

Planning Commission



Agenda for the Thursday, August 2, 2018, Called Meeting

Members of the Planning Commission

Woods Burnett
Chairman

Leonard Carter, Jr.
Timothy V. Key
Larry Watts

Bob Clark
JoAnn McKie
Briton Williams

CITIZEN ASSISTANCE: Individuals requiring special assistance or a sign interpreter to participate in the meeting are asked to please notify the Department of Planning and Development 48 hours prior to the meeting at 803-441-4221.

1. **Call to Order** – 7:00 p.m.
2. **Roll Call**
3. **Approval of Minutes** – there are no minutes to review at this time.
4. **Confirmation of Agenda**
5. **Application RZT18-002– Text Amendment** – A request by the City of North Augusta to amend portions of the Floodplain Standards due to changes required by FEMA/FIS. The purpose of the amendments is to comply with new Flood Insurance Study maps and minor revisions to the text of the regulations as outlined in the following Project Staff Report.
 - A. **Public Hearing**
 - B. **Consideration of Application RZT18-002 by Commission**
6. **Staff Report**
7. **Adjourn**

Department of Planning and Development

Text Amendment Staff Report

Text Amendment Staff Report: **RZT18-002**

July 26, 2018
Prepared by Libby Hodges

Section 1 - Summary	
Project Name	FEMA/FIS Map Revisions, 2018
Applicant	City of North Augusta
Proposed Text Amendment	The application would amend portions of Article 3, Article 9 and Appendix A as required by the Federal Emergency Management Agency.

Section 2 - General Description

Recently, the Federal Emergency Management Agency (FEMA) completed a re-evaluation of flood hazards in North Augusta and prepared an updated Flood Insurance Study (FIS) and associated Flood Insurance Rate Map (FIRM), including Base Flood Elevations (BFEs) for Aiken County and Edgefield County. The maps developed for Aiken County will become effective on August 16, 2018. The maps developed for Edgefield County will become effective September 14, 2018.

Due to the revision and modification of these studies and maps, the City of North Augusta is required to adopt new map dates by reference in the North Augusta Development Code (NADC). The South Carolina Department of Natural Resources has reviewed these changes and provided feedback for additional minor revisions based on the most recent South Carolina Model Flood Damage Prevention Ordinance.

Adoption of these dates and text changes are required to remain compliant with the Federal Flood Insurance Program. Revisions are proposed for portions of Article 3, Article 9 and Appendix A. Those changes are outlined in more detail below.

It should be noted that these changes serve to revise the adoption dates of the associated FEMA maps for our city and to incorporate changes required by the South Carolina Department of Natural Resources. These revisions do not repeal or replace the existing floodplain development regulations except as noted.

Maps outlining the changes proposed by FEMA and searchable by address are available via an online mapping system provided by FEMA: <https://www.fema.gov/view-your-communities-preliminary-flood-hazard-data>

Section 3 – Planning Commission Consideration

The Planning Commission is being asked to review the changes proposed and provide a recommendation of approval, approval with conditions, or denial to the City Council.

Section 4 – Public Notice and Hearings

A public notice of the text amendment request and scheduled date of the Planning Commission public hearing was published in *The North Augusta Star* on July 17, 2018. The public hearing notice was published on the City's website www.northaugusta.net on July 17, 2018.

The Department of Homeland Security Federal Emergency Management Agency (FEMA) advertised a 90-day appeal period of these map changes through a public notice in the *Aiken Standard* on July 5, 2017. They have determined that there were no valid requests for changes and the flood hazard information is considered finalized.

The agenda for the August 2, 2018, Planning Commission meeting includes a public hearing followed by review and consideration of the proposed amendments to the NADC. After the Planning Commission completes its review and makes a recommendation to the City Council, the proposed amendments will be converted to an ordinance form and scheduled for City Council consideration. Following City Council approval of the proposed amendments, NADC Articles affected by the amendments will be revised and updated pages will be produced and distributed.

Section 5 – History

The original Floodplain Management Ordinance was adopted on January 6, 1981, by the City of North Augusta (Ordinance 81-01). This ordinance was passed in order to implement the National Flood Insurance Program (NFIP) to regulate floodplain management measures in the City. The ordinance has been amended several times (1987, 2007) to reflect changes in to the federal program, map revisions, and the South Carolina Model Flood Damage Prevention Ordinance as developed by the Department of Natural Resources. The City's existing floodplain management regulations were rewritten and adopted as Article 9 of the North Augusta Development Code (NADC) in 2007, and amended again in 2011 according to the model ordinances and federal maps in force at that time.

Section 6 - Summary of Changes and Proposed Amendments

- 1) Summary of Changes
- 2) Ordinance as Amended
- 3) Public Hearing Notice

Attachment 1: Summary of Changes

The pages of the Development Code have been modified to show changes in the following ways:

Underlined Text: text that has been modified or added to the Code.

~~Strike Through Text~~: text that will be removed.

Please note: Any issues with formatting and numbering will be corrected at publication. This was not included in this packet for brevity. This will not affect the actual text adopted, but may affect numbering.

Following is a summary of changes. The edited text is provided after the summary. Some pages may not show any edited text, but have been included for clarity and context.

Summary of Changes by Article and Section:

Article 3: Zoning Districts,

Section 3.2: Zoning District Boundaries and the Official Map(s)

Section 3.2.2 Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) North Augusta, South Carolina

Item 3.2.2.1 Adoption of Flood Insurance Rate Maps (FIRM)

- General text changes to clarify adopted maps and add map effective dates. Aiken County and Edgefield County dates shown. Individual listings of FEMA Panels were removed to avoid scrivener's errors and avoid redundancy, as the FEMA maps are adopted in this section including any future annexed areas.
- Added a revision date to match these revisions and ordinance number.

Article 9: Floodplain Management

Item 9.2.3 (General Provisions) Applicability

- General text changes to clarify reference to adopted maps as outlined in Section 3.2.2.; removed redundancy in map references and annexations statements to avoid conflict.

Item 9.3.3.6 (Duties and Responsibilities of the Local Floodplain Administrator)

- Item 9.3.3.6: item removed per recommendation of SC DENR, as it is no longer in the model ordinance.
- Item 9.3.3.20: Department name updated.

Item 9.4.1.1. (General Standards)

- Item 9.4.1.1 added per SC DENR to clarify that plans are reviewed to be "reasonably safe from flooding." Renumbering will be completed after adoption.

Item 9.5.2 (Map Maintenance Activities) Requirement to Submit New Technical Data

- Item 9.5.2.4 – item removed per recommendation of SC DENR, as it is no longer in the model ordinance. These items are adopted by reference in Section 3.2.2.

Appendix A: Definitions

“Development” – clarified development for Article 9 (Floodplain) only.

ARTICLE 3 – ZONING DISTRICTS

3.1 ZONING DISTRICTS

In order to implement the Comprehensive Plan, the City of North Augusta is hereby divided into the following zoning and development districts.

TABLE 3-1 ZONING DISTRICTS

Zoning District Categories		Zoning Districts	
Base Districts	Residential	R-14 R-10 R-7 R-5	Large Lot, Single-Family Residential Medium Lot, Single-Family Residential Small Lot, Single-Family Residential Mixed Residential
	Commercial	OC NC GC TC D	Office Commercial Neighborhood Commercial General Commercial Thoroughfare Commercial Downtown Mixed Use
	Industrial	IND	Industrial
Special Districts		PD CR TND P R-MH	Planned Development Critical Areas Traditional Neighborhood Development Public Use Manufactured Home Residential
Overlay Districts		G HC NP LMK	Georgia Avenue Overlay District Highway Corridor Overlay District Neighborhood Preservation Overlay District Landmark Overlay District

Comment: No regulations have been prepared for the Landmark Overlay District. This section is reserved and regulations may be inserted after §3.8.7 if the city decides to adopt historic preservation standards.

3.1.1 Compliance with Regulations

No use of any building, structure, parking lot or land shall hereafter be established, and no building, structure, parking lot or part thereof shall be erected, reconstructed, converted, enlarged, moved or structurally altered unless in compliance with applicable district regulations set forth in this Chapter.

3.2 ZONING DISTRICT BOUNDARIES AND THE OFFICIAL MAP(S)

3.2.1 Official Zoning Map

The boundaries of the zoning districts are shown on a map entitled "Official Zoning Map, North Augusta, South Carolina," (Official Zoning Map) which together with all explanatory matter is hereby adopted by reference and declared to be a part of this Chapter. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, together with the date of the adoption of this Chapter. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, or the Flood Insurance Rate Maps Boundary

ARTICLE 3 – ZONING DISTRICTS

Maps, the Official Zoning Map which shall be located in the Department, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City of North Augusta, South Carolina.

3.2.2 Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) North Augusta, South Carolina

3.2.2.1 Adoption of Flood Insurance Rate Maps –

~~This chapter shall apply to all areas of special flood hazard within the City of North Augusta or later annexed into the city limits as identified by the Federal Emergency Management Agency in its Flood Insurance Study, for Aiken County dated August 16, 2018 and for Edgefield County dated September 14, 2018, including accompanying maps, approved Floodway Data Tables and their depictions of the Savannah River Floodway on approved Letters of Map Revisions (LOMRs), other supporting data and any revisions thereto, are hereby adopted by reference and declared to be a part of the Official Zoning Map. Upon annexation any special flood hazard areas identified by the Federal Emergency Management Agency in its Flood Insurance Study for the unincorporated areas of Aiken County or Edgefield County, with accompanying map and other data are adopted by reference and declared part of this Chapter. The adoption of the Flood Insurance Study (FIS), dated August 16, 2018 and September 14, 2018, is in accordance with Section 60.3(d), Title 44 of the Code of Federal Regulations. All approved LOMRs cited in the FIS shall be considered part of the Official Zoning Map:~~

~~Community Panel Number 45003C0292E, Community Panel Number 45003C0294E, Community Panel Number 45003C0305E, Community Panel Number 45003C0310E, Community Panel Number 45003C0311E, Community Panel Number 45003C0312E, Community Panel Number 45003C0313E, Community Panel Number 45003C0314E, Community Panel Number 45003C0316E, Community Panel Number 45003C0317E, Community Panel Number 45003C0318E, Community Panel Number 45003C0319E, Community Panel Number 45003C0476E, Community Panel Number 45003C0481E, Community Panel Number 45003C0481E, Community Panel Number 45003C0483E. (Rev. 2-1-10; Ord. 2010-01) (Rev. 6-4-12; Ord. 2012-07) (Rev. 8-x-xx, Ord. xx-xx)~~

3.2.2.2 Adoption of Letters of Map Revision (LOMR) – All LOMRs that are issued in the areas identified in §3.2.2.1 are hereby adopted. (Adopt. 2-1-10; Ord. 2010-01)

[No other changes proposed in this Article. Removed for brevity.]

ARTICLE 9 – FLOODPLAIN MANAGEMENT

9.1 PURPOSE STATEMENT AND OBJECTIVES

It is the purpose of this Article 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, this Article prevents or regulates the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

The objectives of this Article 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 this Article are intended to minimize damage to public facilities and utilities including water and gas mains, electric lines, telephone lines, sewer lines, streets and bridges located in the floodplain, and prolonged business interruptions. Also, an important floodplain management objective of this Article 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 including 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 which evaluate resource conditions and human needs.

9.2 GENERAL PROVISIONS

9.2.1 Statutory Authorization

SC Code, Title 5, Articles 7, 23, and 25 (Articles 5 and 7) and Title 6, Article 7, 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.

(Note: Definitions of words and terms related to floodplain management and used in this Article are contained in Appendix A to this Chapter and in Section 59.1, Title 44 of the Code of Federal Regulations.)

9.2.2 Finding of Fact

The special flood hazard areas of North Augusta are subject to periodic inundation which results in loss of life and property, creates health and safety hazards, disrupts commerce and governmental services, creates extraordinary public expenditure requirements for flood protection and relief, and impairs the tax base, all of which adversely affect the

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public health, safety and general welfare. Furthermore, flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities. Flood losses are also caused by 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.

9.2.3 Applicability

This Article shall apply to all areas of special flood hazard within the jurisdiction of North Augusta, South Carolina as identified by the Federal Emergency Management Agency (FEMA) ~~in its Flood Insurance Study for Aiken County, dated June 19, 2012 and for Edgefield County dated March 3, 2011 with accompanying maps and other supporting data that are hereby adopted by reference, declared to be a part of this Chapter and adopted in §3.2.2.~~

~~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 Aiken County and Edgefield County, with accompanying map and other data, are adopted by reference and declared part of this ordinance.~~

9.2.4 Development Permit Required

A development permit is required in conformance with this Chapter prior to the commencement of any development activities on flood hazard land.

9.2.5 Compliance

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

9.2.6 Interpretation

In the interpretation and application of this Article 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 Article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

9.2.7 Partial Invalidity and Severability

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

9.2.8 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 considerations. 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 North Augusta or by any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made hereunder.

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c. A map showing the location of the proposed watercourse alteration or relocation.

9.3.2.6 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 §§9.4.2.2 and 9.4.6.

9.3.2.7 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 same. 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. 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.

9.3.2.8 When a structure is located in Zones V, VE or V1-30, certification shall be provided by a registered professional engineer or architect, separate from submitted plans, that new construction or substantial improvement meets the criteria in §9.4.2.9.

9.3.2.9 Upon completion of the development, a registered professional engineer, land surveyor or architect, whichever professional is appropriate in accordance with South Carolina law, shall certify that the requirements of §§9.3.2.6, 9.3.3.7 and 9.3.2.8 are built in accordance with the submitted plans and previous predevelopment certifications.

9.3.2.10 If the proposed project will impact 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 (CLOMR) with FEMA prior to the start of actual construction.

9.3.2.11 Within sixty (60) days of completion of an alteration of a watercourse, referenced in §9.3.2.10, the applicant shall submit as-built certification, executed by a registered professional engineer, to FEMA.

9.3.3 Duties and Responsibilities of the Local Floodplain Administrator

Duties of the Local Floodplain Administrator shall include, but not be limited to:

9.3.3.1 Review all development permits to assure that the requirements of this Article have been satisfied.

9.3.3.2 Review proposed development to assure that all necessary permits have been received from those government 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.

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9.3.3.3 Notify adjacent communities and the South Carolina Department of Natural Resources (SCDNR), 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.

9.3.3.4 In addition to the notifications required in §9.3.3.3, 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 not diminished. 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 and made available in the event of a FEMA inspection.

9.3.3.5 Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of §9.4.2.9 are met.

~~**9.3.3.6** Require development proposals for proposed developments prior to signing off on CLOMRs or LOMRs.~~

9.3.3.7 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.

9.3.3.8 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.

9.3.3.9 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 §§9.3.2.7 or 9.3.2.2.

9.3.3.10 Obtain the actual elevation, in relation to mean sea level, to which the new or substantially improved structures have been floodproofed, in accordance with §9.3.2.7.

9.3.3.11 When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with §9.4.2.2.

9.3.3.12 A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in §§9.3.2.4, 9.3.2.6 and 9.3.2.8.

9.3.3.13 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.

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9.3.3.14 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 a part of the map maintenance activity requirements outlined in §9.5.

9.3.3.15 When base flood elevation data or floodway data have not been provided in accordance with §9.2.3, 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 §9.4.3.3, in order to administer this Article. Data from preliminary, draft and final Flood Insurance Studies constitute best available data from a federal, state or other source. Data must be developed using hydraulic models meeting the minimum requirement of a National Flood Insurance Program (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.

9.3.3.16 When the exact location of boundaries of the area's special flood hazards conflict with the current, natural topography information at the site, the property owner may apply and be approved for a Letter of Map Amendment by FEMA. A copy of the Letter of Map Amendment issued from FEMA will be maintained by the Local Floodplain Administrator in the permit file.

9.3.3.17 Make on-site inspections of projects in accordance with §9.3.4.

9.3.3.18 Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with §9.3.4.

9.3.3.19 Maintain all records pertaining to the administration of this Article and make these records available for public inspection.

9.3.3.20 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. The Local Floodplain Administrator, in conjunction with the Department of Planning and Economic Development, shall process the necessary amendments to this Article to incorporate applicable maps from surrounding jurisdictions within ninety (90) days of annexation.

9.3.3.21 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.

9.3.3.22 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 fifty percent (50%) of the market value of the structure before the damage occurred.

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9.4 PROVISIONS FOR FLOOD HAZARD REDUCTION

9.4.1 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:

9.4.1.1. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding;

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

9.4.1.23 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 FEMA;

9.4.1.34 All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages;

9.4.1.45 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;

9.4.1.56 Electrical, ventilation, plumbing, heating and air conditioning equipment, including ductwork, and other service facilities shall be designed and/or located at one (1) foot or above the base flood elevation so as to prevent water from entering or accumulating within the components during conditions of flooding. This requirement does not preclude the installation of outdoor faucets for shower heads, sinks, hoses, etc., provided that cut off devices and back flow devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building;

9.4.1.6 All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

9.4.1.7 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;

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

9.4.1.9 All gas or liquid storage tanks, either located above ground or buried, shall be anchored to prevent flotation or lateral movement resulting from hydronic and hydrostatic loads.

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9.4.5.5 The applicant shall meet the requirement to submit technical data to FEMA in §9.5 when a hydrologic and hydraulic analysis is completed that generates base flood elevations.

9.4.6 Standards for Areas of Shallow Flooding (AO Zones)

Located within the areas of special flood hazard established in §9.2.3, are areas designated as shallow flooding. The following provisions shall apply within such areas:

9.4.6.1 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.

9.4.6.2 All new construction and substantial improvements of non-residential structures shall:

- a. 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,
- b. Be completely floodproofed 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 §9.3.4.
- c. All structures on slopes must have drainage paths around them to guide water away from the structures.

9.5 MAP MAINTENANCE ACTIVITIES

9.5.1 Purpose

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 §9.2.3 accurately represent flooding conditions so that appropriate floodplain management criteria are based on current data.

9.5.2 Requirement to Submit New Technical Data

For all development proposals that impact floodway delineations or base flood elevations, the Local Floodplain Administrator shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

- a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
- b. 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;
- c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
- d. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with §9.4.3.1.

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9.5.2.1 It is the responsibility of the applicant to have technical data, required in accordance with §9.5, prepared in a format for a Conditional Letter of Map Revision (CLOMR) or Letter of Map Revision (LOMR) and submitted to FEMA. Submittal and processing fees for these map revisions shall also be the responsibility of the applicant.

9.5.2.2 The Local Floodplain Administrator shall require a CLOMR prior to the issuance of a floodplain development permit for:

- a. Proposed floodway encroachments that increase the base flood elevation; and
- b. Proposed development which increases the base flood elevation by more than one (1) foot in areas where FEMA has provided base flood elevations but no floodway.

9.5.2.3 Floodplain development permits issued by the Local Floodplain Administrator shall be conditioned upon the applicant obtaining a LOMR from FEMA for any development proposal subject to §9.5.

~~**9.5.2.4** Conditional Letter of Map Revisions (CLOMR) and/or Letters of Map Revision (LOMR) must go through the variance process outlined in §9.6.~~

9.5.3 Right to Submit New Technical Data

The Local 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.

9.6 VARIANCE PROVISIONS

9.6.1 Establishment of Appeal Board

The Board of Zoning Appeals as established by the City of North Augusta in Article 18, Administration, of the North Augusta Development Code, shall hear and decide requests for variances from the requirements of this Article.

9.6.2 Right to Appeal

Any person aggrieved by the decision of the Board of Zoning Appeals or any taxpayer may appeal such decision as provided in Article 18, Administration of the North Augusta Development Code and pursuant to S.C. Code §6-29-820 to the circuit court in and for the counties of Aiken and Edgefield as applicable.

9.6.3 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.

9.6.4 Functionally Dependent Uses

Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of §9.6 are met, no reasonable alternatives exist, and the development is protected by methods that minimize flood damage and create no additional threat to public safety.

APPENDIX A – DEFINITIONS

Developer

The legal or beneficial owner or owners of a lot or of any land included in a proposed development. Also, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

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. The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the subdivision of land.

The following activities or uses shall be considered "development," as defined herein:

- a. A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.
- b. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
- c. Alteration of a shore or bank of a river, stream, lake or pond.
- d. Commencement of grading drilling, or excavation on a parcel of land, except to obtain soil samples.
- e. Demolition of a structure.
- f. Clearing of land as an adjunct of construction.
- g. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
- h. The subdivision of land.

The following operations or uses shall not be considered "development" as defined herein:

- a. Work by a road agency or transit agency for the maintenance or improvement of a road or transit track, if the work is carried out on land within the boundaries of the right of way.
- b. Work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights of way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks or the like.
- c. Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.
- d. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.
- e. The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.
- f. A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.
- g. A change in the ownership or form of ownership of any parcel or structure.
- h. The creation or termination of riparian rights, easements, covenants concerning development of land, or other rights in land.

"Development," as designated in an ordinance, rule or development permit includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the

APPENDIX A – DEFINITIONS

operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of the activities set forth in subsection (1), above.

For the purposes of Article 9 (Floodplain), “Development” includes 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. Any exception to this definition must be per the requirements of Article 9.

Development Proposal

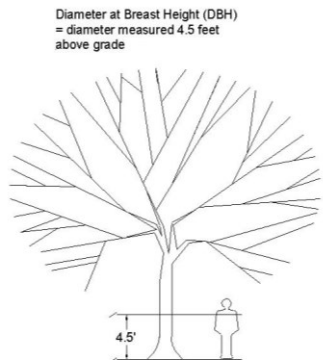
Any of the following: an application for an administrative permit as provided in §5.2, zoning amendment, conditional rezoning, conditional use permit, site plan, general development plan, subdivision plat or variance.

Development Regulation

Zoning, subdivision, site plan, flood plain regulation or other governmental regulation of the use and development of land.

Diameter breast height (DBH) or diameter inches

The average cross-sectional measurement of the trunk of an existing tree at four and one-half (4-½) feet above grade. If the tree is on a slope, it shall be measured from the high side of the slope. Newly planted trees shall be measured six (6) inches above grade. For multi-trunk species, this measurement will be based on the measured diameter of the main trunk taken four and one-half (4½) feet above grade together with one-half (½) of the diameter of the remaining trunks measured at the same height.



Director

The Director of Planning and Development, or his designee.

Dog Run

A pen that includes an area for animal exercise.

Downtown Tier

The streets and intersections, including Georgia Avenue, that lie within the “D” District.

Drainage System

The system through which water flows from land, including all water courses, water bodies and wetlands.

Drip Line

A vertical line extending down to the ground from the end of the tree’s longest branches.

Driveway

A paved area used for ingress or egress of vehicles and allowing access from a street to a building or other structure or facility.

City of
North Augusta, South Carolina
Planning Commission

PUBLIC HEARING NOTICE

The North Augusta Planning Commission will hold a Public Hearing at a special called meeting beginning at 7:00 PM on Thursday, August 2, 2018, in the Council Chambers located on the third floor of the North Augusta Municipal Center, 100 Georgia Avenue, North Augusta, South Carolina, to receive public input on the following:

RZT 18-002 – A request to amend portions of Article 9, Floodplain Management, Article 3, Zoning Districts, and Appendix A, Definitions, of the North Augusta Development Code related to floodplain management as required by the Federal Emergency Management Agency.

Copies of the proposed amendments to the North Augusta Development Code are available for public inspection in the offices of the Department of Planning and Economic Development on the second floor of the North Augusta Municipal Center, 100 Georgia Avenue, North Augusta, South Carolina, 803-441-4221. Citizens and property owners interested in expressing a view on any matter that is the subject of a public hearing are encouraged to attend.

CITIZEN ASSISTANCE:

Individuals needing special assistance or a sign interpreter to participate in the meeting are asked to please notify the Department of Planning and Economic Development at 803-441-4221 at least 48 hours prior to the meeting.