; the desire to coordinate with the Palmetto Dunes buggy and Sea Pines trolley; the trolley stops at pedestrian crosswalks as required by State law; trolley fees; and potential roles of the public and private sectors.

The Committee thanked Ms. Franzoni for her Trolley Service update.

6. New Business

a. Vision Phase 2 and Comprehensive Planning

Ms. Ray presented the background and summary of events leading up to the Staff recommendation. Staff recommends the Public Planning Committee approve the proposed principles and process to direct Phase 2 of the Vision and align it with the Comprehensive Plan, while continuing to use the Hilton Head Island – Our Future brand for Phase 2 of the Vision.

The Committee made inquiries and comments regarding: communication concerns; reaching a broad base of constituents; the desire to review the communication plan for Phase 2; the selection team process; the consultant indicated based on population size there was a significant amount of input in Phase 1; working with the Town's Communications Director in Phase 2; focus on the messaging being put out into the community; the proposed team consists of the Comprehensive Plan Committee members plus others with various backgrounds; backgrounds desired include transportation, zoning, real estate, technology, education, representation from major anchor institutions, groups that are beginning to work privately together; pillar work groups versus a project management team; tracking chart with idea generation to goal; examples of the pillars being put into action throughout the community today; continuing to put the pillars into action and including those initiatives into the Vision pillar framework; communication going out should speak to the progress; celebrate private sector initiatives to show pillars are being put into action; the relationship of the Comprehensive Plan and the pillars; challenges going forward including concurrency of all Town plans, codes, and initiatives; making sure such plans are fresh and up to date; the pillar working groups will impact land use plan, district master plans, etc.; the proposed principle referencing "public" leadership should be changed to "community" leadership as this is a community driven process; and the possible role of David Beurle, Future iQ, in Phase 2.

Chairman Ames asked for public comments. Alex Brown presented statements regarding key metrics in the proposed principles, the desire to increase public participation in Phase 2, coordination of the pillar task teams and the Town Communications Director, and generally moving forward with the process. Owen Ambur expressed agreement with the staff recommendation and presented statements regarding community input.

Ms. Likins moved that the Public Planning Committee approve the proposed principles and process to direct Phase 2 of the Vision and align it with the Comprehensive Plan, while continuing to use the Hilton Head Island – Our Future brand for Phase 2 of the Vision. Ms. Likins further moved to modify that certain proposed principle to read, “continue to include community leadership, involvement and input”. Mr. Harkins seconded. The motion passed with a vote of 3-0-0.

The Committee thanked Ms. Ray for her presentation and complimented her efforts in the Vision process.

7. Committee Business – None

8. Appearance by Citizens – None

9. Adjournment

The meeting was adjourned at 4:21 p.m.

Submitted by: Teresa Haley, Senior Administrative Assistant

Approved:

David Ames, Chairman



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Public Planning Committee
VIA: Charles Cousins, *AICP, Director of Community Development*
VIA: Shawn Colin, *AICP, Deputy Director of Community Development*
FROM: Jennifer B. Ray, *ASLA, Planning and Special Projects Manager*
CC: Emily Sparks, *Project Lead*
DATE: October 17, 2018
SUBJECT: Vision Phase 2 and Comprehensive Planning

Recommendations

Staff recommends the Public Planning Committee forward to Town Council a recommendation to provide staff authorization (1) to identify, attract, recruit, and leverage talent and resources to support Phase 2 of the Vision/Comprehensive Plan by utilizing an open application process to solicit members for the Our Future Development Team and Community Vision Work Groups and (2) allocate \$150,000 of the Town Council initiative budget to this project.

Summary

The approved principles and process called for the use of “public leadership, involvement, and input” as well as “identifying, attracting, recruiting, and leveraging talent and resources” to support the process. Staff has created two application forms; one for potential members of the Our Future Development Team to be interviewed by the Public Planning Committee (PPC) and appointed by Town Council and the other for potential members of the Community Vision Work Groups to be reviewed by PPC and appointed by Town Council. A budget estimate has been prepared that accounts for a limited scope for the Town’s Consultant, Future iQ, as well as other expenses to support the project including multiple meetings, marketing/communications, and special experts on an as needed basis.

Background

Town Council authorized the Public Planning Committee (PPC) to work with staff to develop a process and principles to guide Phase 2 of the Vision. On September 27, 2018 the PPC approved the process and principles and directed staff to come back with recommendations on selection of members of the Our Future Development Team and the Community Vision Work Groups. The Our Future Development Team would include members of the Comprehensive Plan Committee of the Planning Commission and supplemented with representatives from all sectors of the community who will ensure the process and principles are followed and coordinate between pillar Work Groups.

To form the Community Vision Work Groups, talent including staff, experts within the community, external stakeholders, and/or consultants should be identified, attracted, and recruited. Work Groups will be formed around each of the seven pillars to establish implementation strategies to advance the vision by aligning policy changes and public and private action in a new Comprehensive Plan.

TC Manual

- HOME Funds should be made available to all projects regardless of set-aside. HOME Funds are an effective tool to offset the effect of rising interest rates and construction costs and decreasing tax credit pricing.
- Either increase the maximum amount of tax credit available to projects in the LPU set-aside to \$1,040,000, which would make the per unit equivalent amount to projects competing in the General set-aside or decrease the minimum project size to 45, allowing a broader variety of projects to be considered and funded. The target should be \$20,000 in tax credits per unit.
- Increase the cap on land costs as a percent of Total Development Costs from 10% to 15%. Note: A professional appraisal should be the tool to determine an appropriate land value. Areas of high land cost should not be precluded from developing affordable housing. And, since tax credits are not allocated for land costs, so long as a proposed development's sources and uses of funds balance, it should not be removed from consideration solely because it is located in an area of high land cost, which is typically a causal factor of lack of affordable housing.

QAP

- Delete the 2 points possible for sites located less than 1.5 mi of a Public School (page 5).
- Market Study Criteria (pg. 8). Add another level of scoring for markets that are exceptionally tight (3% vacancy or less). Recommend the following:

Overall vacancy rate of less than 3% - 3 points

Overall vacancy rate of 3% but less than 5% - 2 points

Overall vacancy rate of 5% but less than 7% - 1 point

These are truly the markets in greatest demand for housing so adequate consideration should be given to them.

- Increase the Total Development Cost caps (page 13) by 10% for projects located in coastal communities.



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Public Planning Committee
VIA: Charles Cousins, *AICP, Director of Community Development*
VIA: Shawn Colin, *AICP, Deputy Director of Community Development*
VIA: Nicole Dixon, *CFM, Development Review Administrator*
FROM: Shari Mendrick, P.G., *CFM, Planner/Floodplain Manager*
DATE: October 18, 2018
SUBJECT: Proposed Ordinance 2018-13; Revisions to Municipal Code Title 15, Chapter 9

Recommendation: Staff recommends that the Public Planning Committee forward the proposed amendments to Town Council with a recommendation of approval to adopt proposed Ordinance 2018-13. The effect of this action will be to revise language and defined terms to be consistent with the National Flood Insurance Program (NFIP) regulations 44 CFR Parts 59 and 60, the State of South Carolina Model Flood Damage Prevention Ordinance and the International Building Code.

Summary: Title 15, Chapter 9 of the Town's Municipal Code was reviewed by the State NFIP Coordinator during a Community Assistance Visit to Hilton Head Island in September 2016. During this visit language was identified as inconsistent with terms and definitions contained in the Federal Regulations and the State of South Carolina Model Flood Damage Prevention Ordinance. The requested revisions are the minimum necessary to both correct the deficiencies and ensure consistency.

In addition, the International Building Code was revised in 2015 to require that all building and structures in special flood hazard areas have the lowest floor elevated to or above the base flood elevation plus 1 foot. Inclusion of this language in the Town's Ordinance earns additional credit in the Community Rating System which has the benefit of lowering flood insurance rates for Island residents.

Background: Beaufort County entered the NFIP in 1977, when the first Flood Insurance Study and Flood Insurance Rate Maps were published and adopted. In 1984, the County maps were revised to recognize the incorporation of the Town. The first Town Council adopted the maps and the first ordinance titled "Flood Damage Controls." Since that time, the Town of Hilton Head Island has been a member in good standing of the National Flood Insurance Program.

A number of proposed changes to the Town's Flood Damage Controls Ordinance have been identified. The reason for each proposed amendment is listed above the amendment. Newly

Subject: Proposed Ordinance 2018-13; Revisions to Municipal Code Title 15, Chapter 9

October 18, 2018

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added language is illustrated with double underline and deleted language is illustrated with ~~strikethrough~~.

Please contact me at (843) 341-4687 or at sharim@hiltonheadislandsc.gov if you have any questions.

Chapter 9 - FLOOD DAMAGE CONTROLS

Staff Explanation: This change adds "Citation of Statutory Authority" as required by #1 on the CAV checklist and has been modified for consistency with the state model ordinance.

ARTICLE 1. - FINDINGS OF FACT AND PURPOSE GENERAL STANDARDS

Sec. 15-9-110. - Statutory authorization.

The Legislature of the State of South Carolina has in SC Code of Laws, Title 5 and Title 6, and amendments thereto, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Hilton Head Island, South Carolina does ordain as follows:

Sec. 15-9-111. - ~~Preamble.~~ Findings of fact.

(a) — ~~The Special Flood Hazard Areas of the town~~ Town of Hilton Head Island are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruptions of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of tax base all of which adversely affect the public health, safety and welfare.

(b) — These flood losses are caused by the cumulative effect of obstructions of floodplains causing increases in flood heights and velocities, and by the occupancy of flood hazard areas by structures vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise protected from flood damages.

Staff Explanation: This section has been moved to Sec. 15-9-113. Basis for area of special flood hazard for consistency with the state model ordinance.

(c) — ~~The flood hazard areas of the town have been identified by the Federal Insurance Administration 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 46,962—46,992, 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 heights dated December 4, 1984, as reevaluated and effective September 29, 1986, are hereby adopted by reference and declared to be part of this chapter.~~

(Ord. No. 01-07, § 1, 6-5-01; Ord. No. 2011-09, § 1, 6-21-11)

Staff Explanation: This change adds "Purpose section citing health, safety, and welfare reasons for adoption" as required by #7 on the CAV checklist and has been modified for consistency with the state model ordinance.

Sec. 15-9-112. - ~~Scope.~~ Statement of purpose.

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

- (a) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities;
- (b) Require that buildings vulnerable to floods, including facilities which serve such buildings, be protected against flood damages at the time of initial construction.
- (c) Prevent or rRegulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- (d) Control filling, or grading, and other development which may increase erosion or flood damage or erosion.
- (e) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

Staff Explanation: This section has been moved from Sec. 15-9-111 for consistency with the state model ordinance.

Sec. 15-9-113. - Basis for area of special flood hazard.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Hilton Head Island, SC.

The flood hazard areas of the town have been identified by the Federal Insurance Administration 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 46,962—46,992, 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 heights dated December 4, 1984, as reevaluated and effective September 29, 1986, are hereby adopted by reference and declared to be part of this chapter.

Staff Explanation: This change adds "Require permits for all proposed construction and other development within SFHAs. [60.3(b)(1)]" as required by #17 on the CAV checklist.

Sec. 15-9-114. - Establishment of land development application and building permit.

The approval of a land development application shall be required in conformance with Title 16 and the provisions of this chapter prior to the commencement of any development activities. A building permit shall be required in conformance with Title 15, Title 16, and the provisions of this chapter prior to the commencement of any construction activities.

Staff Explanation: This change adds “Abrogation and Greater Restriction section. (e.g., This Ordinance shall not in any way impair/remove the necessity of compliance with any other applicable laws, ordinances, regulations, etc. Where this Ordinance imposes a greater restriction, the provisions of this Ordinance shall control.)” as required by #9 on the CAV checklist.

Sec. 15-9-115. - Interpretation.

In the interpretation and application of this ordinance all provisions shall be considered as minimum requirements and deemed neither to limit nor repeal any other powers granted under State law. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions, shall prevail.

Staff Explanation: This change adds “Severability section. (e.g., If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.)” as required by #10 on the CAV checklist.

Sec. 15-9-116. - Partial invalidity and severability.

If any part of this article is declared invalid, the remainder of the article shall not be affected and shall remain in force.

Staff Explanation: This change adds “Disclaimer of Liability section advising that the degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.” as required by #8 on the CAV checklist.

Sec. 15-9-117. - Warning and disclaimer of liability.

The degree of flood protection required by this chapter 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 chapter 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 chapter shall not create liability on the part of the town or on the part of any officer or employee of the town for any flood damages that result from reliance on this chapter or that are attributable to any administrative decision lawfully made under this chapter.

Staff Explanation: This change adds “Adequate enforcement provisions (including a violation and penalty section specifying actions the community will take to assure compliance).” as required by #3 on the CAV checklist.

Sec. 15-9-118. - Penalties for violation.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variances or special exceptions, shall constitute an offense. Any person who violates any provision of this chapter or who fails to comply with any

of its requirements shall, upon conviction thereof, be subject to fine or imprisonment, or both, as provided in Sec 1-5-10. Each day any violation continues shall be considered a separate offense. Nothing contained in this section shall prevent the town from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 2011-09, § 1, 6-21-11)

Staff Explanation: This change adds "Definitions: [59.1]" as required by #13 on the CAV checklist.

Sec. 15-9-119. - Definitions.

For the purposes of this Chapter, the following definitions shall apply:

Accessory Structure - A building or structure subordinate and incidental to, and located on the same lot with, a principal building and use, the use of which is customarily found in association with and is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the principal building.

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

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

Base flood elevation (BFE) - the computed elevation to which floodwater is anticipated to rise during the base flood. The BFE is the regulatory requirement for the elevation or floodproofing of structures. The relationship between the BFE and a structure's elevation determines the flood insurance premium.

Building - any structure having two or more exterior rigid walls and a roof supported by columns or walls and intended for the shelter, housing or enclosure of any person, commercial or business activity, process, equipment or goods. Each portion of a building separated from other portions by a firewall shall be considered as a separate building.

Construction - the erection of any building or structure or any preparations (including land disturbing activities) for the same.

Development - the use of a structure or land; or the construction, reconstruction or alteration of a structure; or an increase in land use intensity; or filling or excavating a parcel; or a change in effects or conditions of a site; or the alteration of a shore, bank or floodplain; or the construction or extension of a utility; or the subdivision of land.

Enclosure – partially or fully walled areas below the lowest floor of an elevated building.

Existing manufactured home park or manufactured home subdivision - 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 before September 30, 1977.

Expansion to an existing manufactured home park or subdivision - 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 - a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or from rain.

Flood Insurance Rate Map (FIRM) - 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 - the official report provided by the Federal Emergency Management Agency which contains flood profiles and the water surface elevation of the base flood.

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

Functionally dependent use - 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 ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Historic Structure - any structure that is: (a) 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; (b) 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; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved State program as determined by the Secretary of Interior, or (2) 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.

Increased Cost of Compliance (ICC) - 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

Land Development Application - application for development and use of property as required by Title 16 "Land Management Ordinance of the Town of Hilton Head Island", including, but not limited to, Subdivision Review (Major and Minor), Development Plan Review (Major or Minor), Small Residential Development Review and Utility Project Permit.

Lowest Floor - the lowest floor of the lowest enclosed area. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured home - a factory-built, single-family structure that is manufactured under the authority of 42 USC Section 5401 and that is transportable in one or more sections, is built on a permanent chassis, but is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and does not have wheels or axles permanently attached to its body or frame.

Manufactured Home Park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New construction - structure, for which, the start of construction commenced on or after September 30, 1977. The term also includes any subsequent improvements to such structure.

New manufactured home park or subdivision - 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 after September 30, 1977.

Recreational vehicle - any of the following vehicles designed for travel, recreation, and vacation uses: motorhome or van (a portable, temporary dwelling constructed as an integral part of a self-propelled vehicle); pickup camper (a structure designed to be mounted on a truck chassis); recreational trailer (a portable structure built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections); park trailer (a semi-portable structure built on a single chassis, which does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to USDHUD standards); or tent trailer (a canvas or synthetic fiber folding structure mounted on a hard body base and towed by a vehicle). Use of a recreational vehicle for residential or accommodation purposes is prohibited except in a Recreational Vehicle (RV) Park.

Repetitive Loss - a building covered by a contract for flood insurance that has incurred flood-related damages on 2 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, on the average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.

Start of construction - means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, 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 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. 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 - anything constructed, installed, or portable, the use of which requires a location on a parcel of land. Structure includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, cisterns, sewage treatment plants, sheds, and similar accessory construction.

Substantial damage - 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 - 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 that have incurred repetitive loss or substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (a) 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 assure safe living conditions or,
- (b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Substantially improved existing manufactured home park or subdivision - 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, or improvement commenced.

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

ARTICLE 2. ADMINISTRATION

Staff Explanation: This section has been modified for consistency with the state model ordinance.

~~Sec. 15-9-211. - Chief executive officer who for the purposes of this chapter shall be the town manager to apply flood hazard area limits.~~Designation of local floodplain administrator.

The Town Manager or designee is hereby appointed to administer and implement the provisions of this chapter. To ensure that the purposes of this chapter are being complied with in regard to development within the flood hazard areas of the town, the town manager shall provide the applicant with the location of the proposed development with respect to the flood hazard area limits and water surface elevation of the base flood (i.e., one-hundred-year flood) at the proposed development site.

(Ord. No. 01-07, § 1, 6-5-01; Ord. No. 2011-09, § 1, 6-21-11)

Staff Explanation: This change adds "Require permits for all proposed construction and other development within SFHAs. [60.3(b)(1)]" as required by #17 on the CAV checklist and for consistency with the state model ordinance.

~~Sec. 15-9-212. - Information required on building and development application or building permit permit and certification requirements.~~application.

- (a) Application for land development or building permit shall be made to the Town prior to any development or construction activities. The town manager or designee shall require the following specific information to be included as part of an application for a land development or building permitbuilding permit:
- (b) A plan, drawn to scale, which details the nature, location, dimensions, and elevations of the area in question; size of existing and/or proposed structures; finished ground elevation; location of fill materials, storage areas and drainage facilities, finished floor elevation, water supply, sanitary facilities and, if appropriate, floodproofing measures; and all other applicable requirements in Title 15 and 16 of the Town's Municipal Code.
- (c) If the building structure incorporates floodproofing measures or breakaway walls, then certification is required by a registered professional engineer or architect stating that adequate precautions against flood damage have been taken with respect to the design of said building or structure, and that the plans for the development of the site adhere to the restrictions cited in this chapter.

- (d) A lowest floor elevation or floodproofing certification is required after the lowest floor is completed. As soon as possible after completion of the lowest floor and before any further vertical construction commences, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local floodplain administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. Any work done prior to submission of the certification shall be at the permit holder's risk. The local floodplain administrator shall review the floor elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.
- (e) When a structure is located in Zones V, VE, or V1-30, certification shall be provided from a registered professional engineer or architect, separate from submitted plans, that new construction and substantial improvement meets the criteria for the coastal high hazard areas outlined in Sec.15-9-313.
- (f) Where alterations or repairs or additions are involved, the original date of construction and the current market value of the property, as defined by FEMA policy, shall be furnished by the owner of the property or his agent.

(Ord. No. 01-07, § 1, 6-5-01; Ord. No. 2011-09, § 1, 6-21-11)

Staff Explanation: This section has been modified for consistency with the state model ordinance.

Sec. 15-9-213. ~~==~~ Duties and responsibilities of town manager or designee.

The town manager or designee shall:

Staff Explanation: This change adds "Review permits to assure sites are reasonably safe from flooding and require for new construction and substantial improvements in flood-prone areas [60.3(a)(3)]" as required by #19 on the CAV checklist.

- (a) Review all land development and building permit applications to assure that the requirements of this chapter have been satisfied.
- (b) ~~(1)~~ Review proposed developments to assure that all necessary permits have been received from those governmental agencies from which approval is required by ~~F~~ederal, ~~S~~tate or local law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334.
- (c) ~~(2)~~ 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 shall submit evidence of such notification to the Federal ~~Insurance Administration~~ Emergency Management Agency.
- (d) ~~(3)~~ Obtain necessary engineering analysis to assure that the flood-carrying capacity within the altered or relocated portion of said watercourse is maintained.

Staff Explanation: This change adds "Review subdivision proposals and other development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding [60.3(a)(4)]" as required by #20 on the CAV checklist.

(e) Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision or other development is in a Special Flood Hazard Area, assure that:

- (1) Such proposals minimize flood damage and are subject to all applicable standards in these regulations.
- (2) Public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage, and
- (3) Adequate drainage is provided to reduce exposure to flood damage.

Staff Explanation: This change adds "Require base flood elevation data for subdivision proposals or other developments greater than 50 lots or 5 acres. [60.3(b)(3)]" as required by #23 on the CAV checklist. The "greater than 50 lots or 5 acres" requirement was removed from the modification below as FEMA has provided base flood elevations for all properties located in the Town's limits, therefore, this information is readily available for all development and building permits.

(f) Require base flood elevation data for all land development applications and building permits.

Staff Explanation: This section was modified to clarify the current procedure used by Town staff to make Substantial Improvement/Damage determinations.

~~(4) — Verify that any requested substantial damages or substantial improvements to property are consistent with the National Flood Insurance Program regulations, title 44, parts 59 and 60, particularly section 60.3(e), effective October 1, 1989. "Substantial damage" means damage of any origin, including flood related damage, sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Substantial damage also means flood related damages sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty five (25) percent of the market value of the structure before the damage occurred.~~

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

(h) 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.

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 within the past 6 months.

(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 the cost of site improvements and depreciation for functionality and obsolescence.

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

(Ord. No. 01-07, § 1, 6-5-01; Ord. No. 2011-09, § 1, 6-21-11)

Staff Explanation: This section has been modified for consistency with the state model ordinance.

~~Sec. 15-9-214. - Elevation information to be public record.~~

~~The town manager shall require the verification of actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures prior to vertical framing of said structure. The elevation information shall be maintained as public record.~~

(i) Maintain all records pertaining to the administration of this chapter and make these records available for public inspection.

(Ord. No. 01-07, § 1, 6-5-01; Ord. No. 2011-09, § 1, 6-21-11)

Staff Explanation: This change adds "Review permits to assure sites are reasonably safe from flooding and require for new construction and substantial improvements in flood-prone areas [60.3(a)(3)]" as required by #19 on the CAV checklist and moves associated regulations as required by #19 a, b, and d for consistency with the state model ordinance.

ARTICLE 3. - CONSTRUCTION FLOOD HAZARD REDUCTION STANDARDS

Sec. 15-9-311. - General Standards.

~~The standards and defined terms used herein shall be the National Flood Insurance Program regulations, 44 CFR, parts 59 and 60, and with final rule effective October 1, 1989, as published by FEMA is hereby adopted, and hereby made a part of this chapter. A copy is on file in the office of the municipal clerk.~~

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

(a) All new construction, additions and/or substantial improvements shall be constructed by methods and practices that minimize flood damages.

~~Sec. 15-9-314. - Anchoring. (a) All structures shall be firmly anchored to prevent flotation, collapse, or lateral movement. (b) All ducts, pipes, and storage tanks shall be firmly anchored to prevent flotation, collapse or lateral movement.~~

(c) All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage in accordance with Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, dated 8/08, and available from the Federal Emergency Management Agency.

~~Sec. 15-9-315. - Mechanical and utility equipment. (a) Electrical, heating, ventilation, plumbing, 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.~~

Staff Explanation: This change adds “Require new and replacement water supply and sanitary sewage systems to be designed to minimize or eliminate infiltration. [60.3(a)(5) and 60.3(a)(6)]” as required by #21 on the CAV checklist.

(e) Utilities. Water supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into floodwaters.

Staff Explanation: This change adds “Require onsite waste disposal systems be designed to avoid impairment or contamination. [60.3(a)(6)(ii)]” as required by #22 on the CAV checklist.

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

(Ord. No. 01-07, § 1, 6-5-01; Ord. No. 2011-09, § 1, 6-21-11)

Staff Explanation: This section has been modified for consistency with the state model ordinance, the International Residential Code and International Building Code.

Sec. 15-9-312. - ~~Elevation requirements.~~ Specific standards.

In all areas of special flood hazard (Zones A, AE, and A1-30) where base flood elevation data has been provided, the following provisions are required:

(a) Residential Construction

New construction and substantial improvement of any Residential structures (including manufactured homes) must be constructed so that the lowest floor, including basement, is located elevated no lower than one foot above the level of the base flood elevation (i.e., the one-hundred-year flood elevation). No environmentally conditioned space shall be allowed below the lowest floor. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces, shall be provided in accordance with the elevated buildings requirements in Sec.15-9-312(f). Residential structures may not be floodproofed in lieu of elevation.

(b) Nonresidential Construction

New construction and substantial improvement of any Nonresidential structures must be constructed so that the lowest floor is elevated no lower than one foot above the level of the base flood elevation, i.e., the one-hundred year flood elevation. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces, shall be provided in accordance with the elevated buildings requirements in Sec.15-9-312(f). Non-residential structures may be floodproofed in lieu of elevation constructed below the base flood elevation (i.e., the one-hundred-year flood elevation) provided that all areas of the structure below the required elevation they are designed to preclude the inundation of floodwater and withstand the hydrostatic loads associated with the base flood, (i.e., structure must be floodproofed to the elevation of the base flood) and

~~A certified by a South Carolina licensed engineer or architect shall certify that the design and method of construction meet the provisions of this section 60.3(c)(4) of the standard. Record of certification of floodproofing shall be maintained as a public record.~~

Staff Explanation: This section has been removed as the National Flood Insurance Program does not allow these exemptions below the Base Flood Elevation. See the comments section of the CAV.

~~Exception. In A zones, the following buildings, not to exceed three hundred (300) square feet (net floor area), shall be allowed below the base flood elevation, but should be located at the highest existing grade feasible to accomplish the requirements of minimizing or eliminating flood damage. All construction material below the base flood elevation will be constructed with flood resistant material and the structures will comply with sections 15-9-314 through 15-9-316:~~

- ~~(1) Detached security or guard houses at the entrance to a development.~~
- ~~(2) Detached pump houses for water and sewer installations.~~
- ~~(3) Detached bathrooms which provide only minimal facilities to provide sanitation for public use.~~
- ~~(4) Publicly owned buildings.~~

Staff Explanation: This section has been moved for consistency with the state model ordinance.

~~(c) Sec. 15-9-411. --Manufactured hHomes standards.~~

~~(a) —Manufactured home sStandards shall apply to all installations after April 1, 1987 and shall include homes placed in manufactured home parks or subdivisions, or homes not placed in such parks or subdivisions.~~

~~(b) —All manufactured homes to be placed or substantially improved within zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of chapter 7, title 15. Section 40-29-10 of the South Carolina Manufactured Housing Board Regulations, as amended.~~

Staff Explanation: This change adds "In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must (i) be elevated and anchored; OR, (ii) be on the site for less than 180 consecutive days; OR (iii) be fully licensed and highway ready. [60.3(c)(14)]" as required by #39 on the CAV checklist.

~~(d) Recreational Vehicles~~

~~Recreational vehicles placed on sites shall either be on site for fewer than 180 consecutive days or must be fully licensed and ready for highway use--.~~

~~A recreational vehicle is ready for highway use if it is on wheels or jacking system, attached to the site only by quick-disconnect type utilities and security devices; and has no permanently attached additions.~~

Staff Explanation: This section has been added for consistency with the state model ordinance and to address the permitting of the exemptions that were removed.

(e) Accessory Structures

Accessory structures must be elevated to the base flood elevation or meet the requirements of Sec. 15-9-312(f).

Accessory structures shall be placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure. All service facilities, such as electrical, shall be installed in accordance with Sec. 15-9-311(d).

(Ord. No. 01-07, § 1, 6-5-01; Ord. No. 2011-09, § 1, 6-21-11)

Staff Explanation: This section has been moved for consistency with the state model ordinance and building elevation is the preferred method of protection

(f) ~~Sec. 15-9-316. Mandatory use of openings in~~ Enclosures ~~Below Lowest Floor the base flood elevation~~

(1) ~~(a)~~ For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

(2) Designs for meeting this requirement must either be certified by a registered professional South Carolina engineer or architect or must meet or exceed the following minimum criteria:

a. A minimum of two (2) openings, each on a separate building face, shall be provided. These openings should have a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.

b. The bottom of all openings shall be no higher than one (1) foot above grade.

c. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(3) ~~(b)~~ Doors and windows are not to be considered as a part of the minimum requirement.

(4) ~~(c)~~ Uses below the B.F.E. base flood elevation are restricted to parking, limited storage and building access. ~~{Enclosed areas below B.F.E. base flood elevation must comply with (1a) above.}~~

(5) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, must be void of utilities except for essential lighting as required for safety, and cannot be temperature controlled.

(6) All construction materials below the required lowest floor elevation specified in the specific standards outlined in Sec. 15-9-312 (a), (b), (c) and (e) shall be of flood resistant materials.

Staff Explanation: This section has been moved for consistency with the state model ordinance and modified for consistency with the LMO.

Sec. 15-9-313.(g) Fill

If fill is the only alternative to raising the building to meet the residential and non-residential construction requirements of Sec. 15-9-312 (a) and (b), an applicant shall demonstrate that the amount of fill used will not affect the flood storage capacity. The following provisions shall apply to all fill placed in the special flood hazard area:~~If fill is used to raise the lowest floor to the base flood elevation:~~

- (1) Fill shall consist of suitable compact soil or small rock materials only. Sanitary landfills shall not be permitted.
- (2) Uncontained fill shall extend laterally no less than five (5) feet beyond the building line at all points.
- (3) Fill shall be used only to the extent to which it does not adversely affect adjacent properties.
- (4) Fill slopes shall be no steeper than allowed by acceptable engineering standards for the type of fill material used.
- (5) Nonresidential sites shall not be elevated with fill material to an average height greater than three feet above existing grade with the exception of critical facilities.

(Ord. No. 01-07, § 1, 6-5-01)

Staff Explanation: These sections have been moved to Sec. 15-9-311 for consistency with the state model ordinance.

Sec. 15-9-314. - Anchoring.

- ~~(a) All structures shall be firmly anchored to prevent flotation, collapse, or lateral movement.~~
~~(b) All ducts, pipes, and storage tanks shall be firmly anchored to prevent flotation, collapse or lateral movement.~~

(Ord. No. 01-07, § 1, 6-5-01)

Sec. 15-9-315. - Mechanical and utility equipment.

- ~~(a) Electrical, heating, ventilation, plumbing, 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.~~
~~(b) Design for below base flood elevation shall be certified by a South Carolina licensed engineer.~~

(Ord. No. 01-07, § 1, 6-5-01)

Sec. 15-9-316. - Mandatory use of openings in enclosures below the base flood elevation.

- ~~(a) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding 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 South Carolina engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings, each on a separate building face, shall be~~

provided. These openings should have a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

~~(b) — Doors and windows are not to be considered as a part of the minimum requirement.~~

~~(c) — Uses below the B.F.E. are restricted to parking, limited storage and building access. (Enclosed areas below B.F.E. must comply with (a) above.)~~

~~(Ord. No. 01-07, § 1, 6-5-01)~~

Sec. 15-9-3137. - Special standard for construction in coastal high hazard areas (Zones V and VE).

Located within the special flood hazard areas are areas known as coastal high hazard areas (V zones). These coastal high hazard areas have special flood hazards associated with high-velocity waters from tidal surge and hurricane wave wash and therefore the following special construction standards shall apply in the coastal high hazard areas as determined by the town manager or designee.

(a) (1)—All new construction and substantial improvements shall be located landward of the reach of the mean high tide.

Staff Explanation: This section has been modified for consistency with the 2015 International Building Code, which was adopted by the State of South Carolina effective July 1, 2016.

(b) (2)—All new construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal supporting member is located no lower than one foot above the base flood elevation level, with all space below the lowest supporting member free of obstruction and open so as not to impede the flow of the water, except as provided for breakaway walls in subsection (i), below.

(c) (3)—All new construction and substantial improvements shall be securely anchored on pilings or columns.

(d) (4)—The pile or column foundation and structure attached thereto 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. (Windloads will comply with the latest edition of the International Building Code, with amendments, that has been adopted by the South Carolina Building Codes Council.) The waterloads are those associated with the base flood.

(e) (5)A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of paragraphs ~~(2) — (4)~~ (b) thorough (d) of this section.

(f) (6)Pilings or columns used as structural support shall be spaced so that when measured perpendicular to the general direction of flood flow shall not be less than eight (8) feet apart at the closest point.

(g) (7)There shall be no fill used as structural support.

(h) (8)There shall be no alteration of primary sand dunes which would increase potential flood damage.

(i) (9)Breakaway walls 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. Breakaway walls shall be open lattice work or screening only.

- (j) ~~(10)~~ If breakaway walls are utilized, such enclosed space shall not be used for human habitation. The enclosed areas may only be used for parking of the vehicles, building access or limited storage.

(Ord. No. 01-07, § 1, 6-5-01; Ord. No. 2011-09, § 1, 6-21-11)

Staff Explanation: These sections have been moved to Sec. 15-9-312 for consistency with the state model ordinance.

~~ARTICLE 4. - SPECIAL STANDARDS FOR MANUFACTURED HOMES IN FLOOD HAZARD AREAS~~

~~Sec. 15-9-411. - Manufactured home standards.~~

~~(a) Standards shall apply to all installations after April 1, 1987 and shall include homes placed in manufactured home parks or subdivisions, or homes not placed in such parks or subdivisions. (b) All manufactured homes to be placed or substantially improved within zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of chapter 7, title 15.~~

- ~~(l) (e) Manufactured homes to be placed in V zones shall meet the same standards as conventional housing; i.e., meet the provisions at section 60.3(e)(3), (4), (5), and (6), and (7) of NFIP criteria, as required by this section, section 15-9-317, "Special standard for construction in coastal high hazard areas."~~

Staff Explanation: This change adds "In V1-30, VE, and V zones, all recreational vehicles to be placed on a site must (i) be elevated and anchored; OR, (ii) be on the site for less than 180 consecutive days; OR, (iii) be fully licensed and highway ready [60.3(e)(9)]" as required by #46 on the CAV checklist.

- ~~(m) Recreational vehicles may be permitted in V Zones provided that the zoning of the property allows for recreational vehicle parks as a principal use and they meet the Recreation Vehicle criteria of Sec.15-9-312(d).~~

Staff Explanation: This section has been added for consistency with the state model ordinance and to address the permitting of the exemptions that were removed.

- ~~(n) Accessory structures to be place in V Zones shall meet the same standards as conventional housing as required by this section.~~

(Ord. No. 01-07, § 1, 6-5-01)

Staff Explanation: This section has been moved to Sec. 15-9-213 for consistency with the state model ordinance.

~~ARTICLE 5. -- REQUIREMENTS FOR SUBDIVISION PROPOSALS AND UTILITY SYSTEMS (Moved to Article 3)~~

~~Sec. 15-9-511. -- Subdivisions.~~

~~Floodplain management criteria associated with the subdivision of land into lots, building sites or building units is contained within the town subdivision regulations or future ordinances regulating such development activity.~~

(Ord. No. 01-07, § 1, 6-5-01)

Staff Explanation: This section has been moved to Sec. 15-9-311 for consistency with the state model ordinance.

~~Sec. 15-9-512. -- Utilities.~~

~~Water supply systems and/or sanitary sewage systems should be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into floodwaters.~~

(Ord. No. 01-07, § 1, 6-5-01)

ARTICLE 46. -- VARIANCES

Sec. 15-9-4611. - Requirements for variances.

Upon the submission of a written application to the Town Construction Board of Aadjustments and Appeals, a variance may be granted permitting the erection new construction or substantial improvement of structures with a lowest floor elevation, including basement, lower than regulatory flood elevation if all one of the following are met:

Staff Explanation: This change adds "Variance section with evaluation criteria and insurance notice. [60.6(a)]" as required by #4 on the CAV checklist and has been modified for consistency with the state model ordinance.

a. ~~The property on which the structure is to be erected is an isolated lot of one-half acre or less, with all contiguous existing structures constructed below such required first floor elevation; or~~

(a) b. A structure listed on the National Register of Historic Places or a state inventory of history places is to be restored or reconstructed historical structure 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.

(b) Development necessary to conduct a functionally dependant use, provided the criteria of this Article are met, no reasonable alternative exist, and the development is protected by methods that minimize flood damage and create no additional threat to public safety.

(c) Wet floodproofing of an agricultural structure provided it is used solely for agricultural purposes. 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 Sec 15-9-312(f), this section, and the following standards:

(1) Use of the structure must be limited to agricultural purposes as listed below:

- a. Pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment;
 - b. General-purpose barns for the temporary feeding of livestock that are open on at least one side;
 - c. For livestock confinement buildings, poultry houses, dairy operations, and similar livestock operations, variances may not be issued for structures that were substantially damaged. New construction or substantial improvement of such structures must meet the elevation requirements of Sec.15-9-312(f) of this ordinance.
- (2) The agricultural structure must be built or rebuilt, in the case of an existing building that is substantially damaged, with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation.
 - (3) The agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where flood velocities exceed 5 feet per second, fast-flowing floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls.
 - (4) The agricultural structure must meet the venting requirement of Sec.15-9-312(f) of this ordinance.
 - (5) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation, plus any required freeboard, or be contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Sec.15-3-311(d) of this ordinance
 - (6) Major equipment, machinery, or other contents must be protected. Such protection may include protective watertight floodproofed areas within the building, the use of equipment hoists for readily elevating contents, permanently elevating contents on pedestals or shelves above the base flood elevation, or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out of the floodplain.

Sec. 15-9-412. - Required findings.

If the proposed new construction or substantial improvement meets one or more of the requirements in Sec. 15-9-411, a variance may be granted if the Town Construction Board of Adjustment and Appeals determines and expresses in writing all of the following findings:

- ~~(2)~~ (a) Good and sufficient cause exists for the granting of the variance.
- ~~(3)~~ (b) Failure to grant the variance would result in exceptional hardship to the applicant.
- ~~(4)~~ (c) The issuance of the variance would not result in increased flood heights, additional threats to public safety or extraordinary public expense.
- ~~(5)~~ (d) The variance would not have the effect of nullifying the intent and purpose of the chapter.

(Ord. No. 01-07, § 1, 6-5-01)

Sec. 15-9-642413. - Hearing.

- (a) All applications for variances shall be heard by the construction board of adjustments and appeals.

- (b) Prior to the granting of a variance the construction board of adjustments and appeals must find that justifications exist in accordance with the terms of this chapter. These findings together with the granting of a variance, shall be reduced to writing, and may be a part of the public record. All variances shall pertain to the particular parcel of land and apply only to the proposed structure set forth in the variance and application.
- (c) Such variance shall be freely transferable with the land and shall not be personal to the applicant.
- (d) Unless otherwise provided therein, a variance shall be valid for a period of one (1) year after the date of its issuance. If construction has not commenced pursuant thereto within such time, said variance shall become void. Lapse of a variance by the passage of time shall not preclude subsequent application for variance.
- (e) No variance except herein specifically permitted may be granted from the provisions of this chapter. The variance procedures herein provided shall be the exclusive method for obtaining variances under the provisions herein.

(Ord. No. 01-07, § 1, 6-5-01)

| Sec. 15-9-~~613~~414. - Fee.

Each written application for a variance shall be accompanied by a fee of seventy-five dollars (\$75.00). Such application shall reflect the type of structures for which a variance is sought, the size of such structures, the approximate location upon the parcel and intended use thereof and the reasons for which the variance is being sought.

(Ord. No. 01-07, § 1, 6-5-01)

| Sec. 15-9-~~614~~415. - Notice of possible increased insurance cost.

Any applicant to whom a variance is granted shall be given notice that the proposed structure will be located in the floodprone area. The structure will be permitted to be built with a lowest flood elevation below the regulatory flood elevation, and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced first floor elevation.

(Ord. No. 01-07, § 1, 6-5-01)

South Carolina Department of
Natural Resources



DNR

Alvin A. Taylor
Director

Ken Rentiers
Deputy Director for
Land, Water and Conservation

September 28, 2016

Nicole Dixon
Town of Hilton Head
One Town Center Court
Hilton Head Island, SC 29928

RE: TOWN OF HILTON HEAD COMMUNITY ASSISTANCE VISIT RESULTS

Dear Ms. Dixon:

Thank you for the courtesy extended during the recent Community Assistance Visit (CAV). The purpose of the visit was to assist community officials with the implementation and administration of the local floodplain management program and to evaluate the Town of Hilton Head Island's status as a participant in the National Flood Insurance Program (NFIP).

During the meeting a complete review of the Town's floodplain management program was conducted. During this visit, we found some potential violations of the Town's program that are described in the attached report. It is our goal to assist the Town of Hilton Head with being in good standing with the NFIP.

A copy of the CAV report is enclosed for your reference. As noted in the CAV report, further information is required by the Community in order to ensure compliance with the NFIP.

As you work through the conditions mentioned, I am available to assist staff as necessary. Please feel free to contact me with any questions or concerns you may have regarding this CAV report at 803-734-4012 / artzj@dnr.sc.gov. Additionally, I invite you to visit South Carolina's website at <http://www.dnr.sc.gov/flood> or visit FEMA's website at www.fema.gov/nfip where you will find additional information that may be of interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Jessica Artz".

Jessica Artz, CFM
Flood Mitigation Specialist

CC: Mr. Chris Yates, Building Official
Mr. Tim Russo, FEMA Region IV

1000 Assembly Street • P.O. Box 167 • Columbia, S.C. 29201

COMMUNITY ASSISTANCE VISIT REPORT

Hilton Head Island Beaufort 450250
Name of Community County Community ID

Jessica Artz State 09/21/2016
Conducted By Agency Date of Visit

Nicole Dixon/Chris Yates (843) 341-4675
Floodplain Administrator Telephone

One Town Center Court, Town of Hilton Head Island, SC 29928
Address of Local Official

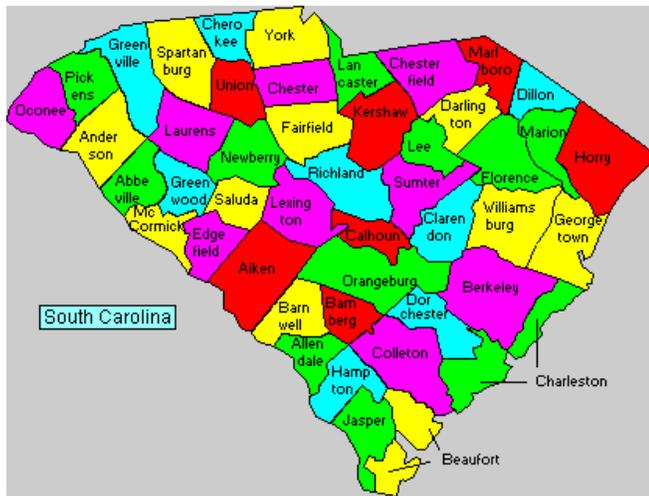
NONE SERIOUS MINOR

1. Are there any problems with the community's floodplain mgt regs?			x
2. Are there problems with administrative and enforcement procedures?	x		
3. Are there engineering or other problems with the maps or FIS?	x		
4. Are there other problems with the local floodplain management program?	x		
5. Are there problems with the Biennial Report data?	x		
6. Are there any programmatic issues or problems identified?	X		

7. Are there any potential violations of the community's floodplain management regulations?

- A potential violation has been identified.
 No violations have been identified.
 Actions are in progress to remedy violations.

A. BACKGROUND



- a LAST CAV/BY WHOM/RESULTS: CIS records show the last CAV in the Town of Hilton Head (herein referred to as the Town) was conducted on August 25, 2010. The State found that updates to the Floodplain Regulations were needed and there was one violation to be resolved. The CAV was closed on April 25, 2011.
- b HISTORY/ FLOOD PROBLEMS/ POPULATION/ DEVELOPMENT PRESSURE/ BIENNIAL REPORT (Refer to FIS where appropriate): The Town has experienced a lot of growth in the past few years, including a large amount of re-development. The population of Hilton Head is approximately 40,000. They have not had any major flooding issues in the past few years. Their flooding is usually localized due to lack of drainage during high tide rainfall events. Approximately 75% of the Town is located in a flood zone.
- c ADMINISTRATIVE PERMIT PROCESS (incl. Application, review, inspection, record keeping, enforcement, & substantial improvement & damage):

The Town is in the process of hiring a full-time floodplain administrator. Currently, the job duties are split between the Senior Planner, Nicole Dixon, who manages the CRS program and Chris Yates, the Building Official, who issues the building permits. Nicole reviews all subdivision and commercial plans. The elevations are included on the plans. After plans are reviewed, the Town issues a Notice of Action which allows the developer to move forward with infrastructure needs. After the infrastructure is in place, the subdivision plat is stamped and the individual building permits can be approved by Chris. On a new structure, an EC is required before the foundation is poured and a final EC is required before a Certificate of Occupancy can be issued. For commercial

properties, an as-built survey is required before Certificate of Compliance is issued.

- d INSURANCE INFORMATION/ CRS:
CIS database shows there are 26,415 policies. The amount of insurance in force is \$6,733,743,600.00

B. REFERENCE QUESTIONS 1-4 ABOVE

1. **Floodplain Management Regulations:** The ordinance is in need of updating. Please refer to the attached ordinance checklist for required updates and the SC Model Ordinance for recommended language.
2. **Administrative and Enforcement Procedures:**
No issues.
3. **Maps and Flood Insurance Studies:**
Beaufort County maps are dated September 29, 1986. Updated maps are in the process of being developed.
4. **Other Problems with the FPM Program:**
None found.

C. PROGRAMMATIC ISSUES

None found.

D. SECTION 404, HAZARD MITIGATION GRANT PROGRAM/ FMAP (Floodplain Management Assistance Program)

The community is eligible for other Federal programs.

E. EXECUTIVE ORDER 11988, FLOODPLAIN MANAGEMENT

The community works with other Federal Agencies (OFA's) whenever it is called upon to do so, or the need is there. There is no deviation from this policy.

F. OTHER FINDINGS

Eighteen permits and elevation certificates were pulled for review. There were no variances issued.

Field visits were conducted for the following permits:

- 24 China Cockle Lane
- 24 China Cockle Way
- 56 Shell Ring Road
- 15 Hackney Pony Lane
- 19 Jarvis Creek Lane
- 64 Jarvis Creek Lane
- 11 Lighthouse Lane
- 37 Dolphin Point Lane
- 1 Coligny Circle

G. FOLLOW-UP (BY FEMA/STATE)

There is no need for follow up by the State or FEMA.

H. COMMUNITY ACTION NEEDED

The properties at 19 Jarvis Creek Lane and 64 Jarvis Creek Lane have enclosed the space below the BFE without providing sufficient openings.



19 Jarvis Creek



64 Jarvis Creek

Please provide evidence that the space has either been put back to its original state or that the openings meet the minimum requirements of the Town's Flood Ordinance.

The ordinance must be updated.

Please provide a report to SC DNR on the status of these concerns by January 6, 2017.

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community Town of Hilton Head Island State SC

Reviewed by: Jessica Artz Date of Review: 9/15/2016

Community Floodplain Management Regulations Reviewed by (circle one): FEMA State Other: (Agency Name) _____

Reviewer's Determination: / / The floodplain management regulations are compliant.
 / / The floodplain management regulations are not compliant.

Approved by: _____ (FEMA only) Date of Approval: / /

The "Item Description" is a synopsis of the regulatory requirement and should not be construed as a complete description. Refer to the actual language contained in the National Flood Insurance Program Floodplain Management Regulations at Title 44 Code of Federal Regulations (CFR) Part 59 and 60 for the complete description of the required minimum criteria. Below the "Level of Regulations" column, you can indicate whether the community ordinance meets or exceeds the respective provision in the non-shaded areas.

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ¹	e ¹	
ORDINANCES MUST CONTAIN THE FOLLOWING PROVISIONS:						
1. Citation of Statutory Authority						missing
2. Framework for administering the ordinance (including permit system, establishment of the office for administering the ordinance, record keeping, etc.).					X	Article 2
3. Adequate enforcement provisions (including a violation and penalty section specifying actions the community will take to assure compliance).						missing
4. Variance section with evaluation criteria and insurance notice. [60.6(a)]					X	Article 6 (1) a., contiguous properties below the BFE is not a reason to allow a variance. This sentence must be removed.
5. Effective Date: _____ Adoption Date: _____						
6. Signature of Appropriate Official and Certification Official.						

¹ If a community has both floodways and coastal high hazard areas, it must meet the requirements of both level 60.3(d) and 60.3(e).

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community Town of Hilton Head Island State SC

Reviewed by: Jessica Artz Date of Review: 9/15/2016

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ¹	e ¹	
OTHER PROVISIONS AND ACTIONS THAT MAY BE NECESSARY TO MAKE THE ORDINANCE LEGALLY ENFORCEABLE AND ENSURE THAT IT CAN BE PROPERLY ADMINISTERED:						
7: Purpose section citing health, safety, and welfare reasons for adoption.					X	Article I. Sec. 15-9-112
8: Disclaimer of Liability section advising that the degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.						missing
9. Abrogation and Greater Restriction section. (e.g., This Ordinance shall not in any way impair/remove the necessity of compliance with any other applicable laws, ordinances, regulations, etc. Where this Ordinance imposes a greater restriction, the provisions of this Ordinance shall control.)						missing
10. Severability section. (e.g., If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.)						missing
11. Public hearing (State/local laws may require hearings)						
12. Publication (State/local laws may require public notices)						
MINIMUM NFIP CRITERIA:						
13. Definitions: [59.1] <u>X</u> Base Flood; <u>X</u> Base Flood Elevation; <u>X</u> Development; <u>X</u> Existing manufactured home park or subdivision; <u>X</u> Expansion to an existing manufactured home park or subdivision; <u>X</u> Flood Insurance Rate Map; <u>X</u> Flood Insurance Study; Floodway; <u>X</u> Lowest Floor; <u>X</u> Manufactured Home; <u>X</u> Manufactured Home Park or Subdivision; <u>X</u> New Construction; <u>X</u> New Manufactured Home Park or Subdivision; <u>X</u> Recreational Vehicle; <u>X</u> Special Flood Hazard Area; <u>X</u> Start of Construction; <u>X</u> Structure; <u>X</u> Substantial Damage; <u>X</u> Substantial Improvement; <u>X</u> Violation;						missing

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community Town of Hilton Head Island State SC

Reviewed by: Jessica Artz Date of Review: 9/15/2016

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ¹	e ¹	
Other Definitions as appropriate such as <input checked="" type="checkbox"/> Floodproofing; <input checked="" type="checkbox"/> Highest adjacent grade for community's with mapped AO Zones; <input checked="" type="checkbox"/> Historic Structures						
14. Adopt or reference correct Map and date. [60.3(b)] (If the community has an automatic adoption provision in its ordinance, is it a valid provision?)					X	Article 1. Sec. 15-9- 111 (c)
15. Adopt or reference correct Flood Insurance Study and date. [60.3(c), (d), and/or (e)] (If the community has an automatic adoption provision in its ordinance, is it a valid provision?)					X	Article 1. Sec. 15-9- 111 (c)
16. Require permits for all proposed construction or other development including placement of manufactured homes to determine whether such construction or development is in a floodplain. [60.3(a)(1)]						
17. Require permits for all proposed construction and other development within SFHAs. [60.3(b)(1)]						missing
18. Assure that all other State and Federal permits are obtained. [60.3(a)(2)]					X	Article 2, Sec. 15-9- 213 (1)
19. Review permits to assure sites are reasonably safe from flooding and require for new construction and substantial improvements in flood-prone areas [60.3(a)(3)]: (a) Anchoring (including manufactured homes) to prevent flotation, collapse, or lateral movement of the structure. [60.3(a)(3)(i)]					X	missing Article 3. Sec. 15-9- 314
(b) Use of flood-resistant materials. [60.3.(a)(3)(ii)]						missing
(c) Construction methods and practices that minimize						missing

9/28/2016

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community Town of Hilton Head Island State SC

Reviewed by: Jessica Artz Date of Review: 9/15/2016

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ¹	e ¹	
flood damage. [60.3(a)(3)(iii)]						
(d) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities designed and/or located to prevent water entry to accumulation. [60.3(a)(3)(iv)]					X	Article 3. Sec. 15-9-315(a)
20. Review subdivision proposals and other development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding [60.3(a)(4)]. If a subdivision or other development proposal is in a flood-prone area, assure that: (a) Such proposals minimize flood damage. [60.3(a)(4)(i)]						missing
(b) Public utilities and facilities are constructed so as to minimize flood damage. [60.3(a)(4)(ii)]						missing
(c) Adequate drainage is provided. [60.3(a)(4)(iii)]						missing
21. Require new and replacement water supply and sanitary sewage systems to be designed to minimize or eliminate infiltration. [60.3(a)(5) and 60.3(a)(6)]					X	Article 3, Sec. 15-9-512
22. Require onsite waste disposal systems be designed to avoid impairment or contamination. [60.3(a)(6)(ii)]						missing
23. Require base flood elevation data for subdivision proposals or other developments greater than 50 lots or 5 acres. [60.3(b)(3)]						missing
24. In A Zones, in the absence of FEMA BFE data and floodway data, obtain, review, and reasonably utilize other BFE and floodway data as a basis for elevating residential structures to or above the base flood level, and for floodproofing or elevating non-residential structures to or above the base flood level. [60.3(b)(4)]						missing
25. Where BFE data are utilized in Zone A, obtain and maintain records of the lowest floor and floodproofing					X	Article 2, Sec. 15-9-214

9/28/2016

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community Town of Hilton Head Island State SC

Reviewed by: Jessica Artz Date of Review: 9/15/2016

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ¹	e ¹	
elevations for new and substantially improved construction. [60.3(b)(5)]						
26. In riverine areas, notify adjacent communities of watercourse alterations and relocations. [60.3(b)(6)]					X	Article 2, Sec. 15-9-213 (2)
27. Maintain the carrying capacity of an altered or relocated watercourse. [60.3(b)(7)]					X	Article 2, Sec. 15-9-213 (3)
28. Require all manufactured homes to be elevated and anchored to resist flotation, collapse, or lateral movement. [60.3(b)(8)]					X	Article 4. Sec. 15-9-411 (b)
29. Require all new and substantially improve <u>residential</u> structures within A1-30, AE, and AH Zones have their lowest floor (including basement) elevated to or above the Base Flood Elevation. [60.3(c)(2)]					X	Article 3. Sec. 15-9-312(a)
30. ² In AO Zones, require that new and substantially improved <u>residential</u> structures have their lowest floor (including basement) to or above the highest adjacent grade at least as high as the FIRM's depth number. [60.3(c)(7)]						Missing
31. Require that new and substantially improved <u>non-residential</u> structures within A1-30, AE, and AH Zones have their lowest floor elevated or floodproofed to or above the Base Flood Elevation. [60.3(c)(3)]					X	Article 3. Sec. 15-9-312(b)
32. ² In AO Zones, require new and substantially improved <u>non-residential</u> structures have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number on the FIRM. [60.3(c)(8)]						missing

² Item 30 and 32 are not required if the community has no AO Zones.

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community Town of Hilton Head Island State SC

Reviewed by: Jessica Artz Date of Review: 9/15/2016

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ¹	e ¹	
33. Require that for floodproofed non-residential structures, a registered professional engineer/architect certify that the design and methods of construction meet requirements at 60.3(c)(3)(ii). [60.3(c)(4)]					X	Article 3. Sec. 15-9-312(b)
34. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are used solely for parking of vehicles, building access or storage in an area other than a basement and which is subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing the entry and exit of floodwaters in accordance with the specifications in 60.3(c)(5). (Openings requirement)					X	Article 3, Sec. 15-9-316(a)
35. ³ Until a regulatory floodway is designated, no encroachment may increase the Base Flood level more than 1 foot. [60.3(c)(10)]						missing
36. ⁴ In Zones AO and AH, require drainage paths around structures on slopes to guide water away from structures. [60.3(c)(11)]						missing
37. Require that manufactured homes placed or substantially improved within A1-30, AH, and AE Zones, which meet one of the following location criteria, to be elevated such that the lowest floor is to or above the Base Flood Elevation and be securely anchored: (i) outside a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision;					X	Article 4. Sec. 15-9-411 (a) & (b)

³ Item 35 is not required if all streams have floodways designated.

⁴ Item 36 is not required if the community has no AO or AH Zones.

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community Town of Hilton Head Island State SC

Reviewed by: Jessica Artz Date of Review: 9/15/2016

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ¹	e ¹	
(iii) in an expansion to an existing manufactured home park or subdivision; iv) on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood. [60.3(c)(6)]						
38. In A-1-30, AH, and AE Zones, require that manufactured homes to be placed or substantially improved in an <u>existing</u> manufactured home park to be elevated so that (i) the lowest floor is at or above the Base Flood Elevation; OR (ii) the chassis is supported by reinforced piers no less than 36 inches in height above grade and securely anchored. [60.3(c)(12)]					X	Article 4. Sec. 15-9-411 (a) & (b)
39. In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must (i) be elevated and anchored; OR (ii) be on the site for less than 180 consecutive days; OR (iii) be fully licensed and highway ready. [60.3(c)(14)]						missing
40. Designate a regulatory floodway which will not increase the Base Flood level more than 1 foot. [60.3(d)(2)]						
41. In a regulatory floodway, prohibit any encroachment, which would cause any increase in the Base Flood level unless hydrologic and hydraulic analyses prove that the proposed encroachment would not increase flood levels during the Base Flood discharge. [60.3(d)(3)]						
42. In V1-30, VE, and V Zones, obtain and maintain the elevation of the bottom of the lowest horizontal structural member of the lowest floor of all new and substantially improved structures. [60.3(e)(2)]					X	Article 3, Sec. 15-9-317(2)

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community Town of Hilton Head Island State SC

Reviewed by: Jessica Artz Date of Review: 9/15/2016

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ¹	e ¹	
43. In V1-30, VE, and V Zones, require that all new construction and substantial improvements: (a) Are elevated and secured to anchored pilings or columns so that the bottom of the lowest horizontal structural member is at or above the Base Flood Elevation. [60.3(e)(4)]					X	Article 3, Sec. 15-9-317(2)
(b) A registered professional engineer/architect certify that the design and methods of construction meet elevation and anchoring requirements at 60.3(e)(4)(i) and (ii). [60.3(e)(4)]					X	Article 3, Sec. 15-9-317 (5)
(c) Have the space below the lowest floor either free of obstruction or constructed with breakaway walls. Any enclosed space shall be used solely for parking, building access, or storage. [60.3(e)(5)]					X	Article 3, Sec. 15-9-317(10)
(d) All new construction is landward of mean high tide. [60.3(e)(3)]					X	Article 3, Sec. 15-9-317(1)
(e) Prohibit use of fill for structural support. [60.3(e)(6)]					X	Article 3, Sec. 15-9-317(7)
(f) Prohibit alteration of sand dunes and mangrove stands, which would increase potential flood damage. [60.3(e)(7)]					X	Article 3, Sec. 15-9-317(8)
44. Require that manufactured homes placed or substantially improved within V1-30, VE, and V Zones, which meet one of the following location criteria, meet the V Zone standards in 60.3(e)(2) through (e)(7): (i) outside a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; (iv) on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood. [60.3(e)(8)]					X	Article 4, Sec. 15-9-411

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community Town of Hilton Head Island State SC

Reviewed by: Jessica Artz Date of Review: 9/15/2016

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ¹	e ¹	
45. In V1-30, VE, and V Zones, require that manufactured homes to be placed or substantially improved in an <u>existing</u> manufactured home park to be elevated so that (i) the lowest floor is at or above the Base Flood Elevation; OR (ii) the chassis is supported by reinforced piers no less than 36 inches in height above grade and securely anchored. [60.3(e)(8)(iv)]					X	Article 4. Sec. 15-9-411
46. In V1-30, VE, and V zones, all recreational vehicles to be placed on a site must (i) be elevated and anchored; OR (ii) be on the site for less than 180 consecutive days; OR (iii) be fully licensed and highway ready. [60.3(e)(9)]						missing

Comments

Sec. 15-3-312 of the Town's ordinance allows the following buildings to be built below the BFE: 1) security or guard houses, 2) detached pump houses 3) detached bathrooms and 4) publicly owned buildings. The NFIP does not allow exemptions for structures to be built below the BFE. However, all of these types of structures would be allowed under the regulations (in the A zones only) and can be addressed in the following manner:

1) Security or guard houses - Would be treated like a structure and is not considered an accessory structure. It would either need to be elevated or dry-floodproofed. It could be wet floodproofed (openings) with a variance by the Town.

2) Detached pump houses for water and sewer installations - If these fit the definition of accessory structure and the Town adopts the recommended language for an accessory structure in the model ordinance, they could be anchored and have openings. If they are not an accessory structure, they would need to be elevated or floodproofed. They could be wet floodproofed with a variance by the Town.

3) Bathrooms - If these fit the definition of accessory structure and the Town adopts the recommended language for an accessory structure in the model ordinance, they could be anchored and have openings. If they are not an accessory structure, they would need to be elevated or floodproofed. They could be wet floodproofed with a variance by the Town.

9/28/2016

**NATIONAL FLOOD INSURANCE PROGRAM
COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS
REVIEW CHECKLIST**

Community Town of Hilton Head Island State SC

Reviewed by: Jessica Artz Date of Review: 9/15/2016

4) Publicly owned buildings- If these fit the definition of accessory structure and the Town adopts the recommended language for an accessory structure in the model ordinance, they could be anchored and have openings. If they are not an accessory structure, they would need to be elevated or floodproofed. They could be wet floodproofed with a variance by the Town.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2018-#

PROPOSED ORDINANCE NO. 2018-13

AN ORDINANCE TO AMEND TITLE 15 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, CHAPTER 9 TO REVISE VARIOUS SECTIONS. THIS AMENDMENT INCLUDES CHANGES THAT WOULD CLARIFY THE SCOPE AND PURPOSE OF THE ORDINANCE AND REVISE THE LANGUAGE AND DEFINED TERMS TO BE CONSISTENT WITH THE NATIONAL FLOOD INSURANCE PROGRAM REGULATIONS 44 CFR PARTS 59 AND 60 AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, in 1983, the Town Council of the Town of Hilton Head Island, South Carolina adopted the Municipal Code of the Town of Hilton Head Island; and

WHEREAS, the flood hazard areas of the Town are subject to periodic inundation resulting in property loss, economic disruption and health and safety hazards; and

WHEREAS, the Town Council now intends to amend Title 15, Chapter 9 to clarify and correct language inconsistent with the NFIP regulations; and

WHEREAS, the Public Planning Committee met on October 25, 2018 and voted to recommend that Town Council < > the proposed amendments; and

WHEREAS, the Town Council now finds that, upon further review, it is in the public interest to < > Title 15, Chapter 9 of the Municipal Code.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID COUNCIL:

Section 1. Amendment. That the Municipal Code of the Town of Hilton Head Island, South Carolina, be, and the same hereby is, amended to read as indicated on the attached pages. Newly added language is illustrated with double underline and deleted language is illustrated with ~~strikethrough~~.

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF
HILTON HEAD ISLAND ON THIS ____ DAY OF _____, 2018.**

THE TOWN OF HILTON HEAD
ISLAND, SOUTH CAROLINA

David Bennett, Mayor

ATTEST:

Krista Wiedmeyer, Town Clerk

First Reading:
Second Reading:

APPROVED AS TO FORM:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____