
1 **2021-40 (2ND READING):** TO AMEND APPENDIX A ZONING OF THE CODE OF
2 **ORDINANCES ARTICLE 11 FLOODPLAIN MANAGEMENT REGULATIONS TO ADJUST**
3 **REGULATIONS AS REQUIRED BY FEMA AND THE SOUTH CAROLINA CODE OF LAWS**
4 **AND TO MAINTAIN REGULATORY CONSISTENCY WITH THE ADOPTION OF THE**
5 **2019 FEMA FLOOD MAPS.**

6 **Applicant/Purpose:** City / to adopt the updated FEMA flood Insurance Rate Maps and to update
7 the floodplain management ordinance to meet FEMA and State NFIP (National Flood Insurance
8 Program) requirements
9

10 **Brief:**

- 11 • The new FEMA flood maps need to be adopted by the City by December 16, 2021.
- 12 • Corresponding adjustments to our Floodplain Management ordinance are required in
13 order to maintain current standards in accordance with the new maps.
- 14 • Planning Commission: unanimously recommends approval October 19, 2021 (7-0)
- 15 • No changes since 1st reading.

16
17 **Issues:**

- 18 • The goal is to continue to minimize community flood risk and maintain our current NFIP
19 community rating of Class 5.
20 https://www.fema.gov/sites/default/files/2020-05/f084_atq_11aug11.pdf
- 21 • The proposed maps reclassify some coastal property from the VE flood zone to the AE
22 flood zone.
- 23 • The maps have changed but our risk of having a storm surge or major event has not been
24 minimized.

25
26 **Public Notification:** Agenda published and posted. Legal ad ran in the Myrtle Beach Herald.
27 Myrtle Beach City Council held a workshop October 7th to review the proposal.
28

29 **Alternatives:**

- 30 • Modify the proposed ordinance.
- 31 • Deny the proposed ordinance.

32
33 **Financial Impact:** City's participation in CRS saves residents an estimated \$1,000,000 annually
34 in flood insurance premiums.
35

36 **Manager's Recommendation:**

- 37 • I recommend 1st reading (10.26.21).
- 38 • I recommend 2nd reading (11.9.21)

39
40 **Attachment(s):** Proposed ordinance
41
42
43

CITY OF MYRTLE BEACH
COUNTY OF HORRY
STATE OF SOUTH CAROLINA

TO AMEND APPENDIX A ZONING OF THE
CODE OF ORDINANCES ARTICLE 11
FLOODPLAIN MANAGEMENT
REGULATIONS TO ADJUST
REGULATIONS AS REQUIRED BY FEMA
AND THE SOUTH CAROLINA CODE OF
LAWS AND TO MAINTAIN REGULATORY
CONSISTENCY WITH THE ADOPTION OF
THE 2019 FEMA FLOOD MAPS.

IT IS HEREBY ORDAINED that Article 11 Floodplain Management Regulations, Appendix A, Zoning of the Code of Ordinances is amended as follows:

Section 1101. Purpose and Intent

Certain areas within the City of Myrtle Beach are subject to periodic inundation by flood waters which results or may reasonably be foreseen to result in loss of life and property, health and safety hazards, disruption of commerce and governmental services and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare. These hazards are caused by the occupancy of flood hazard areas by uses which are vulnerable to floods because they are inadequately elevated or not otherwise protected from flood damage. Therefore, it is the intent of this ordinance to lessen such hazards and losses by restricting or prohibiting uses which are dangerous to health, safety, or property in times of flood; by requiring that uses vulnerable to floods be protected against flood hazards at the time of initial construction; and by controlling filling, grading, alteration of natural protective barriers, placing of obstructions or other activities, uses, or characteristics of use which may increase flood damage.

1101.A. Objectives. The objectives of this ordinance are to protect human life and health; to minimize the expenditure of public money for costly flood control projects; to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; to minimize prolonged business interruptions; to minimize damage to public facilities and utilities such as water and gas mains, electrical, telephone and sewer lines, streets and bridges located in the floodplains; 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 buyers are notified that a property is in a floodplain.

1101.B. 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 man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted with such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City

1 of Myrtle Beach or by any officer or employee thereof for any flood damages
2 that result from reliance on this ordinance or any administrative decision
3 lawfully made hereunder.
4

5 1101.C. Interpretation. In the interpretation and application of this ordinance all
6 provisions shall be considered as minimum requirements, liberally construed
7 in favor of the governing body, and deemed neither to limit nor repeal any other
8 powers granted under State law. This Ordinance is not intended to repeal,
9 abrogate, or impair any existing easement, covenants, or deed restrictions.
10 However, where this ordinance and other conflict or overlap, whichever
11 imposes the more stringent restrictions shall prevail.
12

13 1101 D. Findings of Fact - The Special Flood Hazard Areas of the City of Myrtle Beach
14 are subject to periodic inundation which results in loss of life, property, health
15 and safety hazards, disruption of commerce and governmental services,
16 extraordinary public expenditures of flood protection and relief, and impairment
17 of the tax base, all of which adversely affect the public health, safety, and
18 general welfare.
19

20 Furthermore, these flood losses are caused by the cumulative effect of
21 obstructions in floodplains causing increases in flood heights and velocities, and
22 by the occupancy in flood hazard areas by uses vulnerable to floods or
23 hazardous to other lands which are inadequately elevated, floodproofed, or
24 otherwise unprotected from flood damages.

25 1101 E. Establishment of Development Permit- a Development Permit shall be required
26 in conformance with the provisions of this ordinance prior to the commencement
27 of any development activities.
28

29 1101 F. Compliance- No structure or land shall hereafter be located, extended,
30 converted, or structurally altered without full compliance with the terms of this
31 ordinance and other applicable regulations.
32

33 **Section 1102. Definitions Specific to Floodplain Management**

34 The definitions in this part supplement those given in Article 2 - *Definitions* of the
35 Ordinance, but are intended to apply only to the floodplain management regulations.
36

37 **Accessory structure:** Structure which is located on the same parcel of property as the
38 principal structure and the use of which is incidental to the use of the principal structure.
39 Garages, carports and storage sheds are common accessory structures.
40

41 **Appeal:** A request for a review of the building official's interpretation of any provision of
42 this ordinance or a request for a variance.
43

44 **Area of special flood hazard:** The land in the floodplain within a community subject to
45 a one percent or greater chance of flooding in any given year.
46

47 **Basement:** Any area of the building having its floor subgrade (below ground level) on all

1 sides.

2
3 **Building:** Any structure built for support, shelter, or enclosure for any occupancy or
4 storage.

5
6
7 **Coastal "A" Zone or LiMWA Zone (Limit of Moderate Wave Action):** An area of
8 special flood hazard identified on FEMA's Flood Insurance Rate Maps as being directly
9 landward of velocity zones and/or subject to wave actions at least 1.5 feet in height and
10 not greater than 3' in height.

11
12 **Coastal high hazard area (VE Zone):** The area subject to high velocity waters, including
13 but not limited to hurricane wave wash. The area is designated on the flood insurance
14 rate map as Zone VE.

15
16 **Development:** any man-made change to improved or unimproved real estate, including,
17 but not
18 limited to, buildings or other structures, mining, dredging, filling, grading, paving,
19 excavation or
20 drilling operations, or storage of equipment or materials.

21
22 **Existing construction:** Any structure for which the "start of construction" commenced
23 before July 5, 1977.

24
25 **Expansion to an existing manufactured home park or subdivision:** The preparation
26 of additional sites by the construction of facilities for serving the lots on which the
27 manufactured homes are to be affixed (including the installation of utilities, the
28 construction of streets, and either final site grading or the pouring of concrete pads).

29
30 **Flood, Base or 100 Year Flood:** The flood having a one percent chance of being equaled
31 or exceeded in any given year.

32
33 **Flood, 500 year:** The flood having a ~~two-tenths~~ one fifth percent chance of being equaled
34 or exceeded in any given year.

35
36 **Flood Insurance Rate Map (FIRM).** An official map of the City, on which the Federal
37 Emergency Management Agency has delineated both the areas of special flood hazard
38 and the risk premium zones applicable to the City.

39
40 **Flood Insurance Study.** The official report provided by the Federal Emergency
41 Management Agency. The report contains flood profiles, as well as the flood boundary
42 floodway map and the water surface elevation of the base flood.

43
44 **Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An
45 unfinished or flood resistant enclosure, usable solely for parking of vehicles, building
46 access, or storage, in an area other than a basement area is not considered a building's
47 lowest floor, provided that such enclosure is not built so as to render the structure in
48 violation of the applicable nonelevation design requirements of this ordinance.

1 **Manufactured home:** A structure, transportable in one or more sections, which is built
2 on a permanent chassis and is designed for use with or without a permanent foundation
3 when attached to the required utilities. The term "manufactured home" does not include
4 recreational vehicles.

5
6 **Manufactured home park or subdivision:** A parcel (or contiguous parcels) of land
7 divided into two or more manufactured home lots for rent or sale.

8
9 **Manufactured home park or subdivision, existing:** A manufactured home park or
10 subdivision for which the construction of facilities for serving the lots on which the
11 manufactured homes are to be affixed (including, at a minimum, the installation of utilities,
12 the construction of streets, and either final site grading or the pouring of concrete pads) is
13 completed before December 11, 1990.

14
15 **Manufactured home park or subdivision, new:** A manufactured home park or
16 subdivision for which the construction of facilities for serving the lots on which the
17 manufactured homes are to be affixed (including at a minimum, the installation of utilities,
18 the construction of streets, and either final site grading or the pouring of concrete pads) is
19 completed on or after December 11, 1990.

20
21 **New construction:** Any structure for which the "start of construction" commenced after
22 July 5, 1977.

23
24 **Recreational vehicle:** A vehicle which is:

- 25 a) Built on a single chassis;
- 26 b) 400 square feet or less when measured at the largest horizontal projections;
- 27 c) Designed to be self-propelled or permanently towable by a vehicle no larger than
28 a light duty truck; and
- 29 d) Designed primarily not for use as a permanent dwelling, but as temporary living
30 quarters for recreational, camping, travel, or seasonal use.

31
32 **Start of construction:** The first placement of permanent construction of a structure
33 (including a manufactured home) on a site, such as the pouring of slabs or footings or any
34 work beyond the stage of excavation. Permanent construction does not include land
35 preparation, such as clearing, grading and filling; nor does it include the installation of
36 streets and/or walkways; nor does it include excavation for a basement, footings, piers, or
37 foundations or erection of temporary forms; nor does it include the installation on the
38 property of accessory buildings, such as garages or sheds not occupied as dwelling units
39 or not as part of the main structure. The "start of construction" includes the first permanent
40 framing or assembly of the structure or any part thereof on its piling or foundation.

41
42 **Structure:** Anything constructed, erected or established on and at least six inches (6")
43 above the ground, including but not without limiting the generality of the following:
44 buildings, signs, sea walls, trailers, fences, and patio walls.

45
46 **Substantial damage:** Damage of any origin sustained by a structure whereby the cost
47 of reconstructing the structure to its condition immediately before damage would equal or
48 exceed 50 percent of the market value of the structure immediately before the damage
49 occurred.

1 **Substantial improvement:** Any improvement of a structure, whether it is an addition,
2 rehabilitation, or reconstruction, the cost of which equals or exceeds 50 percent of the
3 market value of the structure immediately before the improvement is started. In the case
4 where more than one improvement is made over time, the percentage value (that is, the
5 value of the improvement expressed as a percentage of the value of the structure
6 immediately before the improvement) of the most recent improvement shall be added to
7 the percentage value of all other improvements made within the previous 10 years; and if
8 that cumulative percentage equals or exceeds a total of 50 percent, then it shall be
9 classified as a substantial improvement.

10
11 **Note:** For example, if an owner of a house valued at \$100,000.00 makes a
12 \$20,000.00 improvement, that is, a 20 percent improvement, then five years from
13 now, when the house is valued at \$150,000.00, the owner may make an
14 improvement of just under \$45,000.00 in value-that is, an improvement that cost
15 slightly less than the equivalent of 30 percent of the then current market value of
16 the house-without exceeding the 50 percent maximum that defines the cumulative
17 improvements as being a substantial improvement: 20 percent improvements now
18 + 30 percent improvement five years from now. Similarly, if the value of the house
19 five years from now has fallen to \$90,000.00, the owner could make an
20 improvement of just under \$27,000.00, which is 30 percent of the value of the
21 house when the new improvement is to be made.

22
23 For the purposes of these floodplain regulations, the market value shall be the assessed
24 value as determined by a licensed real estate appraiser or by the Horry County Tax
25 Assessor; at the discretion of the property owner.

26
27 For the purposes of these floodplain management regulations, any improvement of any
28 wall, ceiling, floor, or other structural member of a structure, whether or not that
29 improvement affects the external dimensions of the structure, shall be included when
30 determining a substantial improvement has been made. Any project for improvement of
31 a structure to correct existing violations of state or local health, sanitary or safety code
32 specifications, which have been identified by the local code enforcement official and which
33 are the minimum necessary to assure safe living conditions, or any alteration of a historic
34 structure, provided that the alteration will not preclude the structures continued
35 designation as a historic structure shall not be included in determining if a substantial
36 improvement has been made.

37
38 **Violation:** The failure of a structure or other development to be fully compliant with these
39 regulations.

40 41 **Section 1103. Adoption of Flood Insurance Study and Flood Insurance** 42 **Rate Maps**

43
44 1103.A. Federal Insurance Administration. The areas of special flood hazard identified
45 by the Federal Insurance Administration through a scientific and engineering
46 report entitled "The Flood Insurance Study for Horry County, South Carolina,
47 and Incorporated Areas," effective ~~September 17, 2003~~ December 16, 2019,
48 with accompanying flood insurance rate maps and flood hazard boundary
49 maps ~~and any revision thereto~~ are hereby adopted by reference and declared

1 to be a part of this ordinance. These maps divide the City of Myrtle Beach into
2 zones, each having specific flood potential or hazard. Upon annexation any
3 special flood hazard areas identified by the Federal Emergency Management
4 Agency in its Flood Insurance Study for the unincorporated areas of Horry
5 County, with accompanying map and other data are adopted by reference and
6 declared part of this ordinance.

7
8 1103.B. Use of Best Available Data. Data from preliminary, draft, and final Flood
9 Insurance Studies constitutes best available data from a federal, state or other
10 source. Data must be developed using hydraulic models meeting the minimum
11 requirement of NFIP approved models. If an appeal is pending on the study in
12 accordance with 44 CFR Chapter 1, Part 67.5 and 67.6, the data does not have
13 to be used.

14
15 **Section 1104. Floodplain Management Regulations Established as**
16 **Supplementary**

17 The flood insurance zone designations established by this ordinance are not intended to
18 be utilized as separate zoning district classifications, but as designations which identify
19 areas subject to regulations which are supplementary to the regulations of the zoning
20 district to which such designations are attached, appended, or "overlaid." Regulations
21 which apply to areas designated on the flood insurance rate map as being within such
22 appended or overlaid designations must be determined by joint reference to the
23 regulations of both the basic district classification and the appended or overlay
24 classification.

25
26 **Section 1105. General Requirements**

27 Within those areas of the municipality designated as special flood hazard areas by the
28 flood insurance rate map, the following general requirements must be met:

29
30 1105.A. Notwithstanding any other provisions of the Ordinance concerning the
31 reconstruction of any non-conforming structure which is located in a special
32 flood hazard area and which is located in a special flood hazard area and which
33 sustains substantial damage, regardless of the value of the reconstruction,
34 shall comply with all requirements for substantial improvement in these
35 floodplain regulations.

36
37 1105.B. All new construction and substantial improvements shall be anchored to
38 prevent flotation, collapse, or lateral movement of the structure.

39
40 1105.C. All new construction and substantial improvements shall be constructed with
41 materials and utility equipment resistant to flood damage. Electrical, heating,
42 ventilation, plumbing, and air-conditioning equipment and other service
43 facilities shall be designed and/or located so as to prevent water from entering
44 or accumulating within the components during conditions of flooding.

45
46 1105.D. All new construction and substantial improvements shall be constructed by
47 methods and practices that minimize flood damage.

48
49 1105.E. All new and replacement water supply systems shall be designed to minimize

1 or eliminate infiltration of flood waters into the system.

2
3 1105.F. All new and replacement sanitary sewage systems shall be designed to
4 minimize or eliminate infiltration of flood waters into the systems and
5 discharges from the systems into flood waters.
6

7 1105.G. On-site waste disposal systems shall be located to avoid impairment to them
8 or contamination from them during flooding.
9

10 1105.H. A building permit shall be required in conformance with the provisions of this
11 ordinance prior to the commencement of any development activities.
12

13 Development may not occur in the Special Flood Hazard Area (SFHA) where
14 alternative locations exist due to the inherent hazards and risks involved.
15 Before a permit is issued, the applicant shall demonstrate that new structures
16 cannot be located out of the SFHA and that encroachments onto the SFHA are
17 minimized. In all areas of special flood hazard the following provisions are
18 required:

19 1105.I. Reasonably Safe from Flooding - Review all permit applications to determine
20 whether proposed building sites will be reasonably safe from flooding.
21

22 1105.J. Anchoring - All new construction and substantial improvements shall be
23 anchored to prevent flotation, collapse, and lateral movement of the structure.
24

25 1105.K. Flood Resistant Materials and Equipment - All new construction and
26 substantial improvements shall be constructed with flood resistant materials
27 and utility equipment resistant to flood damage in accordance with Technical
28 Bulletin 2, Flood Damage-Resistant Materials Requirements, dated 8/08, and
29 available from the Federal Emergency Management Agency.
30

31 1105 L. Minimize Flood Damage - All new construction and substantial improvements
32 shall be constructed by methods and practices that minimize flood damages.
33

34 1105.M. Critical Development - shall be elevated to the 500 year flood elevation or be
35 elevated to the highest known historical flood elevation (where records are
36 available), whichever is greater. If no data exists establishing the 500 year flood
37 elevation or the highest known historical flood elevation, the applicant shall
38 provide a hydrologic and hydraulic engineering analysis that generates 500
39 year flood elevation data.
40

41 1105 N. Utilities - Electrical, ventilation, plumbing, heating and air conditioning
42 equipment (including ductwork), and other service facilities shall be designed
43 and/or located so as to prevent water _____ from entering or accumulating
44 within the components during conditions of the base flood plus _____ feet
45 (freeboard).
46

1 1105.O. Water Supply Systems - All new and replacement water supply systems shall
2 be designed to minimize or eliminate infiltration of floodwaters into the system.

3
4 1105.P. Sanitary Sewage Systems – New and replacement sanitary sewage systems
5 shall be designed to minimize or eliminate infiltration of floodwaters into the
6 systems and discharges from the systems into floodwaters, on-site waste
7 disposal systems shall be located and constructed to avoid impairment to them
8 or contamination from them during flooding.

9
10 1105.Q. Gas Or Liquid Storage Tanks – All gas or liquid storage tanks, either located
11 above ground or buried, shall be anchored to prevent floatation and lateral
12 movement resulting from hydrodynamic and hydrostatic loads.

13 1105.R. Alteration, Repair, Reconstruction, Or Improvements – Any alteration, repair,
14 reconstruction, or improvement to a structure that is in compliance with the
15 provisions of this ordinance, shall meet the requirements of "new construction"
16 as contained in this ordinance. This includes post-FIRM development and
17 structures.

18
19 1105.S. Non-Conforming Buildings or Uses - Non-conforming buildings or uses may
20 not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction
21 is accomplished in conformance
22 with the provisions of this ordinance. Provided, however, nothing in this
23 ordinance shall prevent the repair, reconstruction, or replacement of an
24 existing building or structure located totally or partially within the floodway,
25 provided that the bulk of the building or structure below base flood elevation in
26 the floodway is not increased and provided that such repair, reconstruction, or
27 replacement meets all of the other requirements of this ordinance.

28 1105.T. Americans with Disabilities Act (ADA) - A building must meet the specific
29 standards for floodplain construction outlined in Article IV.B, as well as any
30 applicable ADA requirements. The ADA is not justification for issuing a
31 variance or otherwise waiving these requirements. Also, the cost of
32 improvements required to meet the ADA provisions shall be included in the
33 costs of the improvements for calculating substantial improvement.

34
35 1105.U. For any structure which is elevated no less than three feet above base flood
36 elevation, the maximum building height requirement of the district where the
37 structure is located, as found elsewhere in this ordinance, shall be relaxed so
38 that a structure may extend no more than three feet above the maximum
39 requirement. Such permission shall be within the authority of the zoning
40 administrator and shall not require the property owner to request a variance
41 from the Board of Zoning Appeals. However, the relaxation of the height
42 requirement of this subsection shall not apply to properties governed by section
43 1803 - Airport Hazard Zone For Myrtle Beach International Airport of this
44 Ordinance (the airport hazard zoning regulations of the Myrtle Beach
45 International Airport) to the extent that such relaxation does not comply with

1 the provisions of section 1803 - *Airport Hazard Zone For Myrtle Beach*
2 *International Airport.*

3
4 **1105.~~JV~~.** A non-conversion agreement will be required of all new residential construction
5 and substantial improvements with fully enclosed areas below the base flood
6 elevation. The non-conversion agreement must be registered with the Horry
7 County Register of Deeds office, and a clocked copy must be returned to the
8 City to be filed with the construction services department.

9
10 **1105.~~KW~~.** All fences crossing floodplain boundaries are subject to flood review. The most
11 restrictive zone crossed by the fence will prevail. All fencing material shall be
12 flood-resistant materials.

- 13
14 1. For fences under 100-Year Flood (AE) zone regulation with exposed
15 foundations, vents will be required every 48 linear inches. The vent size
16 shall be the equivalent of one structural block (masonry, brick, etc). The
17 vent shall not be more than twelve inches (12") above the adjacent grade.
18
19 2. For fences under Coastal High Hazard (VE) zone regulation, exposed
20 foundation designs and walls are prohibited. All fencing must allow for full
21 flow of water in any direction.

22
23 **1105.~~LX~~.** Swimming Pools in Floodplain.

- 24
25 1. Swimming pools must be sited as far away from the regulatory flood
26 boundary as feasible.
27
28 2. No above grade pools are allowed in the Coastal High Hazard (VE) zones
29 unless the entire pool form is elevated completely out of the regulatory
30 floodplain in, or on, an approved structure. Furthermore, no portion of the
31 pool structure in the Coastal High Hazard (VE) zone will be allowed more
32 than six inches (6") above the adjacent grade.
33
34 3. Any fill used for pool construction in the 100-Year Flood (AE) zone must be
35 compatible with the existing soils. Fill for pool construction is not allowed
36 in the Coastal High Hazard (VE) zone.
37
38 4. Swimming pools under elevated buildings:
39 a. Within areas designated as VE Zones, when the area beneath the
40 building is enclosed such enclosures shall be constructed of
41 nonsupporting breakaway walls and in compliance with 44CFR
42 Chapter 1, Part 60, Subpart 60.3, Chapter 1 of the National Flood
43 Insurance Act of 1968 (42 U.S.C. 4011 et seq.), Section 1325 as
44 applicable. In areas designated as AE zone on a flood insurance rate
45 map, the enclosure must meet opening requirements. An annual
46 permit will be required before the erecting of any temporary pool
47 enclosures.
48 b. When the area beneath the building is not enclosed and the pool or
49 related potential obstruction is flush with the natural grade, it may be
50 allowed under the following conditions:

- i. The design engineer is required to certify that the pool or other potential obstruction will not be subject to breaking up or flooding out of the ground and affecting the piles or columns of the building; and
- ii. The pool must meet the same anchoring requirements as the support system of the building.

Section 1106. Requirements for Manufactured Homes

Within those special flood areas where the placement and replacement of manufactured homes and substantial improvements to existing manufactured homes are allowed, the following regulations shall apply:

1106.A. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

1. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side;
2. Frame ties be provided at each corner of the home, with five additional ties per side and intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;
3. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
4. Any additions to the manufactured home be similarly anchored.

1106.B. Manufactured homes that are placed or substantially improved within 100-Year Flood (AE) zones on the City's flood insurance rate map on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood:

1. Shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no less than three feet above the base flood elevation;
2. Shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;
3. Where the home is not elevated on pilings, shall be elevated on compacted fill;
4. Where the home is elevated on pilings, shall be on lots large enough to permit steps, shall have piling foundations placed in stable soil no more

1 than ten feet apart, and shall have pilings with reinforcements placed
2 above the base flood elevation; and

3
4 5. Shall be provided with adequate drainage and access for a hauler.

5
6 1106.C. Manufactured homes that are to be placed or substantially improved on sites
7 in an existing manufactured home park or subdivision within 100-Year Flood
8 (AE) zones on the City's flood insurance rate map and that are not subject to
9 the provisions of subsection A above:

- 10
11 1. Shall be elevated so that either:
12 a. The lowest floor of the manufactured home is no less than three feet
13 above the base flood elevation, or
14 b. Its chassis is supported by reinforced piers or other foundation
15 elements of at least equivalent strength that are no less than 36 inches
16 in height above grade, and shall be securely anchored to an
17 adequately anchored foundation system to resist flotation, collapse,
18 and lateral movement.
19
20 2. And:
21 a. Where the home is not elevated on pilings, the home shall be elevated
22 on compacted fill;
23 b. Where the home is elevated on pilings, lots shall be large enough to
24 permit steps; piling foundations shall be placed in stable soil no more
25 than ten feet apart; and
26 c. Adequate surface drainage and access for a hauler shall be provided.

27
28 **Section 1107. Requirements for Recreational Vehicles**

29 Recreational vehicles placed on sites within 100-Year Flood (AE) or Coastal High Hazard
30 (VE) zones on the City's flood insurance rate map shall be on the site for fewer than 180
31 consecutive days, be fully licensed, and be ready for highway use. A recreational vehicle
32 is ready for highway use if it is on its wheels or jacking system, is attached to the site only
33 by quick disconnect type utilities and security devices, and has no permanently attached
34 additions.

35
36 **Section 1108. Requirements for Pool Equipment Enclosures**

37 Pool equipment enclosures may be constructed below the height requirements of sections
38 1110.B – *All Nonresidential Structures* or 1111.B - *All Buildings or Structures Shall Be*
39 *Elevated*, provided the following regulations are complied with:

40
41 1108.A. The applicant shall prove to the satisfaction of the zoning administrator that:

- 42
43 1. Placing the enclosure above the base flood elevation level as required by
44 sections 1110 – *Development of 100-Year Flood (AE) Zones* and 1111 –
45 *Development of Coastal High Hazard (VE) Zones* will impair the operation
46 of the equipment;
47
48 2. All alternative locations where the enclosure would comply with the height
49 requirements of sections 1110. B – *All Nonresidential Structures* and

1 1111. B - *All Buildings or Structures Shall Be Elevated* have been
2 considered and rejected;

- 3
4 3. The enclosure has been designed and located so that the exception to the
5 height requirements of sections 1110. B – *All Nonresidential Structures*
6 and 1111. B - *All Buildings or Structures Shall Be Elevated* are the
7 minimum necessary to afford relief, and
8 4. All due consideration has been given to the flood risk, adjacent structures,
9 and the potential in increased waterborne debris.

10
11 1108.B. The size of the enclosure shall be the smallest necessary to meet state health
12 requirements but shall not exceed 100 square feet.

13
14 1108.C. The enclosure shall not be located within the zoning setback lines nor any
15 closer than ten feet to any principal building. Pool equipment enclosures shall
16 be placed in an area which least impacts neighboring property.

17
18 1108.D. The height of the enclosure shall not exceed 8' above its floor.

19
20 1108.E. The floor level of any enclosure in a 100-Year Flood (AE) zone shall be
21 elevated to at least two feet above the grade of the pool.

22
23 1108.F. An enclosure in the Coastal High Hazard (VE) zone may be built at grade level,
24 provided the walls of the enclosure shall be breakaway walls.

25
26 1108.G. Enclosures shall be constructed of flood resistant materials and securely
27 anchored to be in accordance with the current Standard Building Code.

28
29 1108.H. Enclosures in the 100-Year Flood (AE) zone shall incorporate a minimum of
30 two openings, which will allow the entry and exit of floodwaters. The openings
31 shall begin at floor level and be sized to allow one square inch of opening for
32 one square foot of area enclosed within the structure.

33
34 1108.I. All electrical connections shall be elevated to the level of the base flood
35 elevation or as high as possible.

36
37 **Section 1109. Requirements for Subdivisions**

38
39 1109.A. All subdivision proposals shall be consistent with the need to minimize flood
40 damage;

41
42 1109.B. All subdivision proposals shall have public utilities and facilities such as sewer,
43 gas, electrical, and water systems located and constructed to minimize flood
44 damage;

45
46 1109.C. All subdivision proposals shall have adequate drainage provided to reduce
47 exposure to flood hazards; and

48
49 1109.D. Base flood elevation data shall be provided for all subdivision proposals and
50 other proposed development (including manufactured home parks and

1 subdivisions).

2
3 **Section 1110. Development of 100-Year Flood (AE) Zones**

4 Within those areas designated as 100-Year Flood (AE) zones on the applicable FIRM, the
5 following additional regulations shall apply to all new construction and substantial
6 improvements:

7
8 1110.A. All residential structures, including prefabricated and manufactured homes,
9 shall have the lowest floor of such structure, including basement, elevated no
10 less than three feet above the base flood elevation. Notwithstanding this
11 requirement, all manufactured homes shall also be subject to any applicable
12 provisions of section 1106 - *Requirements for Manufactured Homes*.

13
14 1110.B. All nonresidential structures shall have the lowest floor, including basement,
15 elevated no less than three feet above the base flood elevation, or together
16 with attendant utility and sanitary facilities, shall be designed so that the
17 structure is watertight to a height not less than three feet above the base flood
18 level with walls substantially impermeable to the passage of water and with
19 structural components having the capability of resisting hydrostatic and
20 hydrodynamic loads and effects of buoyancy.

21
22 1110.C. For all elevated residential and nonresidential structures with fully enclosed
23 areas that are below the lowest floor and subject to flooding, including ingress
24 and egress, such enclosed areas shall be designed to preclude finished living
25 space and to automatically equalize hydrostatic flood forces on exterior walls
26 by allowing for the entry and exit of floodwaters.

27
28 1. Designs for meeting this requirement must either be certified by a
29 registered professional engineer or architect or must meet or exceed the
30 following minimum criteria: A minimum of two openings having a total net
31 area of not less than one square inch for every square foot of enclosed
32 area subject to flooding shall be provided; the bottom of all openings shall
33 be no higher than one foot above grade; openings may be equipped with
34 screens, louvers, or other coverings or devices intended to collapse under
35 wind and water loads without causing collapse displacement, or other
36 structural damage to the elevated portion of the building or supporting
37 foundation system. Only the portions of openings that are below the base
38 flood elevation (BFE) can be counted towards the required net open area.

39
40 2. Access to the enclosed area shall be the minimum necessary to allow for
41 parking of vehicles (garage door), ~~or a maximum of 200 square feet for~~
42 storage of maintenance equipment used in connection with the premises
43 (standard exterior door) or entry to the living area (stairway or elevator).
44 Ventilation per section 1110.C.1 - *Designs* is still required.

45
46 3. The interior portion of such enclosed area shall not be partitioned or
47 finished into separate rooms.
48

1 4. Openings may be equipped with screens, louvers, valves, or other
2 coverings or devices provided they permit the automatic flow of floodwaters
3 in both directions.

4
5 5. Fill placed around foundation walls must be graded so that the grade inside the
6 enclosed area is equal to or higher than the adjacent grade outside the building
7 on at least one side of the building.

8
9 1110.D. Structures not meeting the requirements of section 1110.C - *For All Elevated*
10 *Residential And Nonresidential Structures* shall either be constructed on
11 properly designed and compacted fill that extends at least three feet beyond
12 the building wall before dropping below the base flood elevation and has
13 appropriate protection against erosion and scour, such design to be approved
14 by a registered engineer, or be constructed on pilings which meet the
15 engineered support requirements of section 1111 – *Development of Coastal*
16 *High Hazard (VE) Zones.*

17
18
19 1110.E. Requirements for floodways. Located within areas of special flood hazard
20 established in section 1103 are areas designated as floodways (see Article 2 -
21 Definitions). Since the floodway is an extremely hazardous area due to the
22 velocity of flood waters which carry debris and potential projectiles and which
23 have erosion potential, the following provisions shall apply:

24
25 1. Prohibited in floodways are encroachments, including fill, new
26 construction, substantial improvements, and other developments unless
27 certification (with supporting technical data) by a registered professional
28 engineer is provided demonstrating that encroachments shall not result in
29 any increase in flood levels during the occurrence of the base flood
30 discharge.

31
32 2. If section 1110.E.1 - *Prohibited In Floodways* is satisfied, all new
33 construction and substantial improvements shall comply with all
34 applicable flood hazard reduction provisions of Article 11 – *Floodplain*
35 *Management Regulations.*

36
37 3. The placement and replacement of manufactured homes and substantial
38 improvements to existing manufactured homes shall be prohibited in
39 floodways.

40
41 **Section 1111. Development of Coastal High Hazard (VE) Zones**

42 Within those areas designated as Coastal High Hazard (VE) areas on the applicable
43 FIRM, the following additional regulations shall apply to all new construction and
44 substantial improvements:

45
46 1111.A. All buildings or structures shall be located landward of the reach of the mean
47 high tide.

48
49 1111.B. All buildings or structures shall be elevated on adequately anchored pilings or
50 columns and securely anchored to such pilings or columns so that the bottom

1 of the lowest horizontal structural member of the lowest floor (excluding the
2 pilings or columns) is elevated no less than three feet above the base flood
3 level; and the pile or column foundation and structure attached thereto is
4 anchored to resist flotation, collapse, and lateral movement due to the effects
5 of wind and water loads acting simultaneously on all building components.
6 Wind and water loading values shall each have a one percent chance of being
7 equaled or exceeded in any given year (100-year mean recurrence interval).
8 A registered professional engineer or architect shall develop or review the
9 structural design, specification and plans for the construction, and shall certify
10 that the design and methods of construction to be used are in accordance with
11 accepted standards of practice for meeting the provisions of 1111.E –
12 *Breakaway Wall*. In addition, the space below the lowest floor shall be free of
13 obstructions or be constructed with breakaway walls.

14
15 1111.C. If breakaway walls are utilized, such enclosed space shall not be used for
16 human habitation and shall be utilized only for building access, parking, or
17 limited storage.

18
19 1111.D. No improvements to a structure shall enclose the space below the lowest floor
20 unless breakaway walls are used.

21
22 1111.E. For the purposes of this section, a breakaway wall shall have a design safe
23 loading resistance of not less than 10 and no more than 20 pounds per square
24 foot. Use of breakaway walls which exceed a design safe loading resistance
25 of 20 pounds per square foot (either by design or when so required by local or
26 state codes) may be permitted only if a registered professional engineer or
27 architect certifies that the designs proposed meet the following conditions:

- 28
29 1. Breakaway wall collapse shall result from a water load less than that which
30 would occur during the base flood; and
- 31
32 2. The elevated portion of the building and supporting foundation system
33 shall not be subject to collapse, displacement, or other structural damage
34 due to the effects of wind and water loads acting simultaneously on all
35 building components (structural and non-structural). Maximum wind and
36 water loading values to be used in this determination shall each have a
37 one percent chance of being equaled or exceeded in any given year (100-
38 year mean recurrence interval).

39
40 Such enclosed space shall be usable solely for parking of vehicles, building
41 access, or limited storage.

42
43 1111.F. There shall be no fill used as structural support. Limited non-compacted fill
44 may be used around the perimeter of a building for landscaping/aesthetic
45 purposes provided the fill will wash out from storm surge, thereby rendering
46 the building free of obstruction prior to generating loading forces, ramping
47 effects or wave deflection. Only beach compatible sand may be used. The
48 local administrator shall approve design plans for landscaping/aesthetic fill only
49 after the applicant has provided an analysis by an engineer, architect, and/or
50 soil scientist which demonstrates that the following factors have been fully

1 considered:

- 2
- 3 1. Particle composition of fill material does not have a tendency for excessive
 - 4 natural compaction;
 - 5
 - 6 2. Volume and distribution of fill will not cause wave deflection to adjacent
 - 7 properties; and,
 - 8
 - 9 3. Slope of fill will not cause wave run-up or ramping.

10

11 1111.G. There shall be no alteration of sand dunes which would increase potential flood

12 damage.

13

14 1111.H. The placement and replacement of manufactured homes and substantial

15 improvements to existing manufactured homes shall be prohibited in Coastal

16 High Hazard (VE) zones.

17

18 1111I. Areas located in the Coastal A Zone or LiMWA zones located as shown on the

19 FEMA SFHA map must apply the same regulations as the Coastal High Hazard

20 (VE) flood zones above.

21

22 **Section 1112. Development of Ocean Front Single Family Residential**

23 **Properties Located Seaward of Ocean Boulevard. These requirements**

24 **shall apply to all new construction and substantial improvements.**

25

26 1112 A. All buildings or structures used for single family residential use shall have the

27 first living floor to be elevated 8ft from adjacent grade or meet flood zone

28 regulations (whichever is higher). The area below the elevated floor must be

29 free of obstructions with enclosures only for parking, storage, and building

30 access as set forth in the VE flood zone regulations.

31

32 1112 B. All buildings or structures shall be elevated on adequately anchored pilings or

33 columns and securely anchored to such pilings or columns so that the bottom

34 of the lowest horizontal structural member of the lowest floor (excluding the

35 pilings or columns) is elevated no less than three feet above the base flood

36 level; and the pile or column foundation and structure attached thereto is

37 anchored to resist flotation, collapse, and lateral movement due to the effects

38 of wind and water loads acting simultaneously on all building components.

39 Wind and water loading values shall each have a one percent chance of being

40 equaled or exceeded in any given year (100-year mean recurrence interval).

41 A registered professional engineer or architect shall develop or review the

42 structural design, specification and plans for the construction, and shall certify

43 that the design and methods of construction to be used are in accordance with

44 accepted standards of practice for meeting the provisions of 1112.E –

45 Breakaway Wall. In addition, the space below the lowest floor shall be free of

46 obstructions or be constructed with breakaway walls.

47

48 1112.C. If breakaway walls are utilized, such enclosed space shall not be used for

49 human habitation and shall be utilized only for building access, parking, or

1 limited storage.

2
3 1112.D. No improvements to a structure shall enclose the space below the lowest floor
4 unless breakaway walls are used.

5
6 1112.E. For the purposes of this section, a breakaway wall shall have a design safe
7 loading resistance of not less than 10 and no more than 20 pounds per square
8 foot. Use of breakaway walls which exceed a design safe loading resistance
9 of 20 pounds per square foot (either by design or when so required by local or
10 state codes) may be permitted only if a registered professional engineer or
11 architect certifies that the designs proposed meet the following conditions:

12
13 1. Breakaway wall collapse shall result from a water load less than that which
14 would occur during the base flood; and

15
16 2. The elevated portion of the building and supporting foundation system shall
17 not be subject to collapse, displacement, or other structural damage due to
18 the effects of wind and water loads acting simultaneously on all building
19 components (structural and non-structural). Maximum wind and water
20 loading values to be used in this determination shall each have a one
21 percent chance of being equaled or exceeded in any given year (100-year
22 mean recurrence interval); and

23
24 3. Such enclosed space shall be usable solely for parking of vehicles, building
25 access, or limited storage.

26
27 1112.F. There shall be no fill used as structural support. Limited non-compacted fill
28 may be used around the perimeter of a building for landscaping/aesthetic
29 purposes provided the fill will wash out from storm surge, thereby rendering
30 the building free of obstruction prior to generating loading forces, ramping
31 effects or wave deflection. Only beach compatible sand may be used. The
32 local administrator shall approve design plans for landscaping/aesthetic fill only
33 after the applicant has provided an analysis by an engineer, architect, and/or
34 soil scientist which demonstrates that the following factors have been fully
35 considered:

36
37 1. Particle composition of fill material does not have a tendency for excessive
38 natural compaction; and

39
40 2. Volume and distribution of fill will not cause wave deflection to adjacent
41 properties; and

42
43 3. Slope of fill will not cause wave run-up or ramping.

44
45
46 **Section 11123. Development of 500-year Floodplains**

47 Within those areas designated as "X" (shaded) on the applicable FIRM, as well as within
48 all special flood hazard areas, new critical facilities, such as fire stations, major police
49 stations, hospitals, residential health care facilities, electrical transmission switching
50 stations and distribution substations, main telephone switching offices, and hazardous

1 materials storage sites, are prohibited. Sanitary sewer pump stations are not considered
2 a critical facility for the purposes of this paragraph.

3
4 **Section 11134. Information and Certifications to be Included with the**
5 **Building Permit Application and at Specified Stages of Construction**
6

7 11134.A. Within those areas of the City of Myrtle Beach designated as special flood
8 hazard areas by the FIRM, all building permit applications for new construction
9 or substantial improvement of residential and nonresidential structures,
10 including prefabricated and manufactured homes, shall have indicated:

- 11 1. The elevation in relation to National Geodetic Vertical Datum 1929 (NGVD
12 1929) of the bottom of the lowest structural member of the lowest floor
13 (including basement) of all structures in the Coastal High Hazard (VE)
14 zones;
- 15 2. The elevation in relation to NGVD 1929 of the lowest floor level (including
16 basement) of all structures in 100-Year Flood (AE) zones; and
- 17 3. The elevation in relation to NGVD 1929 to which any nonresidential
18 structure (including basement) has been flood-proofed.
- 19 4. Submission of "V-Zone" design certification pertaining to foundation and
20 anchoring design.
- 21 5. Submission of breakaway wall certification if applicable.
- 22 6. Site plan references and indication of floodplain boundaries, flood zones
23 and base flood elevations.

24
25
26
27
28
29
30
31 11134.B. For 1113.A.1 - *Lowest Structural Member Of The Lowest Floor* and 1113.A.2 -
32 *The Lowest Floor Level* above, an elevation certificate (FEMA Form 81-31)
33 certifying such elevations, completed by a South Carolina registered land
34 surveyor or engineer, shall be provided no later than seven days from the
35 completion of construction of the lowest structural member or the lowest floor
36 level. The director of construction services may issue a stop construction order
37 if the certificate is not provided to him within the seven-day period. In addition,
38 an elevation certificate (FEMA Form 81-31) certifying such elevations,
39 completed by a South Carolina registered land surveyor or engineer, shall be
40 provided upon the completion of the project, prior to the issuance of any
41 certificate of occupancy.

42
43 11134.C. For 1113.A.3 - *Any Nonresidential Structure* a floodproofing certificate (FEMA
44 Form 81-65) certifying such elevation, completed by a South Carolina
45 registered land surveyor or engineer, shall be provided upon completion of the
46 project, prior to the issuance of any certificate of occupancy.

47
48 11134.D. In addition certification from a South Carolina registered professional engineer
49 or architect that a nonresidential floodproofed structure meets the floodproofing

1 requirements of sections 1110. B – *All Nonresidential Structures* and 1110.D -
2 *Structures Not Meeting The Requirements Of section 1110.C* or that all
3 structures in Coastal High Hazard (VE) zones meet the requirements of section
4 1111 - *Development of Coastal High Hazard (VE) Zones* shall be submitted.
5 Applications for building permits shall also include evidence that all necessary
6 permits have been obtained from federal, state, or local government agencies
7 from which prior approval is required.

8
9 **Section 11145. Administration, Enforcement, and Appeal**

10 In addition to the procedures for the administration, enforcement and appeal of the
11 provisions of this Ordinance as defined in Articles 3 – *Administration And Enforcement*
12 and 5 – *Board Of Zoning Appeals*, the following additional regulations shall apply:

13
14 11145.A. Duties and responsibilities of the zoning administrator related to flood plain
15 management shall include, but not be limited to:

- 16
17 1. Review all development permits to ensure that the permit requirements of
18 this ordinance have been satisfied.
- 19
20 2. Review proposed development to assure that all necessary permits have
21 been received from those governmental agencies from which approval is
22 required by Federal or State law, including section 404 of the Federal
23 Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334, and
24 require that copies of such permits be provided and maintained on file with
25 the building permit.
- 26
27 3. Notify adjacent communities and the appropriate state agencies prior to
28 any alteration or relocation of a watercourse, and submit evidence of such
29 notification to the Federal Emergency Management Agency.
- 30
31 4. Ensure that maintenance is provided within the altered or relocated portion
32 of said watercourse so that the flood carrying capacity is not diminished.
- 33
34 5. Verify and record the actual elevation (in relation to mean sea level) of the
35 bottom of the lowest horizontal structural member of the lowest floor
36 (including basement) of all new or substantially improved buildings in
37 Coastal High Hazard (VE) zones. Said elevation shall be certified by the
38 professional engineer or architect of the permittee.
- 39
40 6. Verify and record the actual elevation (in relation to mean sea level) of the
41 lowest floor (including basement) of all new or substantially improved
42 buildings in 100-Year Flood (AE) zones. Said elevation shall be certified
43 by the professional engineer or architect of the permittee.
- 44
45 7. Verify and record certification from the permittee's registered professional
46 engineer or architect when flood-proofing is utilized for a particular
47 building.
- 48
49 8. Verify and record the actual elevation (in relation to mean sea level) to
50 which the new or substantially improved nonresidential buildings have

1 been floodproofed. Said elevation shall be certified by the professional
2 engineer or architect of the permittee.

- 3
4 9. Verify and record certification from a registered professional engineer or
5 architect that the building in Coastal High Hazard (VE) zones is designed
6 to be securely anchored to adequately anchored pilings or columns in
7 order to withstand velocity waters and hurricane wave wash.
8
9 10. Review plans of structures in Coastal High Hazard (VE) zones for
10 adequacy of breakaway walls in accordance with section 1111 -
11 *Development of Coastal High Hazard (VE) Zones.*
12
13 11. Interpret the exact location of boundaries of the areas of special flood
14 hazard (for example, where there appears to be a conflict between a
15 mapped boundary and actual field conditions). The person contesting the
16 location of the boundary shall be given a reasonable opportunity to appeal
17 the interpretation as provided in section 1114 - *Administration,*
18 *Enforcement, and Appeal.*
19
20 12. Maintain and make available for public inspection all records pertaining to
21 the provisions of this ordinance.

22
23 11145.B. Variance procedures associated with flood plain management regulations.

- 24
25 1. Variances may be issued for the repair or rehabilitation of historic
26 structures upon the determination that the proposed repair or
27 rehabilitation will not preclude the structure's continued designation as a
28 historic structure and that the variance is the minimum necessary to
29 preserve the historic character and design of the structure. Such variance
30 may be administratively granted without regard to the procedures set forth
31 in the remainder of this section.
32
33 2. In passing upon applications for variances, the Board of Zoning Appeals
34 shall consider all technical evaluations, all relevant factors, standards
35 specified in other sections of this ordinance, and:
36 a. The danger that materials may be swept onto other lands to the injury
37 of others;
38 b. The danger to life and property due to flooding or erosion damage;
39 c. The susceptibility of the proposed facility and its contents to flood
40 damage and the effect of such damage on the individual owner;
41 d. The importance of the services provided by the proposed facility to
42 the community;
43 e. The necessity to the facility of a waterfront location, where applicable;
44 f. The availability of alternative locations not subject to flooding or
45 erosion damage, for the proposed use;
46 g. The compatibility of the proposed use with existing and anticipated
47 development;
48 h. The relationship of the proposed use to the comprehensive plan and
49 flood plain management program for that area;
50 i. The safety of access to the property in times of flood for ordinary and

- 1 emergency vehicles;
- 2 j. The expected heights, velocity, duration, rate of rise, and sediment
- 3 transport of the flood waters and the effects of wave action, if
- 4 applicable, expected at the site; and
- 5 k. The costs of providing governmental services during and after flood
- 6 conditions including maintenance and repair of public utilities and
- 7 facilities, such as sewer, gas, electrical, water systems, streets, and
- 8 bridges.
- 9

10 ~~Generally, variances may be issued for new construction and substantial~~

11 ~~improvements to be erected on a lot of one-half acre or less in size~~

12 ~~contiguous to and surrounded by lots with existing structures constructed~~

13 ~~below the base flood level, provided the above items have been fully~~

14 ~~considered. As the lot size increases beyond the one-half acre, the~~

15 ~~technical justification require for issuing the variance increases.~~

16

- 17 3. Upon consideration of the factors listed above and the purposes of this
- 18 ordinance, the Board of Zoning Appeals may attach such conditions to the
- 19 granting of variances as it deems necessary to further the purposes of this
- 20 ordinance.
- 21
- 22 4. Conditions of variances.
- 23 a. Variances shall only be issued upon a determination that the variance
- 24 is the minimum necessary, considering the flood hazard, to afford
- 25 relief.
- 26 b. Variances shall only be issued upon:
- 27 i. A showing of good and sufficient cause;
- 28 ii. A determination that failure to grant the variance would result in
- 29 exceptional hardship to the applicant; and
- 30 iii. A determination that the granting of a variance will not result in
- 31 additional threats to public safety, result in extraordinary public
- 32 expense, create nuisances, cause fraud on or victimization of
- 33 the public, or conflict with existing local laws or ordinances.
- 34 c. Any applicant to whom a variance is granted shall be given written
- 35 notice that the structure will be permitted to be built with a lowest floor
- 36 elevation at a specified number of feet below the base flood elevation,
- 37 and that the cost of flood insurance will be commensurate with the
- 38 increased risk resulting from the reduced lowest floor elevation.
- 39

40 11145.C. Procedures for requesting amendments to the flood insurance rate maps:

41 Requests for amending the flood insurance rate maps (FIRM) may be

42 submitted by affected individuals directly to the Federal Emergency

43 Management Agency. The City of Myrtle Beach has no authority to amend or

44 grant variances to the flood insurance rate maps without prior approval of the

45 Federal Insurance Administration.

46

47 11145.D. Free of obstruction or Break away walls with areas used only for vehicle

48 parking, facility access or storage: All properties in within Zones V130, Coastal

49 High Hazard (VE), and V on the City's Flood Insurance Rate Map must comply

50 with 44 CFR Chapter 1, Part 60, Subpart 60.3, as applicable, and have the

1 space below the lowest floor either free of obstruction or constructed with non-
2 supporting breakaway walls, open wood lattice-work, or insect screening
3 intended to collapse under wind and water loads without causing collapse,
4 displacement, or other structural damage to the elevated portion of the building
5 or supporting foundation system. For the purposes of this section, a breakaway
6 wall shall have a design safe loading resistance of not less than 10 and no
7 more than 20 pounds per square foot. Use of breakaway walls which exceed
8 a design safe loading resistance of 20 pounds 1 per square foot (either by
9 design or when so required by local or State codes) may be permitted only if
10 a registered professional engineer or architect certifies that the designs
11 proposed meet the following conditions: (i) Breakaway wall collapse shall result
12 from a water load less than that which would occur during the base flood; and,
13 (ii) The elevated portion of the building and supporting foundation system shall
14 not be subject to collapse, displacement, or other structural damage due to
15 the effects of wind and water loads acting simultaneously on all building
16 components (structural and non-structural). Water loading values used shall
17 be those associated with the base flood. Wind loading values used shall be
18 those required by applicable State or local building standards. Such enclosed
19 space shall be useable solely for parking of vehicles, building access, or
20 storage. Any nonconforming or noncompliant enclosure or use is prohibited
21 and must be removed, and not reinstated. Any such nonconforming or
22 noncompliant enclosure or use, without regard to permitting, time of existence,
23 custom or practice is expressly not subject to grandfathering, and may not in
24 any way continue. The removal of the nonconforming or noncompliant
25 enclosure or use shall be accomplished by September 1, 2010, and may not
26 be erected or placed again under any circumstances. Failure to remove the
27 nonconforming or noncompliant enclosure or use may result in additional
28 enforcement action, including but not limited to the City's Declaration in
29 implementation of Title 44, CFR, Chapter 1, Part 73, Section 73.3, as the
30 procedure for the denial of flood insurance for that property, as provided for in
31 federal law. The required removal of the nonconforming or noncompliant
32 enclosure or use or the continuing prohibition of installation of a nonconforming
33 or noncompliant enclosure may not be the subject of an appeal or request for
34 variance from the Board of Zoning Adjustments.

35
36 This ordinance will take effect upon second reading.

37
38
39 BRENDA BETHUNE, MAYOR
40

41 ATTEST:

42
43 _____
44 JENNIFER ADKINS, CITY CLERK

45 1st Reading: 10-26-2021

46 2nd Reading: 11-9-2021

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Detailed Staff Report

Section 403. Findings of Fact Required

In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the City Council. Factors shall include, but shall not be limited to, the following:

- 403.A. Whether or not the requested zoning change is consistent with the Comprehensive Plan or is justified by an error in the original ordinance.
- 403.B. The precedents and the possible effects of such precedents, which might result from approval or denial of the petition.
- 403.C. The capability of the City or other government agencies to provide any services, facilities, or programs that might be required if the petition were approved.
- 403.D. Effect of approval of the petition on the condition or value of property in the City.
- 403.E. Effect of approval of the petition on adopted development plans and policies of the City.

Staff Comments:

Construction Services-Floodplain Manager: see attached presentation