

Ordinance 2021-04

AN ORDINANCE TO AMEND ARTICLE 14, GENERAL REGULATIONS, CHAPTER 1, FLOOD DAMAGE PREVENTION, DIVISION 1, GENERAL STANDARDS, AND DIVISION 3, PROVISIONS FOR FLOOD HAZARD REDUCTION TO ADD DEFINITIONS OF MANUFACTURED HOMES, AND MANUFACTURED HOME PARKS AND ADD A PROHIBITION ON SAME

WHEREAS, The Town of Kiawah Island wishes to amend Article 14, General Regulations, Chapter 1, Flood Damage Prevention, Division 1, General Standards, Sections 14-115, and Division 3, Section 14-173, Section 14-176, Section 14-177, and Section 14-178.

Section 1 Purpose

The purpose of this ordinance is to amend Article 14, Division 1, Sections 14-115, Article 14, Chapter 1, Division 3, Section 14-173, Section 14-176, Section 14-177, and Section 14-178.

Section 2 Ordinance

Section 14-115 Definitions - add the following definitions for Manufactured Home and Manufactured Home Park.

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Violation means the failure of a structure or other development to be fully compliant with these regulations.

Section 14-173 Special Standards - add new subparagraph (m) add new subparagraphs (m), (n), and (o), including new language prohibiting Manufactured Homes.

Section 14-173(1)(m) Manufactured Homes as defined in Section 14-115 shall be prohibited in the geographical boundaries of the Town of Kiawah Island.

Section 14-173(1)(n) – All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

Section 14-173(1)(o) – All permit applications will be reviewed to determine whether proposed building sites will be reasonably safe from flooding.

Section 14-176 Subdivision Proposals - add new subparagraph (e) and new language prohibiting mobile home parks.

Section 14-176(e) Manufactured Home Parks shall be prohibited in the geographical boundaries of the Town of Kiawah Island.

Section 14-177 Areas of Shallow Flooding - create a new subparagraph (1)(a) add new language prohibiting manufactured homes.

Section 14-177 (1)(a) Manufactured Homes as defined in Section 14-115 shall be prohibited in the geographical boundaries of the Town of Kiawah Island.

Section 14-178 Elevated Buildings - create a new subparagraph (7) prohibiting mobile homes.

Section 14-178 (7) Manufactured Homes as defined in Section 14-115 shall be prohibited in the geographical boundaries of the Town of Kiawah Island.

Section 3 Severability

If any part of this Ordinance is held 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 its enactment by Town Council for the Town of Kiawah Island. Pursuant to the Pending Ordinance Doctrine, the Town will not issue any permits of any kind that would violate the amendments proposed in this Ordinance effective upon the first reading of this Ordinance.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS 9th DAY OF FEBRUARY 2021.

John D. Labriola, Mayor

Petra S. Reynolds, Town Clerk

1st Reading: February 2, 2021

2nd Reading: February 9, 2021