

**AN ORDINANCE
FOR THE TOWN OF KIAWAH ISLAND**

ORDINANCE 2003-5

**AN ORDINANCE TO IMPLEMENT NEW DOCK KEY LOCATION STANDARDS
FOR PROPERTIES NOT SUBJECT TO THE DEVELOPMENT AGREEMENT.**

WHEREAS, the Town of Kiawah Island adopted Key Locations Ordinances 91-2 on February 28, 1991 and 92-1 on January 16, 1992, both regulating floating and fixed docks on Kiawah Island's waterways; and,

WHEREAS, the Town of Kiawah Island entered into a Development Agreement with Kiawah Resort Associates on September 26, 1994, and said Agreement incorporated Ordinance's 91-2 and 92-1 which address dock key locations; and,

WHEREAS, considerable development, including the construction of both floating and fixed docks Island-wide has taken place to date; and,

WHEREAS, most Key Locations have been utilized and some closed out by the developer; and,

WHEREAS, the Planning Commission has surveyed and inventoried all Key Locations, with and without docks installed as of December 31, 2002, updated dock standards and developed a new Key Locations map with detailed descriptive supporting tables; and

WHEREAS, the Planning Commission reviewed the updated Dock Key Locations map and proposed new standards with Town Council in a workshop meeting on February 4, 2003, and subsequently incorporated Council's comments; and

WHEREAS, the Planning Commission held a public hearing on May 5, 2003, taking note of and acting on public testimony in a workshop meeting on May 22, 2003; and

WHEREAS, the Town Council held a public hearing on August 12, 2003.

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.

This Ordinance is adopted to implement new dock key location standards for properties not subject to the Development Agreement between the Town and Kiawah Resort Associates entered into on September 26, 1994. This ordinance is not intended to supersede the Development Agreement. It is acknowledged that the Development Agreement shall continue to control dock key locations and design criteria for properties subject to the Agreement until such time as it expires on January 1, 2008.

Section 2. Ordinance.

By passage of this Ordinance, the Town of Kiawah Island adopts the following Dock Key Locations standards.

DOCK KEY LOCATIONS

I. PURPOSE AND INTENT

Kiawah Island is bordered by the Atlantic Ocean on the south, and the Kiawah and Stono Rivers on the north and east respectively. Creeks, streams and marsh are also an integral part of the Island's ecosystem.

Key Locations are specific shoreline and marsh sites where floating and fixed docks are permitted to be constructed. The purpose and intent of this Key Location zoning is to strictly control location and installation of all docks, floating and fixed, so as to prevent their uncontrolled proliferation along the Island's river and stream frontage.

II. DOCK LOCATIONS & DESIGN CRITERIA

Permitted dock locations and general design criteria are as follows:

1. The "Town of Kiawah Island Key Locations Map," dated April 1, 2003, shows all sites where authorized docks currently exist or may be permitted to exist in the future. The two tables "Town of Kiawah Island Key Locations Floating Docks" and "Town of Kiawah Island Key Locations Fixed Docks," both dated April 1, 2003, provide detailed information as to current and future docks. These are the Town's official zoning documents and are kept at the Town's municipal offices.

The maps and the tables show and detail the specific locations of installed docks on developed lots by identifying lot number and dock type. For property not yet platted, linear footage of shoreline is shown where construction of future docks may be authorized.

In addition to these official documents, the Town will catalog new docks as they are installed at undeveloped Key Locations. This information will be periodically incorporated into the official Key Locations map.

2. Two basic types of docks are authorized using alphanumeric coding. Authorized dock sites identified by letters (i.e. "A", "F", "AA", etc.) are pre-designated to be "Fixed Docks". These are generally intended for fishing and crabbing and have no

movable parts to them. Authorized dock sites identified by numerals (i.e. “3”, “12”, “21”, etc.) are pre-designated to be “Floating Docks”. These normally have a separate floating pontoon or platform attached to them, which rises and falls with the tides. Floating Docks are suitable for mooring small watercraft.

3. The “Town of Kiawah Island Key Locations Map” and the two Town of Kiawah Island Key Locations tables, used in conjunction with one another, describe the dock type and Lot numbers of authorized and in-place dock locations. True orientation of floats attached to Floating Docks is shown on the Map. Floats on both sides at the end of a single pier usually indicate a pier structure shared by two adjacent lots with separate floats provided for each lot owner.

Undeveloped shorelines authorized as future Key Location dock sites are shown by color-coding on the Maps to indicate dock type, with authorized shoreline given in linear feet in the Tables.

4. For undeveloped properties and subdivisions where platting is not complete, a developer may, with approval of the Planning Commission, trade-off linear footage of shoreline from one permitted location to another permitted location with no net gain in total authorized footage. Further, transfer of footage may not cause a Key Location to be lengthened by more than 50%. In a trade-off event, the developer “borrows” from one Key Location to supplement another Key Location that does not have sufficient linear footage to meet development requirements. Some “tradeoffs,” which have occurred in the past, resulted in the deletion of Key Locations once authorized in the original Key Location Ordinances, 91-2 and 92-1. These deletions are identified and described on both the Map and in the Tables.
5. It is the intent of this ordinance that construction of community docks, subdivision (neighborhood) docks, and joint use docks shared by adjacent lot owners be encouraged versus a single installation per lot. This approach serves to minimize the ultimate number of docks built and is more environmentally compatible.
6. The following criteria shall be applied in the design of any authorized dock structure:

- A. Overall dock length.

No dock shall be erected greater than 600 lineal feet in length.

- B. Float Design:

Floats attached to such docks shall be limited in size and configuration as the South Carolina Department of Health and Environmental Control’s office of Ocean and Coastal Resource Management (DHEC/OCRM) and the U. S. Corps of Engineers shall permit.

C. Spacing between adjacent docks:

The minimum distance between adjacent docks shall be 150 feet. However, for adjacent Key Locations properties on river or stream bends, the waterside terminus of adjacent docks may be at a minimum distance of 75 feet.

D. Maximum extension of the dock structure into a river, stream, or channel:

The leading edge (edge nearest the river, stream or channel center) of a pier head and/or float structure shall not extend out into a river or stream more than one-quarter of the river or stream width measured at mean low water, or 50 feet, whichever is less. This projection is to be measured from water's edge at mean low water.

E. Minimum river or stream width.

No dock shall be erected, whether an authorized Key Location or not, if the stream or river on which it is to be erected is 25 linear foot or less in width measured from the marsh grass edge on one bank to marsh grass edge on the opposing bank directly across the waterway.

7. The following approvals shall be required before construction on any dock can proceed:

A. Town of Kiawah Island.

An initial written request to construct shall be submitted to the Town of Kiawah Island Planning Director prior to any other requests being made. The intent is to confirm to the lot owner whether, in fact, the proposed site is a Key Location before the lot owner spends time and money in developing drawings, etc. for a non-viable project.

B. Design approval by DHEC/OCRM and the Town of Kiawah Island.

The second step shall be for the applicant or his contractor to submit dock design to DHEC/OCRM using the appropriate forms and following accepted procedures. During this process, the Town of Kiawah Island will have an opportunity to review the design prior to DHEC/OCRM returning the approved or disapproved application to the applicant. No construction shall start until this approval is forthcoming.

TOWN OF KIAWAH ISLAND KEY LOCATIONS
FLOATING DOCKS

| Key Location | | Auth. Shoreline (Lin. Ft.) | Docks Authorized | |
|----------------------------|------------------------------|----------------------------------|------------------|---|
| Designation ^(a) | Location | | No. | Site ^(b) /Use |
| 1 | Beachwalker Park | 100 | TBD | Beachwalker Park |
| 2 | Inlet Cove | | 1 | Inlet Cove Neighborhood Dock ^(c) |
| 3 | Kiawah River Cmns. | 600 | TBD | Kiawah Riv. Cmns. |
| 4 | Little Rabbit | 400 | TBD | Little Rabbit |
| 5 | Mingo Point | 1,200 | 1 | Mingo Point Commercial Dock ^(d) and Boat Launch |
| 6 | Old Dock Road | | 10 | Lot #'s 489, 490, 491, 492, 493, 495, 496, 497, 498, & 499 |
| 7 | The Settlement West | 800 | TBD | The Settlement West |
| 8 | Rhett's Bluff, North | | 24 | Lot #'s 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51/52, and the Rhett's Bluff Park Community Dock ^(e) and Boat Launch |
| 9 | Capt. Maynard's, N. | 280 | 1 | Lot # 1 |
| 10 | Capt. Maynard's, S. | 930 | 1 | Lot # 1 |
| 11 | Rhett's Bluff, South | | 6 | Lot #'s 7/8, 9/10, 11/12, 13/14, 15/16 & 17/18 |
| 12 | Vanderhorst House | 50 | 1 | Tracts A & B |
| 13 | Terrapin Island | | 6 | Lot #'s 7A/8B, 9/10, 11, 12, 13, & 14 |
| 14 | Preserve, N.E. Tip | 100 | 1 | Lot # 85 |
| 15 | Cormorant Island, N. | | 2 | Lot #'s 23/24, & 25/26 |
| 16 | Eagle Point, Central | | 5 | Lot #'s 226/228, 230/232, 234/236, 238/240, and the Eagle Point Neighborhood Dock |
| 17 | Eagle Point, West | | 2 | Lot #'s 222/224 and the Eagle Point Dock and Boat Launch |
| 18 | Salt Cedar Lane, East Tip | | 1 | Lot # 62 |
| 19 | Salt Cedar Lane, East | | 2 | Lot #'s 60 & 61 |
| 20 | Preserve, South | | 4 | Lot #'s 42, 44/46, 48/50 and the Preserve Neighborhood Dock |
| 21 | Salt Cedar Lane, Cent. | 500 | 2 | Lot #'s 57 & 58 |

TOWN OF KIAWAH ISLAND KEY LOCATIONS
FLOATING DOCKS

| Key Location | | Auth. Shoreline (Lin. Ft.) | Docks Authorized | |
|----------------------------|--------------------------------|----------------------------------|------------------|--|
| Designation ^(a) | Location | | No. | Site ^(b) /Use |
| 22 | Salt Cedar, West | | 2 | Lot #'s 53/54 and the Salt Cedar Community Dock |
| 24 | Cougar Island, West | 1,150 | TBD | Cougar Island, West |
| 25 | Cormorant Island, S. | | 2 | Lot #'s 28/29, & 30/31 |
| 26 | Cougar Island, W. Tip | 300 | TBD | Cougar Island, W. Tip |
| 27 | Otter Island, East | | 1 | Lot # 91 |
| 28 | Summer Islands, East | | 4 | Lot #'s 12/13, 14/15, 17, and the Summer Islands Neighborhood Dock |
| 29 | Summer Islands, West | | 4 | Lot #'s 1/2, 3/4, 5/6, & 7 |
| 30 | Otter Island, Savanna Point | | 3 | Lot #'s 82, 83/84, & 85/86 |
| 31 | Otter Island Rd., West | | 2 | Lot #'s 70/71, & 72/73 |
| 32 | Otter Island Rd., West Tip | | 2 | Lot #'s 68 & 69 |
| 33 | Ocean Course Drive | 500 | 1 | Lot # 65 |
| 34 | Club Cottages | | 3 | Lot #'s 6, 7, & 8 |
| 35 | Cougar Island, E. Tip | 1,100 | TBD | Cougar Island, E. Tip |

DELETED KEY LOCATIONS/DOCK SITES

| Key Location/Site | | |
|----------------------------|--------------------------|--------------------------------------|
| Designation ^(a) | Location | Original Authorized Shoreline (l.f.) |
| 6 ^(f) | Old Dock Road - Lot #495 | N.A. |
| 23 ^(g) | Preserve, Southwest | 700 |

- Notes: ^(a) Numerals indicate Floating Docks - Letters indicate Fixed Docks.
^(b) "21/22" Typically indicates that two lots share a single dock
^(c) Neighborhood Docks serve just the local area or regime.
^(d) Commercial Dock is owned by Kiawah Island Golf Resort.
^(e) Community Docks are KICA property and serve the entire island.
^(f) Lot #'s 494 & 495, each with docks in place, combined into a single Lot #495. Once dock is authorized and the second dock is "grandfathered."
^(g) 700 l.f. originally authorized for Key Location 23 transferred to Key Location 20.

TOWN OF KIAWAH ISLAND KEY LOCATIONS

FIXED DOCKS

| Key Location | | Auth. Shoreline (Lin. Ft.) | Docks Authorized | |
|----------------------------|-------------------------------|----------------------------|------------------|---|
| Designation ^(a) | Location | | No. | Site ^(b) /Use |
| A | Old Dock Rd./ Ruddy Turnstone | | 6 | Lot #'s 500, 512, 513, 514, 515, & 517 |
| B | The Settlement, East | 1,050 | TBD | The Settlement, East |
| C | Bass Pond, East | | 1 | Bass Pond Community Dock ^(c) |
| D | Terrapin Island | | 1 | Lot # 15 |
| E | Blue Heron, North | | 1 | Lot # 158 |
| G | Eagle Point, East | 1,100 | TBD | Eagle Point, East |
| H | Falcon Point Rd., East | | 1 | Lot # 67 |
| J | Blue Heron, West | | 1 | Blue Heron Community Dock |
| K | Cougar Island, West | 250 | TBD | Cougar Island, West |
| N | Ocean Course Drive | | 1 | Lot # 64 |
| O | Falcon Point, East | | 1 | Falcon Point Neighborhood Dock ^(d) |
| R | Shell Crk. Lndg., East | | 1 | Lot # 5 |
| S | Shell Crk. Lndg., S. | | 2 | Lot #'s 1/2 & 3/4 |
| T | Club Cottages | | 3 | Lot #'s 9, 10, and the Club Cottage Neighborhood Dock |
| U | Marsh Cottages | | 2 | Lot #'s 25/26, and the Marsh Cottages Neighborhood Dock |
| V | Ocean Oaks | | 1 | Ocean Oaks Neighborhood Dock |
| W | Ibis Pond | | 1 | Ibis Pond Community Dock |
| X | Willet Pond | | 1 | Willet Pond Community Dock |
| Y | Blue Heron, North | 800 | TBD | Blue Heron, North |
| Z | Osprey Entry | | 1 | Canvasback Pond Community Dock |
| AA | Bass Pond, West | 100 | TBD | Bass Pond, West |
| BB | Egret Pond | | 1 | Egret Pond Community Dock |

DELETED KEY LOCATIONS/DOCK SITES

| Key Location | | Orig. Auth. Shoreline ^(e) |
|----------------------------|----------------------|--------------------------------------|
| Designation ^(a) | Location | (l.f.) |
| F | Blue Heron Pond Rd. | 600 |
| I | Salt Cedar | 100 |
| L | Summer Islands, N. | 300 |
| M | Summer Islands, S. | 300 |
| P | Falcon Point, West | 200 |
| Q | Shell Crk. Lndg., N. | 400 |

Notes:

^(a) Numerals indicate Floating Docks. Letters indicate Fixed Docks.

^(b) "21/22" typically indicates that two lots share a single dock.

^(c) Community Docks are KICA property and serve the entire Island.

^(d) Neighborhood Docks serve just the local area or regime.

^(e) Shoreline footage no longer eligible for use or transfer.

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 part had not been included. If said Ordinance, or any provision 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.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS 12 DAY OF August, 2003.

Mayor William G. Wert

Pat Wallis, Town Clerk

First Reading: 7-8-03

Second Reading: 8-12-03



Kiawah Island Key Locations Map

ORDINANCE 2003-005 ADOPTED AUGUST 12, 2003

LEGEND

- CLUSTER LOCK SITES**
[Red square with '21'] - Lock # 21
[Red square with '22'] - Lock # 22
[Red square with '23'] - Lock # 23
[Red square with '24'] - Lock # 24
[Red square with '25'] - Lock # 25
[Red square with '26'] - Lock # 26
[Red square with '27'] - Lock # 27
[Red square with '28'] - Lock # 28
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- ON-THE-FLIGHT LOCK SITES**
[Red square with '21'] - Lock # 21
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[Red square with '50'] - Lock # 50
- FIXED LOCK SITES**
[Green square with 'H'] - Lock # H
[Green square with 'S'] - Lock # S
- ON-THE-FIXED LOCK SITES**
[Green square with 'H'] - Lock # H
[Green square with 'S'] - Lock # S
- SHORELINE ELD-GRI APPROVAL FOR FLOTTING LOCK SITES**
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[Red line with '50'] - Lock # 50
- SHORELINE ELD-GRI APPROVAL FOR FIXED LOCK SITES**
[Green line with 'H'] - Lock # H
[Green line with 'S'] - Lock # S
- DELETED KEY LOCATIONS**
[Red square with '23'] - Lock # 23
[Green circle with 'L'] - Lock # L

THIS MAP WAS BEING PREPARED FROM DEEDS, PLATS, AND OTHER PUBLIC RECORDS AND DATA RECORDED IN 2003. PROPERTY LINE & DISTRICTS DO NOT NECESSARILY REPRESENT ACTUAL LAND SURVEYS. THIS MAP IS NOT A LEGAL DOCUMENT.
AND IS BASED ON THE SOUTH CAROLINA STATE PLANT COORDINATE SYSTEM AND NORTH AMERICAN DATUM.