South Carolina Guide to Beachfront Property

Insight for Informed Decisions
Financial assistance provided under Cooperative Agreement NA12NOS4190094 by the Coastal Zone Management Act of 1972, as amended, administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration
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Introduction

With nearly 200 miles of oceanfront shoreline, South Carolina is home to some of the most spectacular beaches in the world. The beautiful, dry sand beaches, rolling dunes, and wildlife attract vast numbers of tourists, new residents, and investors alike. However, before purchasing coastal property, potential buyers should consider a number of different factors.

Like any other coastal location, South Carolina oceanfront and adjacent properties may be susceptible to an array of natural hazards. These hazards may affect property value, or potentially increase ownership costs, including insurance and hazard mitigation (e.g. renourishment, building dunes, moving the structure more landward, or increasing the elevation of the structure). Federal, state, or local legislation may also affect your decision to purchase coastal property. Buyers should be informed of the specific laws governing oceanfront properties and the types of activities allowed.

This guide is designed to address questions that arise for individuals purchasing coastal property. It provides guidance on topics, such as what to consider before buying coastal property, how to renovate coastal property, and how to manage the property should it be damaged by a natural hazard. Whether considering an undeveloped lot or one with an existing structure, there are critical issues to examine.
The South Carolina coastline is dynamic and constantly changing due to a common coastal hazard – beach erosion. Beach erosion can be a long-term, chronic condition caused by a variety of factors, or it may be short-term as the result of a single or series of storm events, like hurricanes, tropical storms, or nor’easters. In addition to erosion, beachfront homes may also be threatened by high wind and flooding from storm-driven waves or tides.

**Long-Term Chronic Erosion**

The majority of South Carolina beaches undergo long-term chronic erosion, often called “beach migration,” due to coastal geological processes. Ocean currents, prevailing winds, proximity to inlets, locations of nearshore sandbars, and other natural or manmade features will affect the long-term rate of erosion along a beach. Chronic erosion can be exacerbated by gradually rising sea levels. Sea level in the Charleston area has risen nearly one foot during the last century, causing beaches to migrate landward. Long-term erosion poses a considerable risk to beachfront properties, yet it is often misunderstood. Many people associate erosion with short-term storm events and do not contemplate the effects of long-term chronic erosion.

Erosion rates are measured by analyzing historical shoreline positions and calculating annual erosion rates based on beach profile and volumetric data. Erosion rates can be localized to a specific area. In fact, it is possible for one stretch of beach to show no signs of erosion, while an adjacent stretch of beach loses a large volume of sand annually. Beaches along inlets are often the most unstable and profoundly affected. Some “migrating inlets” are constantly moving in one direction. Others may expand and contract in...
intervals. In addition to natural causes, chronic erosion can be set in motion by human activities. For example, a groin built to stabilize a portion of the beach can trap sand on one side but increase erosion on the other (Figure 1).

**Storm-Driven Erosion**

South Carolina’s beaches are also vulnerable to rapid, storm-driven erosion. Hurricanes, or large storms like nor’easters, generate strong waves and currents that can intensify erosion along the shoreline. These events, particularly when coupled with storm surge, can cause sudden and widespread changes to the shoreline and put property in imminent danger (Figure 2). Even if a storm does not make landfall, beaches may still be affected.

Coastal storms also cause seasonal fluctuations of the shoreline. Generally, beaches erode more in the stormy fall and winter months than in the calm summer months. Of course, when a beach is hit directly by a hurricane, beachfront erosion can be extensive and severe. Inlets are also affected by seasonal storms and can change configuration rapidly as large volumes of water and sand flow through them. In severe storms, it is even possible for new inlets to form and existing inlets to close.

![Figure 1. A groin (yellow circle) can trap sand on one side but increase erosion on the other, as seen in this example of Edisto Island (Google Map 2014).](image-url)
Flooding

Flooding is the most common disaster in the United States, and can occur as a result of storm surge, heavy rain events, and/or high tides. Coastal flooding is a common occurrence, as most coastal properties are in low-lying areas and are subject to inundation from saltwater. Not only can flooding threaten property, but it can also prevent access to certain areas, reduce mobility, and prevent safe evacuations due to damaged or impassible roadways.

**Long Term Erosion Rates:** Long term erosion rates are determined by analyzing historical shoreline positions and calculating annual erosion rates based on beach survey data. Each year, DHEC monitors over 400 survey monuments on state beaches to conduct analysis, in conjunction with professional coastal engineers or shoreline researchers from leading academic institutions.

AVOID PURCHASING PROPERTY PRONE TO HAZARDS

Purchasers of coastal property should always research coastal hazards, seeking information on pertinent laws and regulations from local governments, the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management (DHEC-OCRM), and a licensed real estate professional. Uninformed decisions can lead to unexpected costs to the property owner. Potential buyers take on risk from damage of a highly erosional beach, which may result in property damage and may require further actions to mitigate the hazard. Similarly, potential buyers take on risk by purchasing property in a flood zone, which may result in flood damage and expensive insurance costs if the home is not

*Figure 2. Erosion at Folly Beach caused by Tropical Storm Irene in 2011 and Alberto in 2012, both storms passed more than 100 miles offshore. Photo courtesy of DHEC.*
built to current building codes. The following section provides information to buyers considering beachfront property prone to hazards, as well as guidance for how to protect their investment.

**Know State Laws**

The South Carolina Beachfront Management Act (SC Code Ann. §48-39-250 et seq.) and associated regulations establish the state’s jurisdictional authority within the beachfront critical areas. Within these areas, DHEC regulates new construction, repair, and reconstruction of buildings in addition to the maintenance of erosion control structures. However, new erosion control devices are strictly prohibited within the setback area. The purpose of these laws and regulations is to protect the quality of the coastal environment while affording reasonable use and development of property.

**State Beachfront Jurisdiction**

The state’s beachfront jurisdictional lines are calculated by analyzing current and historical shoreline positions and long-term erosion rates. DHEC is mandated by the South Carolina Beachfront Management Act to review the position of the beachfront baseline and setback line every eight to ten years. Within standard erosion zones, the baseline is established at the location of the crest of the primary oceanfront sand dune. On armored beaches and areas without a primary sand dune, DHEC uses scientific methods to determine where the natural dune would be if natural or man-made occurrences had not interfered with nature’s dune building process. For inlet areas that are not stabilized by jetties, terminal groins or other structures, the baseline is determined as the most landward point of erosion at anytime during the past 40 years. Within inlet areas that are stabilized, the baseline is determined by the location of the primary oceanfront sand dune. The setback line is established landward of the baseline at a distance of 40 times the beach’s annual erosion rate. The erosion rate is calculated using the best available historical shoreline position and scientific monitoring data. For example, if the erosion rate is one foot per year, the resulting setback line will be positioned 40 feet landward of the baseline. Even if a beach is gaining sand through accretion or is otherwise not experiencing erosion, the setback line is always located a minimum distance of 20 feet landward of the baseline (Figure 3).
Determine if Erosion is an Issue

Erosion rates vary from one municipality to another, but may also vary significantly along a specific beach. Due to localized differences, it is imperative to gather information regarding specific erosion rates for the area in which the property is located. The adopted long-term erosion rates for a specific property can be found through the DHEC Beachfront Jurisdiction web application (http://gis.dhec.sc.gov/shoreline/). The website application is a convenient way to locate a parcel, identify the state’s beachfront jurisdictional baselines and setback lines, and obtain an adopted erosion rate for the area of interest (Figure 4).

Figure 3. Cross-section of beach profile, including the State’s jurisdictional baseline and setback line in a standard zone.

Figure 4. South Carolina Beachfront Jurisdiction web application. Available at http://gis.dhec.sc.gov/shoreline/
Ask a Licensed Real Estate Professional

South Carolina law requires that a contract of sale or transfer of real property contain a disclosure statement if a property is affected by the state’s beachfront jurisdictional authorities. Licensed real estate professionals have a fiduciary responsibility to disclose material facts, like the adopted erosion rates of beachfront properties (§48-39-330). Although agents might not always know the erosion rates for particular oceanfront properties, they should provide assistance in obtaining this information.

Research Resilience to Large Storms

South Carolina has been fortunate to only experience minor hurricane impacts since Hurricane Hugo in 1989. Hugo made landfall slightly north of Charleston, at Sullivan’s Island, as a Category 4 hurricane, with sustained winds of 135-140 mph. It was the costliest storm in South Carolina history, causing over $7 billion in damages (National Weather Service; Figure 5).

Even if a hurricane does not make a direct landfall, beachfront communities are frequently affected by erosion caused from storms passing offshore. For example, in 2011, Hurricane Irene passed about 120 miles offshore, causing extreme erosion in some locations. Consequently, Folly Beach County Park was forced to close for two years and did not reopen until the beach could be renourished.

Seek Local Knowledge

Ask local residents about their knowledge of the stability of the beach, renourishment projects that have been completed or planned, flooding from storms, etc. Their experiences and long-term knowledge can provide valuable insight into the area.

Figure 5. During Hurricane Hugo in 1989, (top) a new inlet formed on Pawleys Island; and (bottom) the Ben Sawyer Bridge collapsed, near Charleston, South Carolina. Photos courtesy of NOAA.
Moreover, archived news articles from the local papers can provide information about how the area fared after particular storm events.

**Investigate Insurance Options & Requirements**

Standard homeowner’s insurance does not cover flood damage. Whether building a home or buying property, be sure to know the flood risk of the area. Depending on the risk associated with the property, it is wise, and may be mandatory, to purchase flood insurance. To better understand flood risks and potentially reduce flood insurance rates, locate flood insurance maps of the area of interest and obtain an elevation certificate to determine the required elevation of the structure.

**Flood Insurance Rate Maps**

FEMA produces flood insurance rate maps (FIRMs) that identify coastal flood risk areas using the latest data and technology. FIRMs delineate flood risk zones, Special Flood Hazard Areas (SFHAs; Figure 6), and identify Coastal Barrier Resources Act (COBRA) zones. SFHAs include Zone VE and Zone AE and have at least a 1% chance of flooding in any given year and a one-in-four chance of flooding during a typical 30-year mortgage period.

These areas take into account the risk from storm surge and wind-driven waves and often require the owner to have flood insurance. Zone X is considered a low risk area for flooding. Purchasing flood insurance for Zone X is usually not required, but may provide property owners with additional protection.

As a way to minimize loss of human life and limit damage to natural resources associate within undeveloped coastal areas, Congress enacted the Coastal Barrier Resources Act. The Act identifies particular coastal barrier resources system (CBRS) units and Otherwise Protected Areas (OPA), collectively called COBRA zones. Development within COBRA zones is permitted; however, federal financial assistance is not available in COBRA zones.

Information on the flood risk and COBRA zones for a specific property can be found on the FEMA website (www.fema.gov/national-flood-insurance-program-flood-hazard-mapping). If the property falls into a SFHA, an insurance agent should be contacted to discuss purchasing a flood insurance policy.
Elevation Certificate

The elevation of a structure compared to the estimated Base Flood Elevation (BFE), or the elevation to which floodwater is anticipated to rise, can have a major impact on the costs of flood insurance. The BFE of an area can be found in the FIRM. If a current elevation certificate is not available for the property, a state-licensed surveyor will need to complete one. To learn more about elevation certificates, access FEMA’s Homeowner’s Guide to Elevation Certificates Fact Sheet (www.fema.gov/media-library-data/20130726-1914-25045-8243/floodsmart_factsheet_homeowners.pdf).

Figure 6. Flood Risk Zones, courtesy of FEMA FloodSmart.gov

Zone VE—a high-risk area where storms drive waves landward at heights of 3 feet or more.

Coastal Zone AE—a high-risk area subject to wave heights of 1.5 to 3 feet. For flood insurance purposes, this zone is treated as Zone AE; however, communities are encouraged to regulate construction to include Zone VE standards as these waves can still cause significant damage to coastal structures.

Zone AE—a high-risk area subject to waves less than 1.5 feet in height. This will be separated from the Coastal AE zone by the Limit of Moderate Wave Action (LiMWA). A LiMWA may not always be present, in which case, only Zone AE is shown.

Zone X—areas of moderate risk (shown as a shaded zone X) or low risk (zone X). While the risk is reduced, nearly 25% of all flood claims come from these zones.
Changes to the National Flood Insurance Program

Under the National Flood Insurance Program (NFIP), many flood insurance policy holders have been paying federally-subsidized rates for flood insurance that do not reflect the true risk associated with property and homes in flood-prone areas. In July 2012, Congress passed the Biggert-Waters Flood Insurance Reform Act to make the NFIP more financially stable by phasing in rate increases until the policy holder reaches the actuarial, or non-subsidized rate. However, in response to rapidly increasing flood insurance costs, the Homeowner Flood Insurance Affordability Act was subsequently signed into law in March 2014 to repeal and modify some provisions of the Biggert-Waters Flood Insurance Reform Act. Despite these amendments, many provisions of the Biggert-Waters Flood Insurance Reform Act continue to be implemented, affecting insurance options for property owners. When purchasing a home, it is important to understand not only what the insurance rate is at the time of purchase, but what the full actuarial rate will be in the future. Contact a reputable insurance agency and the local planning department for more information.
BUILDING ON AN UNDEVELOPED BEACHFRONT LOT

The South Carolina Beachfront Management Act establishes a jurisdictional area along South Carolina’s coast where certain activities are regulated or prohibited. Regulations outline specific standards for the construction of a new home, the repair or replacement of an existing home, routine maintenance of an erosion control device, and the construction or replacement of a swimming pool within the state’s beachfront jurisdictional area.

If any portion of a property falls seaward of the jurisdictional setback line, be sure to contact DHEC Ocean and Coastal Resource Management before beginning construction. Failure to do so may result in fines and/or the removal of the structure at the property owner’s expense.

Construction Seaward of the Setback Line

All construction seaward of the setback line requires a written authorization or permit from DHEC-OCRM before work begins. Prior to the commencement of activities, property owners must certify to DHEC that any construction meets specific conditions and provide construction plans for review. Within the setback area, new habitable structures must be built as far landward as possible and are limited to a maximum of 5,000 square feet of heated space. New swimming pools may be constructed if located behind a functioning erosion control device. No construction may alter the beach’s primary sand dune or active beach zone. Construction of new erosion control devices is strictly prohibited within the setback area. To notify DHEC of your development plans, the Beachfront Notification Form (www.scdhec.gov/library/D-3896.pdf) should be submitted prior to construction activities.
Construction Seaward of the Baseline

Special Permits must be obtained to build seaward of the baseline. Among other requirements, the structure (usually a house) must be built as far landward as possible and have no impact on the primary sand dune or active beach area. Other nonhabitable structures built seaward of the baseline require permits, with the exception of wooden dune walkovers less than six feet wide. Permits are required for wooden decks (144 square feet maximum allowed), public fishing piers, golf courses, and normal landscaping. If the beach erodes and the permitted structure becomes situated on the active beach, the property owner, at his or her own expense, must remove the structure if so ordered by DHEC-OCRM. Again, construction of new erosion control devices within state beachfront jurisdiction is strictly prohibited.

To obtain Special Permit application and Beachfront Notification Form information, please visit our website at www.scdhec.gov/Environment/PermitCentral/ApplicationForms/#OCRM.

Coastal Construction Features

Several features can prevent or substantially reduce the likelihood of damage from severe storms and
erosion. Pilings can be used to raise the first floor above expected flood elevations and storm-driven waves. In many areas, embedding the tip of pilings deeper than ten feet below sea level can help to reinforce a building to withstand the impacts of severe erosion. Any first floor walls constructed between pilings should be designed to break away when hit by waves to prevent damage to the elevated portion of the building.

Elevating a building may protect it from storm surge and flooding, but it also increases its exposure to storm winds. The key to reducing wind damage is in the quality of the design and construction of the building. If building a new home adjacent to the beach, consider employing the services of a professional engineer to help ensure an adequate structural design.

Remember, however, that no home is disaster-proof. There are inherent and unavoidable dangers associated with building homes along the beach. Because of the substantial costs of coastal property, a professional engineering analysis could be a wise investment. The Federal Emergency Management Agency (FEMA) also provides a comprehensive approach to planning, siting, designing, constructing, and maintaining coastal property in the Coastal Construction Manual (FEMA P-55 - 8/2011) (www.fema.gov/media-library-data/20130726-1510-20490-2899/fema55_voli_combined.pdf).

Sand dunes are natural features that provide significant protection during the most severe storms. It is important to protect and enhance dunes by keeping vehicles and people off them, planting additional dune grasses, and installing sand fences.

**Waste Management**

When building new construction, the placement of the septic system takes priority over location of other structures (including the house) and improvements. The septic system must be set back a minimum of 50 feet from mean high water. Proper maintenance of septic tanks is essential, especially along the immediate beachfront where spills or leaks can have significant impacts on water quality and the environment. Additional information on proper waste management can be obtained by contacting DHEC’s Bureau of Environmental Health or visiting this website at www.scdhec.gov/HomeAndEnvironment/YourHomeEnvironmentalandSafetyConcerns/SepticTanks/.
UPGRADING OR ADDING TO BEACHFRONT HOMES

Replacement, renovations, or additions to habitable structures located entirely or partially in the setback area are allowed, subject to the criteria established in the South Carolina Beachfront Management Act and associated regulations. Laws require that:

- the final structure must not exceed 5,000 square feet of heated space;
- new additions must not extend any further seaward than the existing structure;
- the linear footage of a replaced structure, parallel to the coast, must not be increased.

If structural additions are entirely landward of the setback line, notice to DHEC-OCRM is not required prior to construction. Contact the local floodplain administrator and building permit official for local floodplain management regulations and code requirements. It is important to note that if the cost of modifying a structure exceeds 50% of the value of the structure, the entire structure must be brought up to current code requirements.
Beachfront property is vulnerable to erosion, flooding, and high winds. When developing a property, being proactive by using coastal construction features can help reduce potential damages. However, once a property is developed, protecting it from harsh beachfront conditions can be challenging. The following options may help protect hazard-prone beachfront properties.

**Dunes and Dune Walkovers**

Beachfront property owners can mimic and support nature by creating sand dunes. Vegetated sand dunes, through direct planting or use of sand fencing, provide some of the best protection against high tides and minor storms. You can learn how to create or preserve sand dunes by reading DHEC-OCRM’s guide, How to Build a Dune (www.scdhec.gov/HomeAndEnvironment/Docs/dunes_howto.pdf).

Preserving established sand dunes is also important. Walking on dunes can permanently damage or destroy them. Unnecessary wear and tear of dunes can be prevented by building dune walkovers. A dune walkover may be constructed without a permit from DHEC-OCRM if it meets the following criteria (§48 39 290):

- constructed of wood
- no wider than 6 feet
- follows the existing dune contours with a 2 ft. vertical clearance
- does not displace sand
- constructed with as little environmental damage as possible

**Relocation**

If space allows, a structure may be moved landward on the same lot; otherwise, it can be relocated to new property. Regardless of where the building is moved, it must meet any existing setback requirements.
Safe Home Program

South Carolina has a program in place to help property owners mitigate for wind damage associated with storms. The South Carolina Safe Home Program ([http://doi.sc.gov/605/SC-Safe-Home/](http://doi.sc.gov/605/SC-Safe-Home/)) is funded through the state wind pool and provides grants to property owners that allow retrofitting, or improvements during construction of a home. Some options for funding include storm resistant exterior doors (including garage doors), roof ties and roof water barriers, bracing gable ends, and storm shutters.

Sandbags, Sand Scraping, and Minor Renourishment

Sandbags, sand scraping, and minor renourishment can provide temporary protection to structures that are imminently threatened, but are only allowed pursuant to the issuance of Emergency Orders by DHEC or authorized municipal government officials acting to protect public health and safety (§48 39 130(D)(1)). A structure is determined to be in imminent danger when the erosion comes within ten feet.

Sandbags

Current regulations require sandbags to be no larger than five gallons (or 0.66 cubic feet), unless otherwise approved by DHEC-OCRM. Sandbags may not be placed any farther seaward than necessary to protect the structure and must be stacked at a 45 degree angle. Most importantly, sandbags may only be filled with clean sand that can be returned back to the beach when the bags are removed. The property owner is responsible for the day-to-day maintenance of the sandbags, as well as removal (R.30-15(H)(1)).

Sand Scraping

Property owners may also protect their homes by bulldozing sand, or sand scraping, to create temporary dunes. Sand may only be scraped from the intertidal beach and only between extended property lines of the structure receiving the sand. The depth of scraping may not exceed one foot below existing beach level. Sand may be placed against an eroded escarpment or to replace an eroded dune, but may not be placed in front of a functional erosion control structure (R.30-15(H)(2)).
Minor Renourishment

Minor beach renourishment can protect a structure in imminent danger and potentially slow erosion. When renourishing, property owners must use sand that originates from an upland source and is approved by DHEC-OCRM as being beach compatible. Sand must be placed between the extended property lines of the affected property, and may be stabilized with sand fencing and beach vegetation pursuant to permitting requirements (R.30-15(H)(3)).

Erosion Control Structures

Hard erosion control structures represent the greatest threat to the preservation of the beach. On an eroding beach, seawalls and rock revetments actually accelerate erosion by reflecting wave energy and scouring sand away from the active beach. South Carolina applies a strict regulatory position where these structures are concerned; no new erosion control structures may be constructed seaward of the setback line.

Although new erosion control devices cannot be constructed, existing functional devices may be maintained and repaired in certain circumstances. Functional erosion control structures may not be enlarged, strengthened or rebuilt, but may be maintained in their present condition. Notably, if destroyed more than 50%, the entire structure must be removed at the owner’s expense (§48 39 290).

RECOVERY AFTER A STORM

Repairing and Rebuilding

Following a storm event, habitable structures within the state’s jurisdiction may be repaired or rebuilt in accordance with the following criteria:

- the square footage of the replaced structure seaward of the setback line cannot exceed the total square footage of the original seaward structure
- the linear feet parallel to the coast must not exceed the original linear footprint
- where possible, the replaced structure must be moved landward of the setback line, or if not possible, must be moved as far landward as practical, considering zoning and parking regulations
- the structure must meet locally defined ordinances required for flood damage prevention
- the entire structure must be
brought up to code if the cost of repairs/replacement exceeds 50% of the structure’s value.

**Destroyed Beyond Repair**

Following a major storm event, structure(s) located along the shoreline may be declared “Destroyed Beyond Repair” (DBR). For habitable structures and pools, destroyed beyond repair means more than 66 2/3% of the replacement value of the habitable structure or pool has been destroyed (R.30-14(D)(3)(a)). A structure that is destroyed beyond repair due to man-made causes can be rebuilt provided the new structure is no larger than the original structure it replaces, and is constructed as far landward as possible. The new structure must not be farther seaward than the original structure (R.30-13(E)(6)).

For seawalls, bulkheads, and revetments, damage must be judged on the percentage of the structure remaining intact, above grade, at the time of the damage assessment. If more than 50% of the erosion control structure or device has been destroyed, it must not be repaired or replaced (R.30-14(D)(3)(c)). For additional information regarding the evaluation of damage and requirements for rebuilding, see the Coastal Division Regulations 30-14(D).

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In summary, this guide is designed to provide general, yet important information regarding the purchase and ownership of beachfront property in South Carolina. However, it does not address all situations that may impact a particular property. It is important to obtain all pertinent information from federal, state, and local authorities.
The information in this publication is intended to be a helpful guide for purchasing coastal real estate. Since every property is unique and local codes may vary, be sure to consult your real estate professional before making a decision. Also, if you have questions about particular aspects of a property, be sure to contact the appropriate state and federal agencies.
Contributing Organizations

ACE Basin National Estuarine Research
National Oceanic and Atmospheric Administration
South Carolina Department of Health and Environmental Control
South Carolina Department of Natural Resources
S.C. Sea Grant Consortium