

ORDINANCE NO. 2018-08

AN ORDINANCE AMENDING THE NORTH AUGUSTA DEVELOPMENT CODE IN ORDER TO COMPLY WITH REQUIREMENTS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO ALLOW PROPERTY WITHIN THE CITY TO REMAIN ELIGIBLE FOR FEDERAL EMERGENCY FLOOD INSURANCE. SUCH AMENDMENTS RELATE TO PORTIONS OF ARTICLE THREE, ARTICLE NINE, AND APPENDIX A.

WHEREAS, 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 (FRM) including Base Flood Elevations (BFEs) for Aiken County and Edgefield County; and,

WHEREAS, the maps developed for Aiken County will become effective on August 16, 2018 and the maps developed for Edgefield County will become effective on September 14, 2018; and,

WHEREAS, due to 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), if properties within the City are to remain eligible for Federal Flood Insurance; and,

WHEREAS, these text amendments have been reviewed by the Planning Commission with such report from the Planning Commission having been received by the Mayor and Council;

Whereas, after review, the Mayor and City Council have determined that it is in the best interest of the City and its citizens, that these changes be made to the North Augusta Development Code.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of North Augusta, South Carolina, in meeting duly assembled and by the authority thereof, that:

1. The North Augusta Development Code, Articles 3 and 9, and Appendix "A" be amended as follows:
  - a. Article 3.2.2.1 shall be deleted in its entirety and replaced with the following:

"This Article 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

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thereto, are hereby adopted by reference and declared to be a part of the official Zoning Map. The adoption of the Flood Insurance Study (FIS), dated August 16, 2018 and September 14, 2018, is in accordance with Section 60.3(b), Title 44 of the Code of Federal Regulations.”

- b. 9.2.3 shall be deleted in its entirety and replaced with the following:

“The Article shall apply to all areas of special flood hazard within the jurisdiction of North Augusta, South Carolina as identified by Federal Emergency Agency (FEMA) declared to be a part of this chapter and adopted in Section 3.2.2.”

- c. 9.3.3.6 This section will be deleted in its entirety.
- d. 9.3.3.20 This section will be amended by the removal of the word “Economic” in the last sentence of said section. Said section otherwise remains unchanged.
- e. 9.4 shall be amended by adding the following: 9.4.1.1 Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- f. 9.5.2.4 this section shall be deleted in its entirety
- g. Appendix A – DEFINITIONS will be amended by adding the following:

“For the purposes of Article 9(Floodplain) “Development” includes any manmade change to include improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, fillings, 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.”

- 2. When amended as set forth above, the articles shall read in accordance with the exhibit attached hereto marked as “Exhibit A”.
- 3. All ordinances, or parts of ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.
- 4. This Ordinance shall become effective immediately upon its adoption on 3<sup>rd</sup> and final reading.

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DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS ~~13<sup>th</sup>~~ DAY OF AUGUST, 2018.

First Reading: August 6, 2018

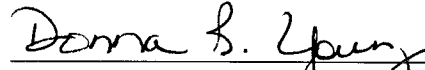
Second Reading: August 6, 2018

Third Reading: August 13, 2018



ROBERT A. PETTIT, MAYOR

ATTEST:



DONNA B. YOUNG, CITY CLERK

## Exhibit A

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### **3.2.2.1 Adoption of Flood Insurance Rate Maps –**

This Article 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. 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.

(Rev. 2-1-10; Ord. 2010-01) (Rev. 6-4-12; Ord. 2012-07)  
(Rev. 8-13-18, Ord. 2018- )

### **Article 9. 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) declared to be a part of this Chapter and adopted in §3.2.2.

**Article 9.3.3.6** Deleted in its entirety.

**Article 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 Development, shall process the necessary amendments to this Article to incorporate applicable maps from surrounding jurisdictions within ninety (90) days of annexation.

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

**Article 9.5.2.4** Deleted in its entirety.

## **Appendix A - Definitions**

### **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 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.