

**AN ORDINANCE
AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES, CHARLESTON COUNTY,
ENTITLED "FLOOD DAMAGE PREVENTION AND PROTECTION" AND OTHER MATTERS
RELATED THERETO:**

WHEREAS, it is in the best interests of the citizens of Charleston County to have an updated Ordinance for the management of the flood hazard areas in the County in order for the citizens of Charleston County to be able to receive federal flood insurance through the National Flood Insurance Program, and to receive discounts thereto as a result of the participation by Charleston County in the Community Rating System; and

WHEREAS, the Charleston County flood insurance rate maps have been updated by the Federal Emergency Management Agency (FEMA) into a County-wide format that provides more accurate risk data than previously available; and

WHEREAS, as the environment changes, rising floodwaters due to sea level rise and outdated or incomplete drainage systems is a growing concern in Charleston County; and

WHEREAS, this Ordinance takes strides to reduce flooding risk in adaptive and innovative ways to protect citizens and build resilience; and

WHEREAS, Charleston County Council finds it in the public interest and a benefit to the general health, safety and welfare of the residents of Charleston County to adapt this Ordinance replacing the County's current floodplain management regulations.

NOW, THEREFORE, BE IT ORDAINED by Charleston County Council, in meeting duly assembled, that Chapter 9 of the *Code of Ordinances, Charleston County, South Carolina* is amended by replacing the provisions of the "Flood Damage Prevention and Protection" Ordinance as follows:

SECTION I. FINDINGS INCORPORATED

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

SECTION II. AMENEDMENTS TO CHAPTER 9 OF THE CODE OF ORDINANCES, CHARLESTON COUNTY, ENTITLED "FLOOD DAMAGE PREVENTION AND PROTECTION"

CHAPTER 9 OF THE CODE OF ORDINANCES, CHARLESTON COUNTY, ENTITLED "FLOOD DAMAGE PREVENTION AND PROTECTION", is hereby amended to include the texts amendments attached hereto as Exhibit "A-D" and made part of this Ordinance by reference.

SECTION III. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately following third reading by County Council.

ADOPTED and APPROVED in meeting duly assembled upon the third reading and signing by
County Council

CHARLESTON COUNTY COUNCIL

By: _____
Teddie E. Pryor, Sr.
Chairman of Charleston County Council

ATTEST:

By: _____
Kristen L. Salisbury
Clerk to Charleston County Council

First Reading: June 8, 2021
Public Hearing: June 22, 2021
Second Reading: June 22, 2021
Third Reading: July 27, 2021

EXHIBIT A

ARTICLE II. DEFINITIONS

Sec. 9-10. Definitions.

Addition (to an existing building) is 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.

EXHIBIT B

Existing construction is, for the purposes of determining rates, structures for which the start of construction commenced before **November 15, 1973**. "Existing construction" may also be referred to as "existing structures".

EXHIBIT C

Sec. 9-41. Specific standards in addition to 9.40 general standards for Unnumbered A Zones and AE Zones

3. Enclosed areas below the design flood elevation, including foundation crawl space areas, shall be designed to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered Professional Engineer or Architect licensed in South Carolina or meet or exceed the following minimum criteria.
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Only the portions of openings that are below the **design** flood elevation (**DFE**) can be counted towards the required net open area.

EXHIBIT D

Sec. 9-72. Ordinance cumulative.

The provisions of this Ordinance are to be cumulative of all other Ordinances or parts of Ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior Ordinances or parts of Ordinances inconsistent with or in conflict with any of the provisions of this Ordinance, including, but not limited to, Ordinance No. **2075** 2035, 1838, 1526, and 1349, are hereby expressly repealed to the extent of any such inconsistency or conflict. The enactment of this Ordinance shall not serve to terminate or be cause for the termination of the prosecution of any civil or criminal actions under the prior Ordinances which were pending at the time of the enactment hereof.