

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2020-12

ADOPTED _____

AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; CHAPTER 20, PLANNING AND DEVELOPMENT; ARTICLE II, FLOOD DAMAGE PREVENTION; SECTION 20-22, COUNTY ORDINANCE ADOPTED BY REFERENCE; ADMINISTRATION OF ARTICLE; SO AS TO ADOPT THE MOST RECENT VERSION OF THE CHARLESTON COUNTY FLOOD DAMAGE PREVENTION AND PROTECTION ORDINANCE

WHEREAS, pursuant to Section 20-22 of the Town Code for the Town of Seabrook Island, South Carolina (the "Town Code"), the Town has adopted, by reference, the Charleston County Flood Damage Prevention and Protection Ordinance in order to minimize public and private losses due to flood conditions in specific areas of the Town; and

WHEREAS, the flood insurance rate maps (FIRM) for Charleston County, dated January 29, 2021, copies of which are on file in the Charleston County Office of Building Inspection Services and online at charlestoncounty.org and msc.fema.gov, were updated by the Federal Emergency Management Agency (FEMA) into a countywide format that provides more accurate risk data than previously available; and

WHEREAS, on October 6, 2020, Charleston County Council gave final reading approval to Ordinance No. 2124, which replaced Chapter 9 of the Code of Ordinances for Charleston County, entitled "Flood Damage Prevention and Protection," with an updated version of the same ordinance; and

WHEREAS, the updated version of the Charleston County Flood Damage Prevention and Protection Ordinance takes strides to reduce flooding risk in adaptive and innovative ways to protect citizens and build resilience; and

WHEREAS, it is in the best interest of the Town of Seabrook Island to adopt the updated version of the Charleston County Flood Damage Prevention and Protection Ordinance in order for residents and property owners within the Town to be able to receive federal flood insurance through the National Flood Insurance Program (NFIP) and to receive discounts thereto as a result of the Town and County's participation in the Community Rating System (CRS); and

WHEREAS, the Mayor and Council of the Town of Seabrook Island finds it to be in the public interest and a benefit to the general health, safety and welfare of the residents of Seabrook Island to amend Section 20-22 of the Town Code to adopt, by reference, the most recent version of the Charleston County Flood Damage Prevention and Protection Ordinance;

NOW, THEREFORE, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND:**

SECTION 1. Amending Section 20-22 of the Town Code. The Town Code for the Town of Seabrook Island, South Carolina; Chapter 20, Planning and Development; Article II, Flood Damage Prevention; Section 20-22, County Ordinance Adopted by Reference; Administration of Article; is hereby amended to read as follows:

Sec. 20-22. - County ordinance adopted by reference; administration of article.

- (a) In order to protect public health and safety and minimize public and private losses due to flood conditions in specific areas of the town, the Charleston County Flood Damage Prevention and Protection Ordinance of Charleston County, as codified in Chapter 9 of the Code of Ordinances for Charleston County, is hereby adopted by reference and incorporated ~~by reference~~ as if fully set forth in this ~~article~~section, mutatis mutandis.
- (b) The Town of Seabrook Island declares that the Charleston County Flood Insurance Study, including the Flood Insurance Rate Maps (FIRM), dated January 29, 2021, copies of which are on file in the office of the town's Zoning Administrator, the Charleston County Building Inspection Services Department, and online at charlestoncounty.org and msc.fema.gov, are hereby adopted by reference and incorporated by reference as if fully set forth in this section. Letters of Map Change (LOMC) to these adopted maps which are duly authorized by the National Flood Insurance Program (NFIP) shall become effective immediately upon the date established by the NFIP.
- (c) ~~This article~~The requirements of this section shall be administered by the town in conjunction with the administration of ~~construction building~~ and zoning permits, as required by chapter 6 and the Town of Seabrook Island Development Standards Ordinance (DSO).
- (d) Subsequent changes to the Charleston County Flood Damage Prevention and Protection Ordinance which are adopted by Charleston County Council following the effective date of this ordinance may be adopted by resolution of town council.

SECTION 2. Severability.

If any part of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction 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 3. Conflicting Ordinances Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Effective Date.

This ordinance shall be effective from and after the date of adoption.

SIGNED AND SEALED this ____ day of _____, 2020, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2020.

First Reading: October 27, 2020
Public Hearing: November 17, 2020
Second Reading: November 17, 2020

TOWN OF SEABROOK ISLAND

John Gregg, Mayor

ATTEST

Faye Allbritton, Town Clerk