

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2020-18

ADOPTED _____

AN ORDINANCE AMENDING THE DEVELOPMENT STANDARDS ORDINANCE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; ARTICLE 2, DEFINITIONS AND INTERPRETATION OF TERMS; SECTION 2.10, DEFINITIONS; SO AS TO ADD DEFINITIONS FOR “BASE FLOOD ELEVATION (BFE),” “DESIGN FLOOD ELEVATION (DFE),” AND “FREEBOARD,” AND TO AMEND THE DEFINITIONS FOR “BUILDING HEIGHT” AND “FLOOD HAZARD DISTRICT”; AND ARTICLE 7, LOT AND BUILDING REQUIREMENTS; SECTION 7.90, HEIGHT LIMITATIONS; SO AS TO AMEND THE MAXIMUM HEIGHT REQUIREMENT FOR STRUCTURES WITHIN THE TOWN

WHEREAS, on November 17, 2020, the Mayor and Council of the Town of Seabrook Island gave final reading approval to Ordinance 2020-12, which adopted the updated Charleston County Flood Damage Prevention and Protection Ordinance, by reference; and

WHEREAS, the new Flood Insurance Rate Maps (FIRM), which were prepared and adopted by the Federal Emergency Management Administration (FEMA), will become effective on January 29, 2021; and

WHEREAS, Article 2 of the Development Standards Ordinance for the Town of Seabrook Island (hereafter, the “DSO”) currently defines the height of a structure as the vertical distance from the base flood elevation (BFE) to the highest point of the roof; and

WHEREAS, because many properties throughout the Town will have a lower BFE as a result of the new FIRM, the maximum height allowed for structures on these properties must also be reduced in relation to Mean Sea Level (MSL); and

WHEREAS, the Town is also currently in the process of reviewing and updating its DSO, with adoption of a new ordinance not expected to take place earlier than the first quarter of 2021; and

WHEREAS, the Mayor and Council for the Town of Seabrook Island believe that amending Sections 2.10(h), 7.90 and 7.100 will remove existing conflicts between various sections of the DSO and the Town Code town related to building heights and, further, will allow new development that is consistent with the character and scale of existing development until the new DSO can be adopted;

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 2.10 of the DSO. The Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 2, Definitions and Interpretation of Terms; Section 2.10, Definitions; Paragraph (h), Building Height; is hereby amended to read as follows:

SECTION 1. Amending Section 2.10 of the DSO. The Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 2, Definitions and Interpretation of Terms; Section 2.10, Definitions; is hereby amended as follows:

SECTION 1.1. Section 2.10 of the DSO is hereby amended to add a definitions for “Base Flood Elevation,” “Design Flood Elevation,” and “Freeboard,” which definitions shall read as follows:

Base Flood Elevation (BFE). The elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. The BFE is determined by the Federal Emergency Management Administration (FEMA) and shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, AR/AO, V1–V30 and VE.

Design Flood Elevation (DFE). The minimum elevation required for structures within a Special Flood Hazard Area (SFHA). The DFE shall be the combination of the mandatory Base Flood Elevation (BFE) plus the required Freeboard.

Freeboard. An additional elevation, expressed in feet above the mandatory Base Flood Elevation (BFE), which is required for the purposes of public safety and flood plain management. The required Freeboard shall be as established by the Charleston County Flood Damage Prevention and Protection Ordinance, which was adopted by reference pursuant to Section 20-22 of the Town Code.

SECTION 1.2. Section 2.10 of the DSO is hereby amended to modify the definition for “Building Height” and “Flood Hazard District,” which definitions shall read as follows:

Building Height. The vertical distance measured from the ~~base~~ Design Flood Elevation (DFE), or ground level if the structure is not in a Special Flood Hazard Area, as established by Town Code Title V, Chapter 2, to the highest point of the roof.

Special Flood Hazard District Area (SFHA). That area designated by the Federal Emergency Management Administration (FEMA) on ~~official flood hazard area maps,~~ subject to a one percent or greater change [chance] of flooding in any given year. the Flood Insurance Rate Map (FIRM) as being subject to inundation by a flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. Moderate flood hazard areas, labeled Zone B or Zone X (shaded) are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X (unshaded).

SECTION 1.3. All subsections within Section 2.10 shall be renumbered to conform with the amendments specified herein.

SECTION 2. Amending Section 7.90 of the DSO. The Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 7, Lot and Building Requirements; Section 7.90, Height Limitations; is hereby amended to read as follows:

Sec. 7.90. - Height Limitations.

The maximum height ~~restriction~~ for any building in the Town shall be thirty-six (36) feet above ~~base-the design~~ flood elevation, as required by Section 20-22 of the Town Code established by the Town's ordinances.

§ 7.90.10. Multi-family and commercial buildings may increase the maximum allowable height by one (1) additional foot for each three (3) feet of additional front yard setback, with a maximum height of forty (40) feet above the required ~~base-design~~ flood elevation ~~as established by Town Code.~~

§ 7.90.20. ~~The maximum height for any single family residential structure shall be thirty-six (36) feet above the combination of the base flood elevation and the Charleston County Building Department's minimum freeboard requirement as set forth and defined in the County's applicable rules, regulations and ordinances in effect at such time. In the event there exist elevations which are higher than the base flood elevation combined with the County's freeboard requirement as defined above, and such land is located within the building's footprint, then the maximum height of thirty-six (36) feet shall be measured from whichever is greater. Special provisions for residential structures permitted between January 29, 2021 and July 31, 2021. For residential structures which are permitted between January 29, 2021 and July 31, 2021, the maximum height limitation may be measured from the design flood elevation in effect as of December 15, 2020; provided 1) the design flood elevation required on December 15, 2020 was higher than that required from and after January 29, 2021; and 2) the lowest floor elevation of the residential structure shall also comply with the design flood elevation required on December 15, 2020.~~

§ 7.90.30. ~~Exemptions. Height limitations of this Ordinance shall not apply to monuments, water towers, transmission towers, utility poles, chimneys, flag poles or farm structures not intended for human occupancy. They do, however, apply to decks, widow walks, etc., erected on top of structures. Exceptions to height limitations. Unless otherwise expressly stated, the height limitations of this Ordinance shall not apply to any of the following:~~

§ 7.90.30.10. Farm buildings in the AG or AGC zoning districts;

§ 7.90.30.20. Electrical power transmission lines;

§ 7.90.30.30. Belfries, cupolas, spires, domes, monuments, flagpoles, chimneys, radio/television receiving antennas or chimney flues; or

§ 7.90.30.40. Bulkhead, elevator, water tank, or any other similar structure or necessary mechanical appurtenance extending above the roof of any building, if such structure does not occupy more than 33 1/3 percent of the area of the roof.

SECTION 3. 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 4. Conflicting Ordinances Repealed.

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

SECTION 5. 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: November 17, 2020
Public Hearing: November 17, 2020
Second Reading: December 15, 2020

TOWN OF SEABROOK ISLAND

John Gregg, Mayor

ATTEST

Faye Allbritton, Town Clerk