

Town of Kiawah Island

Town of Kiawah Island Municipal Center
4475 Betsy Kerrison Parkway
Kiawah Island, SC 29455

March 6, 2024



PROPOSED ZONING TEXT AMENDMENTS

Proposed Text Amendments

Objective: To provide a more comprehensive process for the approval of development projects by the TOKI Planning Director in conjunction with the TOKI Planning Commission and the Kiawah Island community.

February PC: Discussion on proposed amendments.

March PC: Initial consideration for recommendations. Planning Commission will review accordingly, allow for necessary public input and provide recommendations to Town Council.

Please note included draft language of each of the ordinance sections for discussion.

Proposed Text Amendments

#AZO24-000002 (Zoning Generally)

- Sec. 12-20 – Authority and Purpose
- Sec. 12-23 – Planning Commission
- Sec. 12-25 – Planning Director

#AZO24-000003 (Impact Fees)

- Sec. 12-31 – Impact Fees

#AZO24-000004 Zoning Map/ Districts

- Sec. 12-65 – R-1, Residential District
- Sec. 12-66 – R-2, Residential District
- Sec. 12-67 – R-3, Residential District

#AZO24-000005 (Use Regulations)

- Sec. 12-102 – Principal Uses ad Use Regulations
- Sec. 12-103 – Conditional Uses
- Sec. 12-106 – Temporary Uses

#AZO24-000006 (General Procedural Requirements)

- Sec. 12-162 – Site Plan Review
- Sec. 12-164 – Administrative Permits

Proposed Text Amendments

#AZO24-000002 (Zoning Generally)

- Sec. 12-20 – Authority and Purpose
- Sec. 12-23 – Planning Commission
- Sec. 12-25 – Planning Director

Planning staff comments:

- Clarifies language of protection regarding density and potential development impacts.
- Modifies provisions of zoning permit applications and provides mechanism for additional review for large scale development projects
- Connects Planning Commission to applicable site plan review process
- Maintains objectivity for review. Previous language provided no standards for review.
- Staff recommends the Commission consider modifying specific zoning standards in lieu of subjective approach or unmeasurable criteria.
- Considers the timeline of procedures associated plan review. Avoid development delays
- Incorporates the proposed Landscape and Tree Preservation Board administration

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Proposed Text Amendments

#AZO24-000003 (Impact Fees)

- Sec. 12-31 – Impact Fees

Planning staff comments:

- Consider future development projects and they may contribute to capital facility costs associated with generated growth, particularly infrastructure and other community facilities.
- Incorporates language regarding how might impact fees be levied regarding potential development impacts.
- Staff recommends the Commission consider state requirements for levying potential impact fees.
- Removes specific payment structures, which would be determined at time of assessment.
- Consider differences of private and public rights of way
- Consider remaining undeveloped lands adjacent to the Kiawah Island Parkway

A traffic impact analysis (TIA) is a specialized engineering study that determines the potential traffic impacts of a proposed traffic generator.

Environmental Impact Assessment (EIA) is a tool used to assess the significant effects of a project or development proposal on the environment.

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Proposed Text Amendments

#AZO24-000004 Zoning Map/ Districts

- Sec. 12-65 – R-1, Residential District
- Sec. 12-66 – R-2, Residential District
- Sec. 12-67 – R-3, Residential District

Planning staff comments:

- The proposed amendment modifies the maximum lot coverage requirements for various housing types in the R-2 and R-3 zoning district.
- Staff does not recommend approval of these proposed changes. The proposed change would considerably impact the character of existing neighborhoods.
- Planning staff recommends utilizing the future recommendations of the comprehensive marsh management plan to consider new standards regarding pervious/impervious surfaces regarding stormwater management.
- Planning staff recommends consideration of stormwater runoff standards to address concerns of coverage.

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Table 2D. Lot Standards for R-2 (Patio Homes, Duplexes and Townhouses)

Housing Type	Minimum Lot Size (sq. ft.)	Minimum Yard Setbacks (feet)			Maximum Height		Maximum Lot Coverage
		Front	Side ⁽¹⁾	Rear	(stories)	(feet)	
Patio homes, zero lot line homes	4,000	20	0/10 ⁽²⁾	20	2.5	35	50 percent
Duplex	6,500	15	7	20	2.5	40	40 percent 33%
Townhouse	2,000	10	See note ⁽³⁾	20	2.5	40	60 percent

⁽¹⁾ On corner and double-frontage lots, front setback standards will apply to each lot line that borders a street right-of-way. The rear yard setback shall apply to the opposite side of the principal structure's front main entrance. The side yard setback shall apply to the remaining sides.

⁽²⁾ A total distance of 15 feet is required between buildings with ten feet minimum setback being required on one side of each lot.

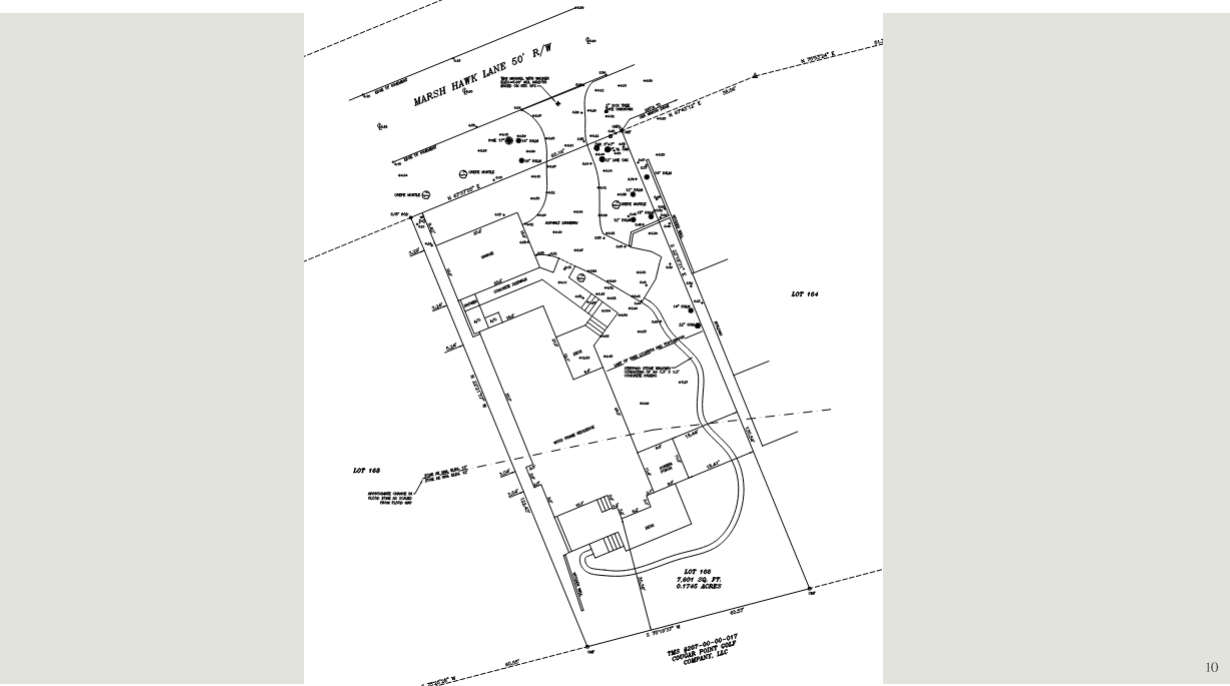
⁽³⁾ Where the front, interior side and rear setbacks of the underlying zoning district reduces the buildable width of a lot to less than 40 feet, the Planning Director shall be authorized to reduce the required setbacks as much as necessary. However, no setback reduction granted by the Planning Department shall be for more than 15 feet.

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Proposed Text Amendments

#AZO24-000005 (Use Regulations)

- Sec. 12-102 – Principal Uses and Use Regulations
- Sec. 12-103 – Conditional Uses
- Sec. 12-106 – Temporary Uses

Planning staff comments:

- Planning staff recommends a comprehensive review of all allowed uses (by-right, conditional and special exception).
- This comprehensive review is outlined in the scope of work for prepared RFP which will assist the Town in an entire zoning ordinance and subdivision regulations update.
- The proposed amendment refines language for temporary uses, specifically structures and storage areas associated with construction purposes.
- The proposed amendment strengthens the time frame for which temporary use is allowed.
- The proposed amendment also strengthens pre and post development conditions of a temporary use.

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Proposed Text Amendments

#AZO24-000006 (General Procedural Requirements)

- Sec. 12-162 – Site Plan Review
- Sec. 12-164 – Administrative Permits

Planning staff comments:

- Modifies provisions of zoning permit applications and provides mechanism for additional review for large scale development projects.
 - Large scale projects subject to Planning Director review followed by Planning Commission review and approval
 - Commercial/ non-single family residential 25,000 sqft / 10 dwelling units or more
- Connects Planning Commission to applicable site plan review process
- Maintains objectivity for review. Previous language provided no standards for review.
- Staff recommends the Commission consider modifying specific zoning standards in lieu of subjective approach or unmeasurable criteria.
- Consider the timeline of procedures associated plan review to avoid significant development timelines.
 - Planning Staff, Tree Preservation Board and Planning Commission will need to grant approval.

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Site Plan Review Process

Site Plan Review (SPR) is a process used to examine all proposed developments, except for single family detached residential, for the purpose of ensuring compliance with local and state requirements. The purpose of a site plan review is to ensure that all applicable requirements of the zoning ordinance are complied with prior to the issuance of a zoning and building permit. The SPR Committee consists of representatives from various state and local agencies who will address the issues of the project including zoning, building codes, health standards, traffic/highway regulations, drainage/road requirements, compliance with wetland regulations and Storm Water regulations.

Pending Council Approval

[View the Town's Land Use Planning and Zoning Ordinance](#)



Sec. 12-20. Authority and purpose.

The ordinance from which this article is derived, is adopted pursuant to the authority conferred by the Code of Laws of South Carolina, title 6, chapter 29, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, and drafted in accordance with an adopted comprehensive plan. The purposes of this article are to protect the health, safety and general welfare of current and future residents of the Town of Kiawah Island by:

- (1) Implementing the vision and goals of the Town of Kiawah Island Comprehensive Plan in a consistent manner;
- (2) Providing for adequate light, air and open space;
- (3) Establishing appropriate density and intensity of land, avoiding undue concentration of population and lessening congestion in the streets and undue burdening of infrastructure;
- (4) Protecting and preserving scenic, historic, or ecologically sensitive areas;
- (5) Implementing land use policies that will preserve the natural character of the Town of Kiawah Island, regulating the density and distributions of populations and the uses of buildings, structures and land for trade, industry, residence, recreation, forestry, conservation, water supply, sanitation, protection against floods, public activities, and other purposes;
- (6) Facilitating the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements;
- (7) Promoting desirable and safe living;
- (8) Protecting property against blight;
- (9) Conserving the value of land and buildings;
- (10) Securing safety from fire, flood and other damages; and
- (11) Furthering the public welfare in any other regard specified by the Town Council.

(Code 1993, § 12A-102; Ord. No. 94-12, § 2(12A-102), 9-26-1994; Ord. No. 2005-08, § 12A-102, 10-12-2005)

Sec. 12-23. Planning Commission.

- (a) *Creation.* The Town of Kiawah Island Planning Commission is hereby created as authorized by S.C. Code 1976, §§ 6-29-310—6-29-380.
- (b) *Composition; appointment and term of office of members.*
- (1) The Planning Commission shall consist of seven Kiawah Island property owners; members to be appointed by the Mayor with the consent of the Town Council. At least five of these property owners shall be resident members. The term "resident member" means a person who resides permanently on Kiawah Island for not less than eight months of each calendar year.
 - (2) The term of office shall be for four years. Any vacancy shall be filled for the unexpired term by an individual appointed by the Mayor with the consent of the Council. A Secretary and Chairperson shall be elected at the first meeting of each year. All members shall serve without compensation, but may be reimbursed for actual expenses incurred in connection with their official duties, provided the Town Council has approved such expenditures in advance.
 - (3) No member shall serve more than three consecutive terms of office; provided, however, that such member shall be eligible to hold such office after a break in service of twenty-four months.
 - (4) No member shall hold an elected public office in the Town of Kiawah Island or Charleston County.
 - (5) Members shall represent a broad cross section of the interests and concerns within the Town of Kiawah Island.
- (c) *Organization and procedural rules governing the Planning Commission.*
- (1) The Planning Commission shall organize itself electing one of its members as Chairperson and one as Vice-Chairperson whose terms are for one year. The Planning Commission shall appoint a secretary who may be an officer or an employee of the Town or of the Planning Commission. The Planning Commission shall meet at the call of the Chairperson and at such times the Chairperson or Planning Commission may determine.
 - (2) The Planning Commission shall adopt rules of organizational procedure and shall keep a record of its resolutions, findings, and determinations, which record must be a public record. The Planning Commission may purchase equipment and supplies and may employ or contract for such staff and such experts as it considers necessary and consistent with funds appropriated by Town Council.
- (d) *Functions and powers.* The Planning Commission shall have the functions and powers set forth in S.C. Code 1976, § 6-29-340 of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended. In the discharge of its responsibilities, the Planning Commission has the power and duty to:
- (1) Prepare and revise the comprehensive plan and programs for the development and redevelopment for the Town of Kiawah Island.
 - (2) Prepare and recommend for adoption to Town Council the following to implement plans and programs within the Town:

- a. A zoning ordinance that includes zoning district maps and appropriate revisions thereof;
 - b. Regulations for the subdivision or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that are adopted by Town Council;
 - c. An official map and appropriate revision of it showing the exact location of existing or proposed public streets, highways, and utility rights-of-way, and public building sites; regulations to control the erection of buildings or other structures; changes in land use within rights-of-way, building sites, or open spaces within the Town or specified areas within the Town;
 - d. A landscaping ordinance setting forth required planting, tree preservation, and other aesthetic considerations for land and structures;
 - e. A capital improvements program setting forth projects required to implement plans which have been prepared and adopted, including an annual listing of priority projects for consideration by the Town Council or other governmental bodies responsible for implementation prior to preparation of their capital budget; and
 - f. Policies or procedures to facilitate implementation of planning elements.
- (3) Hear appeals of administrative decisions (by staff) related to subdivision regulations (S.C. Code 1976, § 6-29-1150(C)).
- a. Staff action, if authorized, to approve or disapprove a land development plan may be appealed to the Planning Commission by a party in interest.
 - b. The Planning Commission shall act on the appeal within 60 days and the action of the Planning Commission is final.
 - c. An appeal from the decision of the Planning Commission may be taken to circuit court within 30 days after actual notice of the decision.

(4) Review and approve site plans pursuant to Sec. 12-162. Site Plan Review.

- a. The Planning Commission shall review and act within 45 days of applications being considered for approval.
- b. An appeal from the decision of the Planning Commission may be taken to circuit court within 30 days after actual notice of the decision.

(4)(5) Approve street names (S.C. Code 1976, § 6-29-1200).

- a. The Planning Commission shall, by proper certificate, approve and authorize the name of a street or road laid out within the territory over which the Commission has jurisdiction. It is unlawful for a person in laying out a new street or road to name the street or road on a plat, by a marking or in a deed or instrument without first getting the approval of the Planning Commission. Any person violating this provision is guilty of a misdemeanor and, upon conviction must be punished in the discretion of the court.

- b. The Planning Commission may, after reasonable notice through a newspaper having general circulation in which the Commission is created and exists, change the name of a street or road within the boundary of its territorial jurisdiction:
 1. When there is duplication of names or other conditions which tend to confuse the traveling public or the delivery of mail, orders, or messages;
 2. When it is found that a change may simplify marking or giving of directions to persons seeking to locate addresses; or
 3. Upon any other good and just reason that may appear to the Commission.
- c. On the name being changed, after reasonable opportunity for a public hearing, the Planning Commission shall issue its certificate designating the change, which must be recorded in the Office of the Register of Mesne Conveyances or Clerk of Court, and the name changed and certified is the legal name of the street or road.

(Code 1993, § 12A-105; Ord. No. 94-12, § 2(12A-104.2), 9-26-1994; Ord. No. 2005-08, § 12A-105, 10-12-2005; Ord. No. 2006-14, § 2.A.1, 1-9-2007)

Sec. 12-25. Planning Director.

The Planning Director shall serve as the Zoning Enforcement Officer and shall administer and enforce this article. In furtherance of such authority, the Director or the Director's designee shall:

- (1) Receive and examine applications for zoning permits and certificates of occupancy;
- (2) Approve and issue zoning permits that meet the provisions of this chapter;
- (3) Keep a record of all applications for zoning permits, including all plats and plans submitted therewith, which record shall be open to public inspection during business hours;
- (4) Conduct inspections of structures, land, and the uses thereof to determine compliance with this article;
- (5) Serve as Secretary of the Board of Zoning Appeals;
- ~~(6)~~ Receive, file, and forward to the Board of Zoning Appeals the records of all requests for appeals, variances and special exceptions;
- ~~(7)~~ Serve as Secretary of the Landscape and Tree Preservation Board;
- ~~(6)~~~~(8)~~ Receive, file, and forward to the Landscape and Tree Preservation Board the records of all requests for appeals, variances and applicable applications;
- ~~(7)~~~~(9)~~ Review, approve, and issue administrative permits as authorized by this article and maintain records of such permits;
- ~~(8)~~~~(10)~~ Receive, examine and process all applications for amendments to this article including, but not limited to, requests for code text amendments, zoning district amendments, planned developments, and development agreements;
- ~~(9)~~~~(11)~~ Receive, examine and process all applications for amendments to the comprehensive plan;
- ~~(10)~~~~(12)~~ _____ Maintain permanent and current records of this article including, but not limited to, all zoning maps, amendments, conditional uses, special exceptions, variances, appeals, and applications thereof and records of hearings thereon. Such records shall be open to the public for inspection during business hours;
- ~~(11)~~~~(13)~~ _____ Maintain for sale or free distribution to the public a supply of copies of the zoning map or maps, the compiled text of this article (but not necessarily including amendments establishing or modifying specific planned development amendments), and the rules of the Board of Zoning Appeals and Landscape and Tree Preservation Board;
- ~~(12)~~~~(14)~~ _____ Provide such clerical, technical, and consultative assistance as may be required by the Board of Zoning Appeals, Planning Commission, Landscape and Tree Preservation Board and other Town Boards, Commissions and Officials in the exercise of their duties relating to this article;
- ~~(13)~~~~(15)~~ _____ Conduct studies requested by Planning Commission related to the comprehensive plan, zoning, and other related matters.

(Code 1993, § 12A-107; Ord. No. 94-12, § 2(12A-104.4), 9-26-1994; Ord. No. 2005-08, § 12A-107, 10-12-2005)

Sec. 12-31. Impact fees.

- (a) *Purpose and intent.* The purpose of an impact fee is to:
- (1) Ensure wise appropriate, compatible and timely development of new areas by providing necessary capital facilities in accordance with existing and future needs;
 - (2) Promote desirable living conditions and sustained stability of the Town by ensuring adequate infrastructure and service delivery; and
 - (3) Secure economy in government expenditures by assuring that new development pay its fair and equitable share of additional capital facility costs required by increased services demand generated by new growth.
- (b) *Levied.* Impact fees shall be levied in accordance with this article at such time as an impact assessment study has been completed. This impact assessment study shall determine the impact fee amount based upon either the gross floor area of nonresidential development or the number of dwelling units of residential development for the purpose of financing public facilities necessary to accommodate new development as may be determined by the Town Council. ~~Impact fees shall be payable at the time of building permit issuance.~~
- (c) *Impact Assessment Studies.* Impact assessment studies may include traffic impact assessments and environmental impact assessments:
- Traffic Impact Assessment should assess and determine the impact of the new development on roads, intersections, bike paths and the overall transportation network. A Traffic Impact Assessment should consider increased traffic volumes, intersection delays and provide proper countermeasures to mitigate traffic concerns.
- (1)
 - (2) An environmental impact study should assess and determine if endangered wildlife, their habitat or certain endangered or rare plant species exist on the planned site and would require a relocation to protect wildlife and vegetation. These proper counter measures as decided by the Town should be paid in full by the Developer responsible for the new development project.
- (d) *Due.* Impact fees shall be payable at the time of building permit issuance.

(Code 1993, § 12A-113; Ord. No. 2005-08, § 12A-113, 10-12-2005)

Sec. 12-65. R-1, Residential District.

- (a) *Purpose and intent.* The purpose of the R-1 zoning district is to promote stable residential neighborhoods consisting of low density, detached, single-family dwellings and surrounding parks, golf courses, and open spaces. Activities and endeavors which might serve to mitigate against this purpose shall be prohibited or strictly regulated.
- (b) *District regulations.* The following apply to all dwelling units in the R-1 zoning district:
 - (1) The maximum density for this district is three dwelling units per acre;
 - (2) All required parking shall be enclosed;
 - (3) Open storage is prohibited;
 - (4) Lot standards (setbacks, lot coverage, etc.) for single-family detached dwellings on existing platted lots that are included in article VII of this chapter, the Kiawah Island Property Setback Requirements Appendix, dated 7-10-2007, incorporated herein by reference and adopted hereto as said article VII shall apply in lieu of the setback requirements in table 2B following subsection (b)(6) of this section;
 - (5) Lot standards (setbacks, lot coverage, etc.) for single-family detached dwellings not covered by subsection (b)(4) of this section are listed in table 2B following subsection (b)(6) of this section and table 2C following section 12-66(b)(8);
 - (6) Authorized uses are listed in table 3A in section 12-102(c).

Lot Size (square feet)	Maximum Lot Coverage	Depth (feet)	Width (feet) ⁽¹⁾	Minimum Yard Setbacks (feet)			Maximum Height	
				Front ⁽²⁾	Side ⁽³⁾⁽⁵⁾	Rear ⁽⁴⁾	(stories)	(feet)
8,000—11,999	40 percent	100	60	25	10	25	2.5	40
12,000+	33 percent	100	75	25	20	25	2.5	40
⁽¹⁾ For lots on cul-de-sacs or similar circumstances, the minimum width shall apply at the front yard setback line. Cul-de-sac lots shall have a minimum width of 25 feet at the street line. The minimum width of any flag lot may be reduced to 20 feet, provided that the minimum width specified in the table is provided at the front building setback line.								
⁽²⁾ On corner and double-frontage lots, front setback standards will apply to each lot line that borders a street right-of-way. The rear yard setback shall apply to the opposite side of the principal structure's front main entrance. The side yard setback shall apply to the remaining sides.								
⁽³⁾ A minimum of 15 feet must be provided between structures.								
⁽⁴⁾ The minimum yard requirements shall be increased to 30 feet from any lot or parcel boundary which abuts a golf course.								
⁽⁵⁾ Minimum setbacks in side yard for lots currently in existence and reflected on the current zoning map and fronting on Eugenia Avenue the side yard setback shall be ten feet.								

(Code 1993, § 12A-205; Ord. No. 2005-08, § 12A-205, 10-12-2005; Ord. No. 2006-10, § 2, 2-6-2007; Ord. No. 2007-05, § 2(12A-205), 7-10-2007)

Sec. 12-66. R-2, Residential District.

- (a) *Purpose and intent.* The purpose of the R-2 zoning district is to promote stable residential neighborhoods consisting of medium density residences surrounded by parks, golf courses and open spaces. The district is intended for a variety of dwelling unit types. Activities and endeavors which might serve to mitigate against this purpose shall be prohibited or strictly regulated.
- (b) *District regulations.* The following apply to the R-2 zoning district:
 - (1) The maximum density for this district is six dwelling units per acre;
 - (2) All required parking shall be enclosed;
 - (3) Open storage is prohibited;
 - (4) There shall be no more than four dwelling units in any building within this district;
 - (5) Lot standards (setbacks, lot coverage, etc.) for single-family detached dwellings on existing platted lots that are included in article VII of this chapter, the Kiawah Island Property Setback Requirements Appendix, dated 7-10-2007, incorporated herein by reference and adopted hereto as said article VII shall apply in lieu of the setback requirements in table 2C following subsection (b)(8) of this section;
 - (6) Lot standards (setbacks, lot coverage, etc.) for patio homes, on existing platted lots that are included in article VII of this chapter, the Kiawah Island Property Setback Requirements Appendix, dated 7-10-2007, incorporated herein by reference and adopted hereto as said article VII shall apply in lieu of the setback requirements in table 2D following subsection (b)(8) of this section;
 - (7) Lot standards (setbacks, lot coverage, etc.) for patio homes not covered by subsection (b)(6) of this section are listed in table 2D following subsection (b)(8) of this section;
 - (8) Authorized uses are listed in table 3A in section 12-102(c).

Lot Size (square feet)	Maximum Lot Coverage	Depth (feet)	Width (Feet) ⁽¹⁾	Minimum Yard Setbacks ⁽²⁾			Maximum Height	
				Front ⁽²⁾	Side ⁽³⁾	Rear ⁽⁴⁾	(stories)	(feet)
6,000—7,999	50 percent	85	55	20	7	20	2.5	40
8,000—11,999	40 percent	100	60	25	15	25	2.5	40
12,000+	33 percent	100	75	25	20	25	2.5	40
⁽¹⁾ For lots on cul-de-sacs or similar circumstances, the minimum width shall apply at the front yard setback line. Cul-de-sac lots shall have a minimum width of 25 feet at the street line. The minimum width of any flag lot may be reduced to 20 feet, provided that the minimum width specified in the table is provided at the front building setback line.								
⁽²⁾ On corner and double-frontage lots, front setback standards will apply to each lot line that borders a street right-of-way. The rear yard setback shall apply to the opposite side of the principal structure's front main entrance. The side yard setback shall apply to the remaining sides.								
⁽³⁾ A minimum of 15 feet must be provided between structures.								
⁽⁴⁾ The minimum yard requirements shall be increased to 30 feet from any lot or parcel boundary which abuts a golf course.								

Table 2D. Lot Standards for R-2 (Patio Homes, Duplexes and Townhouses)							
Housing Type	Minimum Lot Size (sq. ft.)	Minimum Yard Setbacks (feet)			Maximum Height		Maximum Lot Coverage
		Front	Side ⁽¹⁾	Rear	(stories)	(feet)	
Patio homes, zero lot line homes	4,000	20	0/10 ⁽²⁾	20	2.5	35	50 33 percent
Duplex	6,500	15	7	20	2.5	40	40 33 percent
Townhouse	2,000	10	See note ⁽³⁾	20	2.5	40	60 33 percent
⁽¹⁾ On corner and double-frontage lots, front setback standards will apply to each lot line that borders a street right-of-way. The rear yard setback shall apply to the opposite side of the principal structure's front main entrance. The side yard setback shall apply to the remaining sides.							
⁽²⁾ A total distance of 15 feet is required between buildings with ten feet minimum setback being required on one side of each lot.							
⁽³⁾ Where the front, interior side and rear setbacks of the underlying zoning district reduces the buildable width of a lot to less than 40 feet, the Planning Director shall be authorized to reduce the required setbacks as much as necessary. However, no setback reduction granted by the Planning Department shall be for more than 15 feet.							

(Code 1993, § 12A-206; Ord. No. 2005-08, § 12A-206, 10-12-2005; Ord. No. 2007-05, § 2(12A-206), 7-10-2007)

Sec. 12-67. R-3, Residential District.

- (a) *Purpose and intent.* The purpose of the R-3 zoning district is to provide for neighborhoods consisting of higher density, residential development for Kiawah Island's residents and guests, surrounded by parks, golf courses, and open spaces. It accommodates multifamily dwellings and other higher density single-family alternatives, such as duplexes or townhouses. Activities and endeavors which might serve to mitigate against this purpose shall be prohibited or strictly regulated.
- (b) *District regulations.* The following apply to the R-3 zoning district:
 - (1) The maximum density for this district is 12 dwelling units per acre;
 - (2) Open storage is prohibited;
 - (3) There shall be no more than four dwelling units in any building within this district;
 - (4) Lot standards (setbacks, lot coverage, etc.) for single-family detached dwellings are listed in table 2F in this subsection;
 - (5) Lot standards (setbacks, lot coverage, etc.) for patio homes, duplexes, townhouses and multifamily are listed in table 2G in this subsection (b);
 - (6) Authorized uses are listed in table 3A in section 12-102(c).

Lot Size (square feet)	Maximum Lot Coverage	Depth (feet)	Width (feet) ⁽¹⁾	Minimum Setbacks (feet)			Maximum Height	
				Front ⁽²⁾	Side ⁽³⁾	Rear ⁽⁴⁾	(stories)	(feet)
2,000—3,999	60 percent	65	20	10	3	10	2.5	40
4,000—5,999	50 percent	75	30	15	7	15	2.5	40
6,000—7,999	50 percent	85	55	20	7	20	2.5	40
8,000—11,999	40 percent	100	60	25	10	25	2.5	40
12,000+	33 percent	100	75	25	20	25	2.5	40

⁽¹⁾ For lots on cul-de-sacs or similar circumstances, the minimum width shall apply at the front yard setback line. Cul-de-sac lots shall have a minimum width of 25 feet at the street line. The minimum width of any flag lot may be reduced to 20 feet, provided that the minimum width specified in the table is provided at the front building setback line.

⁽²⁾ On corner and double-frontage lots, front setback standards will apply to each lot line that borders a street right-of-way. The rear yard setback shall apply to the opposite side of the principal structure's front main entrance. The side yard setback shall apply to the remaining sides.

⁽³⁾ A minimum of 15 feet must be provided between structures.

⁽⁴⁾ The minimum yard requirements shall be increased to 30 feet from any lot or parcel boundary which abuts a golf course.

Housing Type	Minimum Lot Size (square feet)	Minimum Setbacks (feet)	Maximum Height	Maximum Lot Coverage (percent)

		Front	Side ⁽¹⁾	Rear	(stories)	(feet)	
Patio homes, zero lot line homes	4,000	20	0/10 ⁽²⁾	20	2.5	35	50-33
Duplex	6,500	15	7	20	2.5	40	40-33
Townhouse	2,000	10	See note ⁽³⁾	20	2.5	40	60-33
Multifamily	10,000	25	See note ⁽³⁾	20	2	40	60-33
<p>⁽¹⁾ On corner and double-frontage lots, front setback standards will apply to each lot line that borders a street right-of-way. The rear yard setback shall apply to the opposite side of the principal structure's front main entrance. The side yard setback shall apply to the remaining sides.</p>							
<p>⁽²⁾ A total distance of 15 feet is required between buildings with ten feet minimum setback being required on one side of each lot.</p>							
<p>⁽³⁾ Where the front, interior side and rear setbacks of the underlying zoning district reduces the buildable width of a lot to less than 40 feet, the Planning Director shall be authorized to reduce the required setbacks as much as necessary. However, no setback reduction granted by the Planning Department shall be for more than 15 feet.</p>							

(Code 1993, § 12A-207; Ord. No. 2005-08, § 12A-207, 10-12-2005)

Sec. 12-102. Principal uses and use regulations.

- (a.) Purpose and intent. Principal uses are the uses permitted in each zoning district. These are shown in table 3A in subsection (c) of this section, authorized uses in zoning districts. The intent is to allow and regulate uses which are deemed compatible with the purpose of that district, with or without conditions; or to restrict uses.
- (b.) Use regulations are conditions of use. These conditions are requirements which must be met to comply with this article.
- (c.) The following three classifications of use are permitted, conditional and special exception as defined in this subsection and as listed in table 3A in this subsection (where no classification of use is shown (blank cell), that use is prohibited in the zoning district):
- (1) *Permitted use (P)*. Permitted use is the principal use allowed in a zoning district. It is a use of right. By way of example, single-family detached dwelling units are permitted in all residential zoning districts, R-1, R-2 and R-3. However, multifamily residential units are only permitted in the R-3 zoning district. The letter P indicates that a use type is a permitted use.
 - (2) *Conditional use (C)*. Conditional uses are uses that are permitted within a zoning district only when the identified conditions for that particular use have been met and the zoning permit application approved by the Planning Director. Conditions for each use are specified in section 12-103, conditions of use. The letter C indicates that a use type is a conditional use.
 - (3) *Special exception (S)*. Special exceptions may only be granted by the Board of Zoning Appeals. These are uses which are generally compatible with the permitted land uses in a zoning district, but which require specific review of the location of the site and the design, configuration and operation of the proposed use, as well as the possibility of imposition of conditions in order to ensure the compatibility of the use at a particular location within the zoning district. Section 12-161 provides a complete description and requirements for special exceptions. The letter S indicates that a use type requires a special exception.

Table 3A. Authorized Uses in Zoning Districts															
P=Permitted Use			C=Conditional Use				S=Special Exception				Blank Cell=Prohibited Use				
Use Category			Zoning Districts										Conditional Use Reference	PR-OC	
Principal Uses			R-1	R-2	R-3	C	RST-1	RST-2	CS	CS-2	PR	PD	KC		
Residential															
	Single-family detached ¹		P	P	P					P		C		(a)	P
	Single-family attached, also known as townhouses or patio homes ¹			P	P					P		C		(a)	P
	Duplex ¹			P	P					P		C		(a)	P
	Multifamily (including townhouses and apartments) ¹				P					P		C		(a)	P
Civic/institutional															
	Courts and public safety														
	Court of law									P	P				
	Safety services, including emergency medical or ambulance service, fire protection or police protection									P	P				
Educational services															
	Day care											C		(a)	
	Preschool or educational nursery				C							C		(b)	C
	Personal improvement education, including golf or fine arts schools					C	C					C		(b)	C
Health care services															
	Physicians' and dentists' offices				P							C		(c)	
	Medical clinics-outpatient services				C									(c)	
Museums, historical sites and similar institutions															
	Historical sites		C	C	C	P	C	C	C	P	P	C		(d)	P
	Libraries or archives					P	C	C	C	P		C		(d)	
	Museums or art galleries					P	C	C	C	P		C		(d)	
	Nature exhibitions						C	C				P	C	(d)	P
	Botanical gardens or arboretums					P	C	C				P	C	(d)	P
Postal service															
	United States Postal Service					P						C		(e)	
Recreation and entertainment															

	Community recreation, including sports activities, playgrounds and athletic areas or swimming areas (beaches and pools)				C	C	C		P	C			(f)	C
	Golf courses or country clubs									C			(f)	C
	Parks	P	P	P	P	C	C	C	P	P	C	P	(f)	P
	Motion picture and live theaters				C	C	C						(f)	
	Recreation or vacation camps				C					C			(f)	C
	Recreational equipment storage				C	C	C	C	C	C			(f)	C
Religious, civic, professional and similar organizations														
	Business and professional organizations				P				P					
	Social or civic organizations, including youth organizations, sororities or fraternities				P				P					
	Church, synagogue, temple or religious assembly				P	P		P	P					
Utilities and waste-related uses														
Utility service, major														
	Electric substation				S	S	S	S		C			(a)	
	Electrical or telephone switching facilities							C					(g)	
	Electricity or water maintenance facilities							P	.					
	Sewage pumping control stations	S	S	S	C	C	C	P		C	C		(g)	C
	Sewage sludge drying beds							P	.					
	Water pressure control stations				C	C	C	P		C			(g)	C
	Water or sewage treatment facilities							P	.					
	Water storage tanks							P			C		(a)	
Utility service, minor														
	Electric or gas power distribution	C	C	C	C	C	C	P		C	C		(g)	C
	Sewage collection service lines	C	C	C	C	C	C	P		C	C		(g)	C
Commercial accommodations														
	Hotels or inns					C/S	C/S						(h)	
Financial services														
	Banks				C								(i)	

	Financial services, including loan or lending services, savings and loan institutions or stock and bond brokers				C								(i)	
Food and beverage services														
	Bar or lounge (alcoholic beverages), including taverns, cocktail lounges or member exclusive bars or lounges				S	S	S		.					
	Catering services				C	C	C						(j)	
	Restaurant, general, including cafeterias, diners, delicatessens, or full-service restaurants or accessory uses to a golf course, clubhouse or recreational area (without alcoholic beverages)				P	C	C		C	S	C		(j)	
	Restaurant, general, including cafeterias, diners, delicatessens, full-service restaurants or accessory uses to a golf course, club house, or recreational area (with alcoholic beverages)				C	C	C		C	C/S	C		(j)	S
Information industries														
	Advertising services (not including advertising signs)				C								(k)	C/S
	News syndicate services				P				.					
	Radio and television broadcasting studios (only)				C	C	C						(k)	
	Data processing services				P				.					
Offices														
	Real estate sales and services				P	P	P				C		(a)	
	Administrative or business office, including bookkeeping services, couriers, insurance offices, personnel offices, real estate services, secretarial services or travel arrangement or ticketing services				P				P					
	Government offices				P			C	C		C		(a)	
	Legal and other professional services, including accounting, tax preparation, architectural or engineering				P				.					
Other nonresidential development														

	Communications towers							C	C	C	C		(m)	C
	Convention center, visitors bureaus or conference center				C		P	C	P				(n)	
Repair and maintenance services														
	Repair service, consumer, including appliance, shoe, watch, furniture, jewelry or musical instrument repair shops				C								(o)	
	Vehicle service, limited, including automotive oil change or lubrication shops or carwashes (enclosed area only)				C			C					(o)	
Retail sales														
Nonstore retailers														
	Direct selling establishments				C								(p)	
	Electronic shopping or mail order houses				C								(p)	
Building materials or garden equipment and supplies retailers														
	Hardware stores				C								(p)	
	Home improvement centers				C									
	Garden supplies centers or nursery and greenhouse retail centers				C								(p)	
	Paint, varnish, glass or wallpaper stores				C								(p)	
	Food sales, including grocery stores, meat markets or butchers, retail bakeries or candy shops				C								(p)	
	Liquor, beer, or wine sales				C								(p)	
Retail sales or services, general														
	Antique stores				C								(p)	
	Department store or limited price variety stores				C								(p)	
	Art, hobby, musical instrument, toy, or related products stores				C	C	C						(p)	
	Sporting goods or bicycle retail and rental				C	C	C						(p)	
	Book, stationary, newspaper, or magazine retail				C	C	C						(p)	

	Cameras or photographic supplies stores				C	C	C							(p)	
	Clothing, piece goods, shoes, jewelry, luggage, leather goods or related products stores, florists				C	C	C			C				(p)	C
	Convenience stores (less than 5,000 square feet gross floor area per establishment)				C	C	C							(p)	
	Drug stores or pharmacies (less than 5,000 square feet gross floor area per establishment)				C	C	C							(p)	
	Electronics, appliance, electrical supplies or related products stores				C									(p)	
	Furniture, cabinet, home furnishings, or related products stores				C									(p)	
	Gifts, novelties and souvenir stores				C	C	C							(p)	
	Optical goods				C									(p)	
	Private postal or mailing services				C									(p)	
	Tobacconists				C	C	C							(p)	
	Service stations, gasoline (with or without convenience stores)				C									(p)	
Retail or personal services															
Consumer convenience services															
	Locksmiths				C									(p)	
	Tailors or seamstresses				C	C	C							(p)	
	Hair, nail, or skin care services, including barbershops or beauty salons				C	C	C							(p)	
	Personal improvement services, including health or physical fitness studios, reducing studios and spas				C	C	C							(p)	
	Photographic services, including one-hour photofinishing				C	C	C							(p)	
Construction services															
	Construction services								C					(q)	

Warehouse and storage facilities													
	Warehouse and storage facilities							C					(r)
Vehicle storage													
	Vehicle storage, including boat or RV storage							C					(s)
Recycling services													
	Recycling collection, dropoff							C	C				(t)
Transportation													
	Taxistands				C	C	.	C					
	Bus passenger stands				C	C	C						(u)

¹ Dwelling units may be attached to and integrated with non-residential buildings, but shall be no more than four dwelling units in any building with the PR-OC district.

(Code 1993, § 12A-301; Ord. No. 94-12, § 2(12A-301), 9-26-1994; Ord. No. 2005-08, § 12A-301, 10-12-2005; Ord. No. 2006-08, § 2.1(12A-301), 11-7-2006; Ord. No. 2016-04, § 1, 9-6-2016; Ord. No. 2017-10, § 1(Exh. A), 7-11-2017; Ord. No. 2017-14, § 1(Exh. A), 7-11-2017; Ord. No. 2018-05, § 1(att. A), 5-1-2018)

Sec. 12-103. Conditions of use.

- (a.) *Planned development.* Planned developments shall follow the planned development provisions contained in sections 12-73 and 12-159, and the code text and zoning district map amendments provisions contained in section 12-158.
- (b.) *Educational services.* Educational services are those services offered for the exclusive use of residents, on island employees and guests of Kiawah Island for instruction and care of their dependent children. The following conditions must be met for an educational services use:
- (1) Proof of application for the facilities license from the South Carolina Department of Social Services where appropriate;
 - (2) Play areas within 50 feet of a residential zoning district shall be buffered pursuant to section 12-127;
 - (3) Off-street parking requirements contained within this article are met and are buffered in accordance with section 12-128;
 - (4) Site plans for ingress/egress, loading/unloading and the location of the parking areas are approved by the Planning Director; and
 - (5) Proposed outdoor lighting of the facility does not negatively impact neighboring properties or the beachfront.
- (c.) *Health care services.* These services include medical clinics with outpatient services, physicians' and dentist's offices. Outpatient clinics, including offices for physicians or dentists, shall be limited to 2,000 square feet of floor area and shall not provide a base for emergency medical vehicles or service unless approved as a special exception pursuant to special exception provisions contained in this article.
- (d.) *Museums, historical sites and similar institutions.*
- (1) Historical sites within residential areas shall be restricted to the hours between 7:00 a.m. and 8:00 p.m.
 - (2) Historical sites, libraries, archives, museums and/or art galleries shall be completely housed within the principal use.
 - (3) Nature exhibitions.
 - a. Where nature exhibitions are of public ownership or listed in the National Registry of Natural Landmarks or registered as a Heritage Site with the South Carolina Heritage Trust in accordance with the provisions of Act No. 600 of the 1976 Acts and Joint Resolutions, either in public or private ownership, accessory uses to acquire maintenance revenue are permitted.
 - b. Accessory uses are limited to the retail sale of gifts, novelties, souvenirs, and food services. Accessory structures so used shall not exceed ten percent in size of the principal structures when the nature exhibit is housed, or 1,200 square feet for each acre when the nature exhibit is not enclosed.
 - c. Parking requirements for each accessory use, in addition to the parking requirements for the principal use, shall comply with the parking requirements of section 12-128.
 - d. Signs advertising accessory uses shall be located on the premises and not visible from a public road.

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- (4) Botanical gardens and/or arboretums shall be housed completely on the grounds of the principal use.
- (e.) *Postal Service of the United States.* Any postal service facility shall have a maximum floor area of 5,000 square feet or less.
- (f.) *Recreation and entertainment.* The following standards shall apply to approval of a site plan for community recreation, including, but not limited to, sports activities, playgrounds, athletic areas or swimming areas and recreation or vacation day camps:
- (1) All parks with soccer, baseball and similar playfields shall meet all off street parking requirements of section 12-128. The Planning Director shall determine the need for additional spaces based on available parking studies for similar uses in similar communities;
 - (2) All parking areas and recreational equipment storage areas shall meet the buffering requirements of section 12-127 and be screened from view from any adjacent residential use. Screening shall be opaque and shall be at least four feet in height. Screening may be masonry or natural materials if approved by the Planning Director;
 - (3) Small passive parks of one acre or less within residential neighborhoods shall have no parking requirements;
 - (4) Be designed so that light sources are shielded from adjacent single-family residential properties and the beachfront.
- (g.) *Utilities and waste-related uses.*
- (1) Aboveground water storage tanks, sewage pumping stations, telephone relay towers, electric regulating substations and similar utility/communications structures shall comply with the following standards:
 - a. Facilities shall be located at least 50 feet from any residential property line;
 - b. Facilities shall be secured by a fence located at least 25 feet from any residential property line;
 - c. Facilities shall be surrounded by a buffer pursuant to section 12-127;
 - d. Telephone exchange stations and communications towers shall be limited to unmanned facilities, and shall provide at least two parking spaces for service vehicles; and
 - e. Radio transmitting stations and towers shall be set back from zoning district boundaries a distance equal to their height.
 - (2) Communications, utility distribution lines and water transmission lines shall be located underground in all districts.
 - (3) The equipment set forth in this subsection is permitted in all zoning districts. Aboveground equipment (e.g., pad-mounted transformers) shall be screened from public view:
 - a. Electrical pedestals.
 - b. Electrical pad-mounted transformers.
 - c. Electrical switch gear cabinets.
 - d. Electrical service meters.
 - e. Telephone equipment cabinets.

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- f. Telephone pedestals.
 - g. Irrigation controllers.
 - h. Backflow preventors.
 - i. Cable television amplifiers.
 - j. Other such similar equipment, typically installed above ground.
- (4) *Utility cabinets, utility structures.* For utility cabinets which measure approximately nine feet in length by six feet in width, and once installed, stand approximately five feet above grade, and for any other utility structures which the zoning administrator determines are similar in size and impact on the community shall be treated as accessory structures and the following standards shall apply:
- a. Structure shall not be located on property zoned for residential use and must be located a minimum of ten feet from any residential property line.
 - b. Structure shall be surrounded by a landscaped buffer, pursuant to section 12-127.
- (h.) *Commercial accommodations.* Hotels or inns providing more than 50 guestrooms shall comply with the special exception provisions of this article or shall be a part of a development agreement.
- (i.) *Financial services.*
- (1) Automated teller machines (ATM), stand-alone.
 - (2) ATMs shall be walk-up style and shall be permitted as accessory uses.
- (j.) *Food and beverage services.*
- (1) *Bars, cocktail lounges, taverns.*
 - a. Bars or lounges, including taverns, cocktail lounges or member exclusive bars or lounges serving alcoholic beverages are only permitted in restaurants, private clubs, hotels, inns, or country clubs.
 - b. Where applicable, these uses shall comply with the special exception provisions of this article.
 - (2) *Catering services.* Catering service facilities shall only prepare and store food in permitted restaurants, private clubs, hotels, inns, or country clubs.
 - (3) *Restaurant, general.* All general restaurants not a part of a hotel, inn, private club or country club and occupying over 2,000 square feet of floor area shall comply with the special exception provisions of this article.
 - (4) Restaurant, café, coffee shop or snack bar is only permitted in the CS-2 as an ancillary use to the building's primary function as office and meeting space.
 - (5) Be designed so that light sources are shielded from adjacent single-family residential properties, and property zoned R-2.
- (k.) *Information industries.*
- (1) *Advertising services.* All advertising associated with this use shall be contained within the structure and not visible, except for any permitted sign, on the exterior of the structure.
 - (2) *Radio and television broadcasting studios.* All radio or television broadcast studios shall be located within a structure. No mobile radio or television broadcast stations are permitted as a

permanent use. Temporary use permits may be granted if applicant complies with temporary use permit requirements.

(l.) *Government offices.* Government offices shall:

- (1) Meet the buffer requirements of section 12-127;
- (2) Provide off-street parking as required in section 12-128; and
- (3) Be designed so that light sources are shielded from adjacent single-family residential properties.

(m.) *Communications towers.*

(1) *Purpose and legislative intent.* The Federal Telecommunications Act of 1996 affirmed the Town of Kiawah Island's authority concerning the placement, construction and modification of wireless telecommunications facilities. The regulations of this section are designed to site communications towers on Kiawah Island. It is the intent of this article to allow for the harmonious co-existence of communications towers and other land uses. It is also the intent of this article to reduce the overall negative impact of communications towers by:

- a. Reducing the number of towers needed through a policy of encouraging collocation; and
- b. Encouraging the following, if collocation is not feasible:
 1. The use of stealth tower design, as defined in subsection (m)(3) of this section;
 2. The clustering of towers (tower farms);
 3. The placement of towers away from roadways;
 4. The provision of effective screening; and
 5. The location of communications equipment on existing structures.

(2) *Collocation exemption.* Proposed communications equipment collocating on existing towers and structures without adding to their height shall require only a zoning permit and shall not be subject to the requirements of this section.

(3) *Stealth tower provision.*

- a. For the purposes of this section, the term "stealth tower" means a communications tower not exceeding 120 feet in height designed to unobtrusively blend into its existing surroundings so as not to have the appearance of a communications tower and is designed to hide, obscure, or conceal the presence of the towers and antennas. Examples of stealth towers include, but are not limited to, antenna tower alternative structures, architecturally roof-mounted antennas, building-mounted antennas painted to match the existing or proposed trees and landscaping, antenna structures designed to look like light poles or electrical utility poles, artificial trees, clock towers, flagpoles, steeples, water towers or water tanks.
- b. All proposed stealth tower designs must be approved by the Planning Director.
- c. A complete zoning permit application for a stealth tower that meets all requirements of this article shall be approved.

(4) *Preapplication meeting.* Prior to submitting a formal application for a zoning permit for a communications tower the applicant is required to attend one or more preapplication meetings. The purpose of the preapplication meeting is to address key issues which will help to expedite

the review and permitting process. The Planning Director may conduct a site visit at the preapplication meeting.

- (5) *Zoning permit submittal requirements.* Prior to zoning permit approval, all applications for communications towers shall complete the site plan review process as provided in section 12-162. In addition to any site plan review requirements, the application must contain the following items:
- a. A site plan, drawn to engineer's scale, showing the location of the tower guy anchors (if any), existing or proposed buildings and structures or improvements, including parking, driveways or access roads, fences and protected Grand trees affected by the proposed construction. If there are no Grand trees affected, a surveyor's statement on the site plan must be shown. Adjacent land uses shall also be noted on the site plan, with precise measurements noted between the proposed tower and any residential structures on surrounding properties.
 - b. The site plan must show a vegetated buffer, either existing or installed, that provides an effective screen from public rights-of-way and adjacent property owners and across view corridors. If a buffer is to be installed, its placement on the site will vary in order to provide the most effective screening from public view. Required materials will be based on installation of a 25-foot buffer around the fenced area.
 - c. The height and typical design of the tower, typical materials to be used, color, and lighting shall be shown on elevation drawings. The applicant shall submit documentation justifying the total height of any communications towers, facility and/or antenna and the basis therefor.
 - d. Additionally, color and material samples shall be provided. The tower must be located no closer to a residential structure than a distance equal to 1.5 feet for each foot in height of the proposed tower plus 50 feet as measured from the center of the proposed tower. At a minimum, there must be a 150-foot distance between the proposed tower and a residential structure.
 - e. A six-foot nonclimbable fence must be placed around the tower and any associated building. Guy wires may be fenced separately.
 - f. The proposed tower must be located such that adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining properties. The fall zone shall be determined by an engineer certified by the State of South Carolina in a letter which includes the engineer's signature and seal.
 - g. For the purposes of collocation review and review of efforts at siting a tower on the same lot near an existing tower, the applicant shall submit satisfactory written evidence such as correspondence, agreements, contracts, etc., that alternative towers, buildings, or other structures are not available or suitable for use within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria, providing a location free of interference from other communication towers, or available at the prevailing market rate (as determined by staff communication with persons doing business within the industry). Additionally, the applicant shall make every effort to build the proposed tower in such a manner as may allow other telecommunication users to collocate.
 - h. Proposed towers may not be located within 1,000 feet of the center of an existing tower unless the applicant certifies that the existing tower does not meet the

applicant's structural specifications and the applicant's technical design requirements, or that a collocation agreement could not be obtained at a reasonable market rate. In the event of the situation set forth in this subsection, the clustering of new towers on the same parcel near existing towers is permitted.

- i. The proposed tower shall only be illuminated as required by the Federal Communications Commission or Federal Aviation Administration. Nighttime strobe lighting shall not be incorporated unless required by the Federal Communications Commission or Federal Aviation Administration. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting that shall be as unobtrusive and inoffensive as permissible under State and Federal regulations, and an artist's rendering or other visual representation showing the effect of light emanating from the site on neighboring habitable structures within 1,500 feet of all property lines of the parcel on which the communications towers are located.
- j. Communications towers shall contain a sign no larger than four square feet to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities. The sign shall contain the names of the owners and operators of the antennas, as well as emergency phone numbers. The sign shall be located so as to be visible from the access point of the site. No other signage, including advertising, shall be permitted on any facilities, antennas, antenna supporting structures or antenna towers, unless required by law.
- k. A copy of the tower's search ring.
- l. To ensure the removal of towers which do not meet requirements for continued use or proper maintenance, a statement of financial responsibility shall be submitted for each tower and a performance bond for the amount of anticipated removal costs shall be posted. The bond must be renewed as necessary to ensure that it is maintained at all times during the existence of the tower.
- m. The applicant shall furnish a visual impact assessment which shall include:
 - 1. A zone visibility map which shall be provided in order to determine locations where the tower may be seen.
 - 2. Pictorial representations of before and after view from key viewpoints both inside and outside the Town including, but not limited to:
 - (i) Major highways and roads;
 - (ii) State and local parks;
 - (iii) Historic districts;
 - (iv) Preserves and historic sites normally open to the public; and
 - (v) Any other location where the site is visible to a large number of visitors, travelers or residents.
 - 3. An assessment of the visual impact of the tower base, guy wires and accessory buildings from abutting and adjacent properties and streets

(6) *Retention of expert assistance and reimbursement by the applicant.*

- a. The Town may hire any consultant and/or expert necessary to assist the Town in reviewing and evaluating the application, including the construction and modification of the site, once permitted, and any requests for recertification.

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- b. An applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of the consultant and expert evaluation and consultation to the Town in connection with the review of any application including the construction and modification of the site, once permitted. The initial deposit shall be \$8,500.00. The application will not be processed until receipt of this initial deposit. The Town will maintain a separate escrow account for all such funds. The Town's consultants/experts shall invoice the Town for its services in reviewing the application, including the construction and modification of the site, once permitted. If, at any time during the process this escrow account has a balance less than \$2,500.00, the applicant shall immediately, upon notification by the Town, replenish said escrow account so that it has a balance of at least \$5,000.00. Such additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the application. In the event that the amount held in escrow by the Town is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant. The applicant shall not be entitled to receive any interest earnings on unused funds.
 - c. The total amount of the funds needed as set forth in subsection (m)(6)b of this section may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

(7) *Surrounding property owner notification.*

- a. In order to better inform the public, in the case of a new communications towers, the applicant shall hold a balloon test as follows:
 - 1. Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of three-foot diameter brightly colored balloon at the maximum height of the proposed new tower.
 - 2. The dates, (including a second date, in case of poor visibility on the initial date) shall be provided to the Planning Director ten days after receipt of the complete application notice.
 - 3. The dates shall be set at minimum 15 days prior to the Planning Director making a final decision on the zoning permit.
 - 4. The balloons shall be flown for ten consecutive hours between 8:00 a.m. and 6:00 p.m.
- b. Once the application is deemed complete by the Planning Director for a communications tower zoning permit, the Planning Department shall provide parties in interest, personal, posted and newspaper notice in accordance with the requirements of section 12-156. The public notice shall include the dates of the balloon tests as provided by the applicant and the date the Planning Director must make a final decision on the zoning permit.

(8) *Time limit for staff review.* Upon receipt of an application deemed complete by the Planning Director for a communications tower zoning permit, the Planning Director shall have a maximum of 45 days to act on the application. The 45 days begins from the date the applicant is sent written notice of a complete application from the Planning Director. Failure to act on the application within 45 days will result in the applicant being granted a zoning permit.

(9) *Zoning permit approval criteria.*

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- a. A complete zoning permit application for a stealth tower that meets all requirements of this article shall be approved.
 - b. Upon review of a complete application, no zoning permit shall be issued for a communications tower, until the Planning Director determines that the proposed tower complies with the following criteria and standards:
 1. The location and height of the proposed tower will not substantially impact the character of property listed in or eligible for the National Register of Historic Places, other significant environmental, cultural or historical site officially designated scenic roads or rivers and that the tower is designed to blend into the environment and minimize visual impact.
 2. If a completely new tower is necessary, the applicant must provide written proof of attempts at collocation and siting a tower on the same lot near an existing tower were proven not feasible or practical.
 3. The applicant has pursued any available publicly owned sites and privately owned sites occupied by a compatible use, and if not utilized, that these sites are unsuitable for operation of the facility under applicable communications regulations and the applicant's technical design requirements.
 4. Staff shall review and approve the color and materials to be used for the proposed tower.
 5. If the Planning Director finds a proposed communications tower will have a substantially negative impact on a surrounding area or adjoining property, the use shall fall under the special exception (S) provisions of this article.
 - c. In determining whether the use shall fall under the special exception (S) provisions the Planning Director may consider one or more of the following items:
 1. The proposed use will be detrimental to adjacent land uses including historical sites;
 2. The proposed use will have a negative aesthetic visual impact;
 3. The proposed use will have an adverse affect on the environment (not including radio frequency emissions); and
 4. The proposed use is contrary to the public health, safety or welfare.

(10) *Tower abandonment.* A tower that is not used for communication purposes for more than 120 days (with no new application on file for any communication user) is presumed to be out of service and the owner of such tower must notify the staff and remove the tower within 50 days. Towers which are not maintained by the owner according to the Town building code shall be removed by the owner within 60 days. To ensure the removal of towers which do not meet requirements for continued use or proper maintenance, a statement of financial responsibility shall be submitted for each tower and a performance bond for the amount of anticipated removal costs shall be posted. Removal costs shall be charged to the tower owner. The bond must be renewed as necessary to ensure that it is maintained at all times during the existence of the tower.

(n.) *Convention center or visitors bureau.* The convention center or visitors bureau using over a total of 10,000 square feet must comply with the special exception provisions of this article.

(o.) *Repair and maintenance services.*

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- (1) *Consumer repair services.* Consumer repair services, including repair and servicing of appliances, shoes, watches, furniture, jewelry, musical instruments or similar items, may only occur within an enclosed structure. No noise or other emissions from the structure are permitted.
- (2) *Vehicle service.* Limited vehicle service, including automotive oil change or lubrication operations and shall be conducted within an enclosed building. Vehicle storage shall be located in an enclosed building or in an opaquely screened yard.
- (p.) *Retail sales and retail or personal services.* Retail sales, display and storage of goods are permitted only within a designated building for that particular use.
- (q.) *Construction services.* Contract construction services operations (e.g., contractor's shops, plumbing shops, heating and air conditioning shops, etc.) excluding construction sites for authorized development activities, shall be conducted within an enclosed building. Authorized development activities, for the purpose of this section, include the permitted installation, construction of buildings, structures or utilities at the site on which they will be used. Vehicle, equipment and materials storage at construction services offices shall be located in an enclosed building or in an opaquely screened yard.
- (r.) *Warehouse and storage facilities.* Warehouse and storage facilities shall be designed so that all stored items are located within a completely enclosed building, or are completely screened from view from adjacent property lines. Portable storage units shall not be allowed to remain on any property for more than 72 hours within a week.
- (s.) *Vehicle storage, including boat or recreational vehicle storage.*
- (1) Storage of boats, campers and other major recreational equipment, if provided, must be contained within completely enclosed buildings or opaquely screened storage areas on an approved lot. No such equipment shall be used for living, sleeping or housekeeping purposes.
- (2) Canoes and kayaks may be stored in a semi-enclosed storage rack which is suitably landscaped.
- (t.) *Recycling services; recycling collection, dropoff.* Recycling collection and dropoff structures are limited to the following:
- (1) Maximum dimensions: nine feet in length by six feet in width, and once installed, stands no more than five feet above grade.
- (2) Structure shall not be located on property zoned for residential use and must be located a minimum of ten feet from any residential property line.
- (3) Structure shall be surrounded by a landscaped buffer, as determined by the Planning Director pursuant to section 12-127.
- (u.) *Transportation; bus passenger stands.* The design and location of bus passenger stands shall only be approved after completing the site plan review procedures contained within section 12-162.

(Code 1993, § 12A-302; Ord. No. 2005-08, § 12A-302, 10-12-2005; Ord. No. 2006-08, § 2.1(12A-302), 11-7-2006; Ord. No. 2016-04, § 1, 9-6-2016)

Sec. 12-104. Accessory uses, buildings/structures.

(a.) The purpose and intent of this section is to describe the standards for accessory uses as follows:

(1) *Definition and applicability.*

- a. The terms "permitted uses" and "approved special exception uses" include accessory uses and structures that are necessarily associated with, and appropriate, incidental and subordinate to, the allowed principal use. Accessory uses and structures shall be subject to the same regulations that apply to principal uses and structures in each zoning district, unless otherwise expressly stated.
- b. Permits for accessory uses and structures shall be issued by the Town of Kiawah Island Planning Director.
- c. In a residential zoning district, an accessory building or structure is a subordinate or incidental structure, attached to or detached from the principal building, which is not used for commercial purposes and which is not rented.
- d. In nonresidential zoning districts, an accessory building or structure is a subordinate building or structure, the use of which is secondary to and supportive of the principal building.
- e. Accessory buildings or structures shall not be permitted without a principal building or primary use being in existence.
- f. Accessory uses include any use that is authorized in the district which is secondary or subordinate to the primary use.

(2) *Standards for detached accessory dwelling units in residential districts.* An accessory dwelling unit to be occupied by family members or caretakers may be allowed as an accessory use to the principal dwelling unit under the following conditions:

- a. No detached accessory dwelling unit may be constructed on a lot less than 15,000 square feet;
- b. The detached accessory dwelling unit may not be sold separately from the sale of the entire property, including the principal dwelling unit, and shall not be leased or sublet;
- c. The detached accessory dwelling unit shall comply with all required building setbacks for the principal residential use and shall be located in the buildable area of the lot;
- d. The overall height of a detached accessory dwelling shall be limited to one story, provided that an accessory dwelling may be located over a garage;
- e. When the accessory dwelling is directly attached to the principal dwelling with a roof connection of a minimum of four feet in width, or a wall connection of a minimum of four feet in height, it shall be considered an integral part of the main building; and
- f. Detached accessory dwellings shall not exceed 1,500 square feet of heated area.

(3) *Standards for accessory dwelling units in existing structures and nonresidential districts.*

- a. Accessory dwellings for nonresidential structures shall be solely for use by fulltime caretakers of the structure. Such dwellings shall have at least one access through the business that employs the caretaker.

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- b. The overall height of an accessory dwelling shall be limited to one story, provided that a garage apartment or nonresidential caretaker's quarters may be located over a garage.
- (4) *Standards for accessory buildings in residential districts.* Accessory buildings may be allowed in residential zoning districts pursuant to the following conditions:
- a. No accessory building may be constructed on a lot less than 15,000 square feet;
 - b. Detached accessory buildings shall be prohibited from being placed in front of the principal building and shall be placed in the rear yard. Except that a detached accessory use may be constructed in front of the principal residence where the residence backs up to a beach, golf course, lagoon or marsh and is only permitted after approval as a special exception. Accessory buildings will be located within the buildable area of the lot as delineated by the setback requirements;
 - c. Subleasing or renting an accessory building separately from the primary use shall constitute a violation of this article.
- (5) *Standards for accessory structures in residential districts.* Accessory structures may be allowed in residential districts under the following conditions:
- a. Private swimming pools, along with incidental installations such as pumps and filters, may not be located in the front yard. A pool shall be set back a distance of not less than ten feet from all lot lines, except that a pool that is elevated more than four feet above the average natural ground level at the nearest property line shall comply with required building setbacks. All swimming pools shall be gated and fenced. The fence height shall be five feet.
 - b. Private tennis courts shall not be constructed within 20 feet of any adjoining property under other ownership. Tennis court fences or walls shall not exceed 12 feet in height, and no lights for the tennis court shall be permitted.
 - c. Fences shall be limited to landscaped hedgerows of dense plant material and/or wooden, masonry or wrought-iron material, all of which are required to be architecturally integrated with development of the lot or parcel. Fences shall not exceed five feet in height from grade for residential development; provided, however, that this five-foot height restriction shall not apply to the hedgerow portion of any fence or to a fence consisting completely of a hedgerow. This five-foot height restriction shall apply to any gate or gates in any fence of any kind. Solid wood fences shall not be permitted in front yards. Fences (excluding the use of plant material) shall not be permitted within five feet of a side or rear property line. Fences taller than three feet from pavement shall not be located within a sight triangle. Fence heights and setback restrictions shall not apply to the patio wall of patio homes. In measuring the height of a fence to determine whether it complies with the height restrictions, the measurement shall be made to the uppermost portion of the fence, and, if there is anything affixed to or regularly placed or resting thereon, including, without limitation, decorative or ornamental elements or features, all of which shall be considered a part of the fence for the purposes of this section, then the height measurement shall be to the top of any such thing, element or feature.

(Code 1993, § 12A-303; Ord. No. 94-12, § 2(12A-302), 9-26-1994; Ord. No. 2005-08, § 12A-303, 10-12-2005; Ord. No. 2008-04, § 2, 6-3-2008; Ord. No. 2010-02, § 2.2, 3-2-2010)

Sec. 12-106. Temporary uses.

The purpose of this section is to define the type and scope of temporary uses. A temporary zoning permit is required for the following temporary uses:

- (1) Temporary zoning permits are obtained from the Town of Kiawah Island Planning Director.
- (2) Temporary buildings and temporary building material storage areas.
 - a. Temporary buildings and temporary building material storage areas may be used for construction purposes on a site which is not yet occupied. Temporary buildings and temporary material storage areas for construction purposes may be approved as part of site plan review approval.
 - b. Such buildings ~~may~~shall be permitted for a specific period of time in accordance with a permit issued by the Planning Director, subject to periodic renewal for cause shown.
 - c. Temporary permits shall be issued only if adequate parking and sanitation facilities are provided to serve the proposed use or activity.
 - d. Upon completion or abandonment of construction or expiration of the permit, such temporary buildings and building material storage areas shall be removed and the site shall be restored to its pre-development condition to the satisfaction of the Planning Director. The Planning Director may require the planting of additional vegetation to satisfy this requirement.
- (3) Special events.
 - a. A temporary zoning permit shall be issued for public assembly use and for events of public interest. Temporary zoning permits shall be issued for a specific period of time in accordance with a permit issued by the Planning Director, subject to periodic renewal for cause shown. Such permit may be extended by the Planning Director. Examples of special events include: concerts, religious and/or cultural events, sports tournaments or competitions, and parking for special events.
 - b. Temporary buildings associated with special events may be used on the site which the event is to take place.
 - c. Such buildings shall be permitted for a specific period of time in accordance with a permit issued by the Planning Director, subject to periodic renewal for cause shown.
 - d. Temporary permits shall be issued only if adequate parking and sanitation facilities are provided to serve the proposed use or activity.
 - e. Upon completion or abandonment of the special event or expiration of the permit, such temporary buildings and associated equipment shall be removed to the satisfaction of the Planning Director.

(Code 1993, § 12A-305; Ord. No. 94-12, § 2(12A-316), 9-26-1994; Ord. No. 2005-08, § 12A-305, 10-12-2005)

Sec. 12-162. Site plan review.

The purpose of a site plan review is to ensure that all applicable requirements of this article are complied with prior to the issuance of a zoning and building permit.

(1) *Applicability.*

- a. *Generally.* The site plan review process, administered by the Department of Planning, shall be required for 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, and additions to any structure used for any purpose (except detached single-family residences). No zoning or building permit shall be issued for a development subject to site plan review until the site plan has been approved in accordance with the provisions contained within this article.
- b. *Single-family detached residential.* The site plan review process, requiring site plan review application, will not apply to detached single-family residences. However, a review by planning staff to determine compliance with all applicable zoning regulations is required.

(2) *Application.* The property owner or designated representative may initiate site plan review by filing an application with the Planning Director. The contents of the application shall be included on a form developed by the Town. If more than one use in a project or more than one use located on a single tract of land is subject to site plan review, the necessary applications may be submitted in phases; provided, however, that the overall concept is first reviewed with the Planning Director and the Planning Commission. A letter of intent shall be submitted by the applicant describing the proposed use.

(3) *Procedures for issuance of site plan approval.*

- a. Site plans for permitted uses shall be reviewed by the Planning Director in conjunction with the zoning permit process. The Planning Director's review and action shall be based on the conformity of the site plan with district regulations, approved plats and the comprehensive plan.

b. Site plans for development projects containing commercial uses or non-single family residential uses where structures are greater than 25,000 square feet in size, or contain 10 residential dwelling units or more, must be reviewed by the Planning Director and subsequently reviewed and approved by the Planning Commission.

i. The Planning Director's review and action shall be based on the conformity of the site plan with district regulations, approved plats and the comprehensive plan.

ii. The Planning Commission's review and action shall also be based on the conformity of the site plan with district regulations, approved plats and the comprehensive plan. The Planning Commission may hold at least one public hearing pursuant to the procedures set forth in Section 12-156.

~~b.c.~~ Site plans for special exceptions shall be reviewed by the Planning Director prior to the application being presented to the Board of Zoning Appeals pursuant to section 12-159.

~~c.d.~~ Tree Preservation Plans shall be reviewed and approved by the Landscape and Tree Preservation Board pursuant to Section 12-129 prior to the issuance of site plan review approval.

~~d.e.~~ Site plans for planned developments shall be reviewed by the Planning Director, Planning Commission and Town Council pursuant to section 12-158 when the planned development does not contain a detailed site plan.

~~e.f.~~ A site plan may be approved, approved with conditions, or denied.

(4) *Submittal requirements.* A site plan must be drawn to engineers scale and contain the following information:

- a. The shape and dimensions of the zoning lot;
- b. The size and location of all existing structures;
- c. The lines within which any proposed structures shall be erected, altered, or moved; and the locations of any officially approved building setback lines;
- d. The heights of all proposed structures and parts thereof;
- e. The existing and proposed use of each structure and part thereof;
- f. The uses and zoning of adjoining properties;
- g. The number of dwelling units in each existing building and the number of dwelling units that each proposed building is intended to accommodate;
- h. The size and location of all proposed driveways, off-street loading areas and off-street parking areas ~~containing more than six parking spaces~~;
- i. Finished first floor elevation above mean sea level requirement and the flood hazard zone designation if in a special flood hazard A or V zone;
- j. Review comments from the St. John's Fire District;
- k. [Tree survey, tree preservation plan, and or landscape plan as required by this Article](#); and
- l. Such other reasonable and pertinent information with regard to the zoning lot or neighboring lots as the Planning Director may find necessary to carry out the purposes and intent of this article.

(Code 1993, § 12A-508; Ord. No. 94-12, § 2(12A-507), 9-26-1994; Ord. No. 2005-08, § 12A-508, 10-12-2005)

Sec. 12-164. Administrative permits.

(a.) Administrative permits are used when action by the Town Council or Planning Commission is not needed. These permits may be issued by the Planning Director and include zoning permits, building permits, construction permits, certificates of occupancy, conditional use permits and emergency permits.

(b.) Administrative permits are required prior to commencing any development activity.

~~(b.)~~(c.) Administrative permits that will modify or waive any requirements thereunder, but do not require a review process with the Planning Commission or the BZA as stipulated in this section, can only be issued after a reasonable detailed written determination by the Planning Director that the permit application complies with the substantive requirements of Chapter 12 has been published on the Town's website.

(Code 1993, § 12A-510; Ord. No. 94-12, § 2(12A-503), 9-26-1994; Ord. No. 2005-08, § 12A-510, 10-12-2005)