

TOWN OF KIAWAH ISLAND

Ordinance 2021-05

AN EMERGENCY ORDINANCE TO AMEND ARTICLE 14, GENERAL REGULATIONS, CHAPTER 1, FLOOD DAMAGE PREVENTION, DIVISION 1, GENERAL STANDARDS, AND DIVISION 3, PROVISIONS FOR FLOOD HAZARD REDUCTION TO ADD DEFINITIONS OF MANUFACTURED HOMES, AND MANUFACTURED HOME PARKS AND ADD A PROHIBITION ON SAME

WHEREAS, the Town Council of the Town of Kiawah Island, South Carolina, duly assembled, hereby ordains that the following Emergency Ordinance be adopted pursuant to South Carolina Code § 5-7-250(d);

WHEREAS, on January 29, 2021, the Federal Emergency Management Agency (“FEMA”), Floodplain Management and Insurance Branch, notified the Town of Kiawah Island that FEMA was suspending the Town from the National Flood Insurance Program, effective January 30, 2021, due to perceived deficiencies in the Town’s Flood Damage Prevention Ordinance, namely a failure to include definitions of “manufactured homes” and “manufactured home parks” and a failure to adopt standards for such structures;

WHEREAS, it is the Town’s position that the Town’s Zoning Code does not currently allow the placement of manufactured homes anywhere within the Town’s jurisdiction;

WHEREAS, due to FEMA’s action, the Town has agreed to adopt the requested definitions and clarify within the Town’s Flood Damage Prevention Ordinance that manufactured homes are, in fact, not allowed within the Town’s jurisdiction;

WHEREAS, while FEMA’s suspension of the Town from the National Flood Insurance Program is in place, it is FEMA’s position that no new flood insurance policies are available, no federally backed loans are available to properties within the Town’s Special Flood Hazard Area (“SFHA”), federal disaster assistance along with federal agency loans and grants may not be available, and no permitting within the SFHA can take place until reinstatement;

WHEREAS, FEMA has indicated it will not lift the suspension until the amendments to the Town’s Flood Damage Prevention Ordinance are in place and effective;

WHEREAS, due to FEMA’s position as stated above, the Town views this as a public emergency affecting the property of the people of the Town and intends to adopt the below amendments to the Town’s Flood Damage Prevention Ordinance pursuant to South Carolina Code § 5-7-250(d) by Emergency Ordinance, so that the amendments can be adopted on an emergency basis with one reading at the Town Council’s regular meeting on February 2, 2021;

WHEREAS, at the same meeting the Town will adopt the below amendments by non-emergency ordinance which will make the amendments permanent; will become effective and enforceable upon the first reading.

NOW, THEREFORE, BE IT, AND IT HEREBY IS, RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AS FOLLOWS:

Section 1 Purpose

To amend Article 14, General Regulations, Chapter 1, Flood Damage Prevention, Division 1, General

Standards, Sections 14-115, and Division 3, Section 14-173, Section 14-176, Section 14-177, and Section 14-178 on an emergency basis pursuant to South Carolina Code § 5-7-250(d) upon one reading.

Section 2 Ordinance

Section 14-115 Definitions - Add the following definitions for Manufactured Home and Manufactured Home Park.

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Violation means the failure of a structure or other development to be fully compliant with these regulations.

Section 14-173 Special Standards- add new subparagraphs (m), (n), and (o), including new language prohibiting Manufactured Homes.

Section 14-173(1)(m) - Manufactured Homes as defined in Section 14-115 shall be prohibited in the geographical boundaries of the Town of Kiawah Island.

Section 14-173(1)(n) – All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

Section 14-173(1)(o) – All permit applications will be reviewed to determine whether proposed building sites will be reasonably safe from flooding.

Section 14-176 Subdivision Proposals- add new subparagraph (e), including new language prohibiting Manufactured Home Parks.

Section 14-176(e) Manufactured Home Parks shall be prohibited in the geographical boundaries of the Town of Kiawah Island.

Section 14-177 Areas of Shallow Flooding- create a new subparagraph (1)(a), including new language prohibiting Manufactured Homes.

Section 14-177 (1)(a) Manufactured Homes as defined in Section 14-115 shall be prohibited in the geographical boundaries of the Town of Kiawah Island.

Section 14-178 Elevated Buildings- create a new subparagraph (7) prohibiting Manufactured Homes.

Section 14-178 (7) Manufactured Homes as defined in Section 14-115 shall be prohibited in the geographical boundaries of the Town of Kiawah Island.

Section 3 Severability

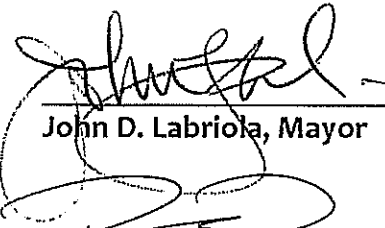
If any part of this Ordinance is held unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of

persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

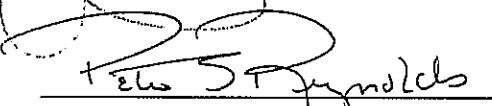
Section 4. Effective Date and Duration

Pursuant to South Carolina Code § 5-7-250(d), this Ordinance is effective with one reading, and therefore becomes effective upon the first reading on February 2, 2021. This Emergency Ordinance shall expire automatically on April 3, 2021 or upon the date that the Town has a second reading of the similar permanent Ordinance adopting the amendments to Town’s Flood Damage Prevention Ordinance, whichever comes first.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS 2nd DAY OF FEBRUARY 2021.



John D. Labriola, Mayor



Petra S. Reynolds, Town Clerk

1st Reading: February 2, 2021
No Second Reading per S.C. Code § 5-7-250(d)