



Request for Town Council Action

TO: Mayor and Town Council

FROM: Bruce D. Spicher/Floodplain Manager

SUBJECT: [please add the ordinance title] Ordinance 2020-10

DATE: September 1, 2020

BACKGROUND:

The effective date for the enforcement of the Flood Insurance Rate Map (FIRM) shall be January 29, 2021. Our current Flood Damage Prevention Ordinance is required to be amended to reflect required changes to comply with the new FIRM's, and to ensure our ordinance remains an enforceable document based on the latest edition of the FEMA Flood Insurance Rate Maps.

ACTION REQUESTED:

Approval of Ordinance 2020-10 to amend:

Article 14, Chapter 1, Sec. 14-114 - Basis for establishing the areas of special flood hazard - to change the effective date to reflect a date of January 29, 2021

Article 14. Chapter 1, Section 14-115 – Definitions - to add a new definition to define the new flood delineation line designated on the new FIRM.

Article 14, Chapter 1, Section 14-173 - Special Standards – to change the language to include correction of typographical error and add new LiMWA language, thereby creating a document that defines the design and building requirements for properties that reside in this new property designation group.

TOWN OF KIAWAH ISLAND

ORDINANCE 2020-10

AN ORDINANCE FOR THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA THE PURPOSES FOR WHICH ARE TO AMEND ARTICLE 14 -GENERAL REGULATIONS, CHAPTER 1 – FLOOD DAMAGE PREVENTION, SECTION 14-114 – BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, SECTION 14-115 - DEFINITIONS AND SECTION 14-173

WHEREAS, the Town is to adopt the Flood Insurance Rate Maps with an effective date of January 29, 2021. Which once adopted will supersede the current Flood Insurance Rate Map effective date of November 17, 2004 and;

WHEREAS, the town is a member of the National Flood Insurance Program and;

WHEREAS, the town is an active member of the Community Rating Service Program.

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**

The purpose of this Ordinance is to Amend Article 14, Chapter 1, Section 14-114, 14-115 and Section 14-173.

SECTION 2 **Ordinance Amendments** (additions in **red type**):

Article 14, Chapter 1, Sec. 14-114 - Basis for establishing the areas of special flood hazard shall be amended as follows:

The areas of special flood hazard identified by the federal emergency management agency in its flood insurance rate map (FIRM), dated November 17, 2004, with accompanying maps and other supporting data that are adopted by reference and declared to be a part of this chapter.

The areas of special flood hazard identified by the federal emergency management agency in its flood insurance rate map (FIRM), dated **January 29, 2021**, with accompanying maps and other supporting data that are adopted by reference and declared to be a part of this chapter.

Article 14. Chapter 1, Section 14-115 - Definitions shall add new definition to define the new flood delineation line designated on the new FIRM. The new definition shall read as follows:

Limit of Moderate Wave Action (LiMWA) zones, are those zones identified on currently adopted Flood Insurance Rate Maps as having the potential to be affected by wave action in excess of 1.5 feet, and therefore be at a significant risk during a 1-percent-annual-chance flood event. As such are required to be designed and built in

accordance with current “V” zone requirements. This area designation is also referred to as a “Coastal A Zone”.

Article 14, Chapter 1, Section 14-173 - Special Standards shall be amended as follows:

Special standards for construction in coastal high hazard areas located within the special flood hazard areas identified by the map and report referred to in section 14-114 are areas known as coastal high hazard areas (V-zones) and or **Limited Moderate Wave Action Zones, also known as Coastal A Zones**. These coastal high hazard areas have special flood hazards associated with high velocity waters from tidal surge and hurricane wave wash and therefore the following special construction standards shall apply in the coastal high hazard areas as determined by the floodplain manager and the building official.

- (1) All buildings in a coastal high hazard area shall meet the following provisions:
 - a. All buildings shall be located landward of the reach of the mean high tide.
 - b. All buildings shall be elevated so that the lowest supporting horizontal member (excluding pilings or columns) is located no lower than one foot above base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action. Certification of the elevation of the bottom of the lowest supporting member must be verified and recorded.
 - c. All buildings or structures shall be securely anchored on pilings or columns.
 - d. All pile and column foundations and structures attached thereto shall be anchored to resist flotation, collapse and lateral movement due to the effect of wind and water loads acting on all building components. Water loading values shall equal or exceed base flood. Wind loading values shall be in accordance with the International Building Code Section 1609 and shall correlate to the risk factor specified for the building construction type to be construed.
 - e. A registered professional engineer shall certify that the design, specifications and plans for construction are in compliance with the provisions of this chapter related to construction in coastal high hazard areas.
 - f. There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge prior to generating excessive loading forces, ramping effects or wave deflection. The building official shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer which demonstrates that the following factors have been fully considered:
 1. Particle composition of fill material does not have a lending for excessive natural compaction;
 2. Volume and distribution of fill will not cause wave deflection to adjacent properties; and

3. Slope of fill will not cause wave run-up or ramping.
- g. There shall be no alteration of sand dunes which would increase potential flood damage.
- h. Breakaway walls shall be allowed below the base flood elevation to enclose the perimeter foot print of the structure and to provide no more than 300 square feet of storage. A breakaway wall is a wall that is not part of the structural support building, intended through design and construction to collapse under specific lateral (wind and water) loading conditions without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. All CMU walls designed to break-away shall be free of rebar reinforcement. To ensure breakaway walls withstand forces from wind and everyday use, yet collapse under storm conditions, current NFIP and FEMA regulations require that a breakaway wall shall have a safe design loading of not less than ten pounds per square foot (psf) and no more than 20 pounds per square foot (psf). Designation of this limit should be based on such factors as material, cross-section and spacing of pilings or columns upon which the structure sits the elevation above the ground and other assumed loadings on the structure. Breakaway walls shall not have any devices or equipment attached to them. Any type of enclosure that does not meet this design criterion is prohibited. "V" zone, and or **Limited Moderate Wave Action zones, and or Coastal A zone**, certification documentation; that includes amount of scouring, elevation of the bottom of the lowest horizontal structural member, elevation of the lowest adjacent grade, base flood elevation, embedment depth of pilings or foundations, shall be completed by the design engineer or architect and his/her seal placed on the document.
- i. Lattice work or decorative screening shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to break away under high tides or wave action without damage to the structural integrity of the building and provided that:
 1. No solid wall shall be allowed;
 2. Material is lattice or mesh screening only; and
 3. Only class 4 and 5 materials shall be used below base flood elevation.
- j. Such enclosed space (lattice or screening) shall not be designed to be used for human habitation but may be designed to be used only for the parking of vehicles, building access, or limited storage of maintenance equipment used on the premises.
- k. Prior to construction, plans for lattice work or screening must be approved by the building official.
- l. Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except with lattice work or decorative screening.

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 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**

This Ordinance shall be effective upon January 29, 2021 and with the approval of the second reading.

**PASSED, APPROVED, AND ADOPTED BY COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON
THIS 6th DAY OF OCTOBER 2020.**

Craig Weaver, Mayor

Petra S. Reynolds, Town Clerk

First Reading Approval _____

Second Reading Approval _____



Tab | 4

TOWN COUNCIL

Agenda Item

THE TOWN OF KIAWAH ISLAND

ORDINANCE 2020-11

AN ORDINANCE TO AMEND ARTICLE 15, GENERAL OFFENSES, CHAPTER 2, OFFENSES AGAINST PUBLIC PEACE, SECTION 15-212, LITTERING

WHEREAS, the Town of Kiawah Island Municipal Code currently contains Article 15, General Offenses, Chapter 2, Offenses Against Public Peace, Section 15-212, Littering;

WHEREAS, the Town Council believes that it is appropriate to amend Section 15-212 to address issues related to the prosecution of littering charges under this Section and to clarify who can be held responsible for violations of the Section; and

WHEREAS, the Town Council wishes to amend Section 15-212 to address these issues.

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 Article 15, General Offenses, Chapter 2, Offenses Against Public Peace, Section 15-212 Littering to address issues related to the prosecution of littering charges under this Section and to clarify who can be held responsible for violations of the Section.

Section 2 Ordinance Amendments

Section 15-212 amended as follows (additions in **red type**):

(a) No person may **place or cause or allow to be placed or disposed of in any manner any dump, throw, drop, deposit, discard, or otherwise dispose of** litter or other solid waste upon any public or private property **except in an authorized receptacle provided expressly for the purposes of retaining such litter or waste matter.** Persons placing litter or waste matter in an authorized receptacle shall do so in such a manner as to prevent the litter or waste matter from being carried or deposited by the elements outside of the receptacle.

(b) No person may **place or cause to be placed dump, throw, deposit, discard, or otherwise dispose of** litter, other solid waste or yard debris in any lagoon, stream, or other waterway, except during the maintenance of bodies of water by authorized personnel.

(c) No person may **place or cause to be placed any litter or other solid waste, including recyclable material, at any waste collection site within the Town except in an authorized receptacle provided expressly for the purposes of retaining such litter or waste matter.** Persons placing litter or waste matter in an authorized receptacle shall do so in such a manner as to prevent the litter or waste matter from being carried or deposited by the elements outside of the receptacle.

(d) "Litter" means any organic or inorganic waste material, rubbish, refuse, garbage, recyclable material, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic, and glass containers, broken glass, dead animals or intentionally or unintentionally discarded materials of every kind and description.

(e) Whenever any litter or other solid waste which is placed or caused to be placed in violation of this ordinance is discovered to contain any article or articles, including but not limited to letters, bills, publications or other writing, which display the name of the person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this ordinance.

(f) Any person may be held in violation of this ordinance if they direct, advise, or cause a third party place litter or waste matter in violation of this ordinance.

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 Town Council for the Town of Kiawah Island.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON
THIS ____ DAY OF _____, 2020.**

Craig Weaver, Mayor

Petra S. Reynolds, Town Clerk

1st Reading:

2nd Reading: