

TOWN OF KIAWAH ISLAND

ORDINANCE 2021-01

AN ORDINANCE TO AMEND CHAPTER 12 - LAND USE PLANNING AND ZONING - ARTICLE 4 – SECTION 12-374 - DEFINITIONS.

WHEREAS, the Town of Kiawah Island Municipal Code currently contains Chapter 12 - Land Use Planning and Zoning; and

WHEREAS, the Federal Emergency Management Agency (FEMA) released new flood insurance rate maps, dated January 29, 2021 with a net change reducing base flood elevations across the island ranging from approximately one foot to five feet; and

WHEREAS, the lowering of base flood elevations creates challenges for homeowners by establishing inconsistent roof lines and restricts the ability to utilize the ground level of a structure for parking; and

WHEREAS, the Town of Kiawah Island now finds that, upon further review, it is in the public interest to establish a new definition term *Building Base Height Elevation (BBHE)* and revise the definition of the existing term *Building Height*; and

WHEREAS, the text amendment would be consistent with the purposes and intent of the adopted Comprehensive Plan and would not be detrimental to the public health, safety, and welfare of the Town of Kiawah Island; and

WHEREAS, the Planning Commission held a meeting on January 6, 2021, and subsequently voted to recommend approval to Town Council.

WHEREAS, Town Council held a Public Hearing on February 2, 2021, providing the public an opportunity to comment on the proposed amendment.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF SAID COUNCIL.

Section 1 Purpose

The purpose of this ordinance is to amend the Town of Kiawah Island Municipal Code, Chapter 12 - Land Use Planning and Zoning - Article 4 – Section 12-374 – Definitions.

Section 2 Ordinance Amendments

Article 4 – Section 12-374 – Definitions shall be amended with the addition of the new definition of *Base Building Height Elevation* as follows:

Base Building Height Elevation (BBHE) means the elevation using the NGVD29 Datum as shown on the Charleston County, South Carolina Flood Insurance Rate Map with an effective date of November 17, 2004. Such elevations will be determined without respect to the flood zone classification and shall only rely on those numerals expressed within the parenthesis found on the Flood Insurance Rate Maps dated November 17, 2004.

Article 4 – Section 12-374 – Definitions, *Building Height*, shall be amended as follows:

Building Height means the vertical distance between the Base Building Height Elevation (BBHE), or ground level if the structure is not in a flood hazard area as defined by the Federal Emergency Management Agency (FEMA) and is measured in feet and stories. Height in stories is the number of habitable floors (stories) exclusive of the area below the first finished floor. Unless otherwise stated in this ordinance, height in feet means:

- (1) The average height level between the eaves and ridgeline of a gable, hip, or gambrel roof;
- (2) The highest point of a mansard roof; or
- (3) The highest point of the coping of a flat roof.

In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, elevator bulkheads, tanks, water towers, radio and television towers, ornamental cupolas, domes or spires, and parapet walls not exceeding four feet in height.

Section 3 Severability

If any part of this ordinance is held to be 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 property, circumstances or set of circumstances, such holding shall not affect the 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

This ordinance shall be effective upon its enactment by the Town Council for the Town of Kiawah Island.

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

John D. Labriola, Mayor

Petra S. Reynolds, Town Clerk

First Reading: February 2, 2021

Public Hearing: February 2, 2021

Second Reading: March 2, 2021