

**Council**

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**ORDINANCE 2021 - 11**

**AN ORDINANCE AMENDING THE ZONING CODE TO INCLUDE SECTION 3.3.70 COASTAL RESILIENCE OVERLAY (CRO) ZONE STANDARDS**

**WHEREAS**, it sometimes becomes necessary to amend the Port Royal Zoning Code to better meet the needs of the Town and its citizens, and

**WHEREAS**, Council finds these changes in the best interest of the Town.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Town of Port Royal, duly assembled and with authority of same that the following item be changed as listed:

Amend Article 3 Specific to Zones, Division 3 Overlay Zones to include section 3.3.70 Coastal Resilience Overlay (CRO) Zone Standards

A. Purpose - The Coastal Resilience Overlay Zone is established to provide for the general health, safety and welfare by requiring notification at all real estate closings of the vulnerability of low-lying property to sea level rise and coastal flooding. This provision is specifically designed to assist individuals in making decisions that involve investments that will last at least 30 years in light of projected coastal flooding conditions in that time frame.

Sections of Beaufort County are low lying with elevations of less than 10 feet making them vulnerable to coastal flooding caused by increasingly intense storm events, king tides, and rising sea level. Coastal flooding caused by these types of events significantly affects private property, public infrastructure, and the natural environment. The impacts of sea level rise will only increase in the future. Since 1935, sea level has risen approximately 1 foot and is projected to rise between an additional 4 and 9 feet before the year 2100.

The Coastal Resilience Overlay (CRO) shall overlay other zoning classifications that shall be referred to as base zoning. The CRO District includes all lands within an established footprint affected by sea level rise.

B. District Boundaries - The district boundaries of the Coastal Resilience Overlay Zone is defined as all lands located at an elevation of 10 feet above sea level or less (North American Vertical Datum of 1988).

C. Notification

1. At all real estate closings involving a property in the CRO district, the buyer, seller and witnesses shall sign the following form which shall be filed with the deed and/or plat at the Beaufort County Register of Deeds Office.

a. Coastal Resilience Overlay Disclosure Form

The property at \_\_\_\_\_ (address/location) is located at 10 feet or less in elevation (North American Vertical Datum of 1988). Beaufort County has determined that the property on the premises have the potential to be subject to flooding and/or significant damage to property as a result of coastal flooding caused by increasingly intense storm events, king tides, and rising sea level. The County has placed a requirement of disclosure within these areas.

b. Certification

As the owner of the subject property, I hereby certify that I have informed \_\_\_\_\_, as a prospective purchaser, that the subject property is located in the Coastal Resilience Overlay District.

Dated this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Witness \_\_\_\_\_ Owner \_\_\_\_\_

As a prospective purchaser of the subject property, I hereby certify that I have been informed that the subject property is in the Coastal Resilience Overlay District, and I understand the potential for sea level rise related flooding on the subject property.

Dated this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Witness \_\_\_\_\_ Purchaser \_\_\_\_\_

2. All prospective renters signing a commercial or residential lease shall be notified by the property owner through a written provision contained in the lease agreement if the leased property is located within the Coastal Resilience Overlay District.

3. All subdivision plats, planned unit development plats, townhouse plats, and/or condominium documents shall contain the following disclosure statement:

a. Coastal Resilience Overlay Disclosure Form

The property lies within the Coastal Resilience Overlay District, which applies to property at 10 feet or less in elevation (North American Vertical Datum of 1988). Beaufort County has determined that the property on the premises have the potential to be subject to flooding and/or significant damage to property as a result of coastal flooding caused by increasingly intense storm events, king tides, and rising sea level. Purchasers are required to sign a Disclosure Form per Division 3.4.90 of the Beaufort County

Community Development Code and file the form with the deed and/or plat at the Beaufort County Register of Deeds Office.

4. In the case of new construction, a signed Coastal Resilience Overlay Disclosure Statement shall accompany the building permit application.

This Ordinance shall become effective immediately upon adoption by Council.

**REQUESTED BY:**

**APPROVED BY:**

\_\_\_\_\_  
Milton E. Willis  
Town Manager

\_\_\_\_\_  
Joe DeVito  
Mayor

**ATTEST:**

Introduced: \_\_\_\_\_

\_\_\_\_\_  
Brooke Plank-Buccola  
Municipal Clerk

Final Reading: \_\_\_\_\_