



CITY OF CAYCE

MAYOR
ELISE PARTIN

MAYOR PRO-TEM
JAMES E. JENKINS

COUNCIL MEMBERS
TARA S. ALMOND
EVA CORLEY
TIMOTHY M. JAMES

CITY MANAGER
REBECCA V. RHODES

ASSISTANT CITY MANAGER
SHAUN M. GREENWOOD

**City of Cayce
Regular Council Meeting
Tuesday, November 5, 2013
6:00 p.m. – Council Chambers - 1800 12th Street
www.cityofcayce-sc.gov**

I. Call to Order

- A. Invocation and Pledge of Allegiance
- B. Approval of Minutes
October 1, 2013 Regular Meeting
October 16, 2013 Special Meeting

II. Presentations

- A. Presentation of City of Cayce Safety Banner Contest Awards

III. Public Comment regarding Items on the Agenda

IV. Ordinances, Resolutions and Other

- A. Approval of Ordinance to Amend Section 6.2 ("Purpose of Districts") and and Section 6.8 (PDD Planned District Development) of the City of Cayce Zoning Ordinance in relation to Planned Development Districts – First Reading
- B. Approval of Ordinance Amending Section 6.9-1 ("Flood Damage Prevention Ordinance") of the Zoning Ordinance – First Reading
- C. Approval of Ordinance Amending Zoning Map and Rezoning property located at Tax Map Number 006900-01-021 – First Reading
- D. Approval of Ordinance Amending the Development Agreement with Lexington School District Two for Land Use Development of Brookland-Cayce High School – Second Reading
- E. Consideration and Approval of Resolution Approving Multijurisdictional Alcohol Enforcement Unit Agreement
- F. Discussion and Approval of Design Process for Riverland Park and Andrew J. Burnette Park

V. City Manager's Report

VI. Committee Matters

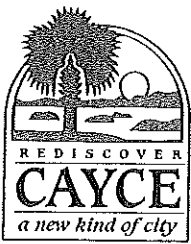
- A. Approval to Enter the following approved Committee Minutes into the City's Official Record
 - Cayce Historical Museum Commission – September 3, 2013
 - Beautification Board – September 10, 2013
 - Cayce Events Committee – September 12, 2013
 - Planning Commission – September 16, 2013

VII. Executive Session

- A. Receipt of legal advice relating to claims and potential claims by the City and other matters covered by the attorney-client privilege
- B. Discussion of employee annual leave policy

VIII. Possible Actions by Council in follow up to Executive Session

SPECIAL NOTE: Upon request, the City of Cayce will provide this document in whatever form necessary for the physically challenged or impaired.

**CITY OF CAYCE***MAYOR*
ELISE PARTIN*MAYOR PRO-TEM*
JAMES E. JENKINS*COUNCIL MEMBERS*
TARA S. ALMOND
EVA CORLEY
TIMOTHY M. JAMES*CITY MANAGER*
REBECCA V. RHODES*ASSISTANT CITY MANAGER*
SHAUN M. GREENWOOD**CITY OF CAYCE
Regular Council Meeting
October 1, 2013**

The October Regular Council Meeting was held this evening at 6:00 p.m. in Council Chambers. Those present included Mayor Elise Partin, Council Members Tara Almond, Eva Corley, Tim James, and James Jenkins, City Manager Rebecca Rhodes and Assistant City Manager Shaun Greenwood, Municipal Clerk Mendy Corder and Garry Huddle, Municipal Treasurer. City Attorney, Danny Crowe, Director of Utilities, Blake Bridwell, and Public Safety Director Charles McNair were also in attendance. Mayor Partin asked if members of the press and the public were duly notified of the Council Meeting in accordance with the FOIA. Ms. Corder confirmed they were notified.

Call to Order

Mayor Partin called the meeting to order. Council Member Skip Jenkins gave the invocation. Mr. Edward Dawkins Jr., a Veteran who served in all branches of the Military for a total of 21 years, led the assembly in the Pledge of Allegiance.

Approval of Minutes

Ms. Corder notified Council that there was a mistake in the September 18, 2013 minutes. The third sentence under Possible Actions by Council in follow up to Executive Session should read \$150,000, not \$100,000. Council Member James made a motion to approve the minutes of the September 3, 2013 Regular Meeting as submitted, and the September 18, 2013 Special Meeting as amended. Council Member Almond seconded the motion which was unanimously approved by roll call vote.

Mayor Partin informed the assembly that Council had made a motion at the September 18, 2013 Council Meeting to postpone discussion of the employee annual leave policy to the current meeting but time constraints did not permit it to be placed on the October 1, 2013 agenda. Council Member Jenkins made a motion to postpone the discussion to the October 16, 2013 Special Council Meeting. Council Member Almond seconded the motion which was unanimously approved by roll call vote.

Public Comment Regarding Items on the Agenda

No public comment was given.

Proclamations, Resolutions and Ordinances

- A. Approval of Proclamation for Alpha Delta Kappa Sorority Month

Mayor Partin stated there are several teachers in Lexington School District Two that are members of this sorority. She explained that Alpha Delta Kappa is an international honorary organization of women educators dedicated to educational excellence, altruism, and world understanding and this year celebrates the 65th anniversary of the founding of the sorority. Membership in Alpha Delta Kappa is honorary, based on peer recognition, and is invitational only to those women who exemplify the following attributes: two or more years experience in the education profession and employed full time in teaching, administration, or a specialized field of education, plus matriculation from an accredited college or university with a degree in education and satisfactorily meeting the requirements for teacher, administrative or specialized certification.

Mayor Partin stated this proclamation was brought to Council's attention by West Columbia Council Member Casey Hallman who is a member of the sorority. Council Member Jenkins made a motion to approve the proclamation. Council Member James seconded the motion which was unanimously approved by roll call vote.

B. Approval of a Resolution Recognizing the 100th Anniversary of Cayce United Methodist Church

Mayor Partin stated Cayce United Methodist Church's journey started as the Cayce Methodist Episcopal Church, South; and the first church services were held in an old blacksmith shop. Later their services were held in a large room over a store in Cayce that was also a meeting place for Woodmen of the World. The first sanctuary, located at the corner of Holland and Second Avenue, was completed in 1916. By the mid-1950s, the church was home to over 500 members; and in 1956 a devastating fire destroyed the sanctuary. In April 1957 the church moved to its current location at the corner of Naples Avenue and 12th Street in Cayce.

Council Member Almond made a motion to approve the Resolution. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote.

C. Approval of Ordinance to Annex and Zone Property Located at 104 Laurel Lane – First Reading

Ms. Rhodes notified Council that the Ordinances for annexation at their seats were revised; the City Attorney recommended a few minor changes to the Ordinance format that staff was using. She advised the changes made were to the language of the Ordinance and not the substance and were very minor. Council Member James made a motion to approve the Ordinance annexing 104 Laurel Lane into the City of Cayce. Council Member Corley seconded the motion which was unanimously approved by roll call vote.

D. Approval of Ordinance to Annex and Zone Property Located at 105 Laurel Lane – First Reading

Council Member James made a motion to approve the Ordinance to annex 105 Laurel Lane into the City of Cayce. Council Member Almond seconded the motion which was unanimously approved by roll call vote.

E. Approval of Ordinance Authorizing the Sale of Property of the City of Cayce at Ravenscroft Road in Lloydwood Subdivision – Second Reading

Council Member Jenkins made a motion to approve the sale of property. Council Member Corley seconded the motion. Mayor Partin stated that Council had discussed ensuring that the property be used for recreational purposes only and if not; it would revert back to the City. She stated that language was not in the Ordinance but Mr. Lambert had advised Ms. Rhodes that the City could sue the Lloydwood Neighborhood Alliance to get the land back if it was not being used as agreed upon. Mayor Partin asked Mr. Crowe if that was the best course of action.

Mr. Crowe stated the deed contains a requirement that the property not be sold, abandoned or vacated and it can only be used for recreational purposes as a playground or park. Another provision states should the grantee decide to no longer maintain the property then the grantee agrees to convey it to some other organization that is approved in writing by the grantor to continue the use of the property. He stated this language was used because of the unknown condition of the property and the fact that the City may not want a strict reverter. The language used leaves it open that the City could take the property back should the Neighborhood Alliance wish to convey it back or if they wish to convey it to some other entity then the City would have the authority to do that. After discussion, the motion was unanimously approved by roll call vote.

City Manager's Report

Ms. Rhodes informed Council that Dunkin' Donuts has opened and will hopefully have a grand opening ceremony in the near future. She reminded Council that a year ago the City received a violation for having TTHM's in its water supply. She stated that the TTHM's in the City's water supply has been reduced by 50% in one year. She explained that staff is now at stage two of the testing which requires testing be done at specific locations. Ms. Rhodes stated staff has told her that they feel confident that the City will pass all these requirements as well. Mayor Partin reminded the assembly that the violation resulted from the water source and not anything that the City did wrong.

Ms. Rhodes stated there has been news reports of PCB's being dumped into wastewater systems. She informed Council that the City has been testing its system and has not found any sites so far that have PCB's.

Ms. Rhodes stated the City did receive its recertification for the Community Rating System this year. She explained every year it is required that the Planning & Development Department do this and it helps everyone with their flood insurance rates.

Ms. Rhodes stated staff did contact the company that maintains the paint on the City's water tanks to inquire if there will be a significant increase in cost for maintenance of the tank on Hwy. 321 because of the Public Work of HeART project. She stated there will not be a significant increase and the company has given the City a warranty on the paint and the artist has warranted the artwork.

Ms. Rhodes stated the City did have a decent turnout of volunteers to tag the City's storm drains for Storm Drain Tagging Month. She explained the program is done in conjunction with the Lexington County Stormwater Consortium to educate the public that anything put in the drains goes into the river.

Mayor Partin asked Ms. Rhodes to give an update on the Peach Street Barracks. Ms. Rhodes stated that staff with Habitat for Humanity did attend a CDBG meeting and is working with CDBG grant staff to hopefully receive money to demolish the property. They have to apply for CDBG funds and they attended their first workshop recently.

Committee Matters

- A. Approval to Enter the Following Approved Committee Minutes into the City's Official Record

Council Member James made a motion to approve entering the following Committee minutes into the City's official record:

Beautification Board – April 9, 2013
Cayce Events Committee – August 8, 2013
Planning Commission – August 19, 2013

Council Member Almond seconded the motion which was unanimously approved by roll call vote.

- B. Committee Appointments/Reappointments

Cayce Historical Museum Commission – One Position

Mr. Marion Hutson's term expired in September and the Museum Commission recommends his re-appointment. Council Member Jenkins made a motion to reappoint Mr. Hutson to the Commission. Council Member James seconded the motion which was unanimously approved by roll call vote.

Consolidated Board of Appeals – One Position

Mr. Hancock's term expired in October. Ms. Corder explained that the Board has not met since 1995 but the City is required to have the Board in case anyone ever appeals the Building Officials decision. Council Member Almond made a motion to reappoint Mr. Hancock to the Board. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote.

Ms. Rhodes reminded Council and the assembly that the Public Safety Foundation has five openings and members are needed to help with their fundraising activities. Mayor Partin and Council Member James stated that the Foundation had requested changes be made to the Foundation's by-laws and the City Attorney advised that the City not approve those changes but Council could not remember the final outcome of that decision. Ms. Rhodes stated the Foundation decided to not bring those changes back before Council. Ms. Rhodes said she remembered that the biggest change the Foundation wanted to make was allowing people to serve on the Foundation that do not live or work in the City. Council Member James stated Council had also suggested some changes to the by-laws.

Mr. Crowe stated as he recalled from earlier conversations the Foundation asked to be allowed to appoint their own members and wanted to reduce the City's participation in the Foundation. Mayor Partin stated the members could recommend potential members to Council and Council would appoint them. Ms. Rhodes stated she would research where the issue was left off and let Council know where it stands at this point.

Mayor Partin asked Ms. Corder if she had gotten with Council Member Jenkins to see if the Leadership Lexington Board could help the City find people interested in serving on City Committees. Ms. Corder stated she would contact Council Member Jenkins before the November Council Meeting.

Executive Session

- A. Receipt of legal advice relating to a claim and potential claim by the City
And other matters covered by the attorney-client privilege

- B. Discussion of negotiations incident to proposed contractual arrangements between the City of Cayce and Lexington School District Two
- C. Discussion of negotiations incident to proposed contractual arrangements for animal services

Council Member James made a motion to move into Executive Session to discuss the matters above. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote.

Reconvene

After the Executive Session was concluded, Council Member James made a motion to reconvene the Regular meeting. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote. Mayor Partin announced that no vote was taken in Executive Session other than to adjourn and resume the Regular meeting.

Possible Actions by Council in follow up to Executive Session

VI. C.

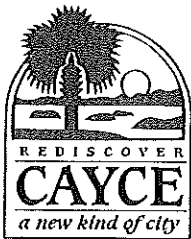
Council Member James made a motion to approve the addendum to the settlement agreement with Lexington County Animal Services and to ratify the execution of the addendum by the City Manager on September 30th. Council Member Corley seconded the motion which was unanimously approved by roll call vote.

There being no further business, Council Member Almond made a motion to adjourn the meeting. Council Member Corley seconded the motion which was unanimously approved by roll call vote. The meeting adjourned at 9:05 p.m.

Elise Partin, Mayor

ATTEST:

Mendy C. Corder, Municipal Clerk



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ASSISTANT CITY MANAGER
SHAUN M. GREENWOOD

CITY OF CAYCE Special Council Meeting October 16, 2013

A Special Council Meeting was held this afternoon at 5:00 p.m. in Council Chambers. Those present included Mayor Elise Partin, Council Members Tara Almond, Eva Corley, Tim James, and James Jenkins, City Manager Rebecca Rhodes, Assistant City Manager Shaun Greenwood, Mendy Corder, Municipal Clerk, Blake Bridwell, Director of Utilities, Chief Charley McNair and Garry Huddle, Municipal Treasurer. Mayor Partin asked if members of the press and the public were duly notified of the meeting in accordance with the FOIA. Ms. Corder confirmed they were notified.

Call to Order

Mayor Partin called the meeting to order and Councilmember Jenkins gave the invocation. Mayor Partin led the assembly in the Pledge of Allegiance.

Other

- A. Approval of Ordinance to Annex and Zone Property Located at 104 Laurel Lane – Second Reading

Council Member James made a motion to approve the Ordinance to annex and zone 104 Laurel Lane on second reading. Council Member Corley seconded the motion which was unanimously approved by roll call vote.

- B. Approval of an Ordinance to Annex and Zone Property Located at 105 Laurel lane – Second Reading

Council Member Almond made a motion to approve the Ordinance to annex and zone 105 Laurel Lane on second reading. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote.

Executive Session

Council Member Almond made a motion to move into Executive Session to discuss the matters below. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote.

- A. Receipt of legal advice relating to a claim and potential claim by the City and other matters covered by the attorney-client privilege
- B. Discussion of negotiations incident to proposed contractual arrangements

between the City of Cayce and Lexington School District Two

- C. Discussion of contractual matters as it relates to purchase of new software
- D. Discussion of employee annual leave policy

Reconvene

After the Executive Session was concluded, Council Member James made a motion to reconvene the Regular meeting. Council Member Corley seconded the motion which was unanimously approved by roll call vote. Mayor Partin announced that no vote was taken in Executive Session other than to adjourn and resume the Regular meeting.

Possible Actions by Council in follow up to Executive Session

IV. A

Council Member James made a motion to approve the Ordinance amending the development agreement with Lexington County School District Two for land use development of Brookland-Cayce High School with the development agreement amended with the insert as prepared by the City Attorney. Council Member Almond seconded the motion which was unanimously approved by roll call vote.

There being no further business, Council Member James made a motion to adjourn the meeting. Council Member Almond seconded the motion which was unanimously approved by roll call vote. The meeting adjourned at 6:20 p.m.

Elise Partin, Mayor

ATTEST:

Mendy C. Corder, Municipal Clerk

Memorandum

To: Mayor and Council
From: Rodney Thomas
Date: October 31, 2013
Subject: City of Cayce Safety Banner Contest

The city has always viewed safety as a primary focus of its business operations. In the past few years the city has increased efforts to promote safety and encourage employee health. The Safety Banner Contest is just one effort that has been implemented to encourage and promote employee safety.

The safety banner contest looks at encouraging employee participation by allowing them to show their creativity in developing banners to be displayed at different facilities throughout the City of Cayce. This is the second contest in 3 years with increased employee participation from the previous year.

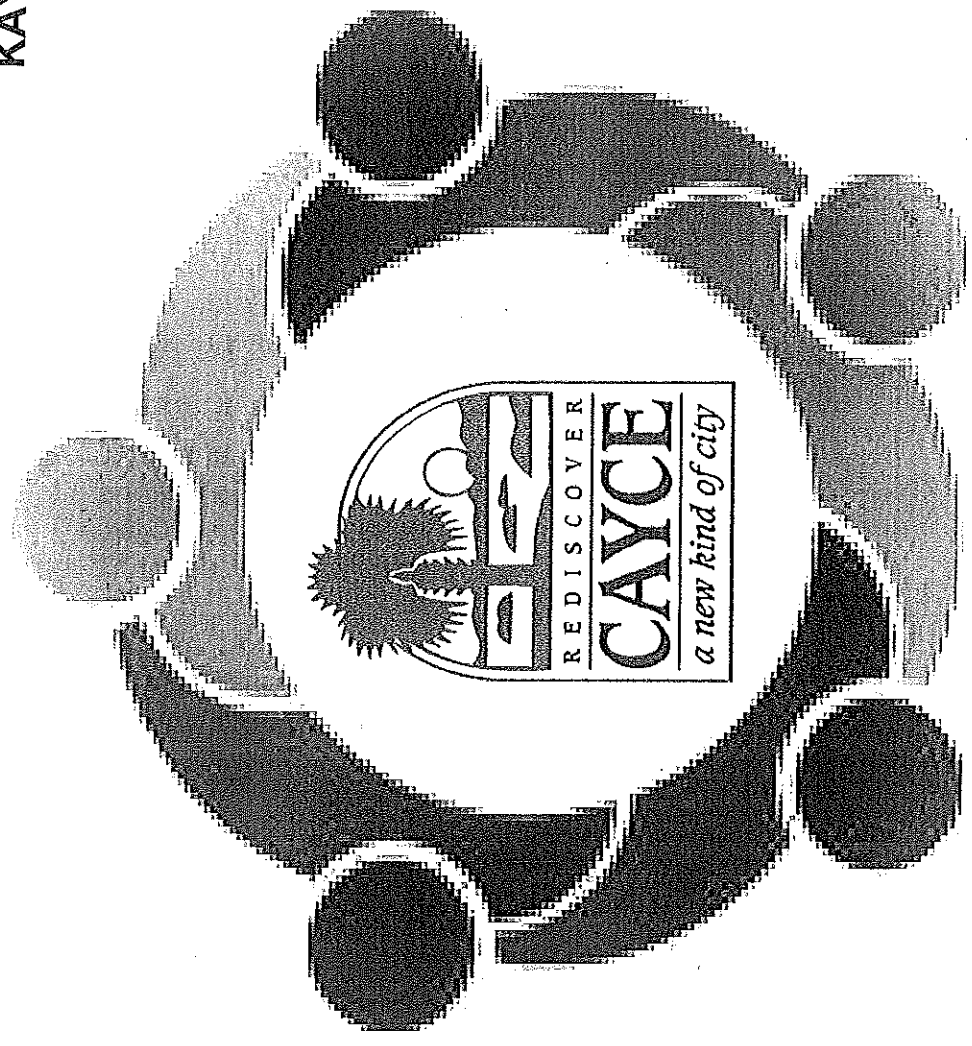
This presentation looks at recognizing Zan Norris from the Wastewater Treatment Facility and Kay Hutchinson, the City's Customer Accounts Manager.

Because of the efforts of both ladies they will receive.

1. Coupon for a day off.
2. Wal-Mart \$50.00 Gift Card
3. Jacket with their names and the City's Logo.

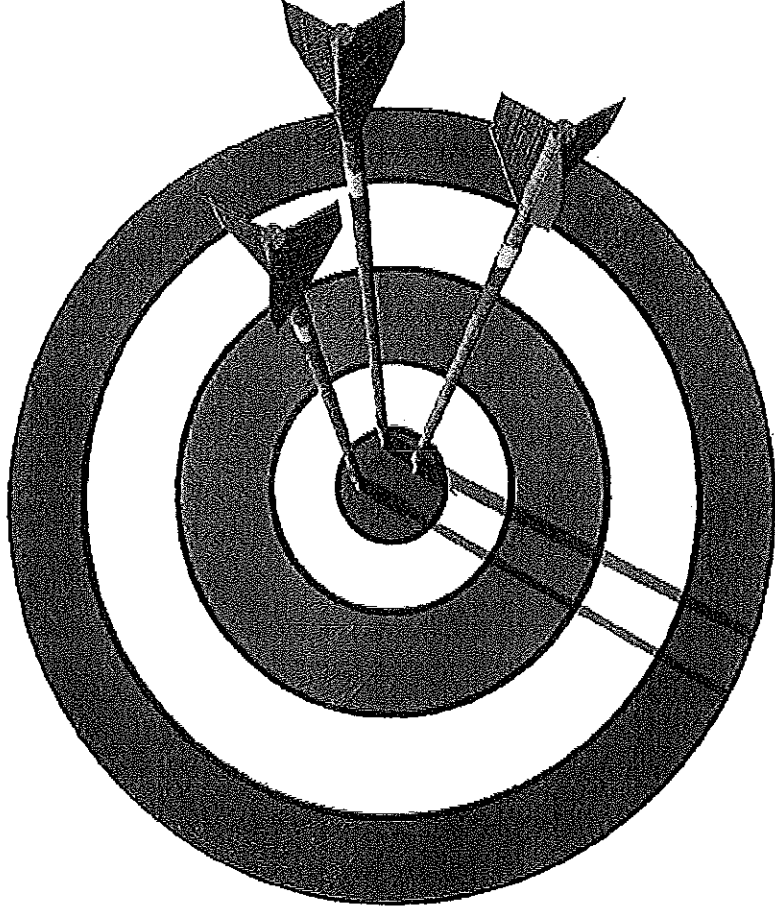
TEAMWORK = SAFE WORK

KAY HUTCHINSON

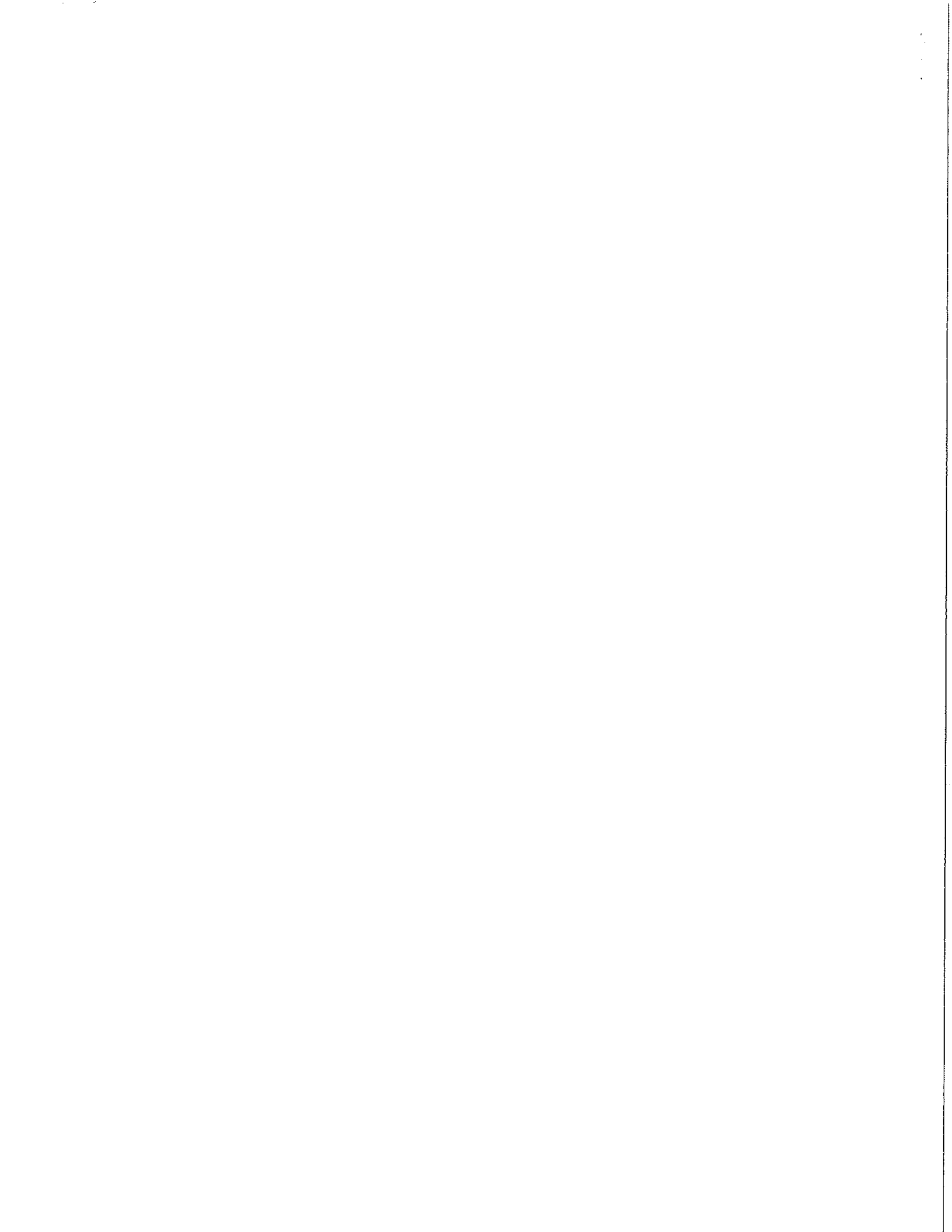


...WE AIM FOR SAFETY AT THE CITY OF CAYCE.....

ZAN NORRIS



Use Teamwork To Stay Alert!



Memorandum

To: Mayor and Council

From: Rebecca Rhodes, City Manager
Shaun Greenwood, Asst. City Manager
Monique Ocean, Zoning Technician

Date: October 28, 2013

Subject: First Reading of an ordinance to amend Section 6.2 ("Purpose of Districts") and Section 6.8 ("PDD Planned District Development") of the City of Cayce Zoning Ordinance in relation to Planned Development Districts.

ISSUE

Council approval is needed for the First Reading of an ordinance amending Section 6.2 ("Purpose of Districts"), deleting the current Section 6.8 (PDD Planned Development District) of the Zoning Ordinance of the City of Cayce, and adopting a new Section 6.8 ("PDD Planned Development District").

BACKGROUND/DISCUSSION

The City's PDD ordinance is in need of clarification and does not provide adequate flexibility to be enforced in a business friendly manner. In order to create an ordinance that is more unified and provides more cohesive regulations, Staff researched the PDD ordinances of several other municipalities and believes that the proposed changes will create an ordinance that is more comparable. A summary of the changes are attached. The proposed changes are provided in a red-lined copy.

The Planning Commission met on October 21, 2013, to hear Public Comment about the suggested changes. No members of the public were present at the meeting but Staff received input and recommendations from a party that had an interest in the proposed revisions. The recommendations were evaluated and several changes resulted from those recommendations. The Planning Commission voted unanimously to recommend the amendment.

RECOMMENDATION

The Planning Commission recommends Council approve First Reading of an ordinance amending Section 6.2 ("Purpose of Districts") and Section 6.8 ("PDD Planned District Development") of the Zoning Ordinance of the City of Cayce

SUMMARY OF CHANGES – PDD Planned Development District

1. Section 6.2 (“Purpose of Districts”)
 - Intent of PDD Changed to more closely reflect language of the SC Local Government Comprehensive Planning Enabling Act
2. Section 6.8-2 (“Existing PDD’s Exempt from Rezoning”)
 - Typo corrected – should list Section 6.8 not 6.7
3. Section 6.8-3 (“Permitted uses in PDD”)
 - Language changed to indicate only uses approved by Council shall be permitted
4. Section 6.8-4 (“Development Standards”)
 - Added language for new parking and off-street loading and standards within a PDD to give applicant flexibility in parking plans
 - Added language to landscaping requirements to give applicant another option in the landscaping plan
 - Added an additional recommendation for signage within a PDD to give applicant flexibility and to know the City’s preferences
5. Section 6.8-5 (“Plan Requirements”)
 - Added list for sight plan requirements to indicate items that may be requested by staff, Planning Commission, and/or Council in order to review the proposed plan
6. Section 6.8-5 (“Financial Guarantees”)
 - Added language so that Council may require financial guarantees to ensure applicant complies with the approved development plan
7. Section 6.8-7 (“Action by Planning Commission and Council”)
 - Typo corrected
8. Section 6.8-9 (“Changes in Approved PDD Plans”)
 - Added language to clarify who may make major or minor changes
 - Added list of items to clarify what is a major change because specifics are not mentioned in the existing ordinance
 - Added list of items to clarify what is a minor change because specifics are not mentioned in the existing ordinance
9. Section 6.8-10 (“Failure to begin; Failure to Progress; Failure to Complete”)
 - Added language that gives the City the ability to hold a developer accountable if the project is not started within the agreed upon timetable

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
CITY OF CAYCE)

ORDINANCE
Amending Section 6.2 ("Purpose of
Districts") and Section 6.8 ("PDD
Planned Development District") of
the Zoning Ordinance of the City of
Cayce

WHEREAS, the Council has determined that it is in the interest of the public, and in the interest of the City in the proper and efficient administration of the Zoning Ordinance, to amend Section 6.2 ("Purpose of Districts") and Section 6.8 ("PDD Planned Development District") of the Zoning Ordinance of the City relating to Planned Development Districts,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Cayce, in Council, duly assembled, that:

1. Section 6.2 ("Purpose of Districts") of the Zoning Ordinance of the City is hereby amended to read as follows:

PDD Planned Development District:

The intent of the Planned Development District (PDD) is to allow flexibility in development and encourage the use of innovative site planning techniques resulting in developments with improved design, character, and quality of new mixed use developments which preserve natural and scenic features of open spaces. A PDD is characterized by a plan that may incorporate housing of different types and densities and compatible commercial, institutional, and industrial developments. A PDD allows for the establishment of dimensional and use requirements unique to the property to accommodate flexibility in the arrangement of uses within the project for the general purpose of promoting and protecting the public health, safety, and general welfare.

In view of the substantial public advantage of "planned development", it is the intent of these regulations to promote and encourage or require development in this form where appropriate in character, timing, and location, particularly in large undeveloped tracts.

2. Section 6.8 ("PDD Planned Development District") of the Zoning Ordinance of the City of Cayce is hereby amended to delete, in its entirety, the current Section 6.8 and to substitute therefor the text as attached to this Ordinance.

This Ordinance shall be effective from the date of second reading approval by Council.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2013.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

Approved as to form: _____
Danny C. Crowe, City Attorney

PDD Planned Development District:

The intent of the Planned Development District (PDD) is to allow flexibility in development and encourage the use of innovative site planning techniques resulting in developments with improved design, character, and quality of new mixed use developments which preserve natural and scenic features of open spaces. A PDD is characterized by a plan that may incorporate housing of different types and densities and compatible commercial, institutional, and industrial developments. A PDD allows for the establishment of dimensional and use requirements unique to the property to accommodate flexibility in the arrangement of uses within the project for the general purpose of promoting and protecting the public health, safety, and general welfare.

In view of the substantial public advantage of "planned development", it is the intent of these regulations to promote and encourage or require development in this form where appropriate in character, timing, and location, particularly in large undeveloped tracts

Section 6.8 PDD Planned Development District

Section 6.8-1 Establishment of PDD

A PDD shall be established on the official Zoning Map by the same procedure as for amendments generally (Article 4) and in accord with the requirements of this section.

Additionally, each PDD shall be identified by a prefix and number indicating the particular district, as for example "PDD - 98 - 1" (Zone - Year - Number), together with whatever other identification appears appropriate.

Section 6.8-2 Existing PDD's Exempt from Rezoning

Any existing undeveloped PDD shown on the Official Zoning Map shall be exempt from the rezoning process; provided an acceptable development plan is submitted to and approved by the Cayce Planning Commission. Review by the Planning Commission shall be governed by all applicable requirements of Section 6.8 including the requirement for a public hearing on the proposed Development Plan.

Section 6.8-3 Permitted uses in PDD

Any use or combination of uses meeting the objectives of this section may be established in a PDD upon review and approval by the Planning Commission and amendatory action by City Council, where required. Once approved, only, the proposed use(s) shall be permitted. Said uses shall be identified and listed on the basis of classification, i.e. retail, office, wholesale, residential multi-family, residential single-family detached, manufacturing, etc. The list of approved uses shall be binding on the applicant and any successor in title, so long as the PDD zoning applies to the land, unless otherwise amended by action of the Planning Commission and City Council, where required.

Section 6.8-4 Development Standards

(1) Minimum Area Required

Minimum area requirements for establishing a PDD shall be two (2) acres.

(2) Density

Residential density, setbacks, impervious surface ratios, floor area ratios, and building heights shall be determined by the scale of the project in relation to its surroundings and its impact on existing and proposed support facilities, i.e. transportation, water and sewerage systems, recreation facilities, etc.

(3) Overall Site Design

Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, size of structures, street patterns, and use relationships. Variety in building types, heights, facades, setbacks, and size of open spaces shall be encouraged.

(4) Parking and Loading

New parking and off-street loading standards for the number of spaces required for each permitted use may be developed by the applicant or shall comply with the requirements of Tables 1 and 2 and the supplemental requirements of Article 9. New standards shall be based on standards developed by the Institute of Traffic Engineers, the Urban Land Institute, or other similar professional organizations.

(5) Buffer Yards

Buffer yards shall be required for peripheral uses only, and shall be provided in accord with the minimum requirements for adjacent uses prescribed by Section 10.1. Buffer yards required for internal use shall be determined upon establishment of the PDD.

(6) Landscaping and Common Open Space

Landscaping and open space requirements for each PDD shall generally comply with the provisions of Sections 10.3 and 10.4 of this Ordinance. Any modification to or variance from these standards shall be determined upon establishment of the PDD.

(7) Signage

Signage shall be in harmony and scale with and reflective of the proposed PDD. It is recommended that signage generally comply with the character, size, and placement of signs in the surrounding district.

Section 6.8-5 Plan Requirements

The applicant shall submit those items of the following as applicable and/or as requested by staff, the Planning Commission, Council committee and/or City Council. This list shall serve as a guide and may not be conclusive, dependent upon the particular PDD being reviewed for approval:

- (1) A Site Plan that adheres to the requirements of this section and Sect. 3.7- 3
- (2) A descriptive narrative of the proposed development

- (3) Legal description including the total number of acres
- (4) Number of acres devoted to residential and to non-residential uses
- (5) Number of dwelling units of each type and overall density
- (6) Description of lots and setback lines
- (7) Proposed location and approximate height of all buildings
- (8) Number of off-street parking as required
- (9) Description of open space uses
- (10) Description of buffer yards to separate various uses
- (11) Homeowners' association information, if necessary
- (12) Description of proposed signage
- (13) Proposed timing and phasing of development and justification of phasing
- (14) Other information or descriptions as may be deemed reasonably appropriate for Planning Commission review

Section 6.8-6 Financial Guarantees

Where public improvements and/or "common" amenities or infrastructure are proposed, such improvements shall be installed in accord with a development schedule to be approved as part of the PDD Plan. City Council may require financial guarantees which shall ensure completion of the improvements set forth in the proposed development plan. Such guarantees may include the submission of a performance bond in the amount determined by City Council.

Section 6.8-7 Action by Planning Commission and Council

Action by the Planning Commission and Council, where required, may be to approve the Plan and application to establish a PDD, to include specific modifications to the Plan, to deny the application to establish a PDD, or to amend the Official Zoning Map for a PDD development. If a Development Plan and/or rezoning are approved, the applicant shall be allowed to proceed in accord with the approved PDD Plan as supplemented or modified in a particular case, and shall conform to any time or priority limitations established for initiating and/or completing the development in whole, or in specified stages. If the application is denied, the applicant will be so notified.

Section 6.8-8 Administrative Action

After a PDD Plan has been approved, building and sign permits shall be issued in accord with the approved Plan as a whole or in stages, or portions thereof, as

approved. Said permits shall be issued in the same manner as for building and sign permits generally.

Section 6.8-9 Changes in Approved PDD Plans

Except as provided in this section, approved PDD Plans shall be binding on the owner and any successor in title.

Changes to an approved PDD may be permitted in accordance with one of the following procedures as determined by the Zoning Administrator:

(1) *Major changes.* Changes to a PDD, which would alter the basic concept and general characteristics of the Planned Development District, shall be approved by City Council. After approval of a major change by City Council, a final development plan showing such changes, copies of amended text, map, and/or documents shall be provided to staff. Examples of major changes may include, but are not limited to the following:

- a. External boundary changes
- b. Decrease in open space
- c. Increase or decrease in number of access points
- d. Changes to more intensive land uses, e.g., residential to commercial, any change which the Zoning Administrator determines would significantly alter the character of the PDD or be expected to have an adverse impact upon neighboring property owners

(2) *Minor changes.* Changes to a planned development district which are of a design nature and which do not alter the original concept or use characteristics of the planned development district may be approved by the Zoning Administrator provided that no minor change may be approved by the Zoning Administrator which is in conflict with the plan previously approved by City Council. Examples of minor changes may include, but are not limited to the following:

- a. *Reductions in:*
 1. Density
 2. Signage
 3. Square footage

- b. *Increases or decreases in:*
 - 1. Landscaping
 - 2. Open space
 - 3. Setbacks
- c. *Minor changes to:*
 - 1. Landscaping
 - 2. Lighting
 - 3. Location of land uses
 - 4. Parking
 - 5. Signage
 - 6. Site plan
- d. *Minor changes to allow:*
 - 1. Reorientation of structures
 - 2. Realignment of approved access
 - 3. More restrictive land uses, e.g., commercial to residential
 - 4. Shift in approved density from one area of PDD to another

It shall be the duty of the Planning Director to determine whether any specific request shall be considered a major change or a minor change. However the applicant for change shall have the right to have any request processed as a major change.

Section 6.8-10 Failure to begin; failure to progress; failure to complete

If the responsible party fails to begin, fails to progress, or fails to complete development as agreed in the descriptive statement and/or ordinance amendment, the City Council may charge the developer with violation of the Zoning Ordinance, may enforce a bond posted for compliance, may rezone the property, or may take any combination of these actions. In any event, if the planned development is not initiated within 2 years of its establishment, the Planning Commission may initiate the rezoning of the property to an appropriate district classification in conformity with the Comprehensive Plan.

PDD Planned Development District:

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The intent of the Planned Development District (PDD) is to allow flexibility in development and encourage the use of innovative site planning techniques resulting in developments with improved design, character, and quality of new mixed use developments which preserve natural and scenic features of open spaces. A PDD is characterized by a plan that may incorporate housing of different types and densities and compatible commercial, institutional, and industrial developments. A PDD allows for the establishment of dimensional and use requirements unique to the property to accommodate flexibility in the arrangement of uses within the project for the general purpose of promoting and protecting the public health, safety, and general welfare.

The intent of the Planned Development District is to encourage flexibility in the development of land in order to promote its most appropriate use, and to do so in a manner that will enhance public health, safety, morals, and general welfare.

Within the PDD, regulations adapted to unified planning and development are intended to accomplish the purpose of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots or tracts, promote economical and efficient land use, provide an improved level of amenities, foster a harmonious variety of uses, encourage creative design, and produce a better environment.

In view of the substantial public advantage of "planned development", it is the intent of these regulations to promote and encourage or require development in this form where appropriate in character, timing, and location, particularly in large undeveloped tracts.

Section 6.8 PDD Planned Development District

Section 6.8-1 Establishment of PDD

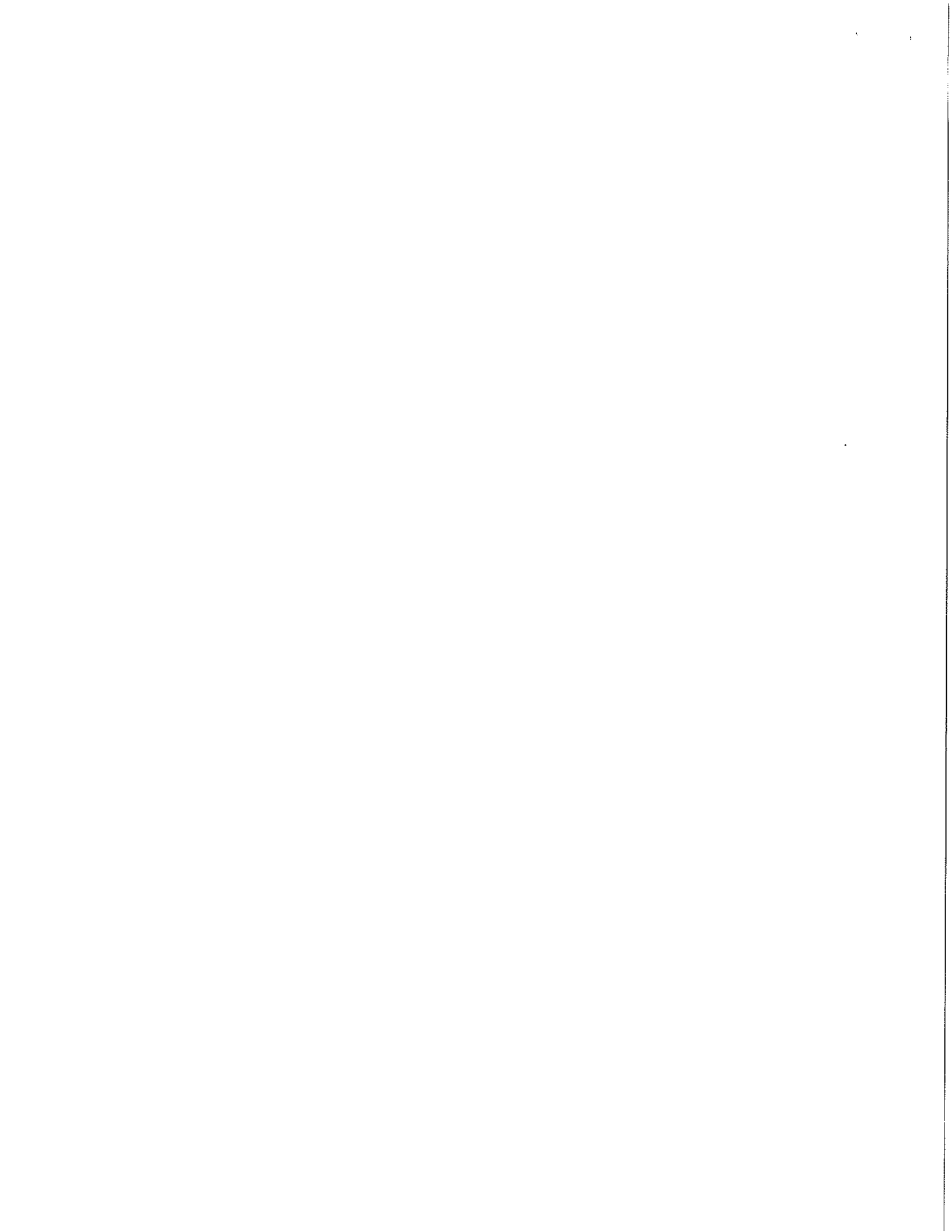
A PDD shall be established on the official Zoning Map by the same procedure as for amendments generally (Article 4) and in accord with the requirements of this section.

Additionally, each PDD shall be identified by a prefix and number indicating the particular district, as for example "PDD - 98 - 1" (Zone - Year - Number), together with whatever other identification appears appropriate.

Section 6.8-2 Existing PDD's Exempt from Rezoning

Any existing undeveloped PDD shown on the Official Zoning Map shall be exempt from the rezoning process; provided an acceptable development plan is submitted to and approved by the Cayce Planning Commission. Review by the Planning Commission shall be governed by all applicable requirements of Section 6.78, including the requirement for a public hearing on the proposed Development Plan.

Section 6.8-3 Permitted uses in PDD



Any use or combination of uses meeting the objectives of this section may be established in a PDD upon review and approval by the Planning Commission and amendatory action by City Council, where required. Once approved, only the proposed use(s) and no others shall be permitted. Said uses shall be identified and listed on the basis of classification, i.e. retail, office, wholesale, residential multi-family, residential single-family detached, manufacturing, etc. The list of approved uses shall be binding on the applicant and any successor in title, so long as the PDD zoning applies to the land, unless otherwise amended by action of the Planning Commission and City Council, where required.

Section 6.8-4 Development Standards

(1) Minimum Area Required

Minimum area requirements for establishing a PDD shall be two (2) acres.

(2) Density

Residential density, setbacks, impervious surface ratios, floor area ratios, and building heights shall be determined by the scale of the project in relation to its surroundings and its impact on existing and proposed support facilities, i.e. transportation, water and sewerage systems, recreation facilities, etc.

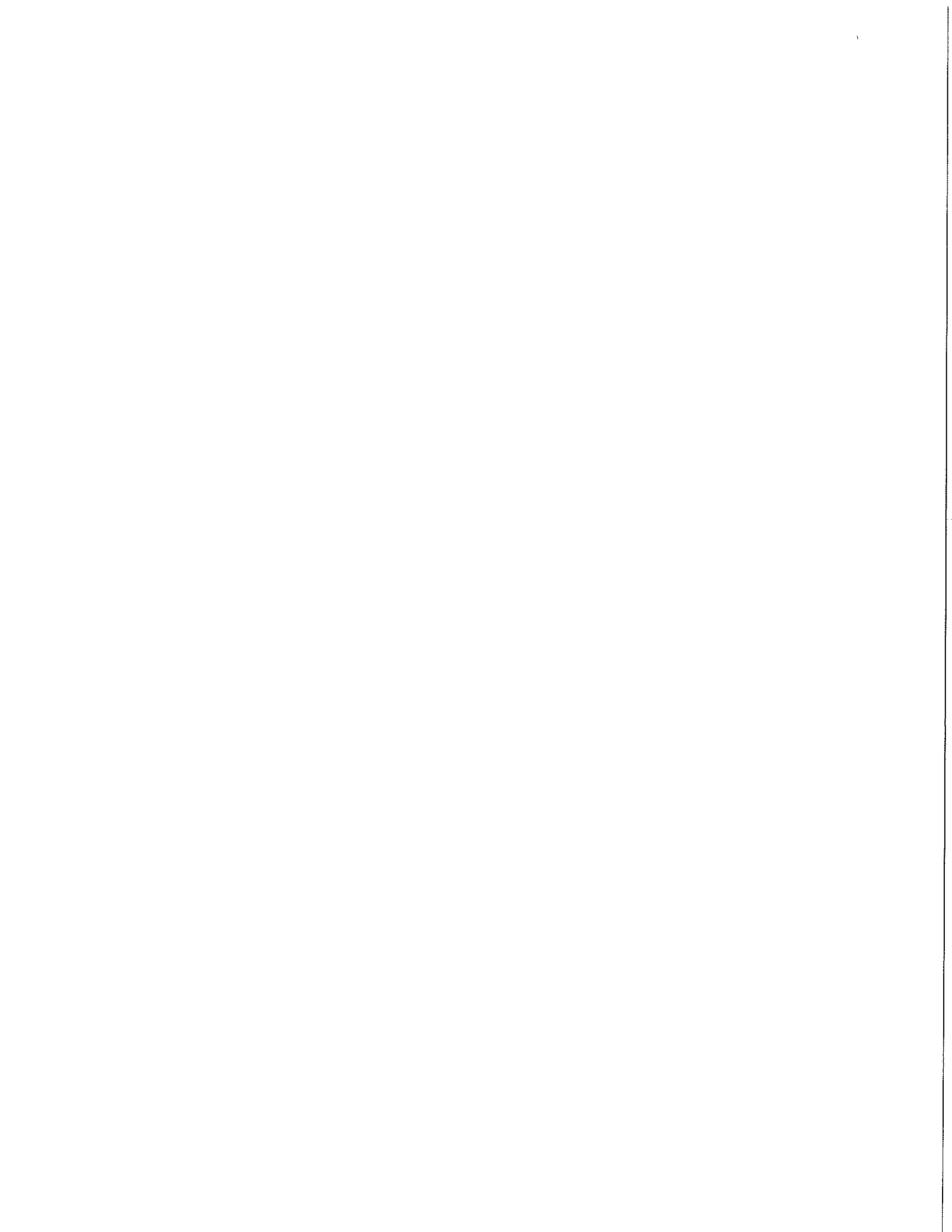
(3) Overall Site Design

Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, size of structures, street patterns, and use relationships. Variety in building types, heights, facades, setbacks, and size of open spaces shall be encouraged.

(4) Parking and Loading

~~New parking and off-street loading standards for the number of spaces required for each permitted use may be developed by the applicant or shall comply with the requirements of Tables 1 and 2 and the supplemental requirements of Article 9. New standards shall be based on standards developed by the Institute of Traffic Engineers, the Urban Land Institute, or other similar professional organizations. Off-street parking and loading spaces for each PDD shall comply with the requirements of Tables 1 and 2, as applicable for the various uses proposed for the PDD, and the supplemental requirements of Article 9.~~

(5) Buffer Yards



Buffer yards shall be required for peripheral uses only, and shall be provided in accord with the minimum requirements for adjacent uses prescribed by Section 10.1. Buffer yards required for internal use shall be determined upon establishment of the PDD.

(6) Landscaping and Common Open Space

Landscaping and open space requirements for each PDD shall generally comply with the provisions of Sections 10.3 and 10.4 of this Ordinance. Any modification to or variance from these standards shall be determined upon establishment of the PDD.

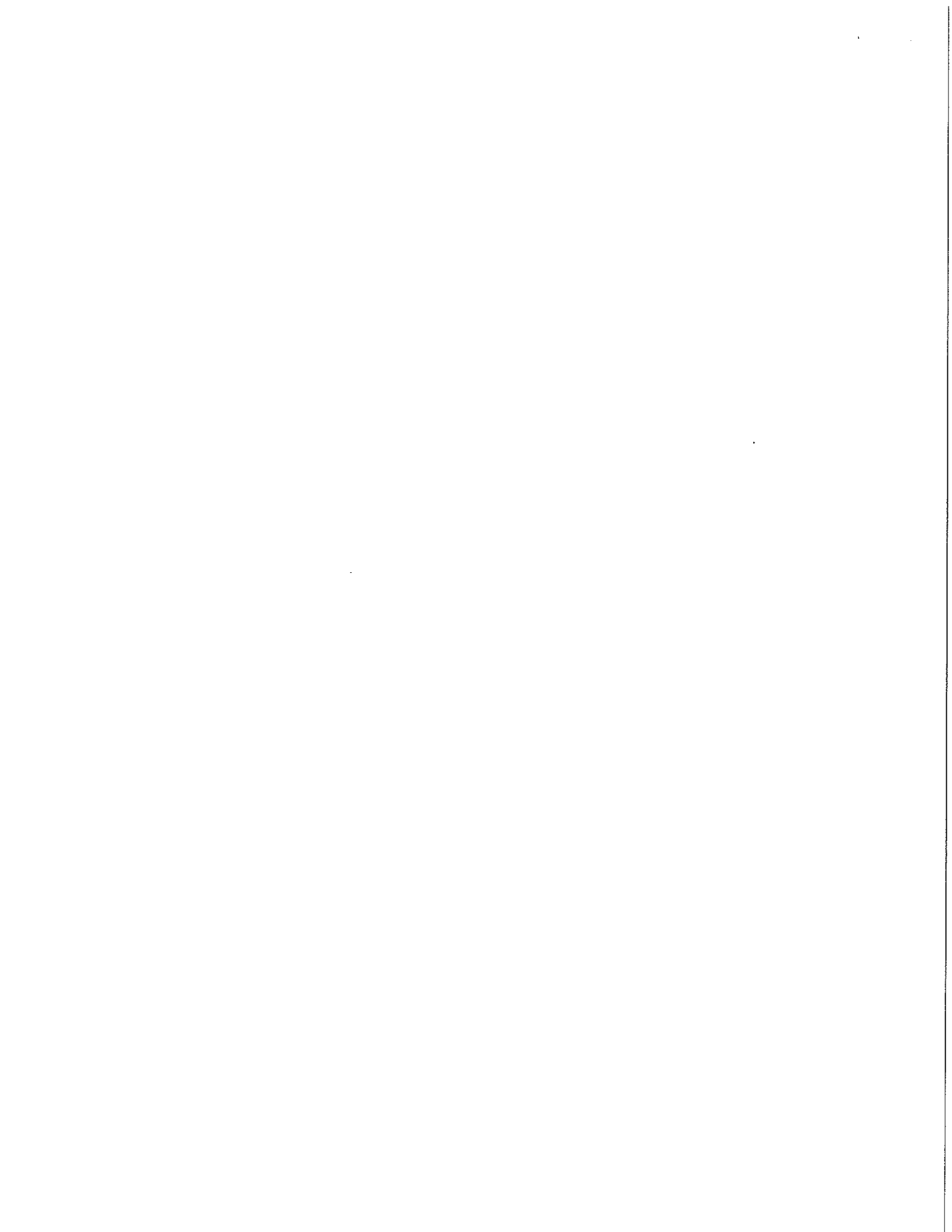
(7) Signage

Signage shall be in harmony and scale with and reflective of the proposed PDD. It is recommended that signage generally comply with the character, size, and placement of signs in the surrounding district.

Section 6.8-5 Site-Plan Requirements

The applicant shall submit those items of the following as applicable and/or as requested by staff, the Planning Commission, Council committee and/or City Council. This list shall serve as a guide and may not be conclusive, dependent upon the particular PDD being reviewed for approval.

- (1) A Site Plan that adheres to the requirements of this section and Sect. 3.7-3
- (2) A descriptive narrative of the proposed development
- (3) Legal description including the total number of acres
- (4) Number of acres devoted to residential and to non-residential uses
- (5) Number of dwelling units of each type and overall density
- (6) Description of lots and setback lines
- (7) Proposed location and approximate height of all buildings
- (8) Number of off-street parking as required
- (9) Description of open space uses
- (10) Description of buffer yards to separate various uses
- (11) Homeowners' association information, if necessary
- (12) Description of proposed signage
- (13) Proposed timing and phasing of development and justification of phasing



(14) Other information or descriptions as may be deemed reasonably appropriate for Planning Commission review.

A Site Plan showing the proposed development shall be prerequisite to the approval of a PDD. The Site Plan shall adhere to the requirements of this section and shall show the information called for in Section 3.5.3.

Section 6.8-6 Financial Guarantees

Where public improvements and/or "common" amenities or infrastructure are proposed, such improvements shall be installed in accord with a development schedule to be approved as part of the PDD Plan. City Council may require financial guarantees which shall ensure completion of the improvements set forth in the proposed development plan. Such guarantees may include the submission of a performance bond in the amount determined by City Council.

Section 6.8-7 Action by Planning Commission and Council

Action by the Planning Commission and Council, where required, may be to approve the Plan and application to establish a PDD, to include specific modifications to the Plan, or to deny the application to establish a PDD, or to amend the Official Zoning Map for a PDD development. If a Development Plan and/or rezoning are approved, the applicant shall be allowed to proceed in accord with the approved PDD Plan as supplemented or modified in a particular case, and shall conform to any time or priority limitations established for initiating and/or completing the development in whole, or in specified stages. If the application is denied, the applicant will be so notified.

Section 6.8-8 Administrative Action

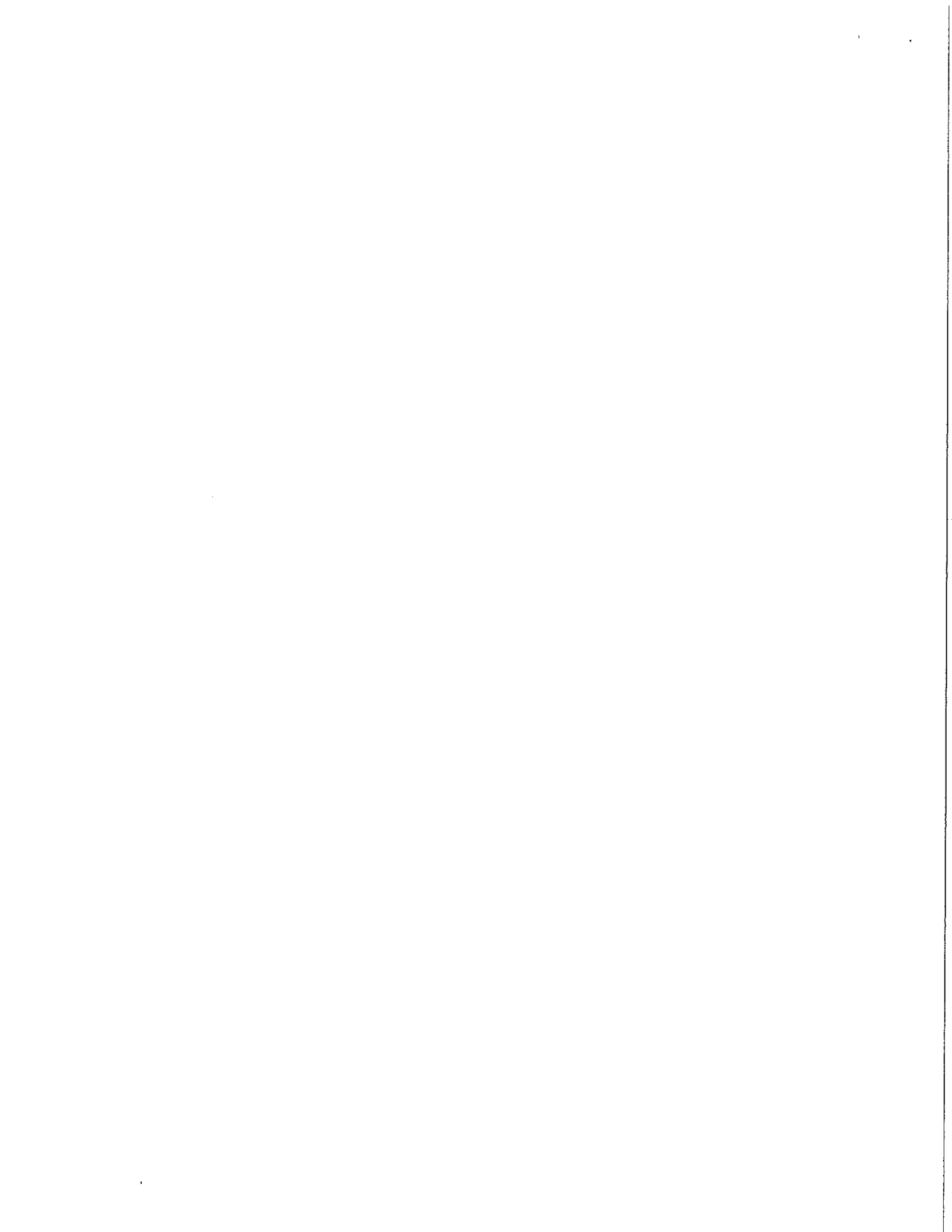
After a PDD Plan has been approved, building and sign permits shall be issued in accord with the approved Plan as a whole or in stages, or portions thereof, as approved. Said permits shall be issued in the same manner as for building and sign permits generally.

Section 6.8-9 Changes In Approved PDD Plans

Except as provided in this section, approved PDD Plans shall be binding on the owner and any successor in title.

Changes to an approved PDD may be permitted in accordance with one of the following procedures as determined by the Zoning Administrator:

(1) Major changes: Changes to a PDD, which would alter the basic concept and general characteristics of the Planned Development District, may shall be approved by City Council. After approval of a major change by City Council,

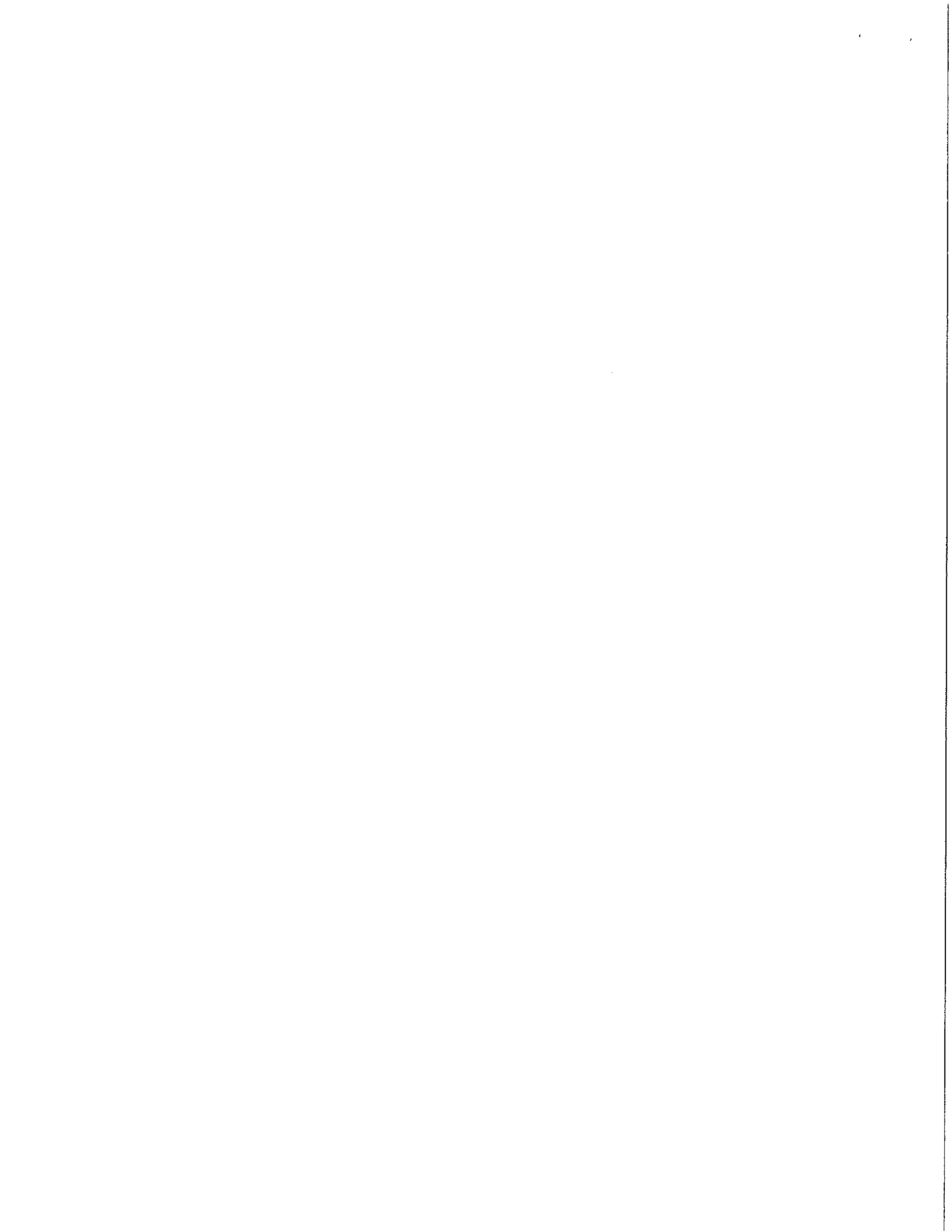


approval of a final development plan showing such changes, copies of amended text, map, and/or documents shall be provided to staff. Examples of major changes may include, but are not limited to the following:

- a. External Boundary changes
- b. Decrease in open space
- c. Increase or decrease in number of access points
- d. Changes to more intensive land uses, e.g., residential to commercial, any change which the Zoning Administrator determines would significantly alter the character of the PDD or be expected to have an adverse impact upon neighboring property owners
- e. Redesign of the approved plan as it applies to phases not yet constructed

(2) Minor changes. Changes to a planned development district which are of a design nature and which do not alter the original concept or use characteristics of the planned development district may be approved by the Zoning Administrator provided that no minor change may be approved by the Zoning Administrator which is in conflict with the plan previously approved by City Council. Examples of minor changes may include, but are not limited to the following:

- a. Reductions in:
 - 1. Density
 - 2. Signage
 - 3. Square footage
- b. Increases or decreases in:
 - 1. Landscaping
 - 2. Open space
 - 3. Setbacks
- c. Minor changes to:
 - 1. Landscaping
 - 2. Lighting
 - 3. Location of land uses



4. Parking

5. Signage

6. Site plan

d. Minor changes to allow:

1. Reorientation of structures

2. Realignment of approved access

3. More restrictive land uses, e.g., commercial to residential

4. Shift in approved density from one area of PDD to another

It shall be the duty of the Planning Director to determine whether any specific request shall be considered a major change or a minor change. However the applicant for change shall have the right to have any request processed as a major change.

Minor changes in approved PDD site plans may be approved by the Planning Commission on application by the applicant, upon making a finding by the Planning Director that such changes are:

(1) In accord with all applicable regulations in effect at the time of the creation of the PDD District; or

(2) In accord with all applicable regulations currently in effect.

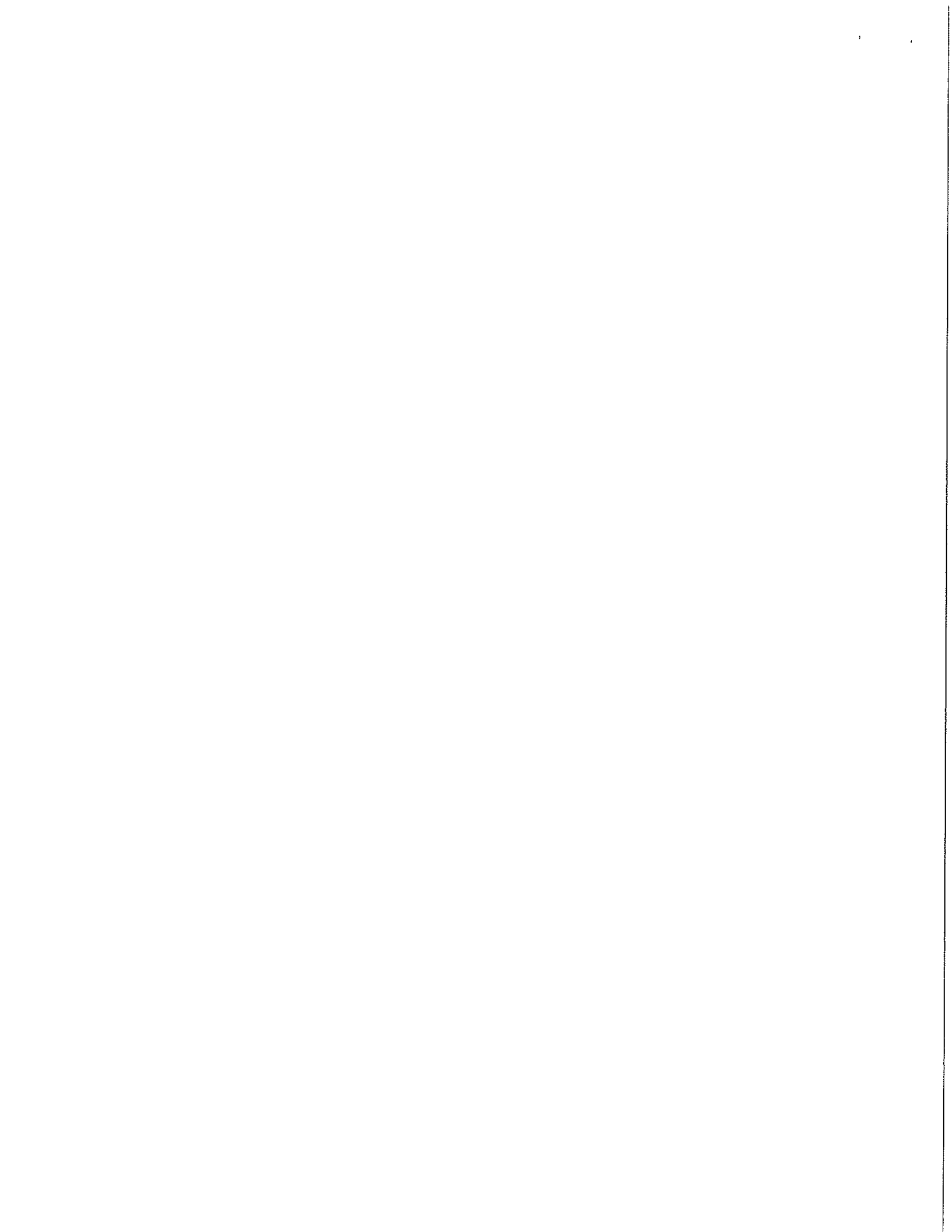
Major changes to an approved PDD shall require approval of the City Council, and shall be processed in accord with the amendatory process set forth in Article 4. In reaching a decision as to whether the change will require amendatory action by City Council, the Planning Director shall use the following criteria:

(1) A 10 percent increase in intensity or change in use shall constitute a modification requiring amendment by Council. An increase in intensity of use shall be considered to be an increase in usable floor area, an increase in the number of dwelling or lodging units, or an increase in the amount of outside land area devoted to sales, displays, or demonstrations.

(2) Any change in parking areas resulting in a 10 percent increase or reduction in the number of spaces approved shall constitute a change requiring amendment by Council.

(3) Structural alterations significantly affecting the basic size, form, style, and location of a building, as shown on the approved Plan, shall be considered a change requiring amendment by Council.

(4) Any reduction in the amount of open space or buffer yard, or any change in the location or characteristics of open space, shall constitute a change



requiring amendment by Council.

Any change in pedestrian or vehicular access or circulation shall constitute a change requiring amendment by Council.

Section 6.8-10. Failure to begin; failure to progress; failure to complete

If the responsible party fails to begin, fails to progress, or fails to complete development as agreed in the descriptive statement and/or ordinance amendment, the City Council may charge the developer with violation of the Zoning Ordinance; may enforce a bond posted for compliance; may rezone the property, or may take any combination of these actions. In any event, if the planned development is not initiated within 2 years of its establishment, the Planning Commission may initiate the rezoning of the property to an appropriate district classification in conformity with the Comprehensive Plan.

Memorandum

To: Mayor and Council

From: Rebecca Rhodes, City Manager
Shaun Greenwood, Asst. City Manager
Monique Ocean, Zoning Technician

Date: October 28, 2013

Subject: First Reading of an ordinance amending Section 6.9-1("Flood Damage Prevention Ordinance") of the City of Cayce Zoning Ordinance.

ISSUE

Council approval is needed for the First Reading of an ordinance amending Section 6.9-1("Flood Damage Prevention Ordinance") to include deletion of the current Section 6.9-1("Flood Damage Prevention Ordinance") and adoption of a new Section 6.9-1("Flood Damage Prevention Ordinance").

BACKGROUND/DISCUSSION

In July, the SC Department of Natural Resources (SCDNR) conducted a community assistance contact visit (CAC-V) with the City. The purpose of the CAC-V is to maintain contact with local communities participating in the National Flood Insurance Program (NFIP). The visit also assesses the effectiveness of the local floodplain ordinance and floodplain management enforcement practices. After review, it was determined that the City's Flood Damage Prevention Ordinance is in need of updating. The updates are not intended to affect current floodplain management regulations, but are solely language changes to ensure compliance with FEMA regulations. The SCDNR provided a model ordinance for use as a guide to make the needed changes. A summary of the updates is attached for your consideration. A copy of the redline version of the changes will be available at the meeting.

The Planning Commission met on October 21, 2013, to hear Public Comment about the suggested changes. No members of the public were present at the meeting. The Planning Commission voted unanimously to recommend the amendment.

RECOMMENDATION

The Planning Commission recommends Council approve First Reading of an ordinance amending Section 6.9-1("Flood Damage Prevention Ordinance") of the Zoning Ordinance of the City of Cayce.

SUMMARY OF CHANGES- Flood Damage Prevention Ordinance

1. Page 6-23
 - Delete *"Replaces Section 6.9-1 through 6.9-3 of the November 2, 2001 Zoning Ordinance"*
2. Page 6-24 Table of contents
 - Delete *"11 Temporary Development"*
 - Update numbering
 - Delete *"Or"*
 - Delete *"And/or"* and replace with *"but without"*
3. Page 6-25
 - Article I.D Lands to Which This Ordinance Applies insert *"and Oct. 1, 2010"* date for Richland County Flood Insurance Study to include annexed property in Richland County
4. Page 6-35
 - Article III.A Designation of Local Administrator insert *"or designee"*
5. Page 6-37
 - Article I.E.2 delete *"Advise permittee that....."* And replace with *"Review proposed....."*
 - Article I.E.3 delete *"Resources and Conservation Districts..."* and replace with *"Water and Conservation Division"*
6. Page 6-46
 - Article IV.B.1, 2, and 4 update *"New construction or substantial improvement....."* to *"New construction and substantial improvement....."*
7. Page 6-54
 - Article IV.B.11 delete section on *"Temporary Development"* because the City will have to regulate without guidance from FEMA
8. Page 6-56
 - Article IV.B.12 insert *"....and other proposed new developments..."*
 - Delete Article IV.B.12(d) and (c)
9. Page 6-57
 - Article IV.C.1 insert *"1.In all areas of special flood....."*
10. Page 6-58
 - Article IV.C(c) delete *"These methods include....."*
11. Page 6-58
 - Article IV.B.E insert *"at least as high as....."*
12. Page 6-59

- Article IV.E.2 (b) insert *"Certification is"*
- Article IV.E.2 insert *"3. All structures....."*
- Article V.B insert *"or any taxpayer"*
- Article V.D insert *"D. Functionally Dependant Uses...."*
- Article V.E Delete *"....in accordance with....."*

13. Page 6-60

- Article V.E.1 (e) delete *"detached garages and storage....."*

14. Page 6-61

- Article V.E.7 delete *"...in accordance with....."*

South Carolina Department of
Natural Resources



DNR

Alvin A. Taylor
Director

Ken Rentiers
Deputy Director for
Land, Water and Conservation

September 2, 2013

Ms. Rebecca V. Rhodes
City Manager
City of Cayce
1800 12th Street
Cayce, SC 29033

RE: COMMUNITY ASSISTANCE CONTACT VISIT

Dear Ms. Rhodes:

This is a follow up to the Community Assistance Contact Visit (CAC-V) that was conducted on July 9, 2013. The purpose of this is to maintain periodic contact with local governments participating in the National Flood Insurance Program (NFIP) so that our office may provide technical assistance and coordination as necessary. In addition, the contact provides an opportunity for assessing the effectiveness of local floodplain management ordinance and enforcement practices.

A review of the City's Flood Damage Prevention Ordinance reveals that it is in need of updating. The enclosed Local Floodplain Ordinance Review form identifies the areas of the ordinance that are in need of being addressed.

We are requesting the following items be submitted no later than **December 6, 2013**.

- A true certified copy, including the City's seal, of the updated and adopted Flood Damage Prevention Ordinance.

2762 Wildlife Lane • West Columbia, S.C. 29172

Should you have any questions concerning this letter or enforcement procedures, please call me at (803) 755-9335. We look forward to working with you in the future in our efforts to promote better floodplain management.

Sincerely,

A handwritten signature in cursive script that reads "Maria Cox Lamm".

Maria Cox Lamm, CFM
State Coordinator
Flood Mitigation Program

enclosures

cc: Ms. Rose Douglas, FEMA Region IV
Mr. Shaun Greenwood, Assistant City Manager
Ms. Monique Ocean, Zoning Technician/GIS Analyst

LOCAL FLOODPLAIN ORDINANCE REVIEW

Date: 8/30/2013

Ordinance Reviewed Under:

MAP MOD

CAP-SSSE

Community Information

Community:	<u>City of Cayce</u>	CID:	<u>450131</u>
County:	<u>Lexington/Richland</u>		
Floodplain Manager:	<u>Shaun Greenwood</u>	Title:	<u>Assistant City Manager</u>
CEO:	<u>Rebecca V. Rhodes</u>	Title:	<u>City Manager</u>
Community Contact:	<u>Shaun Greenwood</u>		

Applicable Floodplain Designations

Community Not Mapped

- | | | | |
|---|-----------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> Zone A | <input type="checkbox"/> Zone A99 | <input type="checkbox"/> Zone V | <input checked="" type="checkbox"/> Zone X |
| <input checked="" type="checkbox"/> Zone AE | <input type="checkbox"/> Zone AH | <input type="checkbox"/> Zone VE | <input type="checkbox"/> Zone B |
| <input type="checkbox"/> Zone A1-30 | <input type="checkbox"/> Zone AO | <input type="checkbox"/> Zone V1-30 | <input type="checkbox"/> Zone C |

STATE REVIEWER INFORMATION

Name: <u>Maria Cox Lamm</u>	Date: <u>8/27/2013</u>
Title: <u>State Coordinator</u>	
Address: <u>2762 Wildlife Lane, West Columbia, SC 29172</u>	
Telephone: <u>(803) 755-9335</u>	Fax: <u>(803) 755-0152</u> Email: <u>coxin@dnr.sc.gov</u>

REQUIRED AMENDMENTS

Item Description	Action			Ordinance Section/Comments
	Addition	Update	Delete	
Article I D		✓		Need to update to include the Richland County FIS date
Article III E (2)		✓		Update to current model ordinance language
Article IV B13 (a)		✓		Update the title and language to the current model ordinance
Article IV C		✓		Update to current model ordinance language
Article III E 3 (a)		✓		Update to current model ordinance language
Article IV E		✓		Update to current model ordinance language
Article IV B11			✓	Remove from ordinance *
Article V		✓		Update to current model ordinance language
Article IV C		✓		Update Title to "Standards for Streams without Established Base Flood Elevations and Floodways"
Article IV B (1), (2), and (4)		✓		Update language from "new construction or substantial improvement..." to "new construction and substantial improvement..."
Article IV B 3(C)		✓		Update to current model ordinance language

LOCAL FLOODPLAIN ORDINANCE REVIEW

Article II		✓		Update to current model ordinance language

SUGGESTED ORDINANCE AMMENDMENTS

Item Description	Action			Ordinance Section/Comments
	Addition	Update	Delete	
Article III A		✓		Suggest adding "or designee" to the designation of local floodplain administrator. This allows for the position to change

Comments

Since the City adopted the State model ordinance , it has undergone some language changes. FEMA requested these updates to maintain compliance with 44CFR60.3. Use the updated model ordinance as a guide for appropriate language and to ensure any section references in the document text are accurate as they may have changed with the language updates. It is acceptable for the City to adopt the updated State model ordinance that has been provided.

*Temporary Development is not outlined in 44CFR60.3 and should be handled on a case by case basis. Therefore, it is now required to be removed from the ordinance.

Additional Notes

Please submit a **certified true copy that includes a City seal** to this office. This office will review the updated ordinance to ensure the needed updates are correct prior to the ordinance going before Council.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
CITY OF CAYCE)

ORDINANCE
Amending Section 6.9-1 ("Flood
Damage Prevention Ordinance") of
the Zoning Ordinance of the City of
Cayce

WHEREAS, the South Carolina Department of Natural Resources (SCDNR), acting under contract with the Federal Emergency Management Agency (FEMA), has advised that the City is required to update its floodplain management ordinance for continued participation in the National Flood Insurance Program (NFIP), and

WHEREAS, the Council has determined that it is in the interest of the public to amend Section 6.9-1,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Cayce, in Council, duly assembled, that:

Section 6.9-1 ("Flood Damage Prevention Ordinance") of the Zoning Ordinance of the City of Cayce is hereby amended to delete, in its entirety, the current Section 6.9-1 and to substitute therefor the text as attached to this Ordinance.

This Ordinance shall be effective from the date of second reading approval by Council.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2013.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

Approved as to form: _____
Danny C. Crowe, City Attorney

Section 6.9-1 Flood Damage Prevention Ordinance

Flood Damage Prevention Ordinance

—City of Cayce, South Carolina—

ARTICLE I. GENERAL Standards

- Section A Statutory Authorization.
- Section B Findings of Fact
- Section C Statement of Purpose and Objectives.
- Section D Lands to Which this Ordinance Applies.
- Section E Establishment of Development Permit.
- Section F Compliance.
- Section G Interpretation
- Section H Partial Invalidity and Severability
- Section I Warning and Disclaimer of Liability.
- Section J Penalties for Violation.

ARTICLE II. DEFINITIONS

- Section A General.

ARTICLE III. ADMINISTRATION

- Section A Designation of Local Administrator.
- Section B Adoption of Letter of Map Revisions
- Section C Designation of Party Responsible for Biennial Report
- Section D Development Permit and Certification Requirements.
- Section E Duties and Responsibilities of the Local Administrator.
- Section F Administrative Procedures.

ARTICLE IV. PROVISIONS FOR FLOOD HAZARD REDUCTION

- Section A General Standards.
- Section B Specific Standards.
 - 1 - Residential Construction
 - 2 - Non-Residential Construction
 - 3 - Manufactured Homes
 - 4 - Elevated Buildings
 - 5 - Floodways
 - 6 - Recreational Vehicles
 - 7 - Map Maintenance Activities
 - 8 - Accessory Structure
 - 9 - Swimming Pool Utility Equipment Rooms
 - 10 - Elevators

- 11 -Fill
- 12 -Standards for Subdivision Proposals
- Section C Standards for Streams without Base Flood Elevations and/
Floodways
- Section D Standards for Streams With Base Flood Elevations but
but without Floodways.
- Section E Standards for Areas of Shallow Flooding (AO Zones)

ARTICLE V. VARIANCE PROCEDURES

- Section A Establishment of Appeal Board.
- Section B Right to Appeal.
- Section C Historic Structures.
- Section D Agricultural Structures
- Section E Considerations.
- Section F Findings.
- Section G Floodways.
- Section H Conditions.

ARTICLE VI. LEGAL STATUS PROVISIONS

- Section A Effect on Rights & Liabilities under the Existing Ordinance
- Section B Effect upon Outstanding Building Permits
- Section C Effective Date.
- Section D Adoption Certification.

Article I. General Standards

A. Statutory Authorization.

Municipality: The Legislature of the State of South Carolina has in SC Code of Laws, Title 5, Chapters 7, 23, and 25 (Articles 5 and 7) and Title 6, Chapter 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. Therefore, the City Council) of the City of Cayce, South Carolina does ordain as follows:

B. Findings of Fact The Special Flood Hazard Areas of the City of Cayce are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all which adversely affect the public health, safety, and general welfare.

Furthermore, these flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the 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.

C. Statement of Purpose and Objectives. It is the purpose of this ordinance 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, the ordinance prevents or regulates the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

The objectives of this ordinance 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 the ordinance are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in the floodplain, and prolonged

business interruptions. Also, an important floodplain management objective of this ordinance 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 such as 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 that evaluate resource conditions and human needs.

D. Lands to Which this Ordinance Applies. This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Cayce as identified by the Federal Emergency Management Agency in its Flood Insurance Study, dated Feb. 20, 2002 and Oct.1, 2010, with accompanying maps and other supporting data that are hereby adopted by reference and declared to be a part of this ordinance. Upon annexation any special flood hazard areas identified by the Federal Emergency Management Agency in its Flood Insurance Study for the unincorporated areas of Lexington & Richland Counties, with accompanying map and other data are adopted by reference and declared part of this ordinance.

E. Establishment of Development Permit. A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

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

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

H. Partial Invalidity and Severability If any part of this Ordinance is declared invalid, the remainder of the Ordinance shall not be affected and shall remain in force.

I. 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 within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Cayce or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

J. Penalties for Violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 30 days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Cayce from taking such other lawful action as is necessary to prevent or remedy any violation.

Article II. DEFINITIONS

A. General. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

1. Accessory Structure - structures that are located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.
2. Addition (to an existing building) - an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction regardless as to whether the addition is a substantial improvement or not. Where a firewall or load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.
3. Agricultural structure - a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Agricultural

structures are not exempt from the provisions of this ordinance.

4. Appeal - a request for a review of the local administrator's interpretation of any provision of this ordinance.
5. Area of shallow flooding - a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
6. Area of special flood hazard - the land in the floodplain within a community subject to a one percent or greater chance of being equaled or exceeded in any given year.
7. Base flood - the flood having a one percent chance of being equaled or exceeded in any given year.
8. Basement - means any enclosed area of a building that is below grade on all sides.
9. Building - any structure built for support, shelter, or enclosure for any occupancy or storage.
10. Coastal High Hazard Area - an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to velocity wave action from storms or seismic sources.
11. Critical Development - Development that is critical to the community's public health and safety, is essential to the orderly functioning of a community, store or produce highly volatile, toxic or water-reactive materials, or house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical development include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants, and gas/oil/propane storage facilities.
12. 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.
13. Elevated building - a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls

parallel to the flow of water.

14. Executive Order 11988 (Floodplain Management) - Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.
15. Existing construction - means, for the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM, or before January 1, 1975, for FIRMs effective before that date.
16. Existing manufactured home park or manufactured home subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 7, 1995.
17. Expansion to an existing manufactured home park or subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).
18. Flood - a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation of runoff of surface waters from any source.
19. Flood Hazard Boundary Map (FHBM) - an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.
20. Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
21. Flood Insurance Study - the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

22. Flood-resistant material - any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2-93, *Flood-Resistant Materials for Buildings Located in Special Flood Hazard Areas in Accordance with the National Flood Insurance Program*, document number FIA-TB-2, dated 4/93, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.
23. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
24. Freeboard - a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.
25. Functionally dependent facility - a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.
26. Highest Adjacent Grade - the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.
27. Historic Structure - any structure that is:
 - a. National Register of Historic Places (a listing maintained by the U.S. Department of the Interior (DOI)) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual

listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved State program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs. Some structures or districts listed on the State or local inventories MAY NOT be "Historic" as cited above, but have been included on the inventories because it was believed that the structures or districts have the potential for meeting the "Historic" structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has individually determined that the structure or district meets DOI historic structure criteria.

28. Increased Cost of Compliance (ICC) – applies to all new and renewed flood insurance policies effective on and after June 1, 1997. The NFIP shall enable the purchase of insurance to cover the cost of compliance with land use and control measures established under Section 1361. It provides coverage for the payment of a claim to help pay for the cost to comply with State or community floodplain management laws or ordinances after a flood event in which a building has been declared substantially or repetitively damaged.
29. Limited storage - an area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities except for essential lighting and cannot be temperature controlled. If the area is located below the base flood elevation in an A, AE and A1-A30 zone it must meet the requirements of Article IV.A.4 of this ordinance. If the area is located below the base flood elevation in a V, VE and V1-V30 zone it must meet the requirements of Article IV.F of this ordinance.
30. Lowest Adjacent Grade (LAG) - is an elevation of the lowest ground surface that touches any of the exterior walls of a building or proposed building walls.
31. Lowest Floor - the lowest floor of the lowest enclosed area. Any unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided

that such an enclosure is not built so as to render the structure in violation of other provisions of this ordinance.

32. Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
33. Manufactured Home Park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
34. Mean Sea Level - the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).
35. National Geodetic Vertical Datum (NGVD) - as corrected in 1929, elevation reference points set by National Geodetic Survey based on mean sea level.
36. North American Vertical Datum (NAVD) - datum point established at Pointe-au-Père on the St. Lawrence River, Quebec Province, Canada, based on the mass or density of the earth. The datum listed as the reference datum on Flood Insurance Rate Maps should be used for Elevation Certificate and floodproofing certificate completion.
37. New construction - structure for which the start of construction commenced after August 7, 1995. The term also includes any subsequent improvements to such structure.
38. New manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or August 7, 1995.
39. Primary Frontal Dune - a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and subject to erosion and overtopping from high tides and waves during coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

40. Recreational vehicle - a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and, (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.
41. Repetitive Loss - a building covered by a contract for flood insurance that has incurred flood-related damages on 2 occasions during a 10 year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.
42. Section 1316 of the National Flood insurance Act of 1968 - The act provides that no new flood insurance shall be provided for any property found by the Federal Emergency Management Agency to have been declared by a state or local authority to be in violation of state or local ordinances.
43. Start of construction - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (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 stage of excavation or the placement of a manufactured home on a foundation. 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 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 structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
44. Structure - a walled and roofed building, a manufactured home, including a gas or liquid storage tank, or other man-made facility or infrastructure that is principally above ground.

45. Substantial damage - 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 percent of the market value of the structure before the damage occurred. Such repairs may be undertaken successively and their costs counted cumulatively. Please refer to the definition of "substantial improvement".
46. Substantial improvement - any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:
- a) any project of improvement to a structure to correct existing
 - b) violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions (does not include American with Disabilities Act compliance standards); or,
 - c) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
 - d) Permits shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur.
47. Substantially improved existing manufactured home park or subdivision - where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.
48. Variance - is a grant of relief from a term or terms of this ordinance.
49. Violation -- the failure of a structure or other development to be fully compliant with these regulations.

Article III. ADMINISTRATION

A. Designation of Local Administrator. The Planning Director or designee is hereby appointed to administer and implement the provisions of this ordinance.

B. Adoption of Letter of Map Revisions (LOMR) – Adopt all LOMRs that are issued in the areas identified in Article I Section D of this ordinance.

C. Designation of Party Responsible for Biennial Report – The Planning Director is hereby designated as the party responsible to submit the Biennial Report to FEMA.

D. Development Permit and Certification Requirements.

a. Development Permit: Application for a development permit shall be made to the local administrator on forms furnished by him or her prior to any development activities. The development permit may include, but not be limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:

a) A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either the Duties and Responsibilities of the Local Administrators of Article III.E.11 or the Standards for Subdivision Proposals of Article IV.B.12 and the Standards for streams without Estimated Base Flood Elevations and/or Floodways of Article IV.C. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. The plot plan must show the floodway, if any, as identified by the Federal Emergency Management Agency or the floodway identified pursuant to either the duties or responsibilities of the local administrators of Article III.E.11 or the standards for subdivision proposals of Article IV.B.12 and the standards for streams without estimated base flood elevations and/or floodways of Article IV.C.

b) Where base flood elevation data is provided as set forth in Article I.D or the duties and responsibilities of the local administrators of Article III.E.11 the application for a development permit within the flood hazard area shall show:

i. the elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures,

and

- ii. if the structure will be floodproofed in accordance with the Non-Residential Construction requirements of Article IV.B.2 the elevation (in relation to mean sea level) to which the structure will be floodproofed.
- c) *Where Base Flood Elevation Data Is Not Provided:* If no base flood elevation data is provided as set forth in Article I.D or the duties and responsibilities of the local administrators of Article III.E.11, then the provisions in the standards for streams without estimated base flood elevations and/or floodways of Article IV.C. must be met.
- d) *Alteration of Watercourse:* Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include: a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation.

2. Certifications

1. Floodproofing Certification - 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 the non-residential construction requirements of Article IV.B.2.
2. Certification During Construction – 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 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 it. Any work done prior to submission of the certification shall be at the permit holder's risk. The local administrator shall review the floor elevation survey data submitted. The permit holder immediately and

prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. 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.

3. V-Zone Certification - When a structure is located in Zones V, VE, or V1-30, certification shall be provided from a registered professional engineer or architect, separate from submitted plans, that new construction or substantial improvement meets the criteria for the coastal high hazard areas outlined in Article IV.F.5.
4. As-built Certification - Upon completion of the development a registered professional engineer, land surveyor or architect, in accordance with SC law, shall certify according to the requirements of Article III.D.2a, 2b, and 2c that the development is built in accordance with the submitted plans and previous pre-development certifications.

E. Duties and Responsibilities of the Local Administrator. Duties of the local administrator shall include, but not be limited to:

1. Permit Review - Review all development permits to assure that the requirements of this ordinance have been satisfied.
2. Requirement of Federal and/or state permits – Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Amendment of 1972, 33 U.S.C. 1334.
3. Watercourse alterations –
 - a) Notify adjacent communities and the South Carolina Department of Natural Resources, Land, Water, and Conservation Division, 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.
 - b) In addition to the notifications required watercourse alterations per Article III.E.3a, 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 for FEMA inspection.

- c) 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 with the Federal Emergency Management Agency prior to the start of actual construction.
 - d) Within 60 days of completion of an alteration of a watercourse, referenced in the certification requirements of Article III.D.2.d(1), the applicant shall submit as-built certification, by a registered professional engineer, to the Federal Emergency Management Agency.
- 4. Floodway encroachments - Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Article IV.B.5 are met.
 - 5. Development Proposals – Require development proposals for proposed developments prior to signing off on and CLOMRs or LOMRs.
 - 6. Adjoining Floodplains - 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.
 - 7. Notifying Adjacent Communities – 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.
 - 8. Certification requirements –

- a) 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 administrative procedures outlined in Article III.D.2.b or the coastal high hazard area requirements outlined in Article IV.F.5.
 - b) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with the floodproofing certification outlined in Article III.D.2.a.
 - c) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the non-residential construction requirements outlined in Article IV.B.2.
 - d) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in the coastal high hazard area requirements outlined in Article IV.F.4, Article IV.F.6, and Article IV.F.8 of this ordinance.
9. Map Interpretation - 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.
10. Prevailing Authority – 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 per the map maintenance activity requirements outlined in Article IV.B.7.b.
11. Use Of Best Available Data - When base flood elevation data or floodway data has not been provided in accordance with Article I.D, 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 Article IV.D.4, in order to administer the provisions of this ordinance. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data from a

federal, state, or other source. Data must be developed using hydraulic models meeting the minimum requirement of 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.

12. Special Flood hazard Area/Topographic Boundaries Conflict - When the exact location of boundaries of the areas 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 (LOMA) by FEMA. The local administrator in the permit file will maintain a copy of the Letter of Map Amendment issued from FEMA.
13. On-Site inspections - Make on-site inspections of projects in accordance with the administrative procedures outlined in Article III.F.4.
14. Administrative Notices - Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with the administrative procedures in Article III.F.
15. Records Maintenance - Maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.
16. Annexations and Detachments - Notify the South Carolina Department of Natural Resources Land, Water and Conservation Division, within six (6) months, of any annexations or detachments that include special flood hazard areas. The community must incorporate applicable maps from surrounding jurisdictions into this ordinance within 90 days of date of the annexation.
17. Federally Funded Development - 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.
18. Substantial Damage Determination – 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 50 percent of the market value of the structure before the damage occurred.

19. Substantial Improvement Determinations – Perform an assessment of permit applications for improvements or repairs to be made to a building or structure equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. Cost of work counted for determining if and when substantial improvement to a structure occurs shall be cumulative for a period of five years. If the improvement project is conducted in phases the total of all cost associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether “substantial improvement” will occur.

a) Methods of Market Value Determination. The market values shall be determined by one of the following methods:

(1) the current assessed building value as determined by the county's assessor's office or the value of an appraisal performed by a licensed appraiser at the expense of the owner; or,

(2) one or more certified appraisals from a registered professional licensed appraiser in accordance with the laws of South Carolina. The appraisal shall indicate actual replacement value of the building or structure in its pre- improvement condition, less depreciation for functionality and obsolescence and site improvements. The Marshall & Swift Residential Cost Handbook shall be used to determine costs for buildings or structures.

(3) Real Estate purchase contract within 12 months prior to the date of the application for a permit.

F. Administrative Procedures.

1. Inspections of Work in Progress: As the work pursuant to a permit progresses, the local administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

2. Stop-Work Orders: Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this

ordinance, the administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

3. Revocation of Permits: The local administrator may revoke and require the return of the development permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable State or local law may also be revoked.
4. Periodic Inspections: The local administrator and each member of his inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
5. Violations to be Corrected: When the local administrator finds violations of applicable State and local laws, it shall be his duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property he owns.
6. Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the administrator shall give him written notice, by certified or registered mail to his last known address or by personal service, that:
 - a) the building or property is in violation of the Flood Damage Prevention Ordinance,
 - b) a hearing will be held before the local administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
 - c) following the hearing, the local administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

7. Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, the administrator may prescribe; provided that where the administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.
8. Appeal: Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
9. Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.
10. Denial of Flood Insurance under the NFIP: If a structure is declared in violation of this ordinance and the violation is not remedied then the local administrator shall notify the Federal Emergency Management Agency to initiate a Section 1316 of the National Flood insurance Act of 1968 action against the structure upon the finding that the violator refuses to bring the violation into compliance with the ordinance. Once a violation has been remedied the local administrator shall notify FEMA of the remedy and ask that the Section 1316 be rescinded.
11. The following documents are incorporated by reference and may be used by the local administrator to provide further guidance and interpretation of this ordinance as found on FEMA's website at www.fema.gov:

- 1.. All FEMA Technical Bulletins

- 2.. All FEMA Floodplain Management Bulletins

- 3.. FEMA 348 Protecting Building Utilities from Flood Damage

Article IV. PROVISIONS FOR FLOOD HAZARD REDUCTION

A. General Standards. Development may not occur in the floodplain 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 floodplain and that encroachments onto the floodplain are minimized. In all areas of special flood hazard the following provisions are required:

1. Anchoring - All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure,
2. Flood Resistant Materials and Equipment - All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage,
3. Minimize Flood Damage - All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages,
4. 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,
5. Utilities - Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of the base flood plus one (1) foot. This requirement does not preclude the installation of outdoor faucets for shower heads, sinks, hoses, etc., as long as 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,
6. Water Supply Systems - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system,
7. Sanitary Sewage Systems - New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of

floodwaters into the systems and discharges from the systems into floodwaters, On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding,

8. Gas or Liquid Storage Tanks – All gas or liquid storage tanks, either located above ground or buried, shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.
9. Alteration, Repair, Reconstruction, Or Improvements - Any alteration, repair, reconstruction, or improvement to a structure that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance. This includes post-FIRM development and structures.
10. Non-Conforming Buildings or Uses - Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, provided that the bulk of the building or structure below base flood elevation in the floodway is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance,
11. American with Disabilities Act (ADA). A building must meet the specific standards for floodplain construction outlined in Article IV.B, as well as any applicable ADA requirements. The ADA is not justification for issuing a variance or otherwise waiving these requirements. Also, the cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.

B. Specific Standards. In all areas of special flood hazard (Zones A, AE, AH, AO, A1-30, V, and VE) where base flood elevation data has been provided, as set forth in Article I.D or outlined in the Duties and Responsibilities of the Local Administrator Article III.E. the following provisions are required:

1. Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than one (1) foot above the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements

of floodwaters shall be provided in accordance with the elevated buildings requirements in Article IV B.4.

2. Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes) shall have the lowest floor elevated no lower than one (1) foot above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the elevated buildings requirements in Article IV B.4. No basements are permitted. Structures located in A-zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered, professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in the floodproofing certification requirements in Article III.D.2.a. A variance may be considered for wet-floodproofing agricultural structures in accordance with the criteria outlined in Article V.D of this ordinance. Agricultural structures not meeting the criteria of Article V.D must meet the non-residential construction standards and all other applicable provisions of this ordinance. Structures that are floodproofed are required to have an approved maintenance plan with an annual exercise. The local administrator must approve the maintenance plan and notification of the annual exercise shall be provided to it.
3. Manufactured Homes.
 - a) Manufactured homes that are placed or substantially improved on sites outside a manufactured home park or subdivision, in a new manufactured home park or sub-division, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- b) Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions for residential construction in Article IV.B.1 of this ordinance must be elevated so that the lowest floor of the manufactured home is elevated no lower one (1) foot than above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.
 - c) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement in accordance with Section 19-425.39 of the *South Carolina Manufactured Housing Board Regulations*, effective date May 25, 1990, as amended. Additionally, when the elevation requirement would be met by an elevation of the chassis at least 36 inches or less above the grade at the sight, reinforced piers or other foundation elements of at least equivalent strength shall support the chassis. When the elevation of the chassis is above 36 inches in height an engineering certification is required.
 - d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filed with and approved by the local administrator and the local Emergency Preparedness Coordinator.
4. Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas that are usable solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and which are subject to flooding shall be designed to preclude finished space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
- a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (1) Provide a minimum of two openings on different walls having a *total net area* of not less than one square inch for every square foot of enclosed area subject to

flooding,

- (2) The bottom of all openings shall be no higher than one foot above grade,
 - (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions; and,
 - (4) Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.
- b) Hazardous Velocities. Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than 5 feet per second), foundation systems other than solid foundations walls should be considered so that obstructions to damaging flood flows are minimized.
- c) Enclosures below BFE
- (1) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
 - (2) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose a single storage area and must be void of utilities except for essential lighting as required, and cannot be temperature controlled.
 - (3) One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in the specific standards outlined in Article IV.B.1, 2 and 3.
 - (4) All construction materials below the required lowest floor elevation specified in the specific standards outlined in Article IV.B 1, 2 and 3 should be of flood resistant materials.

5. Floodways. Located within areas of special flood hazard established in Article I.D, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:
- a) No encroachments, including fill, new construction, substantial improvements, additions, and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the local administrator.
 - b) If Article IV.B.5a is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article IV.
 - c) Stream crossings for any purpose (i.e. timber harvesting operations), if temporary, shall be permitted in accordance with floodway requirements of Article IV.B.5 and the temporary development provisions of Article IV.B.11. Otherwise, the development shall comply with all applicable flood hazard reduction provisions of Article IV.
 - d) No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of Article IV B.3 are met.
 - e) Permissible uses within floodways may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a no-impact certification. The uses listed in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevations or changes to the floodway configuration.

6. Recreational Vehicles

- a) A recreational vehicle is ready for highway use if it is:
 - (1) on wheels or jacking system;
 - (2) attached to the site only by quick-disconnect type utilities and security devices; and,
 - (3) has no permanently attached additions.
- b) Recreational vehicles placed on sites shall either be:
 - (1) on site for fewer than 180 consecutive days; and,
 - (2) be fully licensed and ready for highway use, or meet the development permit and certification requirements of Article III.D, general standards outlined in Article IV.A, and manufacture homes standards in Article IV.B.3.

7. Map Maintenance Activities. The National Flood Insurance Program requires flood data to be reviewed and approved by FEMA. This ensures that flood maps, studies and other data identified in Article I.D accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

- a) Requirement to Submit New Technical Data
 - (1) For all development proposals that impact floodway delineations or base flood elevations, the community 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 Article IV.B.12.d.
- (2) It is the responsibility of the applicant to have technical data, required in accordance with Article IV.B.7, prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall also be the responsibility of the applicant.
 - (3) The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - (4) Proposed floodway encroachments that increase the base flood elevation; and
 - (5) Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
 - (6) Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Article IV B.7.
 - (7) Conditional Letter of Map revisions (CLOMR) and/or Letters of Map Revision (LOMR) must go through the variance process outlined in Article V.
- b) Right to Submit New Technical Data - The 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.

8. Accessory Structures.

- a) A detached accessory structure or garage, the cost of which is greater than \$3,000, must comply with the requirements as outlined in FEMA's Technical Bulletin 7-93 *Wet Floodproofing Requirements* or be elevated in accordance with Article IV Section B(1) and B (4) or dry floodproofed in accordance with Article IV B (2).
 - b) When accessory structures of \$3,000 or less are to be placed in the floodplain, the following additional criteria shall be met:
 - (1) Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas),
 - (2) Accessory structures shall be designed to have low flood damage potential,
 - (3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters,
 - (4) Accessory structures shall be firmly anchored to prevent flotation, collapse or lateral movement of the structure,
 - (5) Service facilities such as electrical and heating equipment shall be installed in accordance with Article IV.A.5; and
 - (6) Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with Article IV.B.4a.
9. Swimming Pool Utility Equipment Rooms. If the building cannot be built at or above the BFE, because of functionality of the equipment then a structure to house the utilities for the pool may be built below the BFE with the following provisions:
- a) Meet the requirements for accessory structures in Article IV.B.8
 - b) The utilities must be anchored to prevent flotation and shall be designed to prevent water from entering or accumulating within the components during conditions of the base flood.

- c) A variance may be granted to allow wet floodproofing of the structure.

10. Elevators

- a) Install a float switch system or another system that provides the same level of safety is necessary for all elevators where there is a potential for the elevator cab to descend below the BFE during a flood per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas.
- b) All equipment that may have to be installed below the BFE such as counter weight roller guides, compensation cable and pulleys, and oil buffers for traction elevators and the jack assembly for a hydraulic elevator must be constructed using flood-resistant materials where possible per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas.

a)

11. Fill. An applicant shall demonstrate that fill is the only alternative to raising the building to meet the residential and non-residential construction requirements of Article IV B(1) or B (2), and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The following provisions shall apply to all fill placed in the special flood hazard area:

- a) Fill may not be placed in the floodway unless it is in accordance with the requirements in Article IV.B.5a,
- b) Fill may not be placed in tidal or non-tidal wetlands without the required State and federal permits,
- c) Fill must consist of soil and rock materials only. A registered professional geotechnical engineer may use dredged material as fill only upon certification of suitability. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain,
- d) Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered, professional engineer,
- e) Fill slopes shall be no greater than two horizontal to one

vertical. Flatter slopes may be required where velocities may result in erosion; and,

- f) The use of fill shall not increase flooding or cause drainage problems on neighboring properties,
- g) Fill may not be used for structural support in the coastal high hazard areas,
- h) Will meet the requirements of FEMA Technical Bulletin 10-01, *Ensuring That Structures Built On Fill In Or Near Special Flood Hazard Areas Are Reasonable Safe From Flooding.*

12. Standards for Subdivision Proposals and other developments

- a) All subdivision proposals and other proposed new developments shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
- b) All subdivision proposals and other proposed new developments shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c) All subdivision proposals and other proposed new developments shall have adequate drainage provided to reduce exposure to flood damage; and
- d) The applicant shall meet the requirement to submit technical data to FEMA in Article IV B.7. when a hydrologic and hydraulic analysis is completed that generates base flood elevations.

C. Standards for Streams without Established Base Flood Elevations and/ Floodways. Located within the areas of special flood hazard (Zones A and V) established in Article I.D, are small streams where no base flood data has been provided or where no floodways have been identified. The following provisions apply within such areas:

1. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments

containing at least 50 lots or 5 acres, whichever is less.

2. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within 100 feet of the stream bank unless certification with supporting technical data by a registered, professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
3. If Article IV.C.1 is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Article IV and shall be elevated or floodproofed in accordance with elevations established in accordance with Article III.E.11.
4. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data. Refer to FEMA Floodplain Management Technical Bulletin 1-98 *Use of Flood Insurance Study (FIS) Data as Available Data*. 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.
5. When base flood elevation data is not available from a federal, State, or other source one of the following methods may be used to determine a BFE. For further information regarding the methods for determining BFEs listed below refer to FEMA's manual *Managing Floodplain Development in Approximate Zone A Areas*.
 - a) Contour Interpolation
 - (1) Superimpose approximate Zone A boundaries onto a topographic map and estimate a BFE.
 - (2) Add one-half of the contour interval of the topographic map that is used to the BFE.
 - b) Data Extrapolation - A BFE can be determined if a site within 500 feet upstream of a reach of a stream reach for which a 100-year profile has been computed by detailed methods, and the floodplain and channel bottom slope characteristics are relatively similar to the downstream reaches.
 - c) Hydrologic and Hydraulic Calculations- Perform hydrologic and hydraulic calculations to determine BFEs using FEMA approved methods and software.

D. Standards for Streams with Established Base Flood Elevations but without Floodways. Along rivers and streams where Base Flood Elevation (BFE) data is provided but neither floodway are identified for a Special Flood Hazard

Area on the FIRM or in the FIS. The following provisions apply within such areas:

1. No encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

E. Standards for Areas of Shallow Flooding (AO Zones). Located within the areas of special flood hazard established in Article 1.D, are areas designated as shallow flooding. The following provisions shall apply within such areas:

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.
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 Article III.D.
3. All structures on slopes must have drainage paths around them to guide water away from the structures.

Article V. VARIANCE PROCEDURES

- A. Establishments of Appeal. The Board of Zoning Appeals as established

by the City of Cayce shall hear and decide variances from the requirements of this ordinance.

B. Right to Appeal. Any person aggrieved by the decision of the appeal board or any tax payer may appeal such decision to the Court.

C. 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.

D. Functionally Dependant Uses. Variances may be issued for development necessary for the conduct of a functionally dependant use, provided the criteria of this Article are met, no reasonable alternative exist, and the development is protected by methods that minimize flood damage and create no additional threat to public safety.

E. Agricultural Structures. Variances may be issued to wet floodproof an agricultural structure provided it is used solely for agricultural purposes. In order to minimize flood damages during the base flood and the threat to public health and safety, the structure must meet all of the conditions and considerations of Article V.H, this section, and the following standards:

1. Use of the structure must be limited to agricultural purposes as listed below:
 - a) pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment,
 - b) steel grain bins and steel frame corncribs,
 - c) general-purpose barns for the temporary feeding of livestock that are open on at least one side;
 - d) for livestock confinement buildings, poultry houses, dairy operations, and similar livestock operations, variances may not be issued for structures that were substantially damaged. New construction or substantial improvement of such structures must meet the elevation requirements of Article IV.B.2 of this ordinance; and,
2. The agricultural structure must be built or rebuilt, in the case of an existing building that is substantially damaged, with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation,

3. The agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where flood velocities exceed 5 feet per second, fast-flowing floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls,
4. The agricultural structure must meet the venting requirement of Article IV.B.4 of this ordinance,
5. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article IV.A.5 of this ordinance,
6. The agricultural structure must comply with the floodway encroachment provisions of Article IV.B.5 of this ordinance; and,
7. Major equipment, machinery, or other contents must be protected. Such protection may include protective watertight floodproofed areas within the building, the use of equipment hoists for readily elevating contents, permanently elevating contents on pedestals or shelves above the base flood elevation, or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out of the floodplain.

F. Considerations. In passing upon such applications, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage, and the safety of access to the property in times of flood for ordinary and emergency vehicles;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development, and the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
8. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site,
9. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges and,
10. Agricultural structures must be located in wide, expansive floodplain areas, where no other alternative location for the agricultural structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the structure is to be located, must be in the Special Flood Hazard Area and no other alternative locations for the structure are available.

G. Findings. Findings listed above shall be submitted to the appeal board, in writing, and included in the application for a variance. Additionally, comments from the Department of Natural Resources, Land, Water and Conservation Division, State Coordinator's Office, must be taken into account and included in the permit file.

H. Floodways. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result unless a CLOMR is obtained prior to issuance of the variance. In order to insure the project is built in compliance with the CLOMR for which the variance is granted the applicant must provide a bond for 100% of the cost to perform the development.

I. Conditions. Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance. The following conditions shall apply to all variances:

1. Variances may not be issued when the variance will make the structure in violation of other federal, State, or local laws, regulations, or ordinances.

2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
4. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.
5. The local administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
6. Variances shall not be issued for unpermitted development or other development that is not in compliance with the provisions of this ordinance. Violations must be corrected in accordance with Article III.F.5 of this ordinance.

Article VI. LEGAL STATUS PROVISIONS

A. Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance. This Ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted Nov. 1, 2001 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued there under are reserved and may be enforced. The enactment of his ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the City of Cayce enacted on Nov, 1, 2001 as amended, which are not reenacted herein, are repealed.

B. Effect upon Outstanding Building Permits. Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by

the Chief Building Inspector or his authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of sixty (60) days subsequent to passage of this ordinance, construction or use shall be in conformity with the provisions of this ordinance.

C. Effective Date. This ordinance shall become effective upon adoption.

D. Adoption Certification.

I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted by the City Council of The City of Cayce, SC on the day of _____ 200__.

PASSED:

1st Reading: _____

2nd Reading: _____

WITNESS my hand and the official seal of the City of Cayce, SC this
the _____ day of, _____ 200__.

Signature

Memorandum

To: Mayor and Council

From: Rebecca Vance, City Manager
Shaun Greenwood, Asst. City Manager

Date: October 30, 2013

Subject: First Reading of an ordinance to rezone approximately 19 acres of the property located identified as TMS# 006900-01-021.

ISSUE

Council approval is needed for the First Reading of an ordinance to re-zone a portion (approx. 19 acres) of the property located at Fort Congaree Trail identified as TMS# 006900-01-021 from M-1 (Light Industrial) to RG-2 (General Residential, High Rise).

BACKGROUND/DISCUSSION

The property is currently undeveloped land zoned as M-1 (Light Industrial) and consists of 108 acres. As part of future development along the 12th Street Extension corridor, the applicant requests to re-zone a portion of the parcel (approx. 19 acres). The applicant plans to build multi-family apartments on the subdivided section. Multi-family apartments are a permitted use in the RG-2 zoning district.

The Planning Commission considered the request for re-zoning at its regular meeting on October 21, 2013. The re-zoning request was opened for public hearing. No one was present to speak in opposition to the re-zoning request.

The Planning Commission voted unanimously to recommend the requested re-zoning to a RG-2 zoning designation. The requested zoning is in compliance with the Comprehensive Plan.

RECOMMENDATION

The Planning Commission recommends Council approve First Reading of an ordinance to re-zone TMS#006900-01-021 (approx. 19 acres on Fort Congaree Trail) from M-1 (Light Industrial) to RG-2 (General Residential, High Rise).

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
CITY OF CAYCE)

ORDINANCE
Amending Zoning Map and
Rezoning property located at Tax
Map Number 006900-01-021
(Portion) from M-1 to RG-2

WHEREAS, South Carolina Electric & Gas Company, as the property owner, requested that the City of Cayce amend the Zoning Map to re-designate a portion of the property (approximately 19 acres) comprising and shown as TMS# 006900-01-021, now zoned Light Industrial (M-1) to General Residential, High Rise (RG-2), and

WHEREAS, the Planning Commission held a public hearing on this request to receive comments from the public and adjacent property owners, and

WHEREAS, the Planning Commission met on October 21, 2013, to review public comments and vote on recommending the rezoning request and unanimously voted to recommend this change to the existing zoning,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Cayce, in Council, duly assembled, that the property hereinafter listed, and as shown on the attached sketch, is hereby rezoned and reclassified on the Zoning Map of the City of Cayce as RG-2, General Residential, High Rise:

TMS# 006900-01-021(Portion)
Northeast corner Fort Congaree Trail and 12th Street Ext.

This Ordinance shall be effective from the date of second reading approval by Council.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2013.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____



Approved as to form: _____
Danny C. Crowe, City Attorney

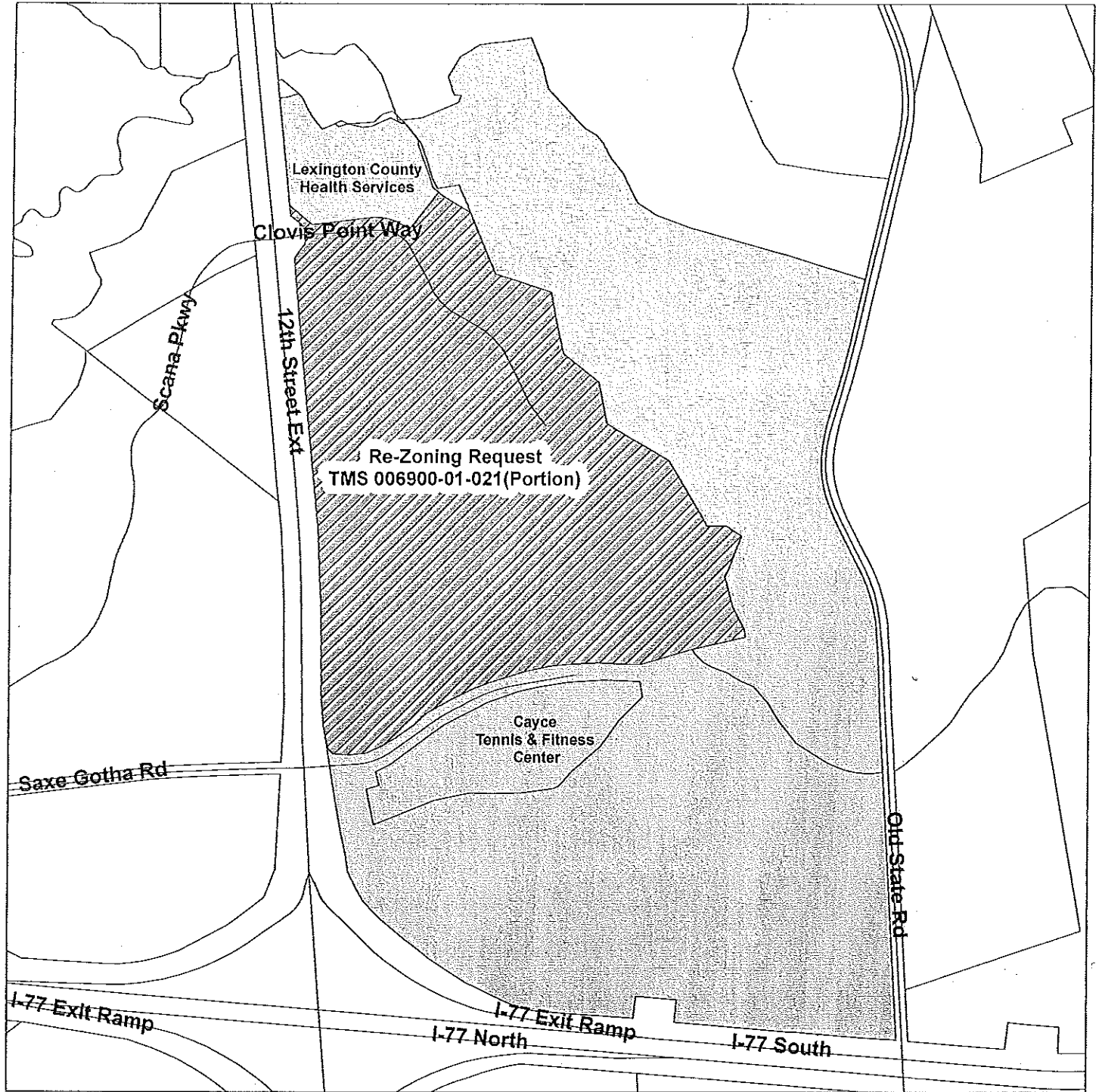
MA006-13
Re-Zoning Request
TMS 006900-01-021 (Portion)



Legend

MA006

-  Parcels within 200' of Re-Zoning request
-  Re-Zoning request (19 acres)



City of Cayce
South Carolina

Planning Commission Zoning Map Amendment

Date Filed: 9-20-13

Request No: MA 006-13

Fee: \$ 200.00

Receipt No: 00291049

A zoning map amendment may be initiated by the property owner(s), Planning Commission, Zoning Administrator, or City Council. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent section.

THE APPLICANT HEREBY REQUESTS that the property described as above be considered for rezoning from M-1 to R6-2

The justification for this change is as follows;

- MULTI-FAMILY

APPLICANT(S) [print]: RODIE GROUP LLC
Address: 52 VANDERBILT AVENUE SUITE 2007 NEW YORK, NY 10017
Telephone: 212-905-8405 [Business] _____ [Residence]
Interest: Owner(s): ___ Agent of owner(s): ___ Other: ___

OWNER(S) [if other than Applicant(s)] : SCANA
Address: 220 OPERATIONAL WAY CAYCE, SC 29033
Telephone: _____ [Business] _____ [Residence]

PROPERTY ADDRESS: Fort Congaree Trail
Lot _____ Block _____ Subdivision _____
Tax Map No 006900-01-021(P) Plat Book _____ Page _____
Lot Dimensions: _____ Area: [sq. ft. or acreage] ± 19 acres
Deed restrictions/limitations on property:

DESIGNATION OF AGENT [complete only if owner is not applicant]

I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this request.

Date: _____

South Carolina Electric & Gas Company
Richard A. Martin His General Manager
Owner signature(s)

I (we) certify that to the best of my (our) knowledge that the information contained herein is accurate and correct.

Date: 9/26/13

[Signature]

Applicant signature(s)

Official Use Only:
Property posted: 10-7-13 By: Steve Martin

Published in Newspaper on: 10-3-13

PLANNING COMMISSION: 10-21-13

RECOMMENDATION: Approval to Council 10-21-13

CITY COUNCIL [1st Reading] 11-5-13

ACTION: _____

CITY COUNCIL [Final Reading] 11-20-13

ACTION: _____

Notice to applicant sent on _____ advising of Councils action. If approved a statement to the effect that our zoning maps and records now reflect the new zoning of the property. If disapproved, the reasons for disapproval, a statement that any other request for rezoning on the same piece of property will not be accepted for a period of one (1) year from Councils action.

CERTIFICATION OF NOTIFICATION:

The City of Cayce Zoning Ordinance requires that all property owners of parcels within two hundred feet of the subject parcels be notified by mail of the Public Hearing.

Administrative Coordinator

I, Michelle Paulchel, do hereby certify that I processed the letters of notification for both property owners, and all property owners within two hundred (200) feet of the affected parcels for Map Amendment MA006-13, City of Cayce.

Michelle Paulchel

Michelle Paulchel

10-14-13

Date

Director, Planning & Development

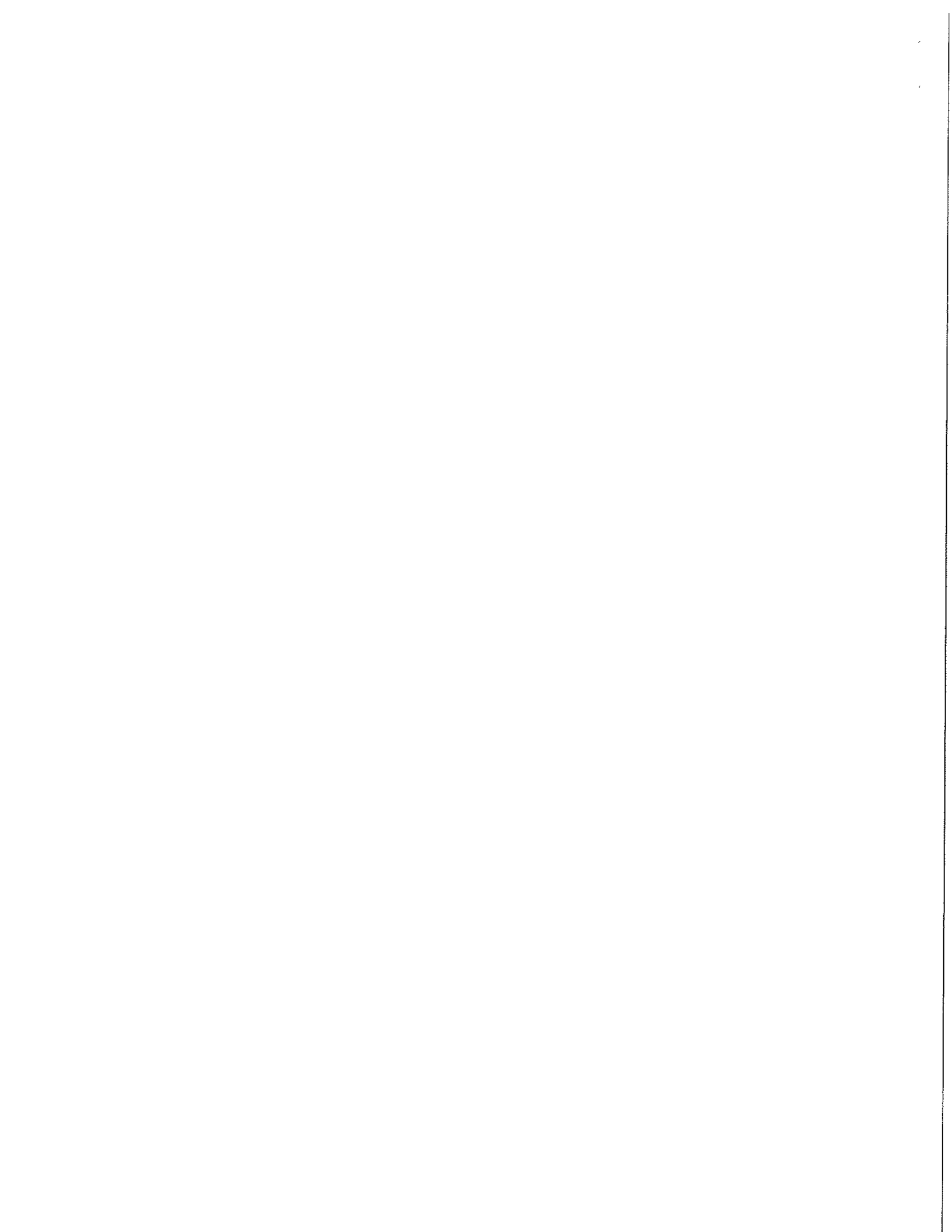
I, Shaun M. Greenwood, Director, do hereby certify that I have personally signed each and every notification concerning MA006-13. Under my direct supervision, all materials were placed at postal facilities at Cayce City Hall for mailing.

Shaun Greenwood

Shaun M. Greenwood, ACIP
Assistant City Manager

10/14/13

Date



Memorandum

To: Mayor and Council

From: Rebecca Rhodes, City Manager
Shaun Greenwood, Asst. City Manager

Date: 10/30/2013

Subject: Second Reading of an Ordinance to amend the Development Agreement between the City of Cayce and Lexington County School District Two for Land Use Development of Brookland-Cayce High School

ISSUE

Council action is needed in reference to the Second and Final Reading of an Ordinance to amend the Development Agreement with Lexington County School District Two for Land Use Development of Brookland-Cayce High School. Council may want to **table or postpone** Second and Final Reading until the School Board has a chance to meet and officially agree to the changes.

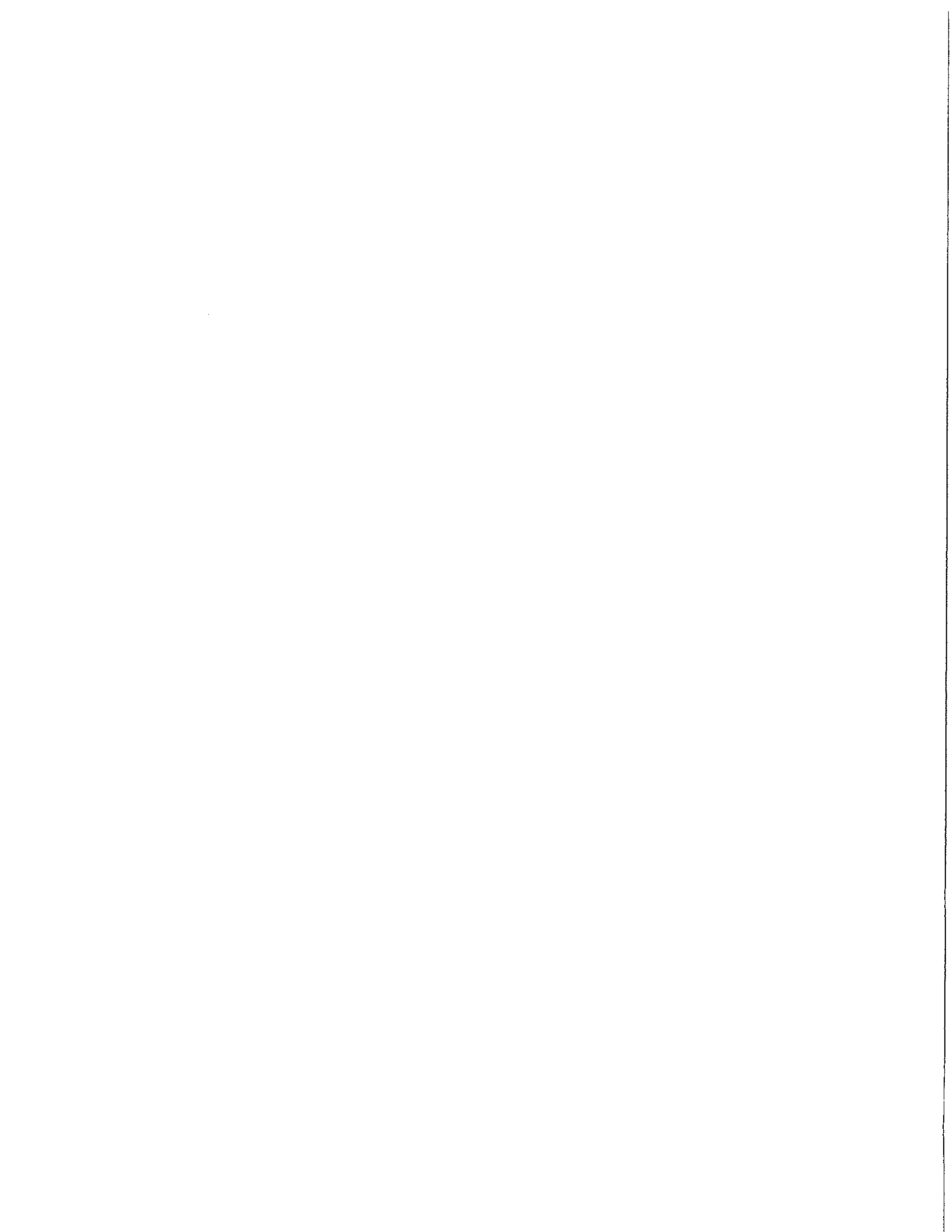
BACKGROUND/DISCUSSION

Council's recent negotiations with the School District have resulted in several proposed amendments to the Development Agreement for the BCHS Athletic Stadium. Council approved First Reading of the proposed changes at the second meeting in October. Staff does not believe we should give this Ordinance Second and Final Reading until the School Board has officially agreed to the amendments as well. If the City were to approve Second Reading and any further changes to the language were deemed necessary, it would require another ordinance to amend the agreement.

Postponing the vote on the Second Reading will not impact the District's ability to continue construction. The Pending Ordinance Doctrine allows staff to enforce a pending ordinance as long as it has received First Reading.

RECOMMENDATION

Staff recommends Council **table** Second and Final Reading of an Ordinance to amend the Development Agreement with Lexington County School District Two for Land Use Development of Brookland-Cayce High School until the School Board has a chance to review the proposed changes.



Memorandum

To: Mayor and Council

From: Rebecca V. Rhodes
Chief Charles McNair

Date: October 31, 2013

Subject: Resolution approving a Multijurisdictional Alcohol Enforcement Unit Agreement

ISSUE

Consideration of a resolution approving a Multijurisdictional Alcohol Enforcement Agreement between the City of Cayce Public Safety Department, the Richland County Sheriff's Department, Lexington County Sheriff's Department, City of West Columbia Police Department, City of Columbia Police Department, Town of Lexington Police Department and the USC Division of Law Enforcement and Safety.

BACKGROUND/DISCUSSION

S.C. Code section 23-20-50 was amended and requires that an agreement entered into pursuant to Title 23 on behalf of a law enforcement authority must be approved by the appropriate state, county or local law enforcement authority's chief executive officer, and by the governing body of each jurisdiction.

Council has already approved similar Resolutions ratifying Mutual Aid and Task Force Agreements with several entities. Council's approval of the resolution ratifies and meets the new requirement for these types of agreements.

RECOMMENDATION

Staff recommends Council approve a resolution approving a Multijurisdictional Alcohol Enforcement Unit Agreement and authorize the Mayor to sign the agreement on behalf of the City.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
CITY OF CAYCE)

RESOLUTION
Approving Multijurisdictional Alcohol
Enforcement Unit Agreement

WHEREAS, the need for law enforcement agencies to enter into contracts with other law enforcement agencies for mutual aid and support and for multi-jurisdictional task forces is recognized in Chapter 20 ("Law Enforcement Assistance and Support Act") of Title 23 ("Law Enforcement and Public Safety") of the South Carolina Code of Laws, and in S. C. Code sections 23-1-210 and 23-1-215; and

WHEREAS, S. C. Code section 23-20-50, which is a part of Chapter 20 of Title 23 of the State Code, provides that an agreement entered into pursuant to that chapter on behalf of a law enforcement authority must be approved by the appropriate state, county or local law enforcement authority's chief executive officer, and by the governing body of each jurisdiction; and

WHEREAS, S.C. Code sections 23-1-210 and 23-1-215 also require or may be construed by the Courts to require the approval of the Council in multi-jurisdictional agreements entered into pursuant to those sections; and

WHEREAS, the Council wishes to clarify and confirm the process by which it approves such mutual aid agreements and task force agreements as are entered into between the law enforcement agency of the City of Cayce and the law enforcement agencies of other political subdivisions of the State,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Cayce, in Council duly assembled, as follows:

The City Council hereby ratifies or approves the City of Cayce and the Cayce Department of Public Safety entering into the Multijurisdictional Alcohol Enforcement Unit Agreement attached to this Resolution with the Richland County Sheriff's Department, Lexington County Sheriff's Department, City of West Columbia Police Department, City of Columbia Police Department, Town of Lexington Police Department and USC Division of Law Enforcement and Safety. The Mayor and the Public Safety Director are authorized to sign the agreement on behalf of the City.

ADOPTED this ____ day of _____, 2013.

Elise Partin, Mayor

ATTEST:

Mendy C. Corder, Municipal Clerk

Approved as to form: _____
Danny C. Crowe, City Attorney

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
COUNTY OF RICHLAND)

MULTIJURISDICTIONAL ALCOHOL
ENFORCEMENT UNIT
AGREEMENT

This agreement is made and entered into this 1st day of July, 2013, by the following parties: **Town of Lexington Police Department, Cayce Department of Public Safety, USC Division of Law Enforcement and Safety, City of West Columbia Police Department, City of Columbia Police Department, Lexington County Sheriff's Department and Richland County Sheriff's Department.**

WHEREAS, it is the desire and intent of the parties to evidence their joint undertaking for the provision of mutual assistance investigating and prosecuting criminal activities involving alcohol and tobacco which occur by the creating and operation of two multi-jurisdictional task forces within Lexington and Richland Counties; and

WHEREAS, each of the parties provide law enforcement for some portion of Lexington and Richland Counties; and

WHEREAS, the parties as set out above, by and through their representatives affixing their signatures below, consent and agree to span the geopolitical boundaries of all areas of Lexington and Richland Counties to the fullest extent allowed under South Carolina law for the express purpose of investigating and prosecuting criminal activities involving alcohol by creating this Lexington and Richland County multi-jurisdictional Alcohol Enforcement Team; and

WHEREAS, Article VIII, Section 13 of the South Carolina Constitution authorizes counties and municipalities to provide by agreement for the joint administration of any function, the exercise of powers, and the sharing of the costs thereof; and

WHEREAS, South Carolina Code Ann. 17-13-45 provides that when a law enforcement officer responds to a distress call or a request for assistance in an adjacent jurisdiction, the authority, rights, privileges, and immunities, including the workers' compensation laws, and tort liability coverage obtained pursuant to the provisions of Chapter 78 of Title 15, that are applicable to an officer within the jurisdiction in which he is employed are extended to and include the adjacent jurisdiction; and

WHEREAS, South Carolina Code Ann. Section 23-1-210 provides for the temporary transfer of law enforcement officers within multijurisdictional task forces pursuant to written agreement; and

WHEREAS, South Carolina Code Ann. Section 23-1-215 provides for agreements between multiple law enforcement agencies for the purpose of investigating crimes involving multiple jurisdictions; and

WHEREAS, South Carolina Code Ann. Section 23-20-10, et seq., provides for contractual agreements between and among state, county, municipal and local law enforcement agencies for law enforcement services; and

NOW, THEREFORE, it is the intent of the parties to share jurisdiction under this

written agreement to the fullest extent permitted under South Carolina law and it is further agreed as follows:

1. SCOPE OF SERVICES

It is agreed that the parties shall assign, on a temporary basis, officers to participate in the Lexington and Richland County multi-jurisdictional Alcohol Enforcement Team ("the Team") to investigate and prosecute criminal activities involving alcohol as well as other collateral criminal offenses which may become apparent to officers assigned under this agreement which occur within the whole of Lexington and Richland Counties for the duration of the agreement or until this agreement is rescinded or terminated as set forth herein. Further, this agreement is intended to be a request for assistance from adjacent jurisdictions.

2. TERM AND RENEWAL

This agreement is effective as to each party at the date and time of signing and will automatically renew each anniversary date, year to year, and term to term unless a party exercises its right to terminate as further described herein. Any termination by an individual party is not intended to affect the relationship(s) between any remaining parties.

3. VESTING OF AUTHORITY AND JURISDICTION

To the fullest extent permitted by the Constitution and the statutes of this State, officers assigned under the agreement shall be vested with authority, jurisdiction, rights, immunities, and privileges outside his resident jurisdiction for the purpose of investigation, arrest, or any other activity related to the criminal activity for which the agreement is drawn. This agreement is in no way intended to effect any other multi-jurisdictional agreement(s) which may exist between the agencies.

However, local ordinances adopted by a participating party shall not be deemed extended into areas of operation that are located outside the geopolitical territorial limits of that party.

4. PERSONNEL, COSTS AND RECORDS

Except as otherwise agreed among the parties, each party shall maintain control over its personnel. Except as otherwise provided herein, each party shall bear its own costs incurred in the performance of its obligations hereunder, and shall keep its own personnel and other usual records as to its assigned officers.

5. NO INDEMNIFICATION OR THIRD PARTY RIGHTS

To the extent provided by law, the parties shall be solely responsible for the acts and omissions of their respective employees, officers, and officials, and for any claims, lawsuits and payment of damages that arise from activities of its assigned officers. No right of indemnification is created by this agreement and the parties expressly disclaim such. The provisions of this agreement shall not be deemed to give rise to or vest any rights or obligations in favor of any rights or obligations in favor of any party or entity not a party to this agreement.

6. INSURANCE

Each party shall maintain such insurance coverage for general liability, workers' compensation, and other such coverage as may be required by law or deemed advisable by individual parties.

7. COMPENSATION, BOND, AND RELATED MATTERS

This agreement shall in no manner affect or reduce the compensation, pension or retirement rights of any officers acting under its authority and such officers shall continue to be paid by the county or municipality where they are permanently employed. The bond, if any, for any officers operating under this agreement shall include coverage for their activity in the county or municipality covered in this agreement in the same manner and to the same extent provided by the bonds of regularly employed officers of that county or municipality.

8. REIMBURSEMENT AND ANCILLARY BENEFITS

The parties to this agreement hereby expressly agree the compensation and/or reimbursement for services of like kind between agencies involved is limited to the provision of reciprocal services and to the ancillary benefits of increased investigation and prosecution of alcohol offenses in the whole of Lexington/Richland County. Any other agreement for the reimbursement between the parties must be written and executed in the same manner as this agreement.

9. TERMINATION AND RIGHT TO RESCIND

The participation of any party may be terminated at the discretion of the chief law enforcement officer upon providing written notice to all other parties. The termination must be delivered or mailed to the other parties with return receipt requested. Any such rescission or termination will become effective upon receipt by the other parties. The election of any party or parties to exercise this right to rescind or terminate does not in any way affect the rights, duties, privileges, immunities, or obligations of the other parties.

10. RESPONSIBILITY TO RESPECTIVE GOVERNING BODIES

Each party is responsible for any notice, reporting, or approval requirements to their respective governing body as may be required under South Carolina law.

11. SEVERABILITY

Should any part of this agreement be found to be unenforceable by any court or other competent authority, then the rest shall remain in full force and effect.

12. AMENDMENTS AND BINDING SUCCESSORS IN OFFICE

This agreement may be amended or modified only by written agreement of all parties. Each party agrees that any and all successors in interest to their office will be similarly bound by the terms of this agreement without necessitating execution of any amendment.

IN WITNESS WHEREOF, the parties, by and through their undersigned duly authorized representatives, have duly executed this agreement effective as of the date set forth above.

Joe G. Mergo III
Lexington County Administrator

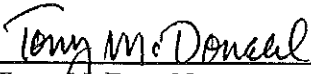
Witness

Witness

Sheriff James R. Metts, Ed.D.
Lexington County Sheriff's Office

Witness

Witness


Tony McDonald
Richland County Administrator

Witness

Witness


Sheriff Leon Lott
Richland County Sheriff's Office

Witness

Witness

Chris Wuchenich
USC Police Department

Witness

Witness

Amy Stone
USC Secretary of the Board

Witness

Witness

Mayor Joseph W. Owens
City of West Columbia

Witness

Witness

Chief Dennis Tyndall
West Columbia Police Department

Witness

Witness

Execution by Signatures Continued on Next Page

Mayor Randy Halfacre
Town of Lexington

Witness

Witness

Chief Terrence Green

Witness

Richland County Attorney's Office

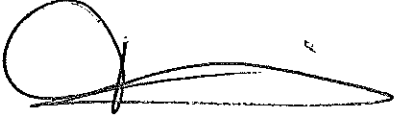


Approved As To LEGAL Form Only.

No Opinion Rendered As To Content.

Lexington Police Department

Mayor Elise Partin
City of Cayce



Chief Charles E. McNair
Cayce Department of Public Safety

Mayor Steve Benjamin
City of Columbia

Interim Chief Ruben Santiago
Columbia Police Department

Witness

Witness

Witness

Witness

Witness

Witness

Witness

Witness

Witness

Cayce Historical Museum Committee Meeting

September 3, 2013

Present: Mary Sharpe, Leo Redmond, Cindy Peake, Gram Dantzler, Ann Diamond, Archie Moore and Lynn Summer

Excused Absentee: Alice Brooke, Marion Hutson, and Scott Morgan

Call to Order:

Invocation was by Commissioner Dantzler. Rebecca Rhodes reported on Martin Marietta's settlement agreement to help with the park and sign. Granby cemetery is within 250 feet of where they are mining, so they will not sell now. They will allow 4 guided tours during the year. They are providing fencing and maintenance of the cemetery. They have proposed that when they quit mining there, they will re evaluate the property to be given to the city or perhaps the families if pursuit.

Commissioner Sharpe made a motion that we visit the Granby Cemetery the 1st week of November, it was seconded by Commissioner Summer.

Commissioner Sharpe made a motion that we start a committee with Commissioner Moore; Commissioner Redmond, and Commissioner Dantzler they will present the history of Granby Graveyard. It was seconded by Commissioner Summer.

Christmas Tradition is scheduled for December 7, 2013 at 7:00pm, with a planning meeting on October 8 at 6:00pm. Each commissioner will need to bring a food item for the planning session. Commissioners need to be there by 5:15.

Commissioner's need to provide a station of snacks or a recipe for the theme of Past, Present, and Future for Christmas Traditions on December 7, 2013. The cookbooks will be available for sale.

Each Commissioner is to try to get a historic story (reflections, maps, artifact, etc.) for the 100 years, as soon as possible.

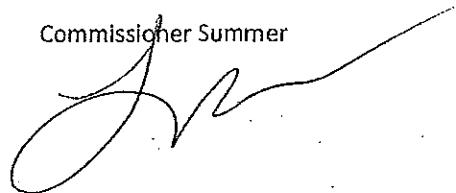
Reflections on Awards and Achievements:

We are proud of Commissioner Morgan awarded Solider of the Year.

Motion was made by Commissioner Peake to adjourn second by Commissioner Diamond.

Respectfully Submitted,

Commissioner Summer



APPROVED MINUTES
BEAUTIFICATION BOARD
Tuesday, September 10, 2013
City Hall
5:30 p.m.

I. CALL TO ORDER

Sue Perry called the meeting to order at 5:35 p.m. Present was Sue Miles, Sue Perry, Katie Scott, Joanne Wilson and John Winn.

II. APPROVAL OF MINUTES

A motion to approve the meeting minutes of August 13, 2013 was made by Joanne Wilson. Sue Miles seconded the motion. The decision was unanimous.

III. OLD BUSINESS

- a. Decided on red t-shirts for members and navy for giveaway at the plant exchange. Discussed that only a few would be given away each exchange, and that we would order about 36.

IV. NEW BUSINESS

- a. Sue Perry gave an update on the Beautification Foundation meeting. Their gala fundraiser will be taking place on November 15th at the Farmer's Market. Members are now selling tickets and are responsible for contributing to the silent auction. They also received news that they got the permit from DOT to start building the welcome signs. It will take about 90 days for completion once they start building. There will be banners recognizing the foundation, and a grand opening event for press once completed. Sue Perry is also keeping in touch with a foundation member who would like to help with funding for the Beautification Board's museum project.
- b. Sue Perry performed maintenance on Dunbar Island on Saturday. Members are still encouraged to contribute when they are in the area. Joanne discussed with Leo where to place the Dunbar sign.
- c. Reminder of the November 9th scheduled work day. Sue Miles suggested mulching around the tree near the museum.
- d. John Winn presented the plant exchange posters. Members to begin hanging them around town next week. Members also to pick up plant exchange yard signs on Friday, October 4th to be put up.
- e. Michelle looking into who is in charge of the "Cayce Welcomes You" pole signs as they are faded and could use updating.

V. ADJOURNMENT

A motion to adjourn was made by John Winn. Joanne Wilson seconded the motion. The decision was unanimous. Sue Perry adjourned the meeting at 6:23 p.m.

**MINUTES OF EVENTS COMMITTEE
CITY OF CAYCE
September 12, 2013**

Present: Dr. Pete Cassidy, Brenda Cole, Mendy Corder (City Representative), Danny Creamer, James Denny (City Representative), Julie Isom, Ellen Mancke, Cindy Pedersen, and Rachel Scurry

Absent, Excused: Kirsten Davis (City Representative), Frankie Newman, and Jay Thompson

Chairperson Julie Isom called the meeting to order. The minutes of the August 8, 2013, meeting were reviewed, amended, and approved with the following corrections.

- Ellen Maneke was incorrectly listed as both Present and Absent, Excused. Her name was removed from Present.
- The spelling of Barefoot and Reckless as well as Willie Wells and the Blueridge Mountain Grass was corrected.

CONGAREE BLUEGRASS FESTIVAL -- Saturday, October 5, 2013, 11 a.m. until 6:30 p.m.

Ms. Corder updated the Committee on sponsors and vendors. Listings are attached to these minutes.

Committee members volunteered for various time slots and tasks through the day. The Volunteer Meeting is scheduled for Thursday, September 26. Mast General Store will be hosting a mini-concert on Saturday, September 28, in their courtyard. Dr. Cassidy and Ms. Isom volunteered to participate in radio interviews.

Ms. Corder reviewed major concerns from last year's event. Decorating of the stage will take place on Friday, October 4.

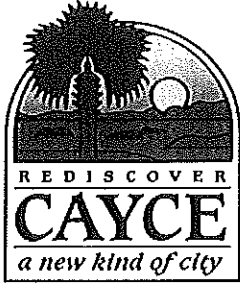
There being no further business, the meeting was adjourned.

Respectfully submitted,

Rachel R. Scurry, Secretary

2013 CONGAREE BLUEGRASS FESTIVAL – VENDORS

Vendor No.	Organization/Address	Contact	Items	Paid	Elec	Size	Conf Pkt
Entrance	Festival Information 1800 12 th St. Cayce, SC 29033	Mendy Corder 803-796-9020	Festival info, t-shirts, etc.	NC	No	10x30 Tents	N/A
Gazebo	Festival Sales Items 1800 12 th St. Cayce, SC 29033	Mendy Corder 803-796-9020	T-shirts, cups, hats, etc.	NC	No	Gazebo	N/A
Chambers	Staff and Volunteer Room	Mendy Corder 803-796-9020		NC	NA	NA	N/A
1	Daley Mobile Food Services, Inc. 4714 Oakwood Drive Columbia, SC 29206		Sweet tea, lemonade, Sno-cones, corn dogs, French fries	\$250.00	No	10x20	Yes
2	Bruster's Real Ice Cream		Ice cream cups, waffle cones, Freezies, Strawberry Shortcakes, Brownie sundaes, water, soda	\$339.00	Yes	10x22	Yes
3	Gaston Masonic Lodge		Chicken on a stick, French fries	192.00	No	10x16	Yes
4	Top Flight Concessions		Fish, smoked sausage, French fries, chicken tenders, Philly cheese steak, nachos, funnel cakes, hot dogs, BBQ on a Bun	\$325.00	Yes	20x20	Yes
5	National ATM Systems		ATM Services	Fee waived	Yes	10x14	Yes
6	Charles Hite Photography		Original photo prints, framed & unframed, photos on canvas and metal	\$150.00	No	10x10	Yes
7	Sweet & Sassy		Cotton candy, popcorn, candy apples, boxes of	\$210.00	Yes	10x15	Yes



City of Cayce
South Carolina

**APPROVED MINUTES
PLANNING COMMISSION
Monday September 16, 2013
City of Cayce Council Chambers
6:00 p.m.**

I. CALL TO ORDER

Vice Chair Robert Powell called the meeting to order at 6:00 pm. Members present were Robert Powell, John Raley, Chris Kueny and Elroy Broehm. Members absent excused were Ed Fuson and Larry Mitchell. Members absent unexcused were Butch Kelly. Staff present was Shaun Greenwood, Michelle Paulchel, and Teddy Luckadoo.

II. APPROVAL OF MINUTES

Mr. Raley made a motion to approve the minutes from the August 19, 2013, meeting. Mr. Broehm seconded the motion. The vote was passed unanimously.

III. OPEN PUBLIC HEARING MA004-13

Vice Chair Robert Powell asked if the public and media had been duly notified of the meeting. Michelle Paulchel stated everyone had been notified.

Vice Chair Robert Powell opened the public hearing for the annexation request of 104 Laurel Lane (TMS# 005723-04-003) in conjunction with an RS-3 zoning designation. Mr. Luckadoo began by stating the request was made by the property owner, who is also the current occupant. Mr. Luckadoo stated the recommended zoning designation is consistent with the neighboring area.

Vice Chair Robert Powell asked if anyone was present to speak on the matter. No one was present to speak.

IV. CLOSE PUBLIC HEARING MA004-13

Vice Chair Robert Powell closed the public hearing.

V. MOTION MA004-13

Mr. Raley made a motion to recommend that Council approve the annexation of this property into the City in conjunction with an RS-3 zoning. Mr. Kueny seconded the motion which was unanimously approved.

VI. OPEN PUBLIC HEARING MA005-13

Vice Chair Robert Powell opened the public hearing for the annexation request of 105 Laurel Lane (TMS# 005723-03-011) in conjunction with an RS-3 zoning designation. Mr. Luckadoo began by stating the request was made by the property owner, who is also the current occupant. Mr. Luckadoo stated the recommended zoning designation is consistent with the neighboring area.

Vice Chair Robert Powell asked if anyone was present to speak on the matter. No one was present to speak.

VII. CLOSE PLUBIC HEARING MA005-13

Vice Chair Robert Powell closed the public hearing.

VIII. MOTION PUBLIC HEARING MA005-13

Mr. Kueny made a motion to recommend that Council approve the annexation of this property into the City in conjunction with an RS-3 zoning. Mr. Raley seconded the motion, which was unanimously approved.

IX. OTHER BUSINESS

Mr. Greenwood discussed proposed changes to the PDD ordinance. Mr. Greenwood explained that he took recommendations made by the Commission and Mr. Charles Thompson on the redlined copy of the PDD ordinance. (Mr. Thompson, Manager of the Brickworks PDD, previously appeared before the Commission on August 19, 2103, to voice his concerns with proposed revisions to the existing PDD Ordinance.) Mr. Greenwood stated that he applied the changes and sent Mr. Thompson a copy for review. Mr. Greenwood stated a public hearing on the proposed PDD ordinance would be held in the near future.

X. ADJOURNMENT

Mr. Raley made a motion to adjourn. Mr. Broehm seconded the motion. All were in favor.

Memorandum

To: Mayor and Council

From: Rebecca Vance, City Manager

Date: October 31, 2013

Subject: Discussion and Approval of Design Process for the Riverland Park and Andrew J. Burnette Park

ISSUE

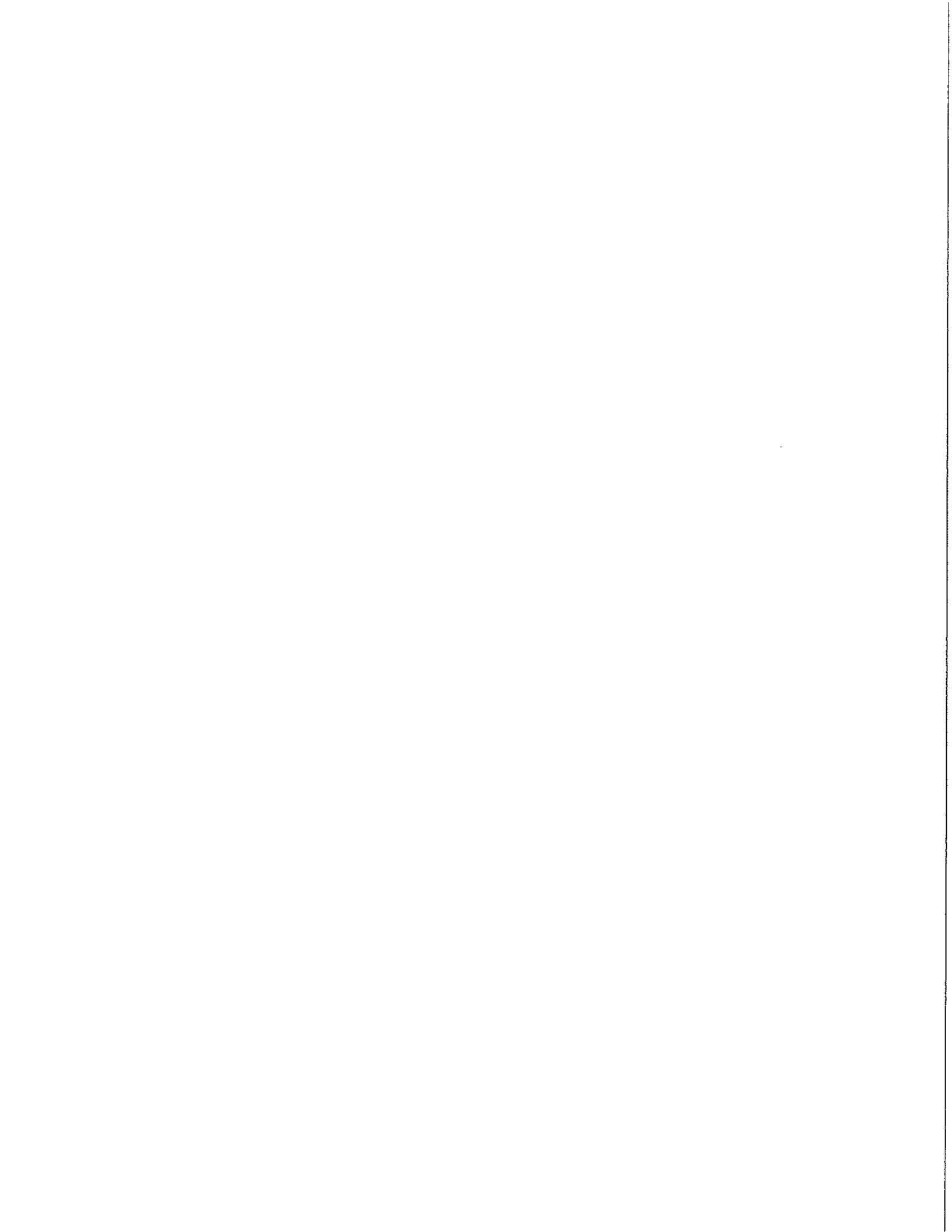
Council approval is needed to move forward with advertising for a consultant for the design and construction of Riverland Park and the renovations to the Andrew J. Burnette Park.

BACKGROUND/DISCUSSION

In order to move forward with the above projects, staff needs approval to advertise a RFQ for a consultant to design and provide construction documents for the Riverland Park and the renovations to the Andrew J. Burnette Park. Because both of these projects are smaller staff feels that it is best to advertise them together. Staff will accept RFQs and form a rating and ranking committee and we would like to have a Council Member on that committee.

RECOMMENDATION

Staff recommends Council approving moving forward with advertising a RFQ for design and construction documents for the Riverland Park and Andrew J. Burnette Park.



**City of Cayce
Committee Appointments/Reappointments
November 5, 2013**

All open positions will be advertised on the City's website and Facebook page.

There are no expired Committee terms for the month of November 2013.

NO COUNCIL ACTION REQUIRED

The following positions have been postponed by Council until receipt of potential member applications.

ACCOMMODATIONS TAX COMMITTEE – TWO (2) POSITIONS

Ms. Cherelle Davis is no longer employed with the Country Inn & Suites. Ms. Sue Wofford is no longer with Knights Inn. These positions must be filled by someone from the motel industry in Cayce. The staff liaison is currently speaking with motel managers regarding this position.

BEAUTIFICATION BOARD – TWO (2) POSITIONS

There are currently two open positions on the Board.

CAYCE HOUSING AUTHORITY – ONE (1) POSITION

Mr. Xen Motsinger's term expired August, 2012 and he has resigned from the Authority. There is no recommendation at this time.

CONSOLIDATED BOARD OF APPEALS – THREE (3) POSITIONS

Mr. Ron Lawson's term has expired. We have been unable to reach Mr. Lawson by phone. A letter has been sent to Mr. Lawson to inquire about his interest in serving on this Board. No response to the City's letter has been received. Mr. Frank Strange and Mr. Lemuel Knight both passed away recently. There are no recommendations at this time.

PUBLIC SAFETY FOUNDATION – FIVE (5) POSITIONS

Mr. Pound's and Ms. Spires' terms have expired and Council has already postponed these two positions. In checking with all the members of the foundation, Mr. Brice Corbitt has advised he will be unable to serve. Mr. Ohlen White is no longer a resident of the City and Ms. Joan Hoffman's term expired in May and she is unable to serve again at this time. Ms. Terri Camp recently moved from District 1 to District 4. Council Member James currently has two people from his district serving on the Foundation therefore Ms. Camp can fill one of the Mayor's open positions.

In summary, we have the following open positions:

District 1 – one position

District 2 – one position

District 3 – two positions

Mayor – one position

Mayor and Council Members in these districts will need to submit potential members for Council review and approval.

