



## TOWN OF YEMASSEE TOWN COUNCIL MEETING

Tuesday, October 13, 2020 – 6:30PM

Yemassee Municipal Complex

101 Town Circle, Yemassee, SC 29945

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- I. **Call to Order – Mayor Colin Moore**
- II. **Pledge of Allegiance & Invocation**
- III. **Determination of Quorum**
  - a. Consent of the Agenda for the October 13, 2020 Town Council Meeting
  - b. [Approval of the September 8, 2020 Town Council Meeting Minutes](#)
- IV. **New Business**
  - a. [Proclamation declaring October as Domestic Violence Awareness month in the Town of Yemassee](#)
  - b. [Proclamation declaring the week of October 23<sup>rd</sup> – October 31<sup>st</sup> as Red Ribbon Week in the Town of Yemassee](#)
  - c. [Consideration of a Resolution Authorizing the Town Clerk to Expend Certain Funds as Required as Match for a recently Awarded Community Development Block Grant for Community Infrastructure Improvements \(Resolution 20-06\)](#)
  - d. [Consideration of a Resolution adopting the Town of Yemassee GIS Data Exchange / Distribution Policy. \(Resolution 20-07\)](#)
  - e. [Consideration of a Resolution Authorizing the Town Clerk to Issue an RFP for the purposes of procuring an Engineer for the CDBG Water & Sewer Project. \(Resolution 20-08\)](#)
  - f. [Consideration of an Ordinance Amending the Town of Yemassee Code, Chapter 5, Section\(s\) 5.601 through 5.619, titled “Flood Damage Control” and to update to the model Ordinance as recommended by the South Carolina Department of Natural Resources \[Ordinance 20-16\]](#)

“FOIA Compliance – Public notification of this meeting has been published and posted in Compliance with the Freedom of Information Act and the Town of Yemassee policies.”

- Please note that each member of the public may speak during the Public Comment period at the end of the meeting. A Public Comment form must be filled out and submitted to the Town Clerk prior to the start of the meeting. Public comment must not exceed two (2) minutes.

- g. [Consideration of a Request for an Ordinance Approving Annexation of Approximately 2.00 Acres of Land, located at 84 Reeves Street, and further identified by Hampton County TMS: 198-00-00-204. \(Applicant: Kaila D Jenkins\) \[Ordinance 20-17\]](#)
  - h. [Consideration of a Request for an Ordinance Approving Annexation of Approximately 0.50 Acres of Land, located at 244 Cochran Street, and further identified by Hampton County TMS: 198-00-00-247. \(Applicant: Shirena Collins\) \[Ordinance 20-18\]](#)
  - i. [Consideration of a Request for an Ordinance Approving Annexation of Approximately 3.00 Acres of Land, located on Louis Davis Road, and further identified by Hampton County TMS: 197-00-00-025. \(Applicant: Marie Smalls\) \[Ordinance 20-19\]](#)
  - j. [Consideration of a Request for an Ordinance Approving Annexation of Approximately 0.40 Acres of Land, located at 80 Cochran Street, and further identified by Hampton County TMS: 198-00-00-106. \(Applicant: Jamie Shaw\) \[Ordinance 20-20\]](#)
- V. Department Reports**
- a. Police Department
  - b. Administration
  - c. Public Works
  - d. Municipal Court
- VI. Public Comment**
- a. Public Comment must be submitted in writing to the Town Clerk prior to the start of the meeting.
- VII. Adjournment**

“FOIA Compliance – Public notification of this meeting has been published and posted in Compliance with the Freedom of Information Act and the Town of Yemassee policies.”

- Please note that each member of the public may speak during the Public Comment period at the end of the meeting. A Public Comment form must be filled out and submitted to the Town Clerk prior to the start of the meeting. Public comment must not exceed two (2) minutes.

**Minutes**  
**Town of Yemassee Town Council**  
**September 8, 2020 Town Council Meeting; 6:30PM**  
101 Town Cir, Yemassee, SC 29945

**Attendance:**

Present: Mayor Colin Moore, Mayor Pro-Tem Peggy O'Banner, Councilmember Alfred Washington, Councilmember Simmons, Town Clerk Matthew Garnes, Chief Gregory Alexander & Administrative Assistant Lori Mixson.

Absent: Council Member Hagan

Media Present: None

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**Call to Order:**

Mayor Moore called the Tuesday, September 8, 2020 Town Council Meeting to order at 6:30PM.

**Pledge of Allegiance & Invocation:**

Council Member Simmons gave the invocation and lead the Pledge of Allegiance.

**Consent of the Agenda:**

Mayor Moore asked for a motion to approve the Agenda as presented. Council Member Simmons made the motion. There was no discussion on the motion. Second by Council Member Washington, all in favor. **Motion Passed**

Mayor Moore asked for a motion to approve the August 8, 2020 Town Council Meeting Minutes. Council Member O'Banner made the motion to approve as presented. There was no discussion. Second by Council Member Simmons. All in favor. **Motion Passed.**

**New Business:**

Mayor Moore read Ordinance 20-14, an Emergency Ordinance extending the requirement for individuals to wear face coverings in certain circumstances in light of the COVID-19 pandemic. Mayor Moore said this was the same ordinance as adopted in the Summer but extends it out through November. Council Member Simmons said he did not agree with the Ordinance. Council Member O'Banner made the motion to approve the Ordinance. Second by Council Member Washington. Council Member Simmons Opposed, Mayor Moore in favor. **Motion Passed.**

**Department Reports**

Police Department – None

Administration – None

Public Works – None

Municipal Court - None

**Public Comment:**

Stephen Henson (17 Mixson St) – Spoke regarding policy on Town fuel purchases.

**Adjournment**

Mayor Moore asked for motion to adjourn. Council Member Washington made the motion to adjourn. Second by Council Member O’Banner. All in favor, **Meeting Adjourned at 6:45PM**



# Proclamation

Town of Yemassee

Yemassee, South Carolina

## Domestic Violence Awareness Month

**WHEREAS;** we in Yemassee are committed to restoring our first civil right- the right to freedom from fear in our own homes; and,

**WHEREAS;** violence against adults and children continues to become more prevalent as a social problem because of the imbalance of power due to gender and age; and,

**WHEREAS;** in our quest to impose sanctions on those who break the law by perpetrating violence, we must also meet the needs of battered adults and their children who often suffer grave financial, physical and psychological losses; and,

**WHEREAS;** the crime of domestic violence violates an individuals privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse; and,

**WHEREAS;** the impact of domestic violence is wide ranging, affecting society as a whole,

**NOW THEREFOR BE IT RESOLVED** that I, Colin Moore, Mayor of the Town of Yemassee, along with Yemassee Town Council do hereby proclaim the month of October as Domestic Violence Awareness Month and urge all citizens to observe this month by becoming aware of the tragedy of domestic violence, supporting those who are working toward its end, and participating in community efforts.

**IN WITNESS WHEREOF,** I have hereto set my hand and caused the seal of the Town of Yemassee to be affixed this 13<sup>th</sup> day of October 2020.

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Colin Moore, Mayor

# *Proclamation*

Town of Yemassee

Yemassee, South Carolina

## **RED RIBBON WEEK**

**WHEREAS;** communities across America have been plagued by numerous problems associated with illicit drug use and those that traffic them; and

**WHEREAS;** there is no hope in winning the war on drugs, and that hope lies in education and drug demand reduction, coupled with the hard work and determination of organizations such as the Parris Island Young Marines to foster a healthy, drug free lifestyle; and

**WHEREAS;** governments and community leaders know that citizens support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and

**WHEREAS;** the red ribbon has been chosen as a symbol commemorating the work of Enrique "Kiki" Camarena, a Drug Enforcement Administration agent who was murdered in the line of duty, and represents the belief that one person can make a difference; and

**WHEREAS;** the Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts; and

**WHEREAS;** the week of October 23<sup>rd</sup> through October 31<sup>st</sup> has been designated as National Red Ribbon Week, which encourages Americans to wear a red ribbon to show their support for a drug free environment,

**NOW THEREFOR BE IT RESOLVED** that I, Colin Moore, Mayor of the Town of Yemassee, along with Yemassee Town Council do hereby proclaim the week of October 23<sup>rd</sup>-October 31<sup>st</sup> as Red Ribbon Week, and urge all citizens to join me in this special observance.

**IN WITNESS WHEREOF,** I have hereto set my hand and caused the seal of the Town of Yemassee to be affixed this 13<sup>th</sup> day of October 2020.

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Colin Moore, Mayor

Colin J Moore  
*Mayor*  
Peggy Bing-O'Banner  
*Mayor Pro Tempore*  
Matthew Garnes  
*Town Clerk*



*Council Members*  
Michelle Hagan  
Charlie Simmons  
Alfred Washington

## Town Council Agenda Item

**Subject:** Resolution Authorizing the Town Clerk to Expend Certain Funds as Required for Match for Community Development Block Grant, Community Infrastructure Program.

**Department:** Administration

Attachments:

\_\_\_\_\_ Ordinance     Resolution    \_\_\_\_\_ Motion  
 Support Documents    \_\_\_\_\_ Other

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**Summary:** The Town of Yemassee was awarded a Community Development Block Grant (CDBG) for Community Infrastructure Improvements in the amount of \$861,970.00. Town Staff requested a waiver of the 10% match requirement however some commercial properties that were ineligible for a free grant connection will require a connection be paid for from Non-CDBG funds. Accordingly, \$9400.00 will be committed by the Town for those connections. The Commission of Lowcountry Regional Water System has agreed to split the match 50%.

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**Recommended Action:** Approve the Resolution committing match funds.

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Council Action:

\_\_\_\_\_ Approved as Recommended  
\_\_\_\_\_ Approved with Modifications  
\_\_\_\_\_ Disapproved  
\_\_\_\_\_ Tabled to Time Certain  
\_\_\_\_\_ Other

**RESOLUTION 20-06**  
**A RESOLUTION OF THE TOWN OF YEMASSEE, SOUTH CAROLINA TOWN COUNCIL,**  
**AUTHORIZING THE TOWN CLERK TO EXPEND CERTAIN FUNDS REQUIRED AS A**  
**MATCH FOR A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AWARD FOR**  
**COMMUNITY INFRASTRUCTURE FUNDS**

**WHEREAS**, the need to address quality of life issues for the Town of Yemassee, and addressing the concerns and issues of LMI residents are a priority for the Town of Yemassee and water and sewer service has been identified as a priority need for the Town of Yemassee, and

**WHEREAS**, the Town of Yemassee addressed this need by making an application to the South Carolina Department of Commerce, Grants Administration for Community Infrastructure Funds,

**WHEREAS**, the Town of Yemassee was awarded a Community Development Block Grant in the amount of \$861,970 to upgrade/extend water and extend sewer service,

**WHEREAS**, the completion of this project would benefit approximately 260 residents in the Town of Yemassee, of which at least 51% qualify as having low-to-moderate incomes,

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Yemassee, South Carolina, that

1. The Yemassee Town Council hereby endorses the Yemassee Water Extension/Upgrades & Sewer Extension because it will greatly improve the quality of life for the residents in the Yemassee community.
2. Contingent upon the successful award of grant funds for the Yemassee Water Extension/Upgrades & Sewer Extension, the Town of Yemassee agrees to provide the funds for the matching commitment in the amount of \$9,400 as required by the Community Development Block Grant Program. In addition, the town would agree that any construction cost overages would be the Town's responsibility.
3. Lowcountry Regional Water System will own and operate the Yemassee Water Extension/Upgrades & Sewer Extension once the project is complete.
4. The Town of Yemassee commits to sharing cost savings on a pro rata basis based on the application budget submitted on June 29, 2020.

**ADOPTED**, THIS 13<sup>th</sup> DAY OF October 2020.

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Colin Moore  
Mayor

**ATTEST:**

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Clerk to Council


(seal)

## Fwd: Spring 2020 CDBG Grant Awards

Jessica Dailey <jdailey@lowcountrycog.org>

Fri 9/18/2020 6:05 PM

To: Matthew Garnes <mattgarnes@townofyemassee.org>

 2 attachments (114 KB)

Spring 2020 - Grant Award List for COG - PDF.pdf; ATT00001.htm;

Good news!

Sent from my iPhone

Begin forwarded message:

**From:** "McMahan, Keely" <kmcmahan@sccommerce.com>

**Date:** September 18, 2020 at 4:37:31 PM EDT

**To:** Chris McKinney <cmckinney@slcog.org>, Sharon Durden <sdurden@slcog.org>, Randy Imler <rimler@catawbacog.org>, Grazier Rhea <grhea@catawbacog.org>, Angela Kirkpatrick <akirkpatrick@catawbacog.org>, Patricia Hartung <pchartung@uppersavannah.com>, Keith Smith <ksmith@uppersavannah.com>, Brittany Hallman <bhallman@uppersavannah.com>, Johnny Brown <jbrown@peedeecog.org>, Lindsay Privette <lprivette@peedeecog.org>, Kim Ethridge <kethridge@peedeecog.org>, Sabrena Graham <sgraham@lowcountrycog.org>, Michelle Knight <mknight@lowcountrycog.org>, Kimberly Mullinax <kmullinax@lowcountrycog.org>, Barbara Johnson <bjohnson@lowcountrycog.org>, Jessica Dailey <jdailey@lowcountrycog.org>, Arlene Young <ayoung@scacog.org>, William Molnar <wmolnar@lscog.org>, Nathaniel Foutch <nfoutch@lscog.org>, "Sarah P. Smith" <ssmith@wrcog.org>, jessie walker <jwalker@wrcog.org>, Lisa Mann <lmann@wrcog.org>

**Cc:** "Kalsbeck, Lisa" <lkalsbec@sccommerce.com>, "Whitaker, Martha" <mwhitaker@sccommerce.com>, "Griffin, Caroline" <cgriffin@sccommerce.com>, "Smith Derwort, Stefanie" <ssmith@sccommerce.com>, "McCants, Rod" <rmccants@sccommerce.com>

**Subject:** Spring 2020 CDBG Grant Awards

Good afternoon. Attached is a list of projects funded for the Spring 2020 CDBG round.

*Keely McMahan*

*CDBG Program Administrator*

*SC Department of Commerce*

*803-734-1125*

*kmcmahan@sccommerce.com*

## CDBG Community Development Programs - Spring 2020 Grant Awards

### COMMUNITY INFRASTRUCTURE

Grantee	Project Title	Grant Award Amount
City of Bishopville	Wastewater Treatment Plant Upgrades	750,000
Town of Carlisle	Pump Station Upgrades	716,050
Chester County	Dawson Drive Sewer Upgrade	674,000
City of Clinton	Clinton Mill Village Sewer Upgrade	750,000
City of Dillon	Rosewood & St. Stephens Pump Station Upgrade	725,000
Town of Estill	Southwest Quadrant Water Upgrade	750,000
Florence County	Timmonsville NW Quadrant Sewer Line Upgrade	950,775
Georgetown County	Isaac Drive Water Extension	514,921
Greenwood County	Baptist Area Sewer Upgrade	750,000
Jasper County	Church Road Area Drainage Improvements	1,022,223
City of Lancaster	Williams Estate/Basin 19 Sewer Upgrade	750,000
Laurens County	Hwy 56/76 Sewer Upgrades	715,000
City of Liberty	Odell Lift Station & Sewer Line Upgrade	340,500
Town of Lockhart	Lockhart Drive Water Upgrade	874,595
City of Marion	Wastewater Treatment Plant Berm and Pump Stations	882,372
Town of Monetta	Elevated Water Tank	969,000
Town of Norway	Harrison Avenue Water Upgrade	622,065
City of Pickens	Wastewater Treatment Plant UV Disinfection System	563,500
Town of Port Royal	Royal Palms/Narcissus Lane Sewer Extension	838,851
Town of Stuckey	Henrytown Water Connections	226,842
City of Walterboro	Black Street/Sub-Basin 12 Sewer Upgrade	1,348,758
Town of Williston	Water System Improvements	1,000,000
Town of Yemassee	Water Extension/Upgrades & Sewer Extension	861,970

Colin J Moore

*Mayor*

Peggy Bing-O'Banner

*Mayor Pro Tempore*

Matthew Garnes

*Town Clerk*



*Council Members*

Michelle Hagan

Charlie Simmons

Alfred Washington

## Town Council Agenda Item

**Subject:** Resolution Adopting the Towns GIS Data Exchange / Distribution Policy

**Department:** Administration

Attachments:

\_\_\_\_\_ Ordinance \_\_\_\_\_ X Resolution \_\_\_\_\_ Motion

\_\_\_\_\_ X Support Documents \_\_\_\_\_ Other

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**Summary:** The Town of Yemassee has established an online GIS portal for various Town needs through Spatial Engineering. Should a public or private entity request raw GIS data, a data exchange policy should be in effect to outline how raw data will be delivered and the responsibility of payment for ongoing access, if applicable.

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**Recommended Action:** Approve the Resolution adopting the GIS Data Exchange / Distribution Policy

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Council Action:

- \_\_\_\_\_ Approved as Recommended
- \_\_\_\_\_ Approved with Modifications
- \_\_\_\_\_ Disapproved
- \_\_\_\_\_ Tabled to Time Certain
- \_\_\_\_\_ Other

Colin J Moore

*Mayor*

Peggy Bing-O'Banner

*Mayor Pro Tempore*

Matthew Garnes

*Town Clerk*



*Council Members*

Michelle Hagan

Charlie Simmons

Alfred Washington

## **Town of Yemassee**

### GIS Data Exchange / Distribution Policy

#### Introduction

The purpose of this document is to establish and define the policy and procedure of the exchange and sharing of GIS data for the Town of Yemassee. This policy is designed to assure that digital data maintained by the Town and its GIS vendor is available to the public as required by the S.C. Freedom of Information Act. This policy also establishes procedures of how the data may be obtained in non-digital, printed format.

#### Request for Data in Non-digital format

In order to provide data to the public at no cost to the Town and the requestor, the Town has published numerous maps of the Town of Yemassee including, but not limited to; Zoning Map, Police Patrol Zones, Town Limits map, Flood Prone areas and more by visiting the Town website and clicking the "Maps" picture on the home page. Files are available as Adobe PDF and can also be sent as a JPG or PNG file by request to the Town Clerk.

#### Request for Data in Non-Standard format

When it is in the public interest to do so, the Town may provide its data in a non-standard format such as raw GIS shapefiles in electronic form. In order to protect the public from the potential misuse that electronic data presents, the Town shall enter into agreements with the requestors under one of two conditions:

Project Exchange Agreement – A fixed-length agreement that requires the recipient to provide the Town with return data in digital form showing any modifications to made to the original data for the purpose of their project. The Data shall match scale, datum and be in ARC GIS format. Under no circumstance may the recipient redistribute or resell data provided by the Town in digital format to any third parties.



Government Exchange – An agreement between the Town and a county, political subdivision, public service district or utility, which will provide them with ongoing access in a read-only format. The Government Exchange agreement will be in effect until terminated by either party. If a fee is assessed by the Towns GIS Vendor for the entity to have access, the entity shall pay any fees associated with access.

Request for Access

All requests for information must be submitted in writing to the Town Clerk. The Town Clerk in conjunction will review the request and respond in writing. If approved, the Town Clerk will notify the GIS Vendor to arrange for access.

Disclaimer

The Town of Yemassee hereby disclaims all warranties, expressed or implied, including but not limited to warrant of merchantability, warranty of fitness for a particular purpose, or warranty that the data is free of errors, omissions, or defects, either known or unknown. The data is being provided to the requesting party "as-is". The requesting party shall indemnify, hold harmless, and defend the Town of Yemassee from any claims related to the data provided under this GIS Data Exchange / Distribution Policy. By signing below, I certify that I have read, understand, and agreed to all the terms and conditions of this GIS Data Exchange / Distribution Policy.

Name: \_\_\_\_\_

Organization: \_\_\_\_\_

Agreement Requested: \_\_\_\_\_

Nature of Request:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**RESOLUTION 20-07**  
**A RESOLUTION OF THE TOWN OF YEMASSEE, SOUTH CAROLINA TOWN COUNCIL,**  
**ADOPTING A GEOGRAPGICAL INFORMATION SYSTEM (GIS) DATA EXCHANGE /**  
**DISTRIBUTION POLICY**

**WHEREAS**, the Town of Yemassee has established a GIS system to track various data across Town including Zoning, Town Boundaries, Police Patrol Zones, Police Patrol Grids, Permit mapping and more; and

**WHEREAS**, the Town of Yemassee has received requests from surrounding political subdivisions, utilities and public service districts to have mapping data shared in various forms for inclusion on their mapping systems; and,

**WHEREAS**, the Town of Yemassee desires to establish guidelines for the distribution and exchange of its GIS Data.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Yemassee, South Carolina, that

1. The Yemassee Town Council hereby adopts the GIS Data Exchange / Distribution Policy for the mapping data owned by the Town of Yemassee

**ADOPTED**, THIS 13<sup>th</sup> DAY OF October 2020.

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Colin Moore  
Mayor

**ATTEST:**

---

Matthew E. Garnes  
Town Clerk

(Seal)

Colin J Moore  
Mayor  
Peggy Bing-O'Banner  
Mayor Pro Tempore  
Matthew Garnes  
Town Clerk



Council Members  
Michelle Hagan  
Charlie Simmons  
Alfred Washington

## Town Council Agenda Item

**Subject:** Resolution 20-08, "Consideration of a Resolution Authorizing the Town Clerk to Issue an RFP for the purposes of procuring an Engineer for the CDBG Water & Sewer Project"

**Department:** Administration

Attachments:

\_\_\_\_\_ Ordinance \_\_\_X\_\_\_ Resolution \_\_\_\_\_ Motion

\_\_\_X\_\_\_ Support Documents \_\_\_\_\_ Other

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**Summary:** The Town of Yemassee has received a Community Development Block Grant (CDBG) in the amount of \$860,970 for water extensions & upgrades and a sewer extension. Since the grant has been awarded, the first step forward is to issue a Request for Proposal for engineering services for the permitting, design, and construction administration of the project.

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**Recommended Action:** Adopt resolution authorizing the Town Clerk to solicit for RFP's for Engineering Services.

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Council Action:

- \_\_\_ Approved as Recommended
- \_\_\_ Approved with Modifications
- \_\_\_ Disapproved
- \_\_\_ Tabled to Time Certain
- \_\_\_ Other

**RESOLUTION 20-08**

**A RESOLUTION OF THE TOWN OF YEMASSEE, SOUTH CAROLINA TOWN COUNCIL,  
AUTHORIZING THE TOWN CLERK TO SOLICIT FOR REQUEST FOR PROPOSALS (RFP)  
FOR ENGINEERING SERVICES FOR THE PERMITTING, DESIGN AND CONSTRUCTION  
ADMINISTRATION OF THE CDBG WATER EXTENSIONS/UPGRADE AND SEWER  
EXTENSION PROJECT.**

**WHEREAS**, the Town of Yemassee was awarded a Community Development Block Grant (CDBG) for the purposes of upgrading existing water lines, extending water lines to currently unserved areas and extending sewer to an area of Town that lacks sewer; and,

**WHEREAS**, the Town of Yemassee is required to solicit for proposals for an Engineering firm to oversee the permitting, design and construction administration of the project; and,

**WHEREAS**, the Town Clerk is prepared to publish a request for proposal package which will allow interested firms to bid on the project for a prescribed period of time; and,

**WHEREAS**, after a period of time, the bidding period will close and an RFP selection committee will review proposals for compliance with bid requirements; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Yemassee, South Carolina, that

1. The Yemassee Town Council hereby authorizes Matthew Garnes, Town Clerk, to publish a request for proposal on the Town website, South Carolina Business Opportunities (SCBO) and to various professional publications. When bids are received, a Selection Committee will review the proposals and select the winning bidder. The Town Clerk will then prepare a subsequent resolution authorizing execution of the Engineering Services Contract.

**ADOPTED**, THIS 13<sup>th</sup> DAY OF October 2020.

---

Colin Moore  
Mayor

**ATTEST:**

---

Matthew E. Garnes  
Town Clerk

(Seal)

Colin J Moore  
*Mayor*  
Peggy Bing-O'Banner  
*Mayor Pro Tempore*  
Matthew Garnes  
*Town Clerk*



*Council Members*  
Michelle Hagan  
Charlie Simmons  
Alfred Washington

## Town Council Agenda Item

**Subject:** Ordinance 20-16. "An Ordinance Amending the Town of Yemassee Code, Chapter 5, Section(s) 5.601 through 5.619, titled "Flood Damage Control" and to update to the model Ordinance as recommended by the South Carolina Department of Natural Resources.

**Department:** Administration

Attachments:

Ordinance \_\_\_\_\_ Resolution \_\_\_\_\_ Motion

Support Documents \_\_\_\_\_ Other

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**Summary:** Last month, the Town of Yemassee received a letter of Final Determination (attached) for the Beaufort County flood FIRM maps. Since the letter has been issued, the Town has six months per state statute to adopt the new FIRM maps and ensure the existing Ordinance regarding Flood Control is following state and federal requirements. Failure to adopt an updated Ordinance would have the NFIP suspend the Town of Yemassee which would jeopardize anyone that has Flood Insurance on their home. South Carolina DNR has completed a technical review and determined the entire Ordinance need be replaced due to the excessive age and missing information from the previous Ordinance.

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**Recommended Action:** Approve first reading of the Ordinance amending the Town of Yemassee Code pertaining to flooding and damage control along with FIRM Maps for Beaufort & Hampton County.

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Council Action:

- \_\_\_ Approved as Recommended
- \_\_\_ Approved with Modifications
- \_\_\_ Disapproved
- \_\_\_ Tabled to Time Certain
- \_\_\_ Other

## **ATTACHMENTS**

**ATTACHMENT A:** Proposed Ordinance updating Town Code, Chapter 5, Section 6.

**ATTACHMENT B:** Existing Ordinance

**ATTACHMENT C:** Letter of Final Determination from the Federal Emergency Management Agency

**ATTACHMENT D:** Correspondence from South Carolina Department of Natural Resources

**ATTACHMENT E:** Updated FIRM maps for Beaufort County

**ATTACHMENT F:** FIRM Map for Hampton County

**Article VI****Flood Damage Control**Town of Yemassee.

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## Article I. General Standards

### **5.601 Statutory Authorization**

**Municipality** - 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 Council of the Town of Yemassee, South Carolina does ordain as follows:

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

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

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

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

Floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced. Decisions to alter floodplains, especially floodways and stream channels, should be the result of careful planning processes that evaluate resource conditions and human needs.

**5.604 Lands to Which this Ordinance Applies** This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Yemassee as identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study, dated March 23, 2021 with accompanying maps and other supporting data that are hereby adopted by reference and declared to be a part of this ordinance.

Upon annexation any special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study for the unincorporated areas of Beaufort or Hampton, with accompanying map and other data are adopted by reference and declared part of this ordinance.

**5.605 Establishment of Development Permit** A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

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

**5.607 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.

**5.608 Partial Invalidity and Severability** If any part of this Ordinance is declared invalid, the remainder of the Ordinance shall not be affected and shall remain in force.

**5.609 Warning and Disclaimer of Liability** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance 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 ordinance shall not create liability on the part of the Town of Yemassee or by any officer or employee thereof for any flood damages that result

from reliance on this ordinance or any administrative decision lawfully made hereunder.

**5.610 Penalties for Violation** - Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 30 days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Yemassee from taking such other lawful action as is necessary to prevent or remedy any violation.

## Article II. DEFINITIONS

**5.611 General** - Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

- a) Accessory Structure (Appurtenant Structure)** - structures that are 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. Accessory Structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.
- b) Addition (to an existing building)**- an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction regardless as to whether the addition is a substantial improvement or not. Where a firewall or load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.
- c) Agricultural structure** - a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Agricultural structures are **not** exempt from the provisions of this ordinance.
- d) Appeal** - a request for a review of the local floodplain administrator's interpretation of any provision of this ordinance.
- e) Area of shallow flooding** - a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

- f) 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.
- g) Base flood** - the flood having a one percent chance of being equaled or exceeded in any given year.
- h) Basement** - means any enclosed area of a building that is below grade on all sides.
- i) Building** - see structure
- j) Coastal High Hazard Area** - an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to velocity wave action from storms or seismic sources.
- k) Critical Development** – development that is critical to the community’s public health and safety, is essential to the orderly functioning of a community, store or produce highly volatile, toxic or water-reactive materials, or house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical development include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants, and gas/oil/propane storage facilities.
- l) 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 storage of equipment or materials.
- m) Elevated building** - a non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, columns, piers, or shear walls parallel to the flow of water.
- n) Executive Order 11988 (Floodplain Management)** - Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.
- o) Existing construction** - means, for the purposes of determining rates, structures for which the start of construction commenced before October 31, 1975.
- p) 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 1, 2001.
- q) 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).

- r) 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 the unusual and rapid accumulation of runoff of surface waters from any source.
- s) Flood Hazard Boundary Map (FHBM)** - an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.
- t) 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.
- u) 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.
- v) Flood-resistant material** - any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.
- w) 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.
- x) Freeboard** - a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**y) 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.

**z) Highest Adjacent Grade** - the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

**aa) 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.

**bb) 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.

**cc) Limited storage** - an area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities except for essential lighting and cannot be temperature controlled. If the area is located below the base flood elevation in an A, AE and A1-A30 zone it must meet the requirements of Article IV.A.4 of this ordinance. If the area is located below the base flood elevation in a V, VE and V1-V30 zone it must meet the requirements of Article IV of this ordinance.

**dd) Lowest Adjacent Grade (LAG)** - is an elevation of the lowest ground surface that touches any deck support, exterior walls of a building or proposed building walls.

**ee) Lowest Floor** -the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area 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.

**ff) 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 "manufactured home" does not include a "recreational vehicle".

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

**hh) Mean Sea Level** – means, for the purpose of this ordinance, the Nations Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which the base flood elevations shown on a community's Flood Insurance Rate Maps (FIRM) are shown.

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

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

**kk) New construction** - structure for which the start of construction commenced on or after September 1, 2001. The term also includes any subsequent improvements to such structure.

**ll) 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 1, 2001.

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

distinct change from a relatively steep slope to a relatively mild slope.

**nn) Recreational vehicle** - a vehicle which is: (a) built on a single chassis; (b) 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.

**oo) 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.

**pp) Section 1316 of the National Flood insurance Act of 1968** - The act provides that no new flood insurance shall be provided for any property found by the Federal Emergency Management Agency to have been declared by a state or local authority to be in violation of state or local ordinances.

**qq) Stable Natural Vegetation** - the first place on the oceanfront where plants such as sea oats hold sand in place.

**rr) Start of construction** - for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and 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.

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

**tt) 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. Such repairs may be undertaken successively and their costs counted cumulatively. Please refer to the definition of "substantial improvement".

**uu) 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.

Permits shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur.

**vv) 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.

**ww) Variance** - is a grant of relief from a term or terms of this ordinance.

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

### Article III. ADMINISTRATION

**5.612 Designation of Local Floodplain Administrator** -The Town Clerk is hereby appointed to administer and implement the provisions of this ordinance.

**5.613 Adoption of Letter of Map Revisions (LOMR)** – All LOMRs that are issued in the areas identified in Article I Section D of this ordinance are hereby adopted.

#### **5.614 Development Permit and Certification Requirements.**

1. **Development Permit:** - Application for a development permit shall be made to the local floodplain administrator on forms furnished by him or her prior to any

development activities. The development permit may include, but not be limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:

- a) A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either the Duties and Responsibilities of the local floodplain administrator of Article III or the Standards for Subdivision Proposals of Article IV and the Standards for streams without Estimated Base Flood Elevations and Floodways of Article IV. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. The plot plan must show the floodway, if any, as identified by the Federal Emergency Management Agency or the floodway identified pursuant to either the duties or responsibilities of the local floodplain administrator of Article III or the standards for subdivision proposals of Article IV and the standards for streams without estimated base flood elevations and floodways of Article IV.
- b) Where base flood elevation data is provided as set forth in Article I or the duties and responsibilities of the local floodplain administrator of Article III the application for a development permit within the flood hazard area shall show:
  - (1) the elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures, and
  - (2) if the structure will be floodproofed in accordance with the Non-Residential Construction requirements of Article IV the elevation (in relation to mean sea level) to which the structure will be floodproofed.
- c) Where base flood elevation data is **not** provided as set forth in Article I or the duties and responsibilities of the local floodplain administrator of Article III, then the provisions in the standards for streams without estimated base flood elevations and floodways of Article IV must be met.
- d) Alteration of Watercourse: Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include a description of the extent of watercourse alteration or relocation, an engineering study to demonstrate that the flood-carrying capacity of the altered or relocated watercourse is maintained and a map showing the location of the proposed watercourse alteration or

relocation.

## 2. Certifications

- a) Floodproofing Certification - When a structure is floodproofed, the applicant shall provide certification from a registered, professional engineer or architect that the non-residential, floodproofed structure meets the floodproofing criteria in the non-residential construction requirements of Article IV.
- b) Certification During Construction – 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.
- c) V-Zone Certification - 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 Article IV.
- d) As-built Certification - Upon completion of the development a registered professional engineer, land surveyor or architect, in accordance with SC law, shall certify according to the requirements of Article III that the development is built in accordance with the submitted plans and previous pre-development certifications.

**5.615 Duties and Responsibilities of the Local Floodplain Administrator** - shall include, but not be limited to:

1. **Permit Review** - Review all development permits to assure that the requirements of this ordinance have been satisfied.

2. **Requirement of Federal and/or state permits** - Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334.
3. **Watercourse alterations**
  - a) Notify adjacent communities and the South Carolina Department of Natural Resources, Land, Water, and Conservation Division, State Coordinator for the National Flood Insurance Program, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
  - b) In addition to the notifications required watercourse alterations per Article III, written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained. This maintenance must consist of a comprehensive program of periodic inspections, and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file for FEMA inspection.
  - c) If the proposed project will modify the configuration of the watercourse, floodway, or base flood elevation for which a detailed Flood Insurance Study has been developed, the applicant shall apply for and must receive approval for a Conditional Letter of Map Revision with the Federal Emergency Management Agency prior to the start of construction.
  - d) Within 60 days of completion of an alteration of a watercourse, referenced in the certification requirements of Article III.C.2.d, the applicant shall submit as-built certification, by a registered professional engineer, to the Federal Emergency Management Agency.
4. **Floodway encroachments** - Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Article IV are met.
5. **Adjoining Floodplains** - Cooperate with neighboring communities with respect to the management of adjoining floodplains and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
6. **Notifying Adjacent Communities** – Notify adjacent communities prior to permitting substantial commercial developments and large subdivisions to be undertaken in areas of special flood hazard and/or flood-related erosion hazards.

7. **Certification requirements –**

- a) Obtain and review actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, in accordance with administrative procedures outlined in Article III or the coastal high hazard area requirements outlined in Article IV.
- b) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with the floodproofing certification outlined in Article III.
- c) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the non-residential construction requirements outlined in Article IV.
- d) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in the coastal high hazard area requirements outlined in Article IV of this ordinance.

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

9. **Prevailing Authority** – Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations for flood protection elevations (as found on an elevation profile, floodway data table, etc.) shall prevail. The correct information should be submitted to FEMA as per the map maintenance activity requirements outlined in Article IV.

10. **Use Of Best Available Data** - When base flood elevation data and floodway data has not been provided in accordance with Article I, obtain, review, and reasonably utilize best available base flood elevation data and floodway data available from a federal, state, or other source, including data developed pursuant to the standards for subdivision proposals outlined in Article IV in order to administer the provisions of this ordinance. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data from a federal, state, or other source. Data must be developed using hydraulic models meeting the minimum requirement of NFIP approved model. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.

11. **Special Flood hazard Area/topographic Boundaries Conflict** - When the exact location of boundaries of the areas special flood hazards conflict with the current,

natural topography information at the site; the site information takes precedence when the lowest adjacent grade is at or above the BFE, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. The local floodplain administrator in the permit file will maintain a copy of the Letter of Map Amendment issued from FEMA.

12. **On-Site inspections** - Make on-site inspections of projects in accordance with the administrative procedures outlined in Article III.
13. **Administrative Notices** - Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with the administrative procedures in Article III.
14. **Records Maintenance** - Maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.
15. **Annexations and Detachments** - Notify the South Carolina Department of Natural Resources Land, Water and Conservation Division, State Coordinator for the National Flood Insurance Program within six (6) months, of any annexations or detachments that include special flood hazard areas.
16. **Federally Funded Development** - The President issued *Executive Order 11988, Floodplain Management May 1977*. E.O. 11988 directs federal agencies to assert a leadership role in reducing flood losses and losses to environmental values served by floodplains. Proposed developments must go through an eight-step review process. Evidence of compliance with the executive order must be submitted as part of the permit review process.
17. **Substantial Damage Determination** – 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.
18. **Substantial Improvement Determinations** – Perform an assessment of permit applications for improvements or repairs to be made to a building or structure that equals or exceeds 50 percent of the market value of the structure before the start of construction. Cost of work counted for determining if and when substantial improvement to a structure occurs shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether “substantial improvement” will occur.

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

- a) the current assessed building value as determined by the county’s assessor’s office or the value of an appraisal performed by a licensed appraiser at the

expense of the owner within the past 6 months.

- b) one or more certified appraisals from a registered professional licensed appraiser in accordance with the laws of South Carolina. The appraisal shall indicate actual replacement value of the building or structure in its pre-improvement condition, *less the cost of site improvements and depreciation for functionality and obsolescence.*
- c) Real Estate purchase contract within 6 months prior to the date of the application for a permit.

#### **5.615 Administrative Procedures**

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

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

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

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

**e) Violations to be Corrected** - When the local floodplain administrator finds violations of applicable state and local laws, it shall be his/her duty to notify the

owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property he owns.

**f) Actions in Event of Failure to Take Corrective Action:** If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give him written notice, by certified or registered mail to his last known address or by personal service, that:

- 1)** the building or property is in violation of the Flood Damage Prevention Ordinance,
- 2)** a hearing will be held before the local floodplain administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
- 3)** following the hearing, the local floodplain administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

**g) Order to Take Corrective Action:** If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he/she shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, the floodplain administrator may prescribe; provided that where the floodplain administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

**h) Appeal:** Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

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

**j) Denial of Flood Insurance under the NFIP:** If a structure is declared in violation of this ordinance and after all other penalties are exhausted to achieve compliance



with this ordinance then the local floodplain administrator shall notify the Federal Emergency Management Agency (FEMA) to initiate a Section 1316 of the National Flood insurance Act of 1968 action against the structure upon the finding that the violator refuses to bring the violation into compliance with the ordinance. Once a violation has been remedied the local floodplain administrator shall notify FEMA of the remedy and ask that the Section 1316 be rescinded.

**k)** The following **documents** are incorporated by reference and may be used by the local floodplain administrator to provide further guidance and interpretation of this ordinance as found on FEMA’s website at [www.fema.gov](http://www.fema.gov):

- a) FEMA 55 Coastal Construction Manual
- b) All FEMA Technical Bulletins
- c) All FEMA Floodplain Management Bulletins
- d) FEMA 348 Protecting Building Utilities from Flood Damage
- e) FEMA 499 Home Builder’s Guide to Coastal Construction Technical Fact Sheets

#### **Article IV. PROVISIONS FOR FLOOD HAZARD REDUCTION**

##### **5.617 General Standards**

Development may not occur in the Special Flood Hazard Area (SFHA) where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the SFHA and that encroachments onto the SFHA are minimized. In all areas of special flood hazard the following provisions are required:

- i. **Reasonably Safe from Flooding** - Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding
- ii. **Anchoring** - All new construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure.
- iii. **Flood Resistant Materials and Equipment** - 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.
- iv. **Minimize Flood Damage** - All new construction and substantial improvements

shall be constructed by methods and practices that minimize flood damages,

- v. **Critical Development** - shall be elevated to the 500 year flood elevation or be elevated to the highest known historical flood elevation (where records are available), whichever is greater. If no data exists establishing the 500 year flood elevation or the highest known historical flood elevation, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates 500 year flood elevation data,
- vi. **Utilities** - Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of the base flood plus one (1) foot.
- vii. **Water Supply Systems** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system,
- viii. **Sanitary Sewage Systems** – New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters,
- ix. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding,
- x. **Gas Or Liquid Storage Tanks** – All gas or liquid storage tanks, either located above ground or buried, shall be anchored to prevent floatation and lateral movement resulting from hydrodynamic and hydrostatic loads.
- xi. **Alteration, Repair, Reconstruction, Or Improvements** - Any alteration, repair, reconstruction, or improvement to a structure that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance. This includes post-FIRM development and structures.
- xii. **Non-Conforming Buildings or Uses** - Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, provided that the bulk of the building or structure below base flood elevation in the floodway is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance,
- xiii. **American with Disabilities Act (ADA)** - A building must meet the specific standards for floodplain construction outlined in Article IV.B, as well as any applicable ADA requirements. The ADA is not justification for issuing a variance

or otherwise waiving these requirements. Also, the cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.

#### **5.618 Specific Standards**

In all areas of special flood hazard ( Zones A, AE, AH, AO, A1-30, V, and VE) where base flood elevation data has been provided, as set forth in Article I.D or outlined in the Duties and Responsibilities of the local floodplain administrator Article III.D., the following provisions are required:

- A. Residential Construction** - New construction and substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than one (1) foot above the base flood elevation. 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 Article IV.
- B. Non-Residential Construction**
- a) New construction and substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes) shall have the lowest floor elevated no lower than one (1) foot above the level of the base 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 Article IV. No basements are permitted. Structures located in A-zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
  - b) A registered, professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in the floodproofing certification requirements in Article III. A variance may be considered for wet-floodproofing agricultural structures in accordance with the criteria outlined in Article V of this ordinance. Agricultural structures not meeting the criteria of Article V must meet the non-residential construction standards and all other applicable provisions of this ordinance. Structures that are floodproofed are required to have an approved maintenance plan with an annual exercise. The local floodplain administrator must approve the maintenance plan and notification of the annual exercise shall be provided to it.

**C. Manufactured Homes**

- a)** Manufactured homes that are placed or substantially improved on sites outside a manufactured home park or subdivision, in a new manufactured home park or sub-division, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- b)** Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions for residential construction in Article IV of this ordinance must be elevated so that the lowest floor of the manufactured home is elevated no lower than one (1) foot than above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.
- c)** Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, and lateral movement in accordance with Section 40-29-10 of the *South Carolina Manufactured Housing Board Regulations*, as amended. Additionally, when the elevation requirement would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height an engineering certification is required.
- d)** An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filed with and approved by the local floodplain administrator and the local Emergency Preparedness Coordinator.

**D. Elevated Buildings** - New construction and substantial improvements of elevated buildings that include fully enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and which are subject to flooding shall be designed to preclude finished space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

- a)** Designs for complying with this requirement must either be certified by a

professional engineer or architect or meet or exceed all of the following minimum criteria:

- a. Provide a minimum of two openings on different walls having a *total net area* of not less than one square inch for every square foot of enclosed area subject to flooding.
- b. The bottom of each opening must be no more than 1 foot above the higher of the interior or exterior grade immediately under the opening,
- c. Only the portions of openings that are below the base flood elevation (BFE) can be counted towards the required net open area.
- d. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- e. Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.

**b) Hazardous Velocities** - 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.

**c) 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).
- 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.
- 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.

- d. All construction materials below the required lowest floor elevation specified in the specific standards outlined in Article IV should be of flood resistant materials.

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

- a)** No encroachments, including fill, new construction, substantial improvements, additions, and other developments shall be permitted unless:
  - a. It has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the local floodplain administrator.
  - b. A Conditional Letter of Map revision (CLOMR) has been approved by FEMA. A Letter of Map Revision must be obtained upon completion of the proposed development.
- b)** If Article IV is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article IV.
- c)** No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of Article IV and the encroachment standards of Article IV are met.
- d)** Permissible uses within floodways may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a no-impact certification. The uses listed in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevations or changes to the floodway configuration.

**F.** **Recreational Vehicles**

- a) A recreational vehicle is ready for highway use if it is:
  - a. on wheels or jacking system
  - b. attached to the site only by quick-disconnect type utilities and security devices; and
  - c. has no permanently attached additions
- 2. Recreational vehicles placed on sites shall either be:
  - a. on site for fewer than 180 consecutive days; or
  - b. be fully licensed and ready for highway use, or
  - c. **meet** the development permit and certification requirements of Article III, general standards outlined in Article IV, and manufactured homes standards in Article IV.

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

**a) Requirement to Submit New Technical Data**

- a. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical or scientific data reflecting such changes be submitted to FEMA as soon as practicable , but no later than six months of the date such information becomes available. These development proposals include; but not limited to::
  - i. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
  - ii. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
  - iii. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
  - iv. Subdivision or large scale development proposals requiring

the establishment of base flood elevations in accordance with Article IV.

- b. It is the responsibility of the applicant to have technical data, required in accordance with Article IV prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall also be the responsibility of the applicant.
- c. The local floodplain administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
  - i. Proposed floodway encroachments that increase the base flood elevation; and
  - ii. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
- d. Floodplain development permits issued by the local floodplain administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Article IV.

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

#### **H.** **Accessory Structures**

- a)** A detached accessory structure or garage, the cost of which is greater than \$3,000, must comply with the requirements as outlined in FEMA's Technical Bulletin 7-93 *Wet Floodproofing Requirements* or be elevated in accordance with Article IV Section B(1) and B (4) or dry floodproofed in accordance with Article IV B (2).
- b)** If accessory structures of \$3,000 or less are to be placed in the floodplain, the following criteria shall be met:
  - Accessory structures shall not be used for any uses other than the parking of vehicles and storage,



- Accessory structures shall be designed to have low flood damage potential,
- Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters,
- Accessory structures shall be firmly anchored to prevent flotation, collapse and lateral movement of the structure,
- Service facilities such as electrical and heating equipment shall be installed in accordance with Article IV.
- Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with Article IV.
- Accessory structures shall be built with flood resistance materials in accordance with Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

**I. Swimming Pool Utility Equipment Rooms** - If the building cannot be built at or above the BFE, because of functionality of the equipment then a structure to house the utilities for the pool may be built below the BFE with the following provisions:

- Meet the requirements for accessory structures in Article IV.
- The utilities must be anchored to prevent flotation and shall be designed to prevent water from entering or accumulating within the components during conditions of the base flood.

**J. Elevators**

- a)** Install a float switch system or another system that provides the same level of safety necessary for all elevators where there is a potential for the elevator cab to descend below the BFE during a flood per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas.
- b)** All equipment that may have to be installed below the BFE such as counter weight roller guides, compensation cable and pulleys, and oil buffers for traction elevators and the jack assembly for a hydraulic elevator must be constructed using flood-resistant materials where possible per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas.

**11. Fill** - An applicant shall demonstrate that fill is the only alternative to raising the building to meet the residential and non-residential construction requirements of

Article IV, 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:

- a) Fill may not be placed in the floodway unless it is in accordance with the requirements in Article IV.
- b) Fill may not be placed in tidal or non-tidal wetlands without the required state and federal permits.
- c) Fill must consist of soil and rock materials only. A registered professional geotechnical engineer may use dredged material as fill only upon certification of suitability. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain.
- d) Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered, professional engineer.
- e) Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion.
- f) The use of fill shall not increase flooding or cause drainage problems on neighboring properties.
- g) Fill may not be used for structural support in the coastal high hazard areas.
- h) Will meet the requirements of FEMA Technical Bulletin 10-01, *Ensuring That Structures Built On Fill in or Near Special Flood Hazard Areas Are Reasonable Safe from Flooding*.

## **12. Standards for Subdivision Proposals and other development**

- a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.
- b) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- c) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage.
- d) The applicant shall meet the requirement to submit technical data to FEMA in Article IV when a hydrologic and hydraulic analysis is completed that

generates base flood elevations.

**5.619. Standards for Streams without Established Base Flood Elevations and Floodways -**

Located within the areas of special flood hazard (Zones A and V) established in Article I, are small streams where no base flood data has been provided and where no floodways have been identified. The following provisions apply within such areas:

1. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
2. No encroachments, including fill, new construction, substantial improvements and new development shall be permitted within 100 feet of the stream bank unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
3. If Article IV is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Article IV and shall be elevated or floodproofed in accordance with elevations established in accordance with Article III.
4. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data. Refer to FEMA Floodplain Management Technical Bulletin 1-98 *Use of Flood Insurance Study (FIS) Data as Available Data*. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.
5. When base flood elevation (BFE) data is not available from a federal, state, or other source one of the following methods may be used to determine a BFE For further information regarding the methods for determining BFEs listed below, refer to FEMA's manual *Managing Floodplain Development in Approximate Zone A Areas*:
  - a) Contour Interpolation
    - (1) Superimpose approximate Zone A boundaries onto a topographic map and estimate a BFE.
    - (2) Add one-half of the contour interval of the topographic map that is used to the BFE.
  - b) Data Extrapolation - A BFE can be determined if a site within 500 feet upstream of a reach of a stream reach for which a 100-year profile has been computed by detailed methods, and the floodplain and channel bottom

slope characteristics are relatively similar to the downstream reaches. No hydraulic structures shall be present.

- c) Hydrologic and Hydraulic Calculations- Perform hydrologic and hydraulic calculations to determine BFEs using FEMA approved methods and software.

**5.620. Standards for Streams with Established Base Flood Elevations but without Floodways -**

Along rivers and streams where Base Flood Elevation (BFE) data is provided but no floodway is identified for a Special Flood Hazard Area on the FIRM or in the FIS.

1. No encroachments including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

**5.621. Standards for Areas of Shallow Flooding (AO Zones)** - Located within the areas of special flood hazard established in Article I, are areas designated as shallow flooding. The following provisions shall apply within such areas:

- All new construction and substantial improvements of residential structures shall have the lowest floor elevated to at least as high as the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade.
- All new construction and substantial improvements of non-residential structures shall:
  - Have the lowest floor elevated to at least as high as the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade; or,
  - Be completely flood-proofed together with attendant utility and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in Article III.
- All structures on slopes must have drainage paths around them to guide water away from the structures.

**5.622. Coastal High Hazard Areas (V-Zones)** (this section can be removed if no V Zones) -

Located within the areas of special flood hazard established in Article I or Article III are areas designated as coastal high hazard areas. These areas have special flood hazards associated with wave wash. The following provisions shall apply within such areas:

- All new construction and substantial improvements shall be located landward of the reach of mean high tide, first line of stable natural vegetation and comply with all applicable Department of Health and Environmental Control (DHEC) Ocean and Coastal Resource Management (OCRM) setback requirements.
- All new construction and substantial improvements shall be elevated so that the bottom of the lowest supporting horizontal structural member (excluding pilings or columns) of the lowest floor is located no lower than one (1) foot above the base flood elevation.
- All buildings or structures shall be securely anchored on pilings or columns, extending vertically below a grade of sufficient depth and the zone of potential scour, and securely anchored to the subsoil strata.
- All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, lateral movement and scour due to the effect of wind and water loads acting simultaneously on all building components.
- A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in Article IV of this ordinance.
- There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, thereby rendering the building free of obstruction prior to generating excessive loading forces, ramping effects, or wave deflection. Only beach compatible sand may be used. The local floodplain administrator shall approve design plans for landscaping/ aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist that demonstrates that the following factors have been fully considered:
  - Particle composition of fill material does not have a tendency for excessive natural compaction,
  - Volume and distribution of fill will not cause wave deflection to adjacent properties; and
  - Slope of fill will not cause wave run-up or ramping.

- There shall be no alteration of sand dunes that would increase potential flood damage.

8. All new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Breakaway wall enclosures shall not exceed 299 square feet. Only flood resistant materials shall be used below the required flood elevation specified in Article IV. 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 Article IV.

Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

- a) Breakaway wall collapse shall result from water load less than that which would occur during the base flood.
- b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). The water loading shall be those values associated with the base flood. The wind loading values shall be those required by applicable IBC International Building Code.
- c) Such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation, finished or partitioned into multiple rooms, or temperature controlled.

9. No manufactured homes shall be permitted except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards of Article IV.

10. Recreational vehicles shall be permitted in Coastal High Hazard Areas provided that they meet the Recreational Vehicle criteria of Article IV and the Temporary Structure provisions of Article IV.

11. Accessory structures, below the required lowest floor elevation specified in Article are prohibited except for the following:

- a) Swimming Pools

- (1) They are installed at-grade or elevated so long as the pool will not act as an obstruction
- (2) They must be structurally independent of the building and its foundation.
- (3) They may be placed beneath a coastal building only if the top of the pool and any accompanying decking or walkway are flush with the existing grade and only if the lower area remains unenclosed.
- (4) As part of the certification process for V-zone buildings the design professional must consider the effects that any of these elements will have on the building in question and any nearby buildings.

b) Access Stairs Attached to or Beneath an Elevated Building:

- (1) Must be constructed of flood-resistant materials.
- (2) Must be constructed as open staircases so they do not block flow under the structure in accordance with Article IV.

c) Decks

- (1) If the deck is structurally attached to a building, then the bottom of the lowest horizontal member must be at or above the elevation of the buildings lowest horizontal member.
- (2) If the deck is to be built below the BFE then it must be structurally independent of the main building and must not cause an obstruction.
- (3) If an at-grade, structurally independent deck is proposed then a design professional must evaluate the design to determine if it will adversely affect the building and nearby buildings.

12. Parking areas should be located on a stable grade under or landward of a structure. Any parking surface shall consist of gravel or aggregate.
13. Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of base flood event plus one (1) foot. This requirement does not exclude the installation of outdoor faucets for shower heads, sinks, hoses, etc., as long as cut off devices and back flow prevention devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building. No utilities or components shall be attached to breakaway walls.

Article V. **VARIANCE PROCEDURES**

**5.623 Establishment of Appeal Board** – The Town Council of the Town of Yemassee, shall hear and decide requests for variances from the requirements of this ordinance.

**5.624 Right to Appeal** - Any person aggrieved by the decision of the appeal board or any taxpayer may appeal such decision to the Court.

**5.625 Historic Structures** - Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

**5.626 Functionally Dependent Uses** – Variances may be issued for development necessary for the conduct of a functionally dependent 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.

**5.627 Agricultural Structures** - Variances may be issued to wet floodproof 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 Article V. this section, and the following standards:

**a)** Use of the structure must be limited to agricultural purposes as listed below:

1. Pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment,
2. Steel grain bins and steel frame corncribs,
3. General-purpose barns for the temporary feeding of livestock that are open on at least one side;

**a)** 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 Article IV.B.2 of this ordinance; and,

**b)** 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.



- c)** 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.
- d)** The agricultural structure must meet the venting requirement of Article IV of this ordinance.
- e)** 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
- f)** The agricultural structure must comply with the floodway encroachment provisions of Article IV of this ordinance.
- g)** 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.

**5.628** **Considerations** In passing upon such applications, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- h)** The danger that materials may be swept onto other lands to the injury of others;
- i)** The danger to life and property due to flooding or erosion damage, and the safety of access to the property in times of flood for ordinary and emergency vehicles;
- j)** The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- k)** The importance of the services provided by the proposed facility to the community;
- l)** The necessity to the facility of a waterfront location, where applicable;
- m)** The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

- n)** The compatibility of the proposed use with existing and anticipated development, and the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- o)** The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- p)** The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges; and
- q)** Agricultural structures must be located in wide, expansive floodplain areas, where no other alternative location for the agricultural structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the structure is to be located, must be in the Special Flood Hazard Area and no other alternative locations for the structure are available.

**5.628 Findings** - Findings listed above shall be submitted to the appeal board, in writing, and included in the application for a variance. Additionally, comments from the Department of Natural Resources, Land, Water and Conservation Division, State Coordinator's Office, must be taken into account and included in the permit file.

**5.629 Floodways** - Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result unless a CLOMR is obtained prior to issuance of the variance. In order to ensure the project is built in compliance with the CLOMR for which the variance is granted the applicant must provide a bond for 100% of the cost to perform the development.

**5.631 Conditions** - Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance. The following conditions shall apply to all variances:

- a)** Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
- b)** Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- c)** Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

- d) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk. Such notification shall be maintained with a record of all variance actions.
- e) The local floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon request.
- f) Variances shall not be issued for unpermitted development or other development that is not in compliance with the provisions of this ordinance. Violations must be corrected in accordance with Article III.E.5 of this ordinance.

Article VI. **LEGAL STATUS PROVISIONS**

**5.632 Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance -**

This Ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted September 1, 2001 and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued there under are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the Town of Yemassee enacted on September 1, 2001, as amended, which are not reenacted herein, are repealed.

**5.633. Effect upon Outstanding Building Permits** - Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the Chief Building Inspector or his authorized agents before the time of passage of this ordinance; provided, however, that when start of construction has not occurred under such outstanding permit within a period of sixty (60) days subsequent to passage of this ordinance, construction or use shall be in conformity with the provisions of this ordinance.

**5.634. Effective Date** -This ordinance shall become effective on March 23, 2021.

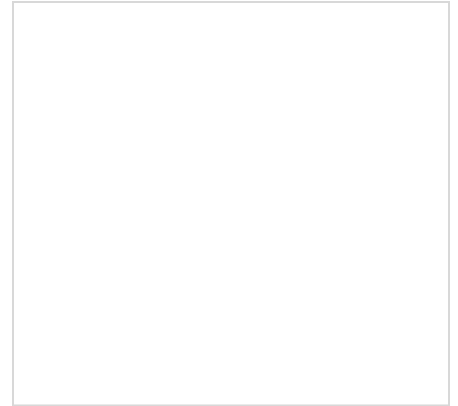
PASSED:

1<sup>st</sup> Reading: October 13, 2020

2<sup>nd</sup> Reading: \_\_\_\_\_

WITNESS my hand and the official seal of \_\_\_\_\_ this the  
\_\_\_\_\_ day of \_\_\_\_\_ 201\_\_.

Affix local Seal Here



\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

DRAFT

## CHAPTER 5. BUILDINGS, FLOOD CONTROL AND PLANNING

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## ARTICLE VI. FLOOD DAMAGE CONTROL

Editor's Note. In order for town residents located in a flood plain to obtain flood insurance, it is necessary that the town adopt a Flood Damage Prevention Ordinance. This article accomplishes that for The Town of Yemassee.

It may be that either Beaufort or Hampton counties have adopted such an ordinance. That being the case, the provisions thereof should apply to The Town of Yemassee. Should this not be the case, the editors have added such an ordinance the town may choose to utilize.

5.601. STATUTORY AUTHORIZATION.

The legislature of the State of South Carolina has in the South Carolina Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

5.602. FINDINGS OF FACT.

a. The flood hazard areas of The Town of Yemassee are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

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

5.603. STATEMENT OF PURPOSE.

The purpose of this article shall be to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. 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;

2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural flood plains, stream channels, and natural protective barriers that are involved in the accommodation of floodwaters;

4. Control filling, grading, dredging and other development which may increase erosion or flood damage, and;

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

#### 5.604. OBJECTIVES.

The objectives of this article shall be to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in flood plains;
6. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas and to
7. Ensure that potential home buyers are notified that property is in a flood area.

#### 5.605. DEFINITIONS.

Unless specifically defined otherwise herein, words or phrases used in this article shall be interpreted as to give them the meaning they have in common usage and to give the provisions of this article the most reasonable application.

1. Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

2. Appeal means a request for a review of the designated official's interpretation of any provision of this article or a request for a variance.



3. Area of shallow flooding means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

4. Area of special flood hazard is the land in the flood plain within a community subject to a one (1) percent or greater chance of flooding in any given year.

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

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

7. Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

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

9. Coastal High Hazard Area means the area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone VI - 30, VE or V.

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

11. Existing mobile home park or mobile home subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this Chapter.

12. Expansion to an existing mobile home park or mobile home subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

13. Elevated Building means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

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

1. the overflow of inland or tidal waters;
2. the unusual and rapid accumulation or run-off of surface waters from any source.

15. Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency (FEMA), where the boundaries of the areas of special flood hazard have been defined as Zone A.

16. Flood Insurance Study is the official report provided by the FEMA which contains flood profiles, as well as the Flood Boundary Floodway Map (FBFM) and the water surface elevation of the base flood.

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

18. Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

19. Habitable Floor means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

20. Mean Sea Level means the average height of the sea for all stages of the tide.

21. Mobile home means 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. It does not include recreational vehicles or travel trailers.

22. New construction means buildings for which the "start of construction" commenced on or after the initial adoption of this provision.

23. New mobile home park or mobile home subdivision means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this Chapter.

24. Start of construction means the first placement of permanent construction of a structure (other than a mobile 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. Permanent construction shall not include land preparation, such as clearing, grading and filling; the installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor 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 structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

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

26. Substantial improvement means any improvement, repair, reconstruction or alteration to a structure the cost of which equals or exceeds fifty percent (50%) of the market value of the structure, either (1) before the repair or improvement is started or (2) in the case of damage, the value of the building prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions. It also does not include any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

27. Variance is a grant of relief from the requirements of this article that permits construction in a manner otherwise prohibited by this article where specific enforcement would result in unnecessary hardship.

5.606. GENERAL PROVISIONS. LANDS TO WHICH THIS ARTICLE APPLIES.

This article shall apply to all areas of special flood hazard within the jurisdiction of The Town of Yemassee.

5.607. SAME. BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Insurance Administration in its **Flood Hazard Boundary Map**, (FHBM) #H-01-02 dated October 31, 1975, and any revisions thereto, are adopted by reference and declared to be a part of this article.

5.608. SAME. DEVELOPMENT PERMIT REQUIRED.

A development permit shall be required in conformance with the provision of this article.

5.609. SAME. COMPLIANCE.

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

5.610. SAME. ABROGATION AND GREATER RESTRICTIONS.

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

5.611. SAME. INTERPRETATION.

In the interpretation and application of this article, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

5.612. SAME. WARNING AND DISCLAIMER OF LIABILITY.

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

5.613. BUILDING OFFICIAL DESIGNATED TO ADMINISTER.

The Building Official or designated employee is hereby appointed to administer and implement the provisions of this article.

5.614. SAME DUTIES AND RESPONSIBILITIES.

Duties of the Building Official or designated employee shall include, but shall not be limited to:

1. Review all development permits to assure that the permit requirements of this article have been satisfied;

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

3. Notify adjacent communities and the SOUTH CAROLINA WATER RESOURCES COMMISSION prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

5. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings.

6. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed.

7. In Coastal Hazard Areas, certification shall be obtained from a registered professional engineer or architect that the building is designed to be securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.

8. In Coastal High Hazard Areas, the Town Clerk shall review plans for adequacy of breakaway walls, as provided herein.

9. When flood proofing is utilized for particular building, the Town Clerk shall obtain certification from a registered professional engineer or architect.

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

11. When base flood elevation data or floodway data have not been provided in accordance with Section 5.607 hereof, the Town Clerk shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Section 5.617 hereof.

12. All records pertaining to the provisions of this section shall be maintained in the office of the Town Clerk and shall be open for public inspection.

#### 5.615. PERMIT PROCEDURES.

Application for a development permit shall be made to the Town Clerk on forms furnished by him prior to any development activities. They may include, but shall not be limited to, the following:

(1) Plans, in duplicate, drawn to scale, showing the nature, location, dimensions, and elevations of the area in question and (2) Existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

Specifically, the following information shall be required:

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

2. Elevation in relation to mean sea level to which any non- residential building will be flood-proofed, and

3. Description of the extent to which any watercourse will be altered or relocated as result of proposed development.

#### 5.616. VARIANCE PROCEDURES.

a. The Town Council shall hear and decide appeals and requests for variances from the requirements of this article.

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

c. Any person aggrieved by the decision of the Town Council, or any taxpayer, may appeal such decision to the Court of Common Pleas.

d. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.



e. In passing upon such applications, the Town Council shall consider all technical evaluations, all relevant factors, all standards specified in other sections of the article, and

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site and
- (11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems and streets and bridges.

(a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1) through (11) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

f. Upon consideration of the factors listed above, and the purposes of this article, the Zoning Appeals Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.

g. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result therefrom.

h. Conditions for Variances:

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

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

(3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lower floor elevation than the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(4) The Town Clerk shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

#### 5.617. FLOOD HAZARD REDUCTIONS. GENERAL STANDARDS.

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

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

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

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

4. Electrical, heating, ventilation, plumbing, 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.

5. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.



6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

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

#### 5.618. SAME. MOBILE HOMES.

All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

1. Over-the-top ties be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations and mobile homes less than fifty (50) feet long requiring two (2) additional ties per side;

2. Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and mobile homes less than fifty (50) feet long requiring four (4) additional ties per side;

3. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

4. Any additions to the mobile home be similarly anchored.

#### 5.619. SUBDIVISION PROPOSALS. STANDARDS.

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

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

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

d. Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of fifty (50) lots or five (5) acres.



# Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:  
15P

September 23, 2020

The Honorable Colin Moore  
Mayor, Town of Yemassee  
P.O. Box 577  
Yemassee, South Carolina 29945

Community: Town of Yemassee,  
Beaufort County,  
South Carolina  
Community No.: 540130  
Map Panels Affected: See FIRM Index

Dear Mayor Moore:

This is to formally notify you of the final flood hazard determination for the Town of Yemassee, Beaufort County, South Carolina and Incorporated Areas in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood hazards shall be sent to the Chief Executive Officer of the community, all individual appellants, and the state coordinating agency, and shall be published in the *Federal Register*.

On June 30, 2017, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) provided you with Preliminary copies of the Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) that identify the existing flood hazards in your community including elevations of the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). A notification of the proposed flood hazard determinations for your community was published in *The Beaufort Gazette* and *The Island Packet* on June 5, 2018 and June 12, 2018 and in the *Federal Register*, at Part 67, Volume 83, Page 14471, on April 4, 2018.

The statutory 90-day appeal period, which was initiated on the second newspaper publication date cited above, has ended. FEMA did not receive any appeals of the proposed flood hazard determinations during that time. Accordingly, the flood hazard determinations for your community are considered final. The final notice for flood hazard determination will be published in the *Federal Register* as soon as possible. The FIS report and FIRM for your community will become effective on March 23, 2021. Before the effective date, FEMA will send you final printed copies of the FIRM and FIS report.

To assist your community in maintaining the FIRM, we reviewed our records to determine if any previous Letters of Map Change (LOMCs) (i.e., Letters of Map Amendment, Letters of Map Revision) will be superseded when the revised FIRM becomes effective. According to our records, no LOMCs were issued previously.

The FIRM and FIS report for your community have been prepared in our countywide format, which means that flood hazard information for all jurisdictions within Beaufort County has been combined into one FIRM and FIS report. When the FIRM and FIS report are printed and distributed, your community will receive only those panels that present flood hazard information for your community. We will provide complete sets of the FIRM panels to county officials, where they will be available for review by your community.



The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our FEMA Mapping and Insurance eXchange (FMIX), toll free, at 1-877-FEMA-MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

Because the FIS report establishing the flood hazard information for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter. Prior March 23, 2021, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(c) of the NFIP regulations (44 CFR 59, etc.) by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all the standards specified in Paragraph 60.3(c) of the NFIP regulations must be enacted in a legally enforceable document. This includes adoption of the effective FIRM and FIS report to which the regulations apply. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(c);
2. Adopting all the standards of Paragraph 60.3(c) into one new, comprehensive set of regulations;  
or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(c).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the 1973 Act as amended.

In addition to your community using the FIRM and FIS report to manage development in the floodplain, FEMA will use the FIRM and FIS report to establish appropriate flood insurance rates. On the effective date of the FIRM, actuarial rates for flood insurance will be charged for all new structures and substantial improvements to existing structures located in the identified Special Flood Hazard Areas, the areas subject to inundation by the base flood. These rates may be higher if structures are not built in compliance with the floodplain management standards of the NFIP. The actuarial flood insurance rates increase as the lowest elevations (including basement) of new structures decrease in relation to the flood hazard determinations established for your community. This is an important consideration for new construction because building at a higher elevation can greatly reduce the cost of flood insurance. Also, on the effective date of the FIRM for your community, additional "second-layer" coverage will become available. First-layer coverage on existing structures built prior to the effective date of the FIRM will continue to be available at subsidized rates (unless substantial improvements are made); it will also be available at actuarial rates and can be purchased at whichever rate is lower.

If your community is encountering difficulties in enacting the necessary floodplain management measures, we urge you to call the Director, Mitigation Division of FEMA, Region IV, in Atlanta, Georgia, at (770) 220-5200 for assistance. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the National Flood Insurance Program*, *Use of Flood Insurance Study (FIS) Data as Available Data*, *Frequently Asked Questions Regarding the Effect that Revised Flood Hazards have on Existing Structures*, and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <https://www.fema.gov/lfd>. Paper copies of these documents may also be obtained by calling our FMIX at the toll free number provided above.

Sincerely,

A handwritten signature in black ink, appearing to read 'Luis Rodriguez', with a stylized flourish at the end.

Luis Rodriguez, P.E., Director  
Engineering and Modeling Division  
Federal Insurance and Mitigation Administration

cc: Community Map Repository  
Mr. Matthew Garnes, Town Clerk, Town of Yemmassee

**ATTACHMENT D****RE: Important, Time Sensitive, Please Read and Respond! Related to FEMA FIRM mapping process restarting for Beaufort County**

Maria Cox <CoxM@dnr.sc.gov>

Thu 9/24/2020 3:41 PM

To: Bruce Skipper <bskipper@cityofbeaufort.org>; Spruce, Richard <rspruce@townofbluffton.com>; tblanchard@hardeevillesc.gov <tblanchard@hardeevillesc.gov>; Mendrick, Shari <sharim@hiltonheadislandsc.gov>; lbridges@portroyal.org <lbridges@portroyal.org>; Matthew Garnes <mattgarnes@townofyemassee.org>  
Cc: Fontenot, Daryle <Daryle.Fontenot@aecom.com>; Zachary Drafts <DraftsZ@dnr.sc.gov>; Laura Whittle <WhittleL@dnr.sc.gov>; Jessica Artz <ArtzJ@dnr.sc.gov>; Housman, Jennifer <Jennifer.Housman@aecom.com>

Good Afternoon Everyone,

I am pleased to announce that I have received official notification that the LFD for Beaufort County was issued yesterday. All communities should receive the Letters tomorrow or early next week.

If you haven't sent your ordinance to Jessica Artz for review please do so.

Thanks,  
Maria

Maria Cox Lamm, CFM  
State Coordinator  
SCDNR-Flood Mitigation Program

## Beaufort County LFD

Jessica Artz <ArtzJ@dnr.sc.gov>

Fri 9/25/2020 11:44 AM

To: bskipper@cityofbeaufort.org <bskipper@cityofbeaufort.org>; rspruce@townofbluffton.com <rspruce@townofbluffton.com>; esapp@hardevillesc.gov <esapp@hardevillesc.gov>; sharim@hiltonheadislandsc.gov <sharim@hiltonheadislandsc.gov>; lbridges@portroyal.org <lbridges@portroyal.org>; Matthew Garnes <mattgarnes@townofyemassee.org>

Cc: Maria Cox <CoxM@dnr.sc.gov>; Janrhett, Pier <pier.janrhett@fema.dhs.gov>

Hi,

As you saw in Maria's e-mail yesterday, the Letter of Final Determination was issued for Beaufort County yesterday. That means that each community will have 6 months to adopt the new maps (March 25, 2021 should be the effective date but I have not seen the letter yet). At this time, SCDNR will do a complete review of the community's ordinance. If there any updates that need to be made for compliance purposes, these changes will need to be done at the same time. If no changes need to be made to the ordinance, the community has the option to adopt the maps by text amendment.

Here is the step by step process that I recommend you follow:

1. E-mail me your current effective Flood Damage Prevention Ordinance if you have not done so already.
2. I will review the ordinance and send it back to you with recommended and required changes.
3. Send the updated ordinance to Council for final approval.
4. Send in a certified paper copy with the community seal to SCDNR (please let me know when you put it in the mail as I am not in the office every day).
5. I will approve the ordinance and send it to FEMA for final approval.

You should be getting the letter from FEMA soon. It might tell you to send your ordinance to FEMA or Maria, but you can just send it to me. The community will have 6 months to adopt the maps. Six months goes by quickly so I recommend that you get started on this ASAP.

**If the community has not adopted the new maps by the new map date, they will automatically be suspended from the NFIP. This happens at the FEMA headquarters level and the State does not have control over this.**

Please let me know if you have any questions or concerns. I'll continue to be in touch with everybody to make sure you meet the deadline.

Stay safe and have a great weekend!

Jessica Artz, CFM  
Flood Mitigation Specialist  
SC Department of Natural Resources  
1000 Assembly St. #362  
Columbia, SC 29202  
803-734-4012 (office)  
803-391-9878 (mobile)

Jessica Artz, CFM  
Flood Mitigation Specialist  
SC Department of Natural Resources  
1000 Assembly St. #362

Columbia, SC 29202  
803-734-4012 (office)  
803-391-9878 (mobile)

## Beaufort County Mapping Update

Maria Cox <CoxM@dnr.sc.gov>

Tue 7/21/2020 4:18 PM

To: Bruce Skipper <bskipper@cityofbeaufort.org>; Spruce, Richard <rspruce@townofbluffton.com>; tblanchard@hardeevillesc.gov <tblanchard@hardeevillesc.gov>; Mendrick, Shari <sharim@hiltonheadislandsc.gov>; lbridges@portroyal.org <lbridges@portroyal.org>; Matthew Garnes <mattgarnes@townofyemassee.org>  
Cc: Fontenot, Daryle <Daryle.Fontenot@aecom.com>; Zachary Drafts <DraftsZ@dnr.sc.gov>; Jessica Artz <ArtzJ@dnr.sc.gov>; Laura Whittle <WhittleL@dnr.sc.gov>; Housman, Jennifer <Jennifer.Housman@aecom.com>

Good Afternoon Everyone,

I have received the needed information from all of the communities in Beaufort County in order to restart the mapping process. We have submitted the final mapping submittal to FEMA for approval. They require 60 days to complete the review. After the review and any comments are settled the LFD will be issued. The proposed schedule has the LFD being issued on 9/23/2020. If that date holds the maps would go effective on 3/23/2021.

Keep in mind these dates are tentative, but we are doing everything we can to meet this schedule.

I will continue to keep everyone posted as we get closer to the LFD date.

Also, if anyone knows who the new contact is for Beaufort County please share this information with them and share their information with me.

Stay Safe,  
Maria



**NOTES TO USERS**

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The community map repository should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations (BFEs)** and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

**Coastal Base Flood Elevations (CBFEs)** shown on this map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations table in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations table should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The **projection** used in the preparation of this map was State Plane South Carolina FIPS 3900. The **horizontal datum** was NAD83, GRS1980 spheroid. Differences in datum, spheroid, projection or State Plane zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same **vertical datum**. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at <http://www.ngs.noaa.gov/> or contact the National Geodetic Survey at the following address:

NGS Information Services  
NOAA, NNGS12  
National Geodetic Survey  
SSMC-3, #9202  
1315 East-West Highway  
Silver Spring, Maryland 20910-3282  
(301) 713-3242

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242 or visit its website at <http://www.ngs.noaa.gov/>.

**Base map** information shown on this FIRM was provided in digital format by the Beaufort County GIS Department dated 2016.

This map reflects more detailed and up-to-date **stream channel configurations** than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

**Corporate limits** shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

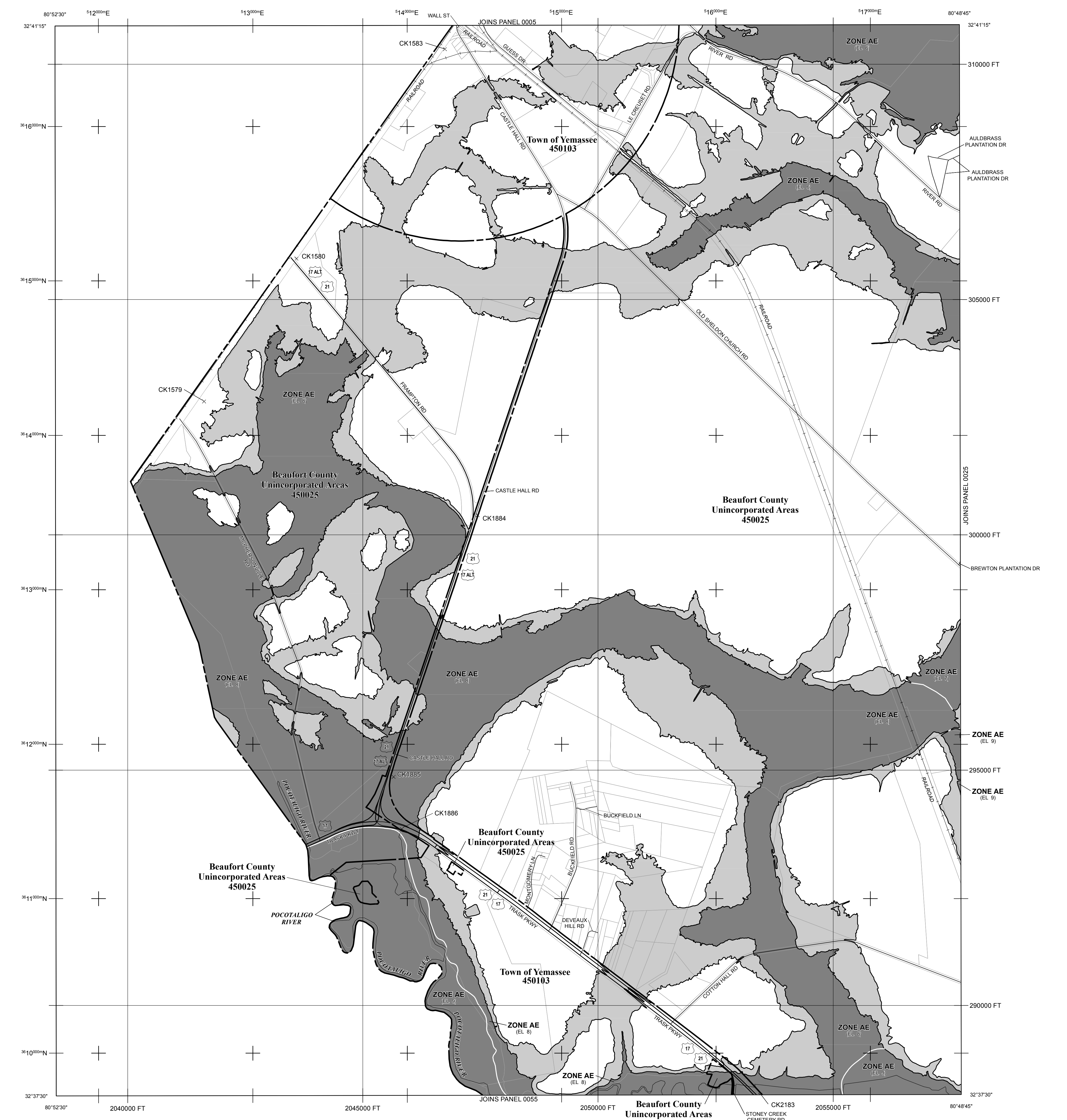
Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels, community map repository addresses, and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

For information and questions about this map, available products associated with this FIRM including historic versions of this FIRM, how to order products or the National Flood Insurance Program in general, please call the **FEMA Mapping Information eXchange** at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Map Service website at <http://www.msc.fema.gov/>. Available products may include previously issued Letters of Map Change, a Flood Insurance Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website. Users may determine the current map date for each FIRM panel by visiting the FEMA Map Service Center website or by calling the FEMA Map Information eXchange.

The **"profile base lines"** depicted on this map represent the hydraulic modeling baselines that match the flood profiles in the FIS report. As a result of improved topographic data, the "profile base line", in some cases, may deviate significantly from the channel centerline or appear outside the SFHA.

DNR  
This digital Flood Insurance Rate Map (FIRM) was produced through a unique cooperative partnership between the State of South Carolina and the Federal Emergency Management Agency (FEMA). The State of South Carolina has implemented a long term approach of floodplain management to decrease the costs associated with flooding. This is demonstrated by the State's commitment to map floodplain areas at the local level. As a part of this effort, the State of South Carolina has joined in a Cooperating Technical State agreement with FEMA to produce and maintain this digital FIRM.

<http://www.dnr.state.sc.us/>



**LEGEND**

**SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD**

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

**ZONE A** No Base Flood Elevations determined.

**ZONE AE** Base Flood Elevations determined.

**ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.

**ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.

**ZONE AR** Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.

**ZONE A99** Areas to be protected from 1% annual chance flood event by a Federal flood protection system under construction; no Base Flood Elevations determined.

**ZONE V** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

**ZONE VE** Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

**FLOODWAY AREAS IN ZONE AE**

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

**OTHER FLOOD AREAS**

**ZONE X** Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

**OTHER AREAS**

**ZONE X** Areas determined to be outside the 0.2% annual chance floodplain.

**ZONE D** Areas in which flood hazards are undetermined, but possible.

**COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS**

**OTHERWISE PROTECTED AREAS (OPAs)**

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

Floodplain boundary  
Floodway boundary  
Zone D boundary  
CBRS and OPA boundary  
Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths, or flood velocities  
Base Flood Elevation line and value; elevation in feet\*  
Base Flood Elevation value where uniform within zone; elevation in feet\*  
\* Referenced to the North American Vertical Datum of 1988

513 (EL 987)  
A A Cross section line  
23 23 Transsect line  
97°07'30", 32°22'30" Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere  
4750000E 1000-meter Universal Transverse Mercator grid ticks, zone 17  
6000000 FT 5000-foot grid values: South Carolina State Plane coordinate system (FIPSZONE = 3900), Lambert projection  
DX5510 Bench mark (see explanation in Notes to Users section of this FIRM panel)  
M1.5 River Mile

**MAP REPOSITORIES**  
Refer to Map Repositories List on Map Index

**EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP**

**EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL**

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.  
To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6626.

**MAP SCALE 1" = 1000'**

500 0 500 1,000 1,500 2,000 FEET  
300 0 300 600 METERS

**NATIONAL FLOOD INSURANCE PROGRAM**

**PANEL 0015G**

**FIRM**

**FLOOD INSURANCE RATE MAP**

**BEAUFORT COUNTY, SOUTH CAROLINA**

**AND INCORPORATED AREAS**

**PANEL 15 OF 506**

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

**CONTAINS:**

COMMUNITY	NUMBER	PANEL	SUFFIX
BEAUFORT COUNTY	450025	0015	G
YEMASSEE, TOWN OF	450103	0015	G

**PRELIMINARY**  
JUN 30 2017

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

**MAP NUMBER**  
**45013C0015G**

**EFFECTIVE DATE**

**Federal Emergency Management Agency**



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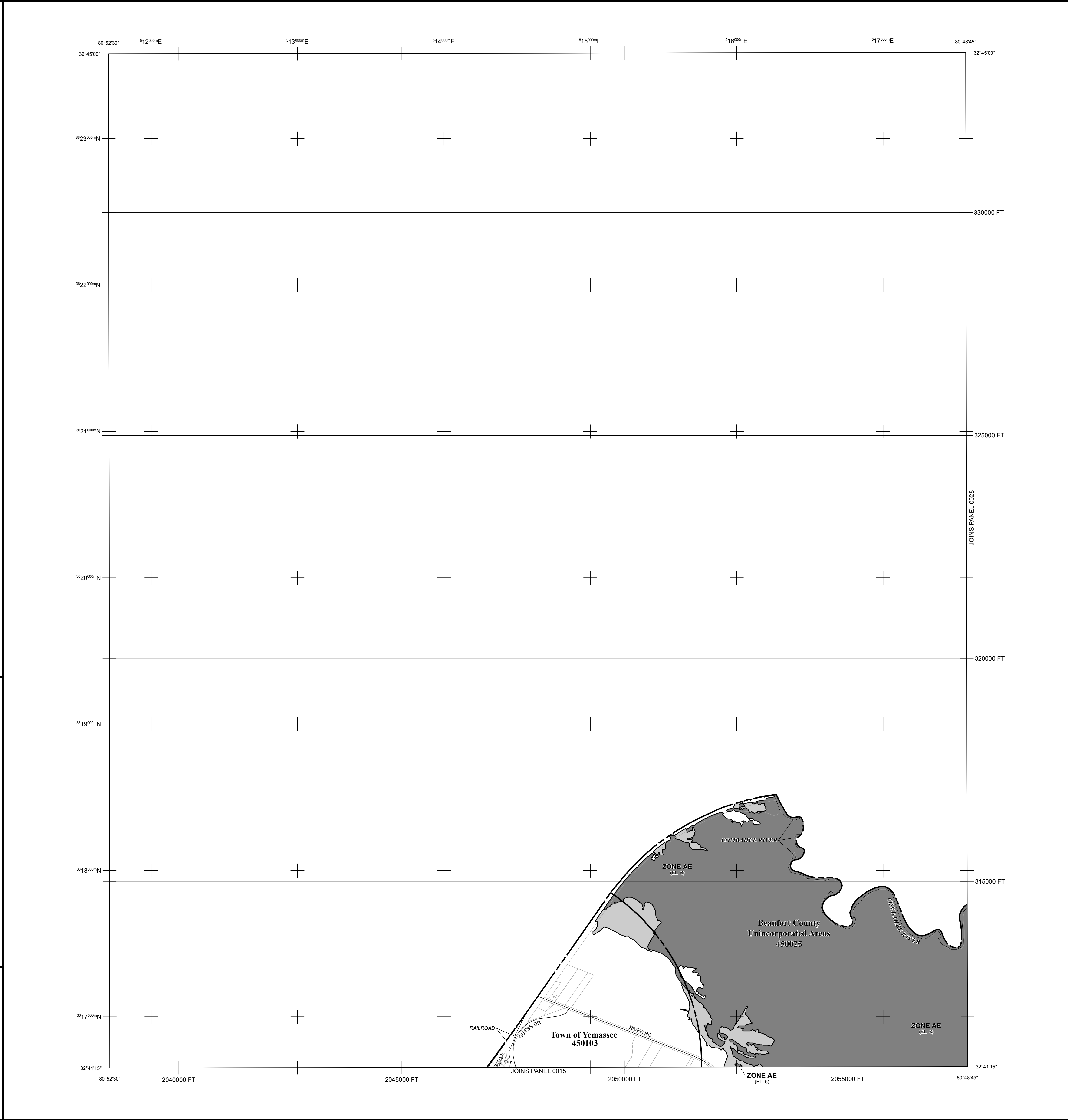
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300 0 300 600 METERS

**NATIONAL FLOOD INSURANCE PROGRAM**

**PANEL 0005G**

**FIRM**  
**FLOOD INSURANCE RATE MAP**  
**BEAUFORT COUNTY,**  
**SOUTH CAROLINA**  
**AND INCORPORATED AREAS**

**PANEL 5 OF 506**  
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

**CONTAINS:**

COMMUNITY	NUMBER	PANEL	SUFFIX
BEAUFORT COUNTY	450025	0005	G
YEMASSEE, TOWN OF	450103	0005	G

**PRELIMINARY**  
**JUN 30 2017**

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

**MAP NUMBER**  
**45013C0005G**  
**EFFECTIVE DATE**

**Federal Emergency Management Agency**





USGS The National Map: Orthimagery. Data refreshed April 2020

### FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) <i>Zone A, V, AE, AR</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i> Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
OTHER AREAS		Area with Reduced Flood Risk due to Levee See Notes <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs
OTHER AREAS		Area of Undetermined Flood Hazard <i>Zone D</i>
		Channel, Culvert, or Storm Sewer
GENERAL STRUCTURES		Levee, Dike, or Floodwall
		20.2 Cross Sections with 1% Annual Chance
OTHER FEATURES		17.5 Water Surface Elevation
		8 Coastal Transect
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Base Flood Elevation Line (BFE)
OTHER FEATURES		Limit of Study
		Jurisdiction Boundary

### NOTES TO USERS

For information and questions about this Flood Insurance Rate Map (FIRM), available products associated with this FIRM, including historic versions, the current map date for each FIRM panel, how to order products, or the National Flood Insurance Program (NFIP) in general, please call the FEMA Map Information eXchange at 1-877-FEMA-MAP (1-877-336-6627) or visit the FEMA Flood Map Service Center website at <https://msc.fema.gov>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website.

Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Flood Map Service Center at the number listed above.

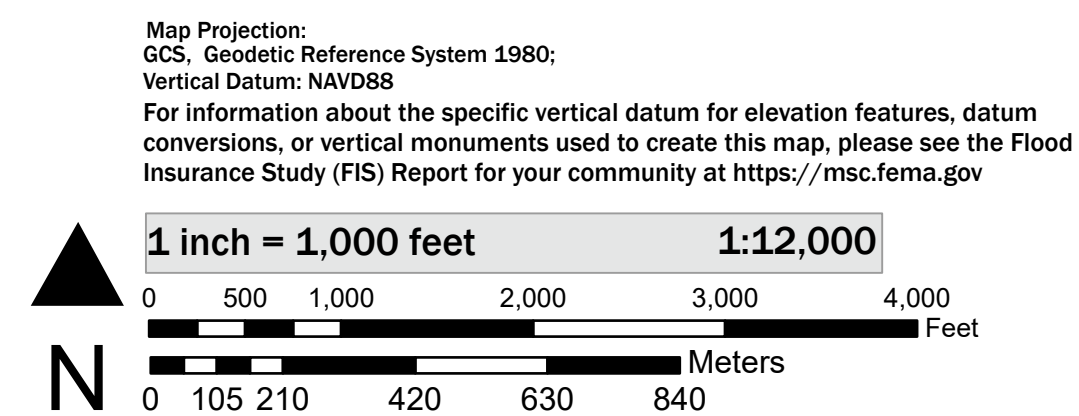
For community and countywide map dates, refer to the Flood Insurance Study Report for this jurisdiction. To determine if flood insurance is available in this community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

Basemap information shown on this FIRM was provided in digital format by USDA, Farm Service Agency (FSA). This information was derived from NAIP, dated April 11, 2018.

This map was exported from FEMA's National Flood Hazard Layer (NFHL) on 10/9/2020 12:22 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time. For additional information, please see the Flood Hazard Mapping Updates Overview Fact Sheet at <https://www.fema.gov/media-library/assets/documents/118418>

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards. This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date.

### SCALE



### NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP

HAMPTON COUNTY, SOUTH CAROLINA  
AND INCORPORATED AREAS  
PANEL 450 OF 550

Panel Contains:

COMMUNITY	NUMBER	PANEL
TOWN OF YEMASSEE	450103	0450
COLLETON COUNTY UNINCORPORATED AREAS	450056	0450
JASPER COUNTY	450112	0450
HAMPTON COUNTY	450095	0450



Colin J Moore  
*Mayor*  
Peggy Bing-O'Banner  
*Mayor Pro Tempore*  
Matthew Garnes  
*Town Clerk*



*Council Members*  
Michelle Hagan  
Charlie Simmons  
Alfred Washington

## Town Council Agenda Item

**Subject:** Annexation Ordinance 20-17, Annexing One Parcel of Land Totaling 1.00 acres located at 84 Reeves St. Hampton County TMS: 198-00-00-204

**Department:** Administration

Attachments:

Ordinance \_\_\_\_\_ Resolution \_\_\_\_\_ Motion

Support Documents \_\_\_\_\_ Other

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**Summary:** The Town of Yemassee has received an Annexation Application from Kaila Jenkins for one parcel of land located at 84 Reeves Street. Ms. Jenkins previously annexed the parcel next door and has now purchased the adjoining parcel at the Tax Sale and wishes to annex this parcel to eventually combine both for construction of a home.

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**Recommended Action:** Approve first reading on Annexation Ordinance 20-17.

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Council Action:

- \_\_\_ Approved as Recommended
- \_\_\_ Approved with Modifications
- \_\_\_ Disapproved
- \_\_\_ Tabled to Time Certain
- \_\_\_ Other

STATE OF SOUTH CAROLINA )  
COUNTY OF BEAUFORT )  
TOWN OF YEMASSEE )  
ORDINANCE NUMBER: )  
(20-17)

An Ordinance Annexing One Parcel of Land owned by Kaila Jenkins into the Town of Yemassee, South Carolina.

**AN ORDINANCE ANNEXING INTO THE TOWN OF YEMASSEE, ONE PARCEL OF LAND TOTTALLING 1.00 ACRES, LOCATED AT 84 REEVES ST OWNED BY KAILA JENKINS, IN HAMPTON COUNTY, NOT ALREADY WITHIN THE YEMASSEE TOWN LIMITS AND INCLUDING ALL ADJACENT PUBLIC RIGHTS OF WAY, RAILROAD RIGHTS OF WAY, WATERS, LOWLANDS AND WETLANDS.**

**Section 1. Findings of Facts**

As an incident to the adoption of this ordinance, Town Council of Yemassee finds the following facts to exist:

- a) Section 5-3-150, Code of Laws of South Carolina (1976) as amended, provides a method of annexing property to a city or town by a Petition signed by all persons owning real estate in the area requesting annexation.
- b) A proper Petition has been filed with Town of Yemassee by one hundred percent (100%) of the freeholders owning one hundred percent (100%) of the assessed value of the contiguous property herein described, petitioning for annexation of the property to the Town of Yemassee under the provisions of South Carolina Section 5-3-150(3) and is requesting the Town's zoning of General Residential and have submitted proper submission materials supporting each application in accordance with Town requirements.
- c) It appears to Town Council that the annexation would be in the best interest of the property owners and the town.
- d) The Town Council is zoning the parcel General Residential.
- e) The Yemassee Town Council finds the proposed annexation and rezoning is consistent with the Yemassee Comprehensive Plan (as amended and revised);

**Section 2.**

**NOW, THEREFOR IT BE ORDAINED** by the Mayor and Council of the Town of Yemassee, South Carolina, duly assembled and with authority of the same, pursuant to Section 5-3-150, Code of Laws of South Carolina (1976), as amended, the following described property is hereby annexed to and made part of the Town of Yemassee, to wit:

ALL THOSE CERTAIN PIECES, PARCELS OR TRACTS OF LAND being known as 198-00-00-204 & 1.00 acres, and all adjacent public rights of ways and wetlands as shown on the attached map.

This Ordinance shall become effective upon ratification.

**SO ORDERED AND ORDAINED THIS 10th Day of November 2020**

**By the Yemassee Town Council being duly and lawfully assembled.**

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**Colin Moore, Mayor**

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**Matthew Garnes, Town Clerk**

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**Peggy Bing-O'Banner, Councilmember**

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**Michelle Hagan, Councilmember**

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**Chuck Simmons, Councilmember**

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**Alfred Washington, Councilmember**

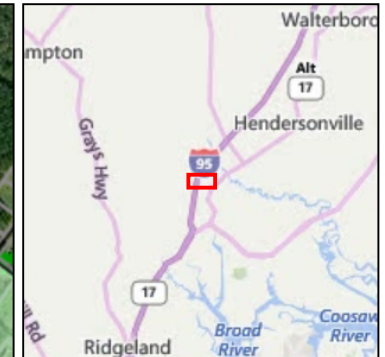
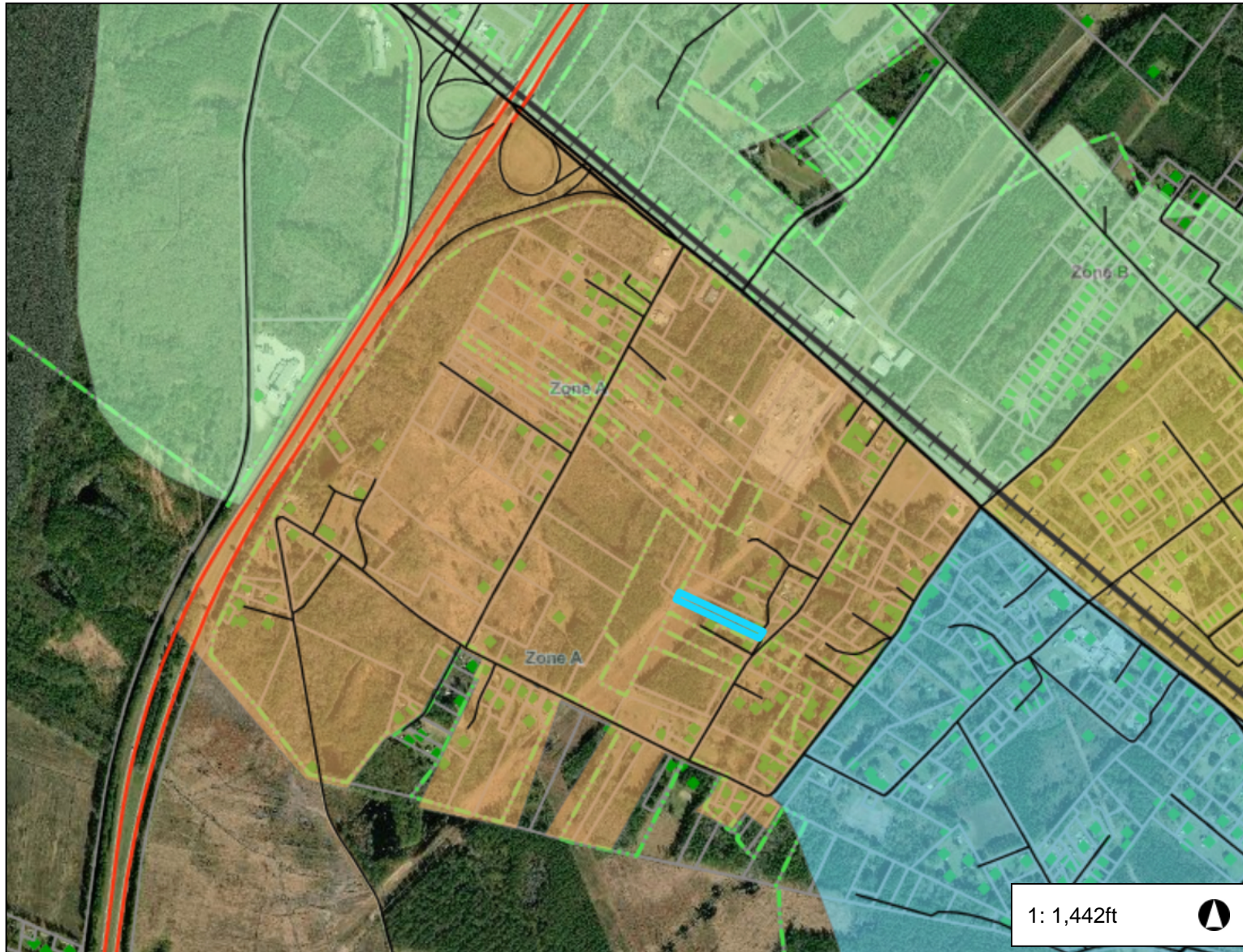
**(Seal)**

**First Reading: October 13, 2020**

**Second Reading: November 10, 2020**



# Town of Yemassee



## Legend

- ◆ Address Points - Beaufort
- Address Point Labels - Beaufort
- Beaufort Parcels
- ◆ Address Points - Hampton
- Address Point Labels - Hampton
- Hampton Parcels
- Police Patrol Zones
  - Zone A
  - Zone B
  - Zone C
  - Zone D
- Road Names
- Roads
  - Roads
  - Major Roads
  - Interstate
- Railroads
- ▬ Beaufort County Boundary
- ▬ Hampton County Boundary
- ▬ Yemassee Boundary

1: 1,442ft

1000 ft

29 Sep, 2020

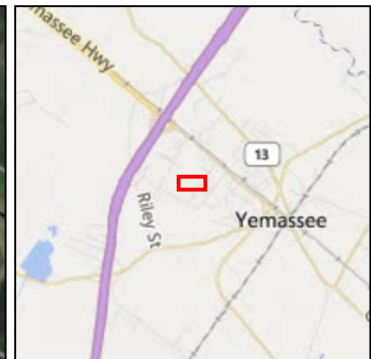
This map is a user generated static output from rightspot.is mapping site and is for reference use only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**





# Town of Yemassee



### Legend

- ◆ Address Points - Beaufort
- Address Point Labels - Beaufort
- Beaufort Parcels
- ◆ Address Points - Hampton
- Address Point Labels - Hampton
- Hampton Parcels
- Road Names
- Roads
  - Roads
  - Major Roads
  - Interstate
- Railroads
- Beaufort County Boundary
- Hampton County Boundary
- Yemassee Boundary

1: 180ft



200 ft

29 Sep, 2020

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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**





**TOWN OF YEMASSEE  
ANNEXATION APPLICATION**

Town of Yemassee

SEP 28 2020

Received

Yemassee Municipal Complex  
P.O. BOX 577  
Yemassee, SC 29945-0577  
(843) 589-2565

Applicant		Property Owner	
Name: Kaila D Jenkins		Name: Kaila Jenkins	
Phone: (803) 687-9422		Phone: (803) 687-9422	
Mailing Address: PO Box 445 Yemassee, SC 29945		Mailing Address: PO Box 445 Yemassee, SC 29945	
E-mail:		E-mail:	
Town Business License # (if applicable):			
Project Information			
Project Name: Jekins		Acreage: 1.00	
Project Location: Reeves St			
Existing Zoning: Hampton County Regional Development		Proposed Zoning: General Residential (GR)	
Tax Map Number(s): 198-00-00-204			
Project Description: Annexation of parcel left out after tax sale purchase. 198-00-00-025 was annexed earlier this yr			
Select Annexation Method			
<input checked="" type="checkbox"/> 100 Percent Petition and Ordinance Method		<input type="checkbox"/> 75 Percent Petition and Ordinance Method	<input type="checkbox"/> 25 Percent Elector Petition and Election Method
Minimum Requirements for Submittal			
<input checked="" type="checkbox"/> 1. Completed Annexation Petition(s)			
<input checked="" type="checkbox"/> 2. Copy of plat and/or survey of area requesting annexation			
<b>Note: Application is not valid unless signed and dated by property owner.</b>			
<b>Disclaimer: The Town of Yemassee assumes no legal or financial liability to the applicant or any third party whatsoever by approving the plans associated with this permit.</b>			
I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property.			
Property Owner Signature: <i>Kaila Jenkins</i>		Date: 9/28/20	
Applicant Signature: <i>Kaila Jenkins</i>		Date: 9/28/20	
For Office Use			
Application Number: ANNEX-09-20-1051		Date Received: 9/28/20	
Received By: M. Garne		Date Approved:	

Colin J Moore  
Mayor  
Peggy Bing-O'Banner  
Mayor Pro Tempore  
Matthew Garnes  
Town Clerk



Council Members  
Michelle Hagan  
Charlie Simmons  
Alfred Washington

## Town Council Agenda Item

**Subject:** Annexation Ordinance 20-18, Annexing One Parcel of Land  
Totaling 0.50 acres located at 244 Cochran St. Hampton County TMS: 198-  
00-00-247

**Department:** Administration

Attachments:

Ordinance \_\_\_\_\_ Resolution \_\_\_\_\_ Motion

Support Documents \_\_\_\_\_ Other

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**Summary:** The Town of Yemassee has received an Annexation Application  
from Shirena Collins for one parcel of land located at 244 Cochran Street.  
The property is currently undeveloped, and the applicant is seeking to  
place a mobile home on the property once annexed.

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**Recommended Action:** Approve first reading on Annexation Ordinance  
20-18.

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Council Action:

- \_\_\_ Approved as Recommended
- \_\_\_ Approved with Modifications
- \_\_\_ Disapproved
- \_\_\_ Tabled to Time Certain
- \_\_\_ Other

STATE OF SOUTH CAROLINA )  
COUNTY OF HAMPTON )  
TOWN OF YEMASSEE )  
ORDINANCE NUMBER: )  
(20-18)

An Ordinance Annexing One Parcel of  
Land owned by Shirena Collins, into  
the Town of Yemassee, South  
Carolina.

**AN ORDINANCE ANNEXING INTO THE TOWN OF YEMASSEE, ONE PARCEL OF LAND TOTTALLING 0.50 ACRES, LOCATED ON COCHRAN ST OWNED BY SHIRENA COLLINS, IN HAMPTON COUNTY, NOT ALREADY WITHIN THE YEMASSEE TOWN LIMITS AND INCLUDING ALL ADJACENT PUBLIC RIGHTS OF WAY, RAILROAD RIGHTS OF WAY, WATERS, LOWLANDS AND WETLANDS.**

**Section 1. Findings of Facts**

As an incident to the adoption of this ordinance, Town Council of Yemassee finds the following facts to exist:

- a) Section 5-3-150, Code of Laws of South Carolina (1976) as amended, provides a method of annexing property to a city or town by a Petition signed by all persons owning real estate in the area requesting annexation.
- b) A proper Petition has been filed with Town of Yemassee by one hundred percent (100%) of the freeholders owning one hundred percent (100%) of the assessed value of the contiguous property herein described, petitioning for annexation of the property to the Town of Yemassee under the provisions of South Carolina Section 5-3-150(3) and is requesting the Town's zoning of General Residential and have submitted proper submission materials supporting each application in accordance with Town requirements.
- c) It appears to Town Council that the annexation would be in the best interest of the property owners and the town.
- d) The Town Council is zoning the parcel General Residential.
- e) The Yemassee Town Council finds the proposed annexation and rezoning is consistent with the Yemassee Comprehensive Plan (as amended and revised);

**Section 2.**

**NOW, THEREFOR IT BE ORDAINED** by the Mayor and Council of the Town of Yemassee, South Carolina, duly assembled and with authority of the same, pursuant to Section 5-3-150, Code of Laws of South Carolina (1976), as amended, the following described property is hereby annexed to and made part of the Town of Yemassee, to wit:

ALL THOSE CERTAIN PIECES, PARCELS OR TRACTS OF LAND being known as 198-00-00-247 & 0.50 acres, and all adjacent public rights of ways and wetlands as shown on the attached map.

This Ordinance shall become effective upon ratification.

**SO ORDERED AND ORDAINED THIS 10th Day of November, 2020**

**By the Yemassee Town Council being duly and lawfully assembled.**

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**Colin Moore, Mayor**

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**Matthew Garnes, Town Clerk**

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**Peggy Bing-O'Banner, Councilmember**

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**Michelle Hagan, Councilmember**

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**Chuck Simmons, Councilmember**

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**Alfred Washington, Councilmember**

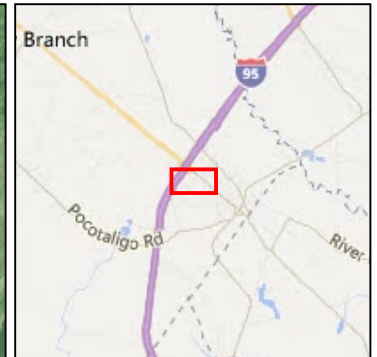
**(Seal)**

**First Reading: October 13, 2020**  
**Second Reading: November 10, 2020**





# Town of Yemassee



### Legend

- ◆ Address Points - Beaufort
- ◆ Address Point Labels - Beaufort
- Beaufort Parcels
- ◆ Address Points - Hampton
- ◆ Address Point Labels - Hampton
- Hampton Parcels
- Police Patrol Zones
  - Zone A
  - Zone B
  - Zone C
  - Zone D
- Road Names
- Roads
  - Roads
  - Major Roads
  - Interstate
  - Railroads
- Beaufort County Boundary
- Hampton County Boundary
- Yemassee Boundary

1: 721ft



500 ft

6 Oct,2020

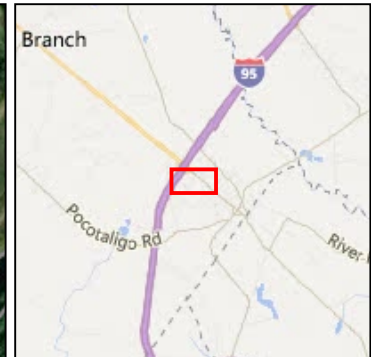
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# Town of Yemassee



### Legend

- ◆ Address Points - Beaufort
- ◆ Address Point Labels - Beaufort
- Beaufort Parcels
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- ◆ Address Point Labels - Hampton
- Hampton Parcels
- Road Names
- Roads
  - Roads
  - Major Roads
  - Interstate
- ✂ Railroads
- ▬ Beaufort County Boundary
- ▬ Hampton County Boundary
- ▬ Yemassee Boundary

1: 721ft



500 ft

6 Oct,2020

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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**





**TOWN OF YEMASSEE  
ANNEXATION APPLICATION**

Yemassee Municipal Complex  
P.O. BOX 577  
Yemassee, SC 29945-0577  
(843) 589-2565

Applicant		Property Owner	
Name: Shirena Danielle Collins		Name: Shirena Danielle Collins	
Phone: (843) 304-3101		Phone: (843) 304-3101	
Mailing Address: 80 Cochran St Yemassee, SC 29945		Mailing Address: 80 Cochran St Yemassee, SC 29945	
E-mail: shirenacollins@gmail.com		E-mail: shirenacollins@gmail.com	
Town Business License # (if applicable):			
Project Information			
Project Name: Collins Parcel		Acreage: 0.50	
Project Location: Cochran St			
Existing Zoning: Hampton County (Regional Development)		Proposed Zoning: General Residential (GR)	
Tax Map Number(s): 198-00-00-247			
Project Description: Annexation of 0.50 acre parcel			
Select Annexation Method			
<input checked="" type="checkbox"/> 100 Percent Petition and Ordinance Method		<input type="checkbox"/> 75 Percent Petition and Ordinance Method	<input type="checkbox"/> 25 Percent Elector Petition and Election Method
Minimum Requirements for Submittal			
<input checked="" type="checkbox"/> 1. Completed Annexation Petition(s) <input checked="" type="checkbox"/> 2. Copy of plat and/or survey of area requesting annexation			
<b>Note: Application is not valid unless signed and dated by property owner.</b>			
<b>Disclaimer: The Town of Yemassee assumes no legal or financial liability to the applicant or any third party whatsoever by approving the plans associated with this permit.</b>			
I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property.			
Property Owner Signature: <i>Shirena Collins</i>		Date: 10/1/20	
Applicant Signature: <i>Shirena Collins</i>		Date: 10/1/20	
For Office Use			
Application Number: <i>ANNX-10-20-1052</i>		Date Received: <i>10/1/20</i>	
Received By: <i>M. Gams</i>		Date Approved:	

Colin J Moore  
Mayor  
Peggy Bing-O'Banner  
Mayor Pro Tempore  
Matthew Garnes  
Town Clerk



Council Members  
Michelle Hagan  
Charlie Simmons  
Alfred Washington

## Town Council Agenda Item

**Subject:** Annexation Ordinance 20-19, Annexing One Parcel of Land  
Totaling 3.00 acres located on Louis Davis Rd. Hampton County TMS: 197-  
00-00-025.

**Department:** Administration

Attachments:

Ordinance \_\_\_\_\_ Resolution \_\_\_\_\_ Motion

Support Documents \_\_\_\_\_ Other

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**Summary:** The Town of Yemassee has received an Annexation Application  
from Marie Smalls (Rivers) for one parcel of land located on Louis Davis Rd.  
The property is currently undeveloped and is located at the corner of Old  
Salkehatchie Hwy & Louis Davis Rd.

---

**Recommended Action:** Approve first reading on Annexation Ordinance  
20-19.

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Council Action:

- \_\_\_ Approved as Recommended
- \_\_\_ Approved with Modifications
- \_\_\_ Disapproved
- \_\_\_ Tabled to Time Certain
- \_\_\_ Other



STATE OF SOUTH CAROLINA )  
COUNTY OF HAMPTON )  
TOWN OF YEMASSEE )  
ORDINANCE NUMBER: )  
(20-19)

An Ordinance Annexing One Parcel of Land owned by Marie Smalls, into the Town of Yemassee, South Carolina.

**AN ORDINANCE ANNEXING INTO THE TOWN OF YEMASSEE, ONE PARCEL OF LAND TOTTALLING 3.00 ACRES, LOCATED ON LOUIS DAVIS RD OWNED BY MARIE SMALLS, IN HAMPTON COUNTY, NOT ALREADY WITHIN THE YEMASSEE TOWN LIMITS AND INCLUDING ALL ADJACENT PUBLIC RIGHTS OF WAY, RAILROAD RIGHTS OF WAY, WATERS, LOWLANDS AND WETLANDS.**

**Section 1. Findings of Facts**

As an incident to the adoption of this ordinance, Town Council of Yemassee finds the following facts to exist:

- a) Section 5-3-150, Code of Laws of South Carolina (1976) as amended, provides a method of annexing property to a city or town by a Petition signed by all persons owning real estate in the area requesting annexation.
- b) A proper Petition has been filed with Town of Yemassee by one hundred percent (100%) of the freeholders owning one hundred percent (100%) of the assessed value of the contiguous property herein described, petitioning for annexation of the property to the Town of Yemassee under the provisions of South Carolina Section 5-3-150(3) and is requesting the Town's zoning of General Residential and have submitted proper submission materials supporting each application in accordance with Town requirements.
- c) It appears to Town Council that the annexation would be in the best interest of the property owners and the town.
- d) The Town Council is zoning the parcel General Residential.
- e) The Yemassee Town Council finds the proposed annexation and rezoning is consistent with the Yemassee Comprehensive Plan (as amended and revised);

**Section 2.**

**NOW, THEREFOR IT BE ORDAINED** by the Mayor and Council of the Town of Yemassee, South Carolina, duly assembled and with authority of the same, pursuant to Section 5-3-150, Code of Laws of South Carolina (1976), as amended, the following described property is hereby annexed to and made part of the Town of Yemassee, to wit:

ALL THOSE CERTAIN PIECES, PARCELS OR TRACTS OF LAND being known as 197-00-00-025 & 3.00 acres, and all adjacent public rights of ways and wetlands as shown on the attached map.

This Ordinance shall become effective upon ratification.

**SO ORDERED AND ORDAINED THIS 10th Day of November, 2020**

**By the Yemassee Town Council being duly and lawfully assembled.**

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**Colin Moore, Mayor**

---

**Matthew Garnes, Town Clerk**

---

**Peggy Bing-O'Banner, Councilmember**

---

**Michelle Hagan, Councilmember**

---

**Chuck Simmons, Councilmember**

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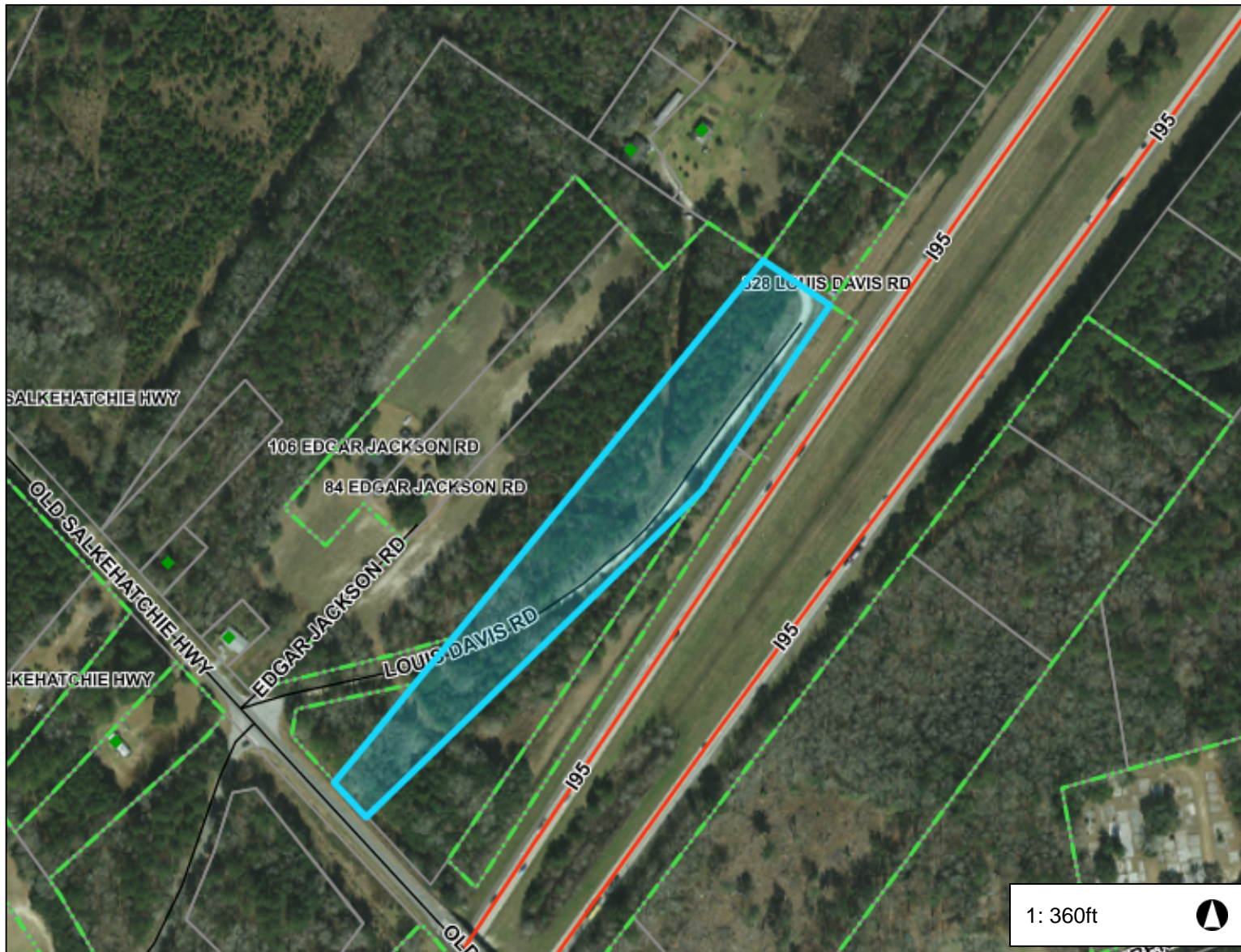
**Alfred Washington, Councilmember**

**(Seal)**

**First Reading: October 13, 2020  
Second Reading: November 10, 2020**



# Town of Yemassee



### Legend

- ◆ Address Points - Beaufort
- ◆ Address Point Labels - Beaufort
- Beaufort Parcels
- ◆ Address Points - Hampton
- ◆ Address Point Labels - Hampton
- Hampton Parcels
- Road Names
- Roads**
- Roads
- Major Roads
- Interstate
- Railroads
- Beaufort County Boundary
- Hampton County Boundary
- Yemassee Boundary

1: 360ft



500 ft

6 Oct,2020

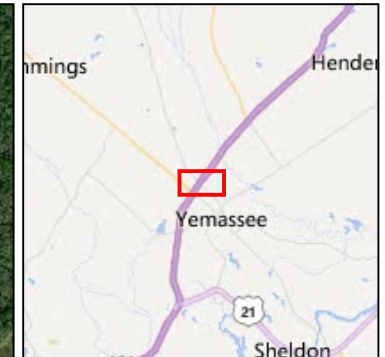
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# Town of Yemassee



## Legend

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- Beaufort Parcels
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- Police Patrol Zones
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- Railroads
- Beaufort County Boundary
- Hampton County Boundary
- Yemassee Boundary

1: 1,442ft 

1000 ft

6 Oct,2020

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**TOWN OF YEMASSEE  
ANNEXATION APPLICATION**

Yemassee Municipal Complex  
P.O. BOX 577  
Yemassee, SC 29945-0577  
(843) 589-2565

Applicant		Property Owner	
Name: Marie Smalls		Name: Marie Smalls	
Phone: (843) 589-2527		Phone: (843) 589-2527	
Mailing Address: 250 Bing St Yemassee, SC 29945		Mailing Address: 250 Bing St Yemassee, SC29945	
E-mail: loveyemassee2@gmail.com		E-mail: loveyemassee2@gmail.com	
Town Business License # (if applicable):			
Project Information			
Project Name: Smalls Louis Davis Tract		Acreage: 3.00	
Project Location: Louis Davis Rd			
Existing Zoning: Hampton County (Regional Developmen		Proposed Zoning: General Residential (GR)	
Tax Map Number(s): 197-00-00-025			
Project Description: Annexation of 3.00 acre tract			
Select Annexation Method			
<input checked="" type="checkbox"/> 100 Percent Petition and Ordinance Method		<input type="checkbox"/> 75 Percent Petition and Ordinance Method	<input type="checkbox"/> 25 Percent Elector Petition and Election Method
Minimum Requirements for Submittal			
<input checked="" type="checkbox"/> 1. Completed Annexation Petition(s) <input checked="" type="checkbox"/> 2. Copy of plat and/or survey of area requesting annexation			
<b>Note: Application is not valid unless signed and dated by property owner.</b>			
<b>Disclaimer: The Town of Yemassee assumes no legal or financial liability to the applicant or any third party whatsoever by approving the plans associated with this permit.</b>			
I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property.			
Property Owner Signature: <i>Marie Smalls</i>		Date: 10/1/20	
Applicant Signature: <i>Marie Smalls</i>		Date: 10/1/20	
For Office Use			
Application Number: <i>ANNX-10-20-1054</i>		Date Received: <i>10/1/20</i>	
Received By: <i>M. Garry</i>		Date Approved:	

Colin J Moore  
Mayor  
Peggy Bing-O'Banner  
Mayor Pro Tempore  
Matthew Garnes  
Town Clerk



Council Members  
Michelle Hagan  
Charlie Simmons  
Alfred Washington

## Town Council Agenda Item

**Subject:** Annexation Ordinance 20-20, Annexing One Parcel of Land Totaling 0.40 acres located at 80 Cochran St. Hampton County TMS: 198-00-00-106.

**Department:** Administration

Attachments:

Ordinance \_\_\_\_\_ Resolution \_\_\_\_\_ Motion

Support Documents \_\_\_\_\_ Other

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**Summary:** The Town of Yemassee has received an Annexation Application from Jamie Shaw for one parcel of land located on Cochran St. The property currently has a single-family dwelling on the property which is located at the northeast corner of Cochran St & Dot St.

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**Recommended Action:** Approve first reading on Annexation Ordinance 20-20.

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Council Action:

- \_\_\_ Approved as Recommended
- \_\_\_ Approved with Modifications
- \_\_\_ Disapproved
- \_\_\_ Tabled to Time Certain
- \_\_\_ Other

STATE OF SOUTH CAROLINA )  
COUNTY OF HAMPTON )  
TOWN OF YEMASSEE )  
ORDINANCE NUMBER: )  
(20-20)

An Ordinance Annexing One Parcel of Land owned by Jamie Shaw, into the Town of Yemassee, South Carolina.

**AN ORDINANCE ANNEXING INTO THE TOWN OF YEMASSEE, ONE PARCEL OF LAND TOTTALLING 0.40 ACRES, LOCATED AT 80 COCHRAN ST OWNED BY JAMIE SHAW, IN HAMPTON COUNTY, NOT ALREADY WITHIN THE YEMASSEE TOWN LIMITS AND INCLUDING ALL ADJACENT PUBLIC RIGHTS OF WAY, RAILROAD RIGHTS OF WAY, WATERS, LOWLANDS AND WETLANDS.**

**Section 1. Findings of Facts**

As an incident to the adoption of this ordinance, Town Council of Yemassee finds the following facts to exist:

- a) Section 5-3-150, Code of Laws of South Carolina (1976) as amended, provides a method of annexing property to a city or town by a Petition signed by all persons owning real estate in the area requesting annexation.
- b) A proper Petition has been filed with Town of Yemassee by one hundred percent (100%) of the freeholders owning one hundred percent (100%) of the assessed value of the contiguous property herein described, petitioning for annexation of the property to the Town of Yemassee under the provisions of South Carolina Section 5-3-150(3) and is requesting the Town's zoning of General Residential and have submitted proper submission materials supporting each application in accordance with Town requirements.
- c) It appears to Town Council that the annexation would be in the best interest of the property owners and the town.
- d) The Town Council is zoning the parcel General Residential.
- e) The Yemassee Town Council finds the proposed annexation and rezoning is consistent with the Yemassee Comprehensive Plan (as amended and revised);

**Section 2.**

**NOW, THEREFOR IT BE ORDAINED** by the Mayor and Council of the Town of Yemassee, South Carolina, duly assembled and with authority of the same, pursuant to Section 5-3-150, Code of Laws of South Carolina (1976), as amended, the following described property is hereby annexed to and made part of the Town of Yemassee, to wit:

ALL THOSE CERTAIN PIECES, PARCELS OR TRACTS OF LAND being known as 198-00-00-106 & 0.40 acres, and all adjacent public rights of ways and wetlands as shown on the attached map.

This Ordinance shall become effective upon ratification.

**SO ORDERED AND ORDAINED THIS 10th Day of November, 2020**

**By the Yemassee Town Council being duly and lawfully assembled.**

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**Colin Moore, Mayor**

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**Matthew Garnes, Town Clerk**

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**Peggy Bing-O'Banner, Councilmember**

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**Michelle Hagan, Councilmember**

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**Chuck Simmons, Councilmember**

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**Alfred Washington, Councilmember**

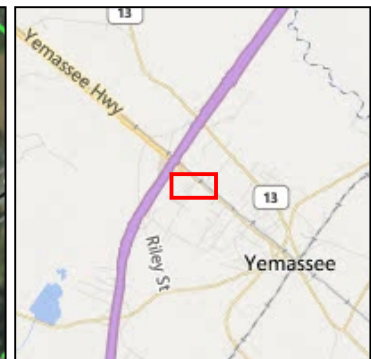
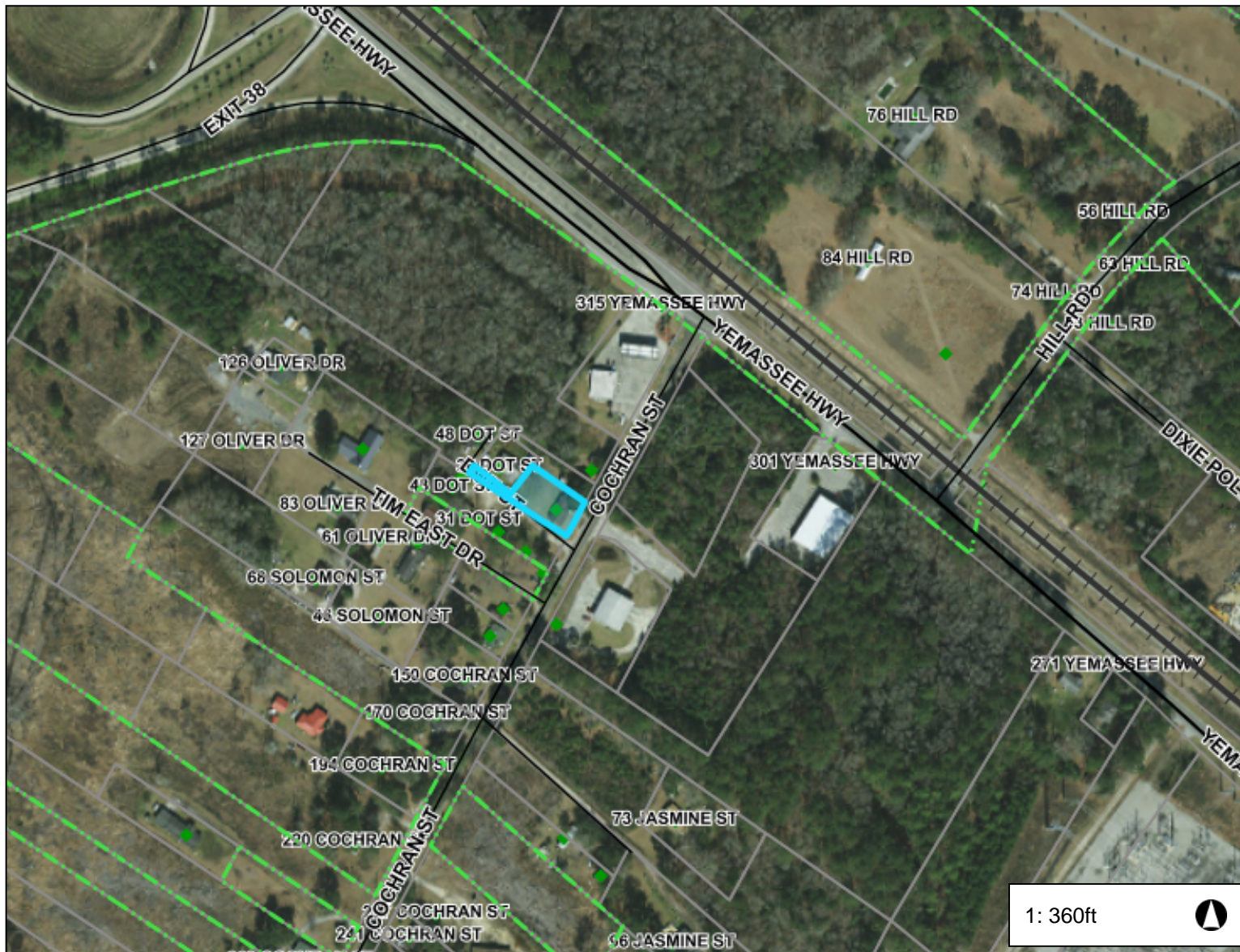
**(Seal)**

**First Reading: October 13, 2020  
Second Reading: November 10, 2020**





# Town of Yemassee



- Legend**
- ◆ Address Points - Beaufort
  - Address Point Labels - Beaufort
  - Beaufort Parcels
  - ◆ Address Points - Hampton
  - Address Point Labels - Hampton
  - Hampton Parcels
  - Road Names
- Roads**
- Roads
  - Major Roads
  - Interstate
  - Railroads
  - Beaufort County Boundary
  - Hampton County Boundary
  - Yemassee Boundary

1: 360ft

500 ft

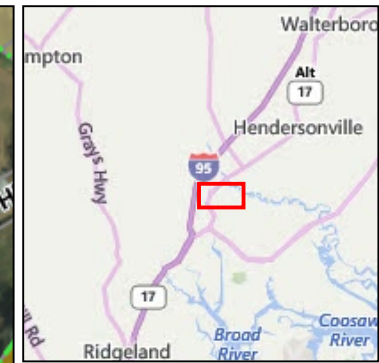
6 Oct,2020

This map is a user generated static output from rightsplot.is mapping site and is for reference use only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**



# Town of Yemassee



- Legend**
- ◆ Address Points - Beaufort
  - Address Point Labels - Beaufort
  - Beaufort Parcels
  - ◆ Address Points - Hampton
  - Address Point Labels - Hampton
  - Hampton Parcels
- Zoning**
- Office Commercial District
  - Conservation Preservation District
  - General Residential
  - Residential 1 Acre
  - Residential 1/2 Acre
  - Residential 1/3 Acre
  - Residential 1/4 Acre
  - Village Commercial District
  - Mixed Use
  - Light Industrial District
  - Agricultural
  - Telecommunications Tower
  - Transitional
  - Utility
  - General Residential Townhouse
  - Regional Commercial District
  - Planned Unit Development
  - Highway Corridor Overlay District
  - Old Towne Overlay District
  - Historic Preservation Overlay
  - River Protection Overlay District
  - To Be Determined
- Road Names**
- Roads
  - Major Roads
  - Interstate
  - Railroads
  - Beaufort County Boundary

500 ft

6 Oct,2020

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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**





**TOWN OF YEMASSEE  
ANNEXATION APPLICATION**

Yemassee Municipal Complex  
P.O. BOX 577  
Yemassee, SC 29945-0577  
(843) 589-2565

Applicant		Property Owner	
Name: Jamie Shaw		Name: Jamie Shaw	
Phone:		Phone:	
Mailing Address: 80 Cochran St Yemassee, SC 29945		Mailing Address: 80 Cochran St Yemassee, SC 29945	
E-mail:		E-mail:	
Town Business License # (if applicable):			
Project Information			
Project Name: Shaw		Acreage: 0.40	
Project Location: Cochran St			
Existing Zoning: Hampton County (Regional Development)		Proposed Zoning: General Residential (GR)	
Tax Map Number(s): 198-00-00-106			
Project Description: Annexation of 0.40 acre parcel			
Select Annexation Method			
<input checked="" type="checkbox"/> 100 Percent Petition and Ordinance Method		<input type="checkbox"/> 75 Percent Petition and Ordinance Method	<input type="checkbox"/> 25 Percent Elector Petition and Election Method
Minimum Requirements for Submittal			
<input checked="" type="checkbox"/> 1. Completed Annexation Petition(s) <input checked="" type="checkbox"/> 2. Copy of plat and/or survey of area requesting annexation			
<b>Note: Application is not valid unless signed and dated by property owner.</b>			
<b>Disclaimer: The Town of Yemassee assumes no legal or financial liability to the applicant or any third party whatsoever by approving the plans associated with this permit.</b>			
I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property.			
Property Owner Signature: <i>Jamie Shaw</i>		Date: 10/1/20	
Applicant Signature: <i>Jamie Shaw</i>		Date: 10/1/20	
For Office Use			
Application Number: <i>ANNX-10-20-1055</i>		Date Received: <i>10/6/20</i>	
Received By: <i>M. Gaines</i>		Date Approved:	