

**ARTICLE XVII
FLOOD DAMAGE PREVENTION ORDINANCE**

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SECTION 170 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

Section 170.01 Statutory authorization

The Legislature of the State of South Carolina has in Title 4, Section 4-9-30 of the 1976 Code of Laws as amended 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 Clarendon County Council, of Clarendon County, South Carolina, does ordain as follows:

Section 170.02 Findings of fact

a) The flood hazard areas of Clarendon County 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) These flood losses are caused by cumulative effect of obstructions in floodplains causing increase 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.

Section 170.03 Statement of Purpose

It is the purpose of this ordinance 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 erosions 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 alternation of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
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.

Section 170.04 Objectives

The objectives of this ordinance are:

- a) To protect human life and health;
- b) To minimize the expenditure of public money for costly flood control projects;
- c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d) To minimize prolonged business interruptions;
- e) 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 floodplains;
- f) 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;
- g) To ensure that potential homebuyers are notified that property is in a flood area.

SECTION 171 DEFINITIONS

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

171.01 Definitions

Addition (to an existing building). 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 which is connected by a firewall or is separated by independent perimeter load bearing wall is a new construction

Appeal. A request for a review of the Planning Director's interpretation of any provision of this ordinance or request for a variance.

Area of shallow flooding. A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) which base flood depths from 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.

Area of special flood hazard. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

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

Basement. That portion of a building having its floor sub-grade (below ground level) on all sides.

Building. 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 or equipment.

Elevated building. 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.

Existing construction. Any structure for which the "state of construction" commenced before the effective date of the first floodplain management code, ordinance or standard based upon specific technical base flood elevation data which established the area of special flood hazard or specific date.

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots of which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of street, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community (before the effective date of the first floodplain management code, ordinance, or standard based upon specific technical base flood elevation data which established the area of special flood hazard).

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 pads).

Flood or Flooding. A general 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 runoff of surface water from any source.

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.

Flood Insurance Rate Map (FIRM). An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base floor.

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.

Floor. The top surface of an enclosed area in a building (including basement) i.e. top of slab in concrete slab construction or top of wood flooring in a wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

- a) Highest adjacent grade. The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

Historic Structure. Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) 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 in state with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in state without approved programs.

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

Mean Sea Level. The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

National Geodetic Vertical Datum (NGVD). As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction. Any structure for which the "start of construction" commenced after (the effective date of the first floodplain management code, ordinance or standard based upon specific technical base flood elevation data which establishes the area of special flood hazard.) The term also includes any subsequent improvements to such structure.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

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.

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 state of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual state means the first placement of permanent construction of a building (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 state 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 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 building. For a substantial improvement, the actual state of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other manmade facilities or infractions.

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

Substantial improvement. Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the building. The market value of the building should be (1) the appraised value of the building prior to the state of the initial repair or improvement or (2) in the case of damage, the value of the building prior to the damage occurring. The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. 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 building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions.

Substantially improved existing manufactured home parks or subdivisions. 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.

Variance A grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

SECTION 172 GENERAL PROVISIONS

Section 172.01 Lands to which this ordinance applies

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of Clarendon County.

Section 172.02 Basis for establishing the areas of special flood hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood insurance study, FIRM, and final base flood elevations dated June 3, 1991, with accompanying maps and other supporting data and any revision thereto are adopted by reference and declared to be part of parcel of the ordinance. In addition, for the Santee River drainage area located on the southern boundary of Clarendon County the higher of the FEMA flood or the flood associated with a breach of the Santee Dam will govern. The Santee dam breach flood is defined by the "Santee Cooper Santee Reservoir Dam Breach Ayeres Associates, January, 1988.

Section 172.03 Establishment of development permit

A development permit shall be required in conformance with the provision of this ordinance prior to the commencement of any development activities.

Section 172.04 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.

Section 172.05 Abrogation and greater restrictions

This ordinance is not 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.

Section 172.06 Interpretation

In the interpretation and applications of this ordinance 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.

Section 172.07 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 manmade 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 Clarendon County or by any officer or employees thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder

Section 172.08 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 \$200.00 or imprisoned for not more than 30 days, or both, and in addition, shall pay all costs and expense involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the County of Clarendon from taking such other lawful actions as is necessary to prevent or remedy any violation.

SECTION 173 ADMINISTRATION

173.01 Designation of Clarendon County Planning Commission

The Clarendon County Planning Commission is hereby appointed to administer and implement the provisions of this ordinance. The Planning Director will be the representative of the Planning Commission.

173.02 Permit Procedures

Applications for a Development Permit shall be made to the Planning Director on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(a) Application stage:

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;
3. Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood proofing criteria in Section 174.2 (b);
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development and;

(b) Construction state. Provided a floor elevation or flood proofing certification after the lowest floor is completed. Upon placement of the lowest floor, or flood proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Planning Director a certification of the elevation of the lowest floor, flood proofed 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 engineer and certified by same. When flood proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Planning Director shall review the flood elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. 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.

173.03 Duties and Responsibilities of the Planning Director

Duties of the Planning Commission Director shall include, but not be limited to:

- a) Review all development permits to assure that the permit requirements of this ordinance have been satisfied;
- b) 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;
- c) Notify adjacent communities and the Land Water and Conservation Division prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal emergency Management Agency;
- d) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished;
- e) 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,
- f) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood proofed,
- g) When flood proofing is utilized for a particular building, the Planning Director shall obtain certification from a registered professional engineer or architect,
- h) 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 Planning Director 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 in this Section.
- i) When base flood elevation data or floodway data have not been provided then the Planning Director 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 this ordinance.
- j) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Planning Director and shall be open for public inspection.

Section 173.04 Variance procedures

- a) The Clarendon County Planning Commission as established by Clarendon County Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b) The Clarendon County Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Planning Director in the enforcement or administration of this ordinance.
- c) Any person aggrieved by the decision of the Planning Commission or any taxpayer may appeal such decision to the Circuit Court.
- d) Variances may be issued for the repair or rehabilitation of historic structure (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure, and the variance is the minimum to preserve the historic character and design of the structure.
- e) In passing upon such application, the Clarendon County Planning Commission shall consider all technical evaluations, all relevant factors, all standards specified in other section of this ordinance; 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 floodwaters and the effects of wave action, if applicable, expected at the site, and;
 - 11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- f) Upon consideration of the factors listed above, and the purposes of this ordinance, the Clarendon County Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- g) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- h) Conditions for variances:
 - 1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;
 - 2) Variances shall only be issued upon (i) showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and; (iii) 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 specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation;
 - 4) The Planning Director shall maintain the records of all appeal actions and report any variances to the Federal Emergency Agency upon request.

SECTION 174 PROVISIONS FOR FLOOD HAZARD REDUCTION

Section 174.01 General standards

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

- a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- e) 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;
- f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- g) 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 flood waters;
- h) On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;
- i) Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
- j) Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

Section 174.02 Specific standards

In all areas of special flood hazard where base flood elevation data have been provided, following provisions are required:

- a) Residential Construction: New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than two (2) feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of this ordinance.
- b) Non-residential Construction: New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level or the base flood elevation. Buildings located in all A-zones may be flood-proofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be proved to the official as set forth in this ordinance
- c) Elevated Building: New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls:
 - 1) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

- a) Provide a minimum of two openings having a total new area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - b) The bottom of all openings shall be no higher than one foot above grade; and,
 - c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- 2) 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); and,
- 3) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- d) Standards for Manufactured Homes and Recreational Vehicles:
 - 1) All manufactured homes, placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring;
 - 2) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
 - a) The lowest floor of the manufactured home is elevated no lower than one (1) foot above the base flood elevation;
 - b) The manufactured home chassis is supported by reinforced piers or other foundation elements of an equivalent strength, or no less than 36 inches in height above grade;
 - c) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse, and lateral movement;
 - d) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood any manufactured home placed or substantially improved must meet the standards of this ordinance.
 - 3) All recreational vehicles placed on sites must either:
 - a) Be fully licensed and ready for highway use; or,
 - b) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements above. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.
- e) Floodways: Located within areas of special flood hazard established are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:
 - 1) Prohibit construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge;
 - 2) All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions in of this ordinance
 - 3) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards, and the elevations standards of this ordinance are met.

Section 174.03 Standards for Streams without Established Base Flood Elevation and/or Floodways: (Unnumbered A-Zones and/or Streams without Designated Floodways)

Located within the areas of special flood hazard, where streams exist but where no base flood data have been provided or where no floodways have been provided the following provisions apply:

- a) No encroachments, including fill material or structures shall be located within a distance of the stream bank equal to five (5) times the width of the stream at the top of bank or twenty (20) feet each side from the top of bank, whichever is greater unless certification 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;

- b) In special Flood Hazard Areas without Base Flood Elevation data, new construction or substantial improvements of structures shall be elevated so that the lowest floor is no less than two (2) feet above the highest adjacent grade at the building site.

Section 174.04 Standards for subdivision proposals

- 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 (including manufactured home parks and subdivisions) which is greater than the lesser of fifty lots or five acres.

Section 174.05 Standards for areas of shallow flooding (AO Zones)

Located within the areas of special flood hazard established in Section 172 are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- a) All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to 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, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.
- b) All new construction and substantial improvements of non-residential buildings shall:
 - 1. Have the lowest floor, including basement, elevated to 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, including basement shall be elevated at least two (2) feet above the highest adjacent grade, or;
 - 2. Together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight and walls substantially impermeable to the passage of water with structural components having the capability or resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

SECTION 175 REPEAL OF ORDINANCE IN CONFLICT HEREWITH

Section 175.01 Severability

It is hereby declared to be the intention of the Clarendon County Council if any section, paragraph, sentence, clause or phrase of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionally shall not effect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance since the same would have been enacted by the Clarendon County Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 175.02 Conflict

Any prior ordinance or any section, paragraph, sentence, clause or phrases or any prior ordinance or ordinances of Clarendon County that are or may be in conflict with this ordinance are hereby declared to be invalid and repealed on the effective date of the adoption of this ordinance.

