

NOTICE REGARDING FLOODPLAIN ORDINANCE REVISIONS EFFECTIVE JANUARY 1, 2015

At its September 9th 2014 meeting, Charleston City Council ratified the following Ordinance:

2014-123 - An ordinance to amend Article II, Division 3 of Chapter 27 of the Code of the City of Charleston (Flood Hazard Prevention and Control) by amending Sec. 27-103 by adding a new definition, Freeboard, and by amending others; and amending Sec. 27-117 pertaining to construction elevation above base flood elevation and the requirements for high hazard areas; and to amend Sec. 27-120 pertaining to construction elevation above flood elevations. (AS AMENDED).

These changes have been made to better protect properties in the City of Charleston from floods and to assist with the reduction of the cost of flood insurance to properties in the City.

In summary, this Ordinance amendment requires the following for *structures located within an A, AE, or V flood zone*:

- *Buildings to be elevated 1 foot above National Flood Insurance Program minimum height requirements (Freeboard).* This will provide an added margin of safety and better preparation for ongoing sea level rise.
- *“Substantial improvement”* is any repair, reconstruction, alteration, or improvement to a structure, the cumulative cost of which for a five-year period equals or exceeds 50% of the fair market value of the structure before the start of construction of the improvement. *It is important to note that costs of the improvements are cumulative over a five-year period.* Buildings that are substantially improved must meet the same construction requirements as new buildings. Exceptions are made for historic buildings as defined in 27-103, Code of the City of Charleston.
- *“Substantial damage”* is 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% of the market value of the structure before the damage occurred. *It is important to note that substantial damage includes damage of any origin, not just flooding.* A house that is damaged 50% or more by a fire or tornado must also be brought into compliance with the current flood regulations.

Below are applicable ordinance definitions pertaining to when the amended ordinance applies to proposed construction projects within the City of Charleston (these have not been amended or revised).

- **Start of construction** - includes substantial improvement, and means the date the permit was issued, provided the **actual start** of construction, repair, reconstruction or improvement was within one hundred eighty (180) days of the permit date.
- **Actual start** - 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.
- **Actual start for a substantial improvement** - 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.
- **Permanent construction** - does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building.

Please ensure your project meets the applicable City of Charleston flood hazard prevention and control ordinance per the City Code of Charleston - Chapter 27, Article II, Division 3 "Flood Hazard Prevention and Control."

The ordinance can also be viewed here:

https://www.municode.com/library/#!/sc/charleston/codes/code_of_ordinances?nodeId=CICO_CH27STMAFLCO_ARTIISTFAFLHADAPRCO_DIV3FLHAPRCO

The substantial improvement/substantial damage regulations can be complex. If you are planning repair or renovation work on a structure in a flood zone, or if you have questions about a current project under review, or have general questions about the new flood hazard prevention and control ordinance, please contact the Building Inspection Division at 843-724-7431 to determine if your project will be impacted by these regulations.