

TOWN OF KIAWAH ISLAND

ORDINANCE 2024-20

An Ordinance to Amend Chapter 12 – Land Use Planning and Zoning Ordinance Article II. Zoning, Division 5. General Procedural Requirements, establishing Sec. 12-169. Stormwater Management Plan Review to enhance stormwater management best management practices for purposes of reducing flooding, protecting water quality, controlling erosion, fill and managing runoff.

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

WHEREAS, the Town of Kiawah Island now finds that, upon further review, it is in the public interest to amend the *Town of Kiawah Island Land Use Planning and Zoning Ordinance* to implement standards relative to stormwater management; 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 text amendment would be consistent with the recommendations of the *Town of Kiawah Island's Comprehensive Marsh Management Plan* and the *Town of Kiawah Island's Flood Mitigation and Sea Level Rise Adaptation Report* for purposes of addressing stormwater runoff concerns for both water quantity and water quality; and

WHEREAS, the Planning Commission held a meeting on June 5, 2024, at which time a presentation was made by staff, and an opportunity was given for the public to comment on the text amendment request; and

WHEREAS, the Planning Commission, after consideration of the staff report, subsequently voted to recommend to Town Council that the proposed amendment be approved; and

WHEREAS, the Town Council held a Public Hearing on July 2, 2024, and March 4, 2025, 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 Chapter 12 - Land Use Planning and Zoning Ordinance to provide for review and use of best management practices for stormwater management and construction practices for the purposes of reducing flooding, protecting local water quality, managing storage and treatment of stormwater runoff, reducing pollution of the marsh, reducing erosion, and managing fill as a result of construction activities.

Section 2 Ordinance

- (1) The Town hereby establishes Section 12-169. Stormwater Management Plan Review as shown in the attached “**Exhibit A,**” which is hereby incorporated herein by reference.
- (2) The Charleston County Stormwater Program Permitting Standards and Procedures Manual, 2nd Edition (May 15, 2017), as shown in the attached “**Exhibit B,**” which is hereby incorporated herein by reference.


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

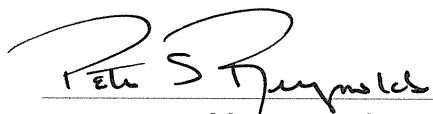
This Ordinance shall be effective upon its enactment by the Town Council for the Town of Kiawah Island.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS 4th DAY OF MARCH 2025.



Bradley D. Belt, Mayor

ATTEST:

By: 

Petra Reynolds, Town Clerk

1st Reading: July 2, 2024

2nd Reading: March 2, 2025

Sec. 12-169. Stormwater Management Plan Review.

The purpose of this section is to provide for review and use of best management practices for stormwater management and construction practices for the purposes of reducing flooding, protecting local water quality, managing storage and treatment of stormwater runoff, reducing pollution of the marsh, reducing erosion, and managing fill as a result of construction activities.

1. *Applicability.*
 - a. *Generally.* A stormwater management plan is required to be submitted to the Town for review in accordance with the provisions contained within this section for the following site changes:
 - i. All new construction, exterior remodeling involving a change in the building footprint, parking areas or other impervious surfaces, change of use that results in a more intense use, or additions to any site which cumulatively exceeds 500 square feet in area.
 - ii. Adding fill or recontouring of twenty (20) percent or more of the existing lot area for lots which are 12,000 square feet or greater in size.
 - iii. Adding fill or recontouring a lot less than 12,000 square feet in size that would impact the stormwater management as determined by the Planning Director.
2. *Application.* No zoning or building permit shall be issued for a development project until a stormwater management plan has been reviewed and approved in accordance with the provisions contained within this section.
3. *Submittal Requirements.* The property owner or designated representative shall initiate stormwater management review by filing an application with the Planning Director. The contents of the application shall be included on a form developed by the Town, as may be amended from time to time.
 - a. The stormwater management plan and construction specifications must be stamped and signed by a registered engineer or landscape architect actively licensed in the State of South Carolina.
 - b. All stormwater plans must include:
 - i. A scaled site plan and survey illustrating all existing and proposed topographical features of all respective lot or lots;
 - ii. Existing and proposed drainage flow patterns;
 - iii. A site narrative describing the means and methods of preventing adverse impacts to adjacent, downstream, and/or surrounding properties; and
 - iv. Such other reasonable and pertinent information, materials, design specifications and maintenance schedules with regard to the stormwater, the subject property, or neighboring lots as the Planning Director may find necessary to carry out the purposes and intent of this section and to ensure compliance with South Carolina Department of Environmental Services, the Charleston County Stormwater Program Permitting Standards and Procedures Manual as amended and any other applicable Town of Kiawah Island standards within this article.
 - c. Inspection reports shall be submitted for review for development projects greater than 20,000 square feet in size or as recommended by the Planning Director or its designee.
 - i. The applicant shall be responsible for notifying the Town of when to schedule an inspection.
4. Requirement for Third Party Review

- a. **Submission Requirement:** As part of any permit application for any proposed development, improvement or construction project within the jurisdiction of the Town of Kiawah Island, or encroachment to the Town of Kiawah Island right of way, the applicant shall submit a stormwater management plan prepared in accordance with applicable standards.
 - b. **Third Party Review Requirement:** The stormwater management plan submitted by the applicant shall be reviewed by a third-party reviewer, selected or approved by the Town to ensure compliance with all relevant stormwater management regulations, best management practices and applicable standards.
 - c. **Third Party Review Fees:** The applicant shall be responsible for paying all fees associated with the third-party review. These fees shall be determined by the Town based on the scope and complexity of the review required by the stormwater management plan. The fees must be paid in full before the permit is issued.
 - d. **Third Party Review Report:** The approved third-party reviewer shall furnish its review findings to the Planning Director and the applicant.
5. *Procedures for issuance of stormwater management plan approval.*
- a. Stormwater management plans shall be reviewed and are subject to the approval of the Planning Director or Building Official.
 - b. Upon review and of third party reviewer report, a stormwater management plan may be approved, approved with conditions, or denied.



Charleston County Stormwater Program

Permitting Standards and Procedures Manual



May 2017