



**Town of Hilton Head Island
Public Planning Committee
Thursday, August 23, 2018 – 3:00 p.m.
Benjamin M. Racusin Council Chambers
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 – June 28, 2018 Meeting**
- 5. Unfinished Business**
 - a. Update on Trolley Service
 - b. Update on Affordable Workforce Housing Strategic Plan Consultant
- 6. New Business**
 - a. Flood Ordinance Changes
- 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 June 28, 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 Council Present: Mayor Bennett, Tom Lennox, John McCann

Town Staff Present: Shawn Colin, Deputy Director of Community Development; Charles Cousins, Director of Community Development; Anne Cyran, Senior Planner; Carolyn Grant, Communications Director; Brian Hulbert, Staff Attorney; Teri Lewis, LMO Official; Jenn McEwen, Culture & Arts Network Director; Jennifer Ray, Planning & Special Projects Manager; Steve Riley, Town Manager; Emily Sparks, Project Lead; 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 the Minutes – May 24, 2018 Meeting

Mr. Harkins moved to approve. Ms. Likins seconded. The minutes of the May 24, 2018 meeting were approved with a vote of 3-0-0.

5. Unfinished Business

a. Alignment of the Chamber's 2018-2019 Marketing Plan with the Town's Vision

The Committee presented comments regarding the importance of aligning the Chamber's Marketing Plan with the Town's Vision placing emphasis on key metrics, digital marketing, short term goals, and long term goals.

Chairman Ames presented additional statements about the importance of the Town and the Chamber leading in the same direction and aligning for the Island's future. The Committee expressed the desire to share their thoughts with the Chamber and to receive some feedback. Mr. Bill Miles encouraged the members of the Town Council to attend a meeting of the Chamber's Board of Directors to have those conversations.

Chairman Ames asked for public comments. Public comments and questions received related to: the DMO role; strategic alignment of Chamber and Town goals and objectives;

alignment of Chamber and Town is critical and the timing is right with the Vision project and other Town efforts; focusing on metrics and moving forward with the Vision; who is the customer being served in the process; how to measure success; infrastructure limitations and safety concerns; consideration of a referendum for the vision plan; and concern for limitations of having one DMO.

The Committee indicated first needing to meet with the Chamber's Board of Directors and then determine the next step.

b. Update on Trolley Service

Ms. Cyran reported the ribbon-cutting is scheduled for July 16 at 9:30 a.m. at Shelter Cove Community Park. Rides will be free through the end of July. The trolleys are equipped with air-conditioning, free Wi-Fi, and comfortable wood seating. Staff established an ambassador program for the first week of service and for certain times on Fridays, Saturdays, and Sundays through Labor Day. The Town's website will post more information soon.

The Committee made brief inquiries about the ambassador program and the trolley logo.

c. Update on Affordable Workforce Housing Strategic Plan RFP

Ms. Ray reported the selection team has finished interviews and are currently negotiating with the highest ranked firm. The plan is to have them under contract within the next week or so and to provide all the details at that time.

6. New Business

a. Vision Project Recommendation

Staff asked Mr. Riley to speak before the presentation and the recommendations are given. Mr. Riley presented statements regarding the Town's current financial situation looking toward the Comp Plan rewrite.

The Committee made brief comments and inquiries regarding: revenue expected between now and 2021, 2021 and 2024 and beyond; how to implement the Vision and continue community involvement; current initiatives, resources and timelines; and the alignment of the Comp Plan and the Vision.

Ms. Sparks presented information demonstrating the process and engagement from Phase 1 of the Vision, information about the Comprehensive Plan, and the proposed draft principles and draft process to direct Phase 2 of the Vision as described in the Committee's packet. Ms. Sparks presented additional information pertaining to Vision Phase 1; what Town staff is proposing – short term and long term plans; rethinking the Comprehensive Plan; using branding to align with the community Vision and the Comp Plan; how to align the processes of the Vision and the Comp Plan; the Comprehensive Plan contains three main components and nine elements; comparison of 2010 Comp Plan core themes and 2020 Vision Pillars; 2010 Comprehensive Plan Recommendations

and Strategies; continued community engagement and outreach; staff's concerns; proposed principles; proposed process; CIP alignment with Vision and Comp Plan 2010; Town Council Priorities alignment with Vision and Comp Plan 2010; and next steps.

Staff recommends that Town Council approve the principles and process used to direct Phase 2 of the Vision as described in the Staff Memo Vision Project Recommendation dated June 21, 2018 provided in the Committee's packet.

The Committee made comments and inquiries regarding: the Comp Plan rewrite process components; inventory of existing conditions; statement of needs and goals; who would be in charge to make decisions and assign responsibilities; community input in Phase 1 versus Phase 2; community expectations and involvement; creating a flow chart to show the Comp Plan rewrite process leading up to Town Council anticipated adoption; whether the Planning Commission is on board with staff's proposal; alignment of the Comp Plan with the Vision and a more focused, strategic, and creative Comp planning process; aligning upcoming projects with the Vision pillars; endorsement of staff capabilities with the recommendation for Emily Sparks to remain as the full time staff leader; the importance of community involvement and community leadership driving this forward; involving anchor institution leadership is critical; a leadership team of anchor institutions would allow the public a representative in the process; the importance of the Chamber espousing relentless pursuit of excellence and sustainability and determining how the process does this; building on local expertise and intellectual capital; who is the creative force behind the Vision pillars outside of Town Hall; support of a condensed version of the Comp Plan; modify the principles to resolve any deficiencies or gaps in the process; and reservations in the Planning Commission and staff's abilities to drive all seven pillars of the Vision and the Comp Plan and everything else assigned to them.

Chairman Ames asked for public comments. Public comments and questions received related to: the importance of continuing community engagement and input; support of a condensed version of the Comp Plan; support of alignment between the Comp Plan and the Vision; add "continue to be" in front of the first proposed principle; add "identify" in front of the last proposed principle; concern most of the proposed principles begin with "Staff" rather than something that speaks to a community driven vision; how to help staff engage the community and broaden the reach beyond Town Hall; examples of anchor institutions; alignment of Chamber and Town plans with community plans; improve online tools for user convenience; consideration for a coalition of the gated communities which comprise a majority of the Island's residents; and concerns for economic capabilities, who would manage this effort, and creating a plan that's too complex and too far away.

The Committee presented closing remarks and thanked the public and Town staff for participating in the discussion. The Committee and Town staff will convene offline to address all of the concerns heard today.

7. Committee Business – None

8. Appearance by Citizens – None

9. Adjournment

The meeting was adjourned at 5:13 p.m.

Submitted by: Teresa Haley, Senior Administrative Assistant

Approved:

David Ames, Chairman

DRAFT



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: August 13, 2018
SUBJECT: Proposed Ordinance 2018-13; Revisions to 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.

Summary: Title 15, Chapter 9 of the Town's Municipal Ordinance was reviewed by the State NFIP Coordinator during a Community Assistance Visit in September 2016, during which, 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 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 will maintain the current 25% flood insurance premium discount for residents of Hilton Head Island within the special flood hazard area.

The proposed amendments will 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.

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 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~~ 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-uses vulnerable to floods, including facilities which serve such buildingsuses, be protected against flood damages at the time of initial construction.
- (cb) Prevent or rRegulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- (de)Control filling, or grading, and other development which may increase erosion or flood damage or erosion.
- (ed)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.

Areas of special flood hazard may also include those areas known to have flooded historically or defined through hydraulic analysis modeling, or other standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

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, liberally construed in favor of the governing body, 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 fined or imprisoned, or both, and in addition, shall pay all costs and expenses involved in the case. 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 structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure.

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 - see structure

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

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 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, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

Floodproofing means 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.

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

one foot.

Functionally dependent use - 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

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 structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

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 means a vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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 - a walled and roofed building, a manufactured home, including a gas or liquid storage tank that is principally above ground.

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

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 Land 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 permit building permit:~~
- (b) ~~In addition to the requirements in Title 15 and 16, aA 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.
- (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 Section 15-9-317.~~
- (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~~ federal, ~~S~~ state 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 flood-prone 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.

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

Staff Explanation: This change section was modified to clarify required procedure and add duration of tracking permits for CRS program

~~(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 Residential Substantial Damage Estimator (RSDE) 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 removed as the National Flood Insurance Program does not all these exemptions below the Base Flood Elevation. See the comments section of the CAV.

~~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 c 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. (No longer allow adoption of the CFR by reference)~~

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.
- (b) ~~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) (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
- (d) (d) ~~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 should 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 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 R 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 Section 15-9-316.

(b) Nonresidential Construction

New construction and substantial improvement of any N 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 Section 15-9-316. 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 that the design and method of construction meet the provisions of section 15-9-212 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 all 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.

~~(b)(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, be fully licensed and ready for highway use, or must meet the building and development permit and certification requirements of this Article

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 shall not be used for human habitation.~~

Accessory structures must be elevated 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 section 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 the base flood elevation.~~ **Elevated Buildings**

- (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.
 - b-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.~~
~~(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.)~~
- (4) Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than 5 feet per second), foundation systems other than solid foundations walls should be considered so that obstructions to damaging flood flows are minimized.

(5) **Enclosures Below Lowest Floor**

- a. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
- a-b. 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.
- b-c. One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in the specific standards outlined in Article IV.B.1, 2 and 3.
- d. All construction materials below the required lowest floor elevation specified in the specific standards outlined in 15-9-312.f should be of flood resistant materials.

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

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

~~An applicant shall demonstrate that if fill is the only alternative to raising the building to meet the residential and non-residential construction requirements Section 15-9-312 (a) and (b), and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. 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 more-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.~~

(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.~~

~~(e) 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, 6-5-04)

Sec. 15-9-31~~37~~. - 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) ~~(4)~~ 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 International Building Code.

(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 (9), 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 ~~(b2)~~—~~(d4)~~ 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.~~

~~(k) (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.

(l) Recreational vehicles shall 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 Section 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.

(m) Accessory structures to be placed 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 6. – VARIANCES

Sec. 15-9-611. - Requirements for variances.

Upon the submission of a written application to the town construction board of adjustments and appeals, a variance may be granted permitting the erection or substantial improvement of structures with a lowest floor elevation, ~~including basement,~~ lower than regulatory flood elevation if all any 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.~~

OR

~~(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.~~

OR

~~(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, 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. Steel grain bins and steel frame corncribs,~~

- c. General-purpose barns for the temporary feeding of livestock that are open on at least one side;
 - d. 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 of this ordinance; and,
- (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 of this ordinance.
 - (5) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation (BFE), plus any required freeboard, or be contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article IV.A.5 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

AND

- ~~(2)~~ (d) Good and sufficient cause exists for the granting of the variance.
- ~~(3)~~ (e) Failure to grant the variance would result in exceptional hardship to the applicant.
- ~~(4)~~ (f) The issuance of the variance would not result in increased flood heights, additional threats to public safety or extraordinary public expense.
- ~~(5)~~ (g) 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. 15-9-612. - 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. - 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. - 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)

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO.

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 National Flood Insurance Program (NFIP) regulations; and

WHEREAS, the Public Planning Committee met on August 23, 2018 and after consideration of the staff presentation and public comments 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 < > the proposed amendments to 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: _____