

AMENDING CHAPTER 27 OF **THE CODE OF THE CITY OF CHARLESTON**, BY AMENDING FLOOD HAZARD PREVENTION AND CONTROL REQUIREMENTS IN SECTION 27-117 TO INCREASE THE FREEBOARD REQUIREMENT FROM ONE FOOT TO TWO FEET FOR ALL NEW RESIDENTIAL AND NON-RESIDENTIAL CONSTRUCTION AND FROM ONE FOOT TO TWO FEET FOR SUBSTANTIAL IMPROVEMENT OF ALL COMMERCIAL, INDUSTRIAL OR OTHER NON-RESIDENTIAL STRUCTURES, EFFECTIVE JULY 1, 2020 (**AS AMENDED**).

BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Sec. 27-117. (1) of the Code of the City of Charleston, is hereby amended as shown by the language that is stricken as follows:

“(1) *Residential construction.* ~~New construction or substantial improvement of any residential structure~~ shall have the lowest floor, including basement, or the applicable structural member elevated **at least two (2) feet** above the level of base flood elevation prescribed for that zone.”

a. ~~New construction means structures for which the start of construction commenced on or after April 9, 1971.~~

b. ~~For substantial improvement of any residential structure, the increase of elevation from one foot to two feet applies only to structures damaged as a result of flooding.~~

Section 2. Sec. 27-117(2) of the Code of the City of Charleston, is hereby amended as shown by the language that is stricken and replaced by bold, underlined text as follows:

“(1) *Non-residential construction.* New construction or substantial improvement of any commercial, industrial or other non-residential structure on or after April 9, 1971 shall either have the lowest floor, including basement, or the applicable structural member elevated ~~to or above~~ **at least two (2) feet** above the level of the base flood elevation prescribed for that zone or, together with attendant utility and sanitary facilities be flood-proofed in accordance with the FEMA publication "Floodproofing Non-Residential Structures" (2013), so that all areas below the required elevation are watertight and 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. A registered professional engineer or architect shall certify that the standards of this subparagraph (2) are satisfied. Such certification shall be provided to the city as set forth in section 27-114(3) of this division.”

Section 3. Sec. 27-117.(4)c.i. of the Code of the City of Charleston, is hereby amended as shown by the language that is in bold, underlined text as follows:

“i. Stands or lots be elevated on compacted fill or on pilings so that the lowest floor **of new construction** of the manufactured home will be at least **two (2) feet** above the base flood level;”

Section 4. Sec. 27-117.(4)d.i. of the Code of the City of Charleston, is hereby amended as shown by the language that is stricken and replaced in bold, underlined text as follows:

“i. The lowest floor **of new construction** of the manufactured home is elevated to **at least two (2) feet** above the level of the base flood elevation; ~~unless the substantial improvement to the existing manufactured home is the result of an event other than flooding and therefore is exempt from the increase of elevation from one foot to two feet; or~~”

Section 5. Sec. 27-117.(6)b.i. of the Code of the City of Charleston, is hereby amended as shown by the language that is stricken and replaced by bold, underlined text as follows:

“i. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) **of new construction** is elevated to or above **two (2) feet** above the base flood level, ~~unless the substantial improvements are the result of an event other than flooding and therefore are exempt from the increase of elevation from one foot to two feet; and~~”

Section 6. For purposes of this ordinance, new construction means entirely new residential and non-residential structures. New construction does not include alterations, additions, or repairs to existing structures.

Section 7 6. All of the requirements set forth herein **increasing the freeboard requirement from one foot to two feet** shall take effect and become operative and enforceable ~~on August 1, 2019.~~ **for all required City building permits applied for on or after July 1, 2020.**

Section 8 7. This ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of _____ in the Year of Our Lord, 2020 and in the ____nd Year of the Independence of the United States of America

John J. Tecklenburg, Mayor

ATTEST:

Clerk of Council