

Town of Kiawah Island Zoning Ordinance Amendment Request Case AZO25-000009 Case History

Planning Commission Meeting: September 10, 2025
Public Hearing and First Reading:
Second Reading:

CASE INFORMATION

Applicant: Town of Kiawah Island

Application: The Town of Kiawah is requesting to amend the *Town of Kiawah Island Land Use Planning and Zoning Ordinance* to create a beachfront overlay zoning district establishing a consistent visual, spatial and ecological transition buffer zone between the built environment and the beach and dune system.

Kiawah Beachfront Contextual Factors:

- Kiawah's developed beachfront properties are largely single family residential.
- Remaining undeveloped parcels are principally non-single family residential properties owned by Kiawah Island Golf Resort (West Beach - Old Inn Site, East Beach - Sanctuary).
- Recent multifamily developments have created larger massed structures with more prominent visual presence and impact to beach profile.
- The vast majority of Kiawah's beachfront has been conveyed to the Kiawah Island Community Association, adding a unique protection layer.
- Kiawah beachfront uniquely has parcels which extend to the MHW (West End – Timbers, Cape) (Royal Beach).
- Beachfront Setbacks: Rear setbacks vary for properties adjacent to the beachfront. They range from 20' to 120' depending on location and zoning district. Majority of rear setbacks are 25', 30', 50', or 120' measured from the rear property line. Property rear setbacks also factor in height of structures as the oceanfront setbacks for RST-2 Resort Zoning District include tiered heights lower closer to the ocean.
- Beachfront jurisdictional lines encroach in varied locations across the beach and dune system. These include developed lots along Eugenia Ave, which create areas of concern for long-term resiliency.
- TOKI has recently modified its Beachfront Jurisdiction and Management Ordinance, broadening the definition of beach to encompass primary dune.
- 2018 SC Beachfront Jurisdictional Lines provide a mapped reference point.
- South Carolina Code of Laws §48-39-280 requires SCDES BCM to establish and periodically review two beachfront jurisdictional lines - the baseline and the setback line - which delineate the extent of the state's direct permitting authority for activities proposed within the beach/dune system critical area. The baseline is the more seaward (towards the ocean) line, while the setback line is the landward (towards the land) line. South Carolina will be updating the jurisdictional lines in 2026.

The proposed ordinance organizes additional beachfront standards within established buffer zones along the beachfront for the following intent and purposes.

- Establish a consistent visual, spatial, and ecological transition buffer zone between the built environment and the ocean, beach, and dune system;
- Protect Kiawah Island's beachfront profile, view corridor and the ecological function of dune systems and maritime forest habitats;
- Promote coastal resilience and aesthetic compatibility through zoning and vegetation standards; and
- Maintain and enhance ocean views from properties and public vantage points, including boardwalks and beach access paths.

Key Factors of the Proposed Ordinance:

- The two buffer zones are established utilize the 2018 beachfront jurisdictional lines. The 2018 jurisdictional lines represent a consistent, known and measurable line that can be applied to surveys and site plans for proposed developments. It is anticipated that future jurisdictional baselines will not move any closer to the ocean, however, should future baselines move, the 2018 baseline creates a frame of reference for existing and future development as much of the ocean front properties have been developed.
- The ordinance does incorporate a clause should there be a need to reconsider the boundaries of the BOD, that the Planning Commission shall provide a recommendation to Town Council determining any adjustment to the district boundaries.
- The authorized uses of the underlying zoning district remain in place for the BOD.
- Seawalls, bulkheads or other hard erosion control structures are prohibited. Please note the referenced studies which highlight how seawalls increase erosion through wave reflection, reduce biodiversity, starve adjacent beaches of sediment and emphasize the importance of preserving natural dune systems and implementing living shoreline strategies (e.g., oyster reefs, dune restoration) as resilient and ecologically sound alternatives.
 - Seawalls are often considered visually unappealing and detract from the natural beauty of the coastline, which is important for tourism and recreation in coastal towns.
 - Seawalls stop the natural landward migration of the beach, causing it to narrow and eventually disappear in front of the wall as sea levels rise. As beaches narrow due to erosion caused by seawalls, access to the beach can become limited or even unsafe. Wave energy reflected off the seawall can scour the base of the wall and increase erosion on adjacent, unprotected beaches.
 - Seawalls replace natural sandy beach habitat with a hard, artificial structure, negatively impacting plants and animals that depend on the beach for nesting, breeding, and foraging. Studies have shown that beaches with seawalls have fewer and smaller intertidal species and significantly lower numbers of shorebirds and other birds compared to unarmored beaches.
- The ordinance increases oversight of dune and wildlife habitat protection by requiring coordination with the Town’s Environmental & Natural Resources Department for development projects impacting the beachfront.
- Existing structures within any of the established zones would be grandfathered.

RECOMMENDATION BY THE PLANNING COMMISSION

Pursuant to §12-158(3) of the *Land Use Planning and Zoning Ordinance* “The Planning Commission shall review the proposed text amendment and/or zoning map amendment and take action, recommending that the Town Council approve or deny the proposed amendment. The Planning Commission may hold a public hearing in accordance with the procedures in section 12-156. The Planning Commission’s recommendation shall be based on the approval criteria of subsection (6) of this section. The Planning Commission shall submit its recommendation to the Town Council within 30 working days of the Planning Commission meeting at which the amendment was introduced. A simple majority vote of Planning Commission members present, and voting shall be required to approve the amendment.”

DECISION ON AMENDMENT BY THE TOWN COUNCIL

Pursuant to §12-158(5) of the *Land Use Planning and Zoning Ordinance* “After receiving the

recommendation of the Planning Commission, the Town Council shall hold one or more public hearings, and any time after the close of the public hearing, take action to approve, approve with modifications, or deny the proposed amendment based on the approval criteria of subsection (6) of this section. A simple majority vote of Town Council members present, and voting shall be required to approve the amendment. Zoning map amendments shall not be approved with conditions. Prior to action on a proposed code text amendment, the Town Council may, in the exercise of its legislative discretion, invoke the "pending ordinance doctrine" by ordinance so that no building permits shall be issued for structures which would be affected by the proposed amendment until the Town Council has rendered its decision on the proposed amendment.

APPROVAL CRITERIA

Pursuant to §12-158(6) of the *Land Use Planning and Zoning Ordinance*, (6) Approval criteria. Text and zoning map amendments to the ordinance may be approved if the following approval criteria have been met:

- a. The proposed amendment is consistent with the purposes and intent of the adopted Town of Kiawah Island Comprehensive Plan;
- b. The proposed amendment is consistent with the purposes and intent of this article;
- c. The purpose of the proposed amendment is to further the general health, safety and welfare of the Town of Kiawah Island;
- d. The proposed amendment corrects an error or inconsistency or meets the challenge of a changed condition.

PLANNING STAFF REVIEW

The proposed ordinance establishes a consistent visual, spatial and ecological transition buffer zone between the built environment and the beach and dune system. The proposed ordinance considers existing structures potentially impacted by proposed standard reinforcing nonconformity status.

Pursuant to SC Code Title 48 - Environmental Protection and Conservation, Chapter 39, Coastal Tidelands and Wetlands, the proposed regulations will require review and approval by the South Carolina Department of Environmental services, specifically the Bureau of Coastal Management.

SECTION 48-39-100. Plan developed in cooperation with local governments.

(A) The management program specified in Section 48-39-90 shall be developed in complete cooperation with affected local governments in the coastal zone. This cooperation shall include, but not be limited to:

- (1) Involvement of local governments or their designees in the management program.*
- (2) Provision of technical assistance and grants to aid local governments in carrying out their responsibilities under this chapter.*
- (3) Dissemination of improved informational data on coastal resources to local and regional governmental units.*
- (4) Recommendations to local and regional governmental units as to needed modifications or alterations in local ordinances that become apparent as a result of the generation of improved and more comprehensive information.*

(B) Any city or county that is currently enforcing a zoning ordinance, subdivision regulation or building code, a part of which applies to critical areas, shall submit the elements of such ordinances and regulations applying to critical areas to the department for review. The department shall evaluate such ordinances and plans to determine that they meet the provisions of this chapter and rules and regulations promulgated hereunder. Upon determination and approval by the department, such ordinances and regulations shall be adopted by the department, followed by the department in meeting its permit responsibilities under this chapter and integrated into the Department's Coastal Management Program. Any change or modification in the elements of approved zoning ordinances, subdivision regulations or building codes applying to critical areas shall be disapproved by the department if it is not in compliance with the provisions of this chapter and rules and regulations promulgated hereunder.

Planning staff finds the proposed amendment satisfies the approval criteria pursuant to §12-158(6) and recommends approval with the following conditions.

- 1) **The South Carolina Department of Environmental Services Bureau of Coastal Management provides, review and affirms required coordination for consistency with its Coastal Management Program.**

PLANNING COMMISSION MEETING SEPTEMBER 10, 2025

Notifications: Notice of this meeting has been published and posted in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island.

Environmental and Legal Impacts of Seawalls and Hard Erosion Control Structures in South Carolina

South Carolina has conducted extensive research and developed clear policies discouraging the construction of seawalls and other hard erosion-control structures due to their environmental, ecological, and aesthetic impacts.

The South Carolina Beachfront Management Act explicitly states that such structures can exacerbate beach erosion, degrade public access, and create long-term dependency on costly interventions. Studies by SC DHEC, USGS, and environmental organizations such as SCELPA and the Coastal Conservation League highlight how seawalls increase erosion through wave reflection, reduce biodiversity, and starve adjacent beaches of sediment.

State-sponsored monitoring and annual reports emphasize the importance of preserving natural dune systems and implementing living shoreline strategies (e.g., oyster reefs, dune restoration) as resilient and ecologically sound alternatives. These findings are highly relevant for communities like Kiawah Island that are actively pursuing beach resilience and zoning updates.

References:

South Carolina Beachfront Management Act (1988)

This foundational legislation discourages new hard erosion-control structures along the beachfront and highlights their tendency to worsen erosion and degrade beach quality. It promotes soft engineering solutions like dune preservation and natural buffers.

Source: [SC DHEC Beachfront Management](#)

SCDES BCM's [Beach Erosion Research and Monitoring \(BERM\) Explorer Web Application](#).

This application shows monitoring station IDs, locations, and beach profiles. The application also allows users to calculate changes in sand volume between years at each profile and download raw data for additional analysis.

“Seawalls erode public beaches but save private homes” – The State (2024)

This article documents tensions between private property protection and public beach preservation, especially in Charleston, Hilton Head, and the Grand Strand. It outlines ecological consequences and the financial burden of renourishment.

Source: [The State Article](#)

USGS Coastal Erosion Study – Circular 1339

A multi-year study identifying shoreline retreat patterns in northeastern SC. It provides quantitative evidence that seawalls disrupt natural sediment transport, worsening erosion.

Source: [USGS Circular 1339](#)

Shoreline Issues: Past, Present and Future – South Carolina Environmental Law Project & Coastal Conservation League

This legal and policy review criticizes hard armoring for long-term coastal adaptation and promotes alternatives such as managed retreat and living shorelines.

Source: [SCELP Report](#)

NOAA/Nature Conservancy Living Shoreline Projects

This initiative highlights successful nature-based solutions like oyster reefs and marsh edge stabilization, improving biodiversity while reducing erosion.

Source: [NOAA Living Shorelines](#)

Sec. 12-81. Beachfront Overlay Zoning District.

(a) Purpose and intent. The purpose and intent of the Beachfront Overlay Zoning District (BOD) is to:

- (1) Establish a consistent visual, spatial, and ecological transition buffer zone between the built environment and the ocean, beach, and dune system;
- (2) Protect Kiawah Island's beachfront profile, view corridor and the ecological function of dune systems and maritime forest habitats;
- (3) Promote coastal resilience and aesthetic compatibility through zoning and vegetation standards; and
- (4) Maintain and enhance ocean views from properties and public vantage points, including boardwalks and beach access paths.

Activities or uses that would compromise these purposes and intents shall be prohibited or strictly regulated within the BOD.

(b) Effect & Applicability of overlay zoning district. The BOD shall apply to all properties within the established district boundaries as depicted on the official zoning map titled, "Town of Kiawah Island Beachfront Overlay Zoning District."

The BOD regulations of this section apply in addition to the underlying (base) zoning district regulations. In case of conflict between the regulations of this section and other regulations in this chapter, the regulations of this section shall prevail.

(c) District boundaries. The BOD includes parcels located within one hundred and fifty (150) feet of the 2018 South Carolina Beachfront Jurisdictional Setback Line, as established by the State of South Carolina, or parcels adjacent to the primary dune line of the beachfront as determined by the Town of Kiawah Island Beachfront Overlay Zoning District Boundaries. The official zoning map may be supplemented by a GIS overlay to refine exact boundaries.

- (1) No less than 120 calendar days after the South Carolina Department of Environmental Bureau of Coastal Management reviews and establishes the position of the beachfront jurisdictional lines, the Planning Commission shall provide a recommendation to the Town Council determining any adjustment to the district boundaries of the established Beachfront Overlay District.

(d) Authorized and prohibited uses.

- (1) Authorized uses. All uses permitted in the underlying zoning district shall be permitted unless otherwise restricted by the provisions of this article.
- (2) Beach walkovers shall be exempt from the provisions of this article and may be permitted in accordance with the Town of Kiawah Island Municipal Code Article 16 Beach Management.
- (3) Prohibited uses. Seawalls, bulkheads, and other hard erosion control structures shall be prohibited.

(e) Buffer Zones.

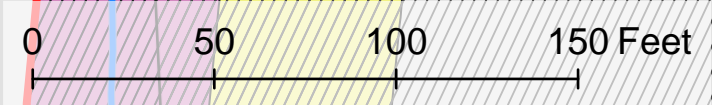
- (1) Buffer Zone A: A fifty (50) foot buffer zone shall be established landward from the 2018 South Carolina Beachfront Jurisdictional Baseline, as depicted in the Town of Kiawah Island Beachfront Overlay Zoning Map. (Buffer Zone A shall be measured from the baseline to fifty feet (50') landward from the baseline.

- a. No structures, including pools, shall be permitted within Buffer Zone A.

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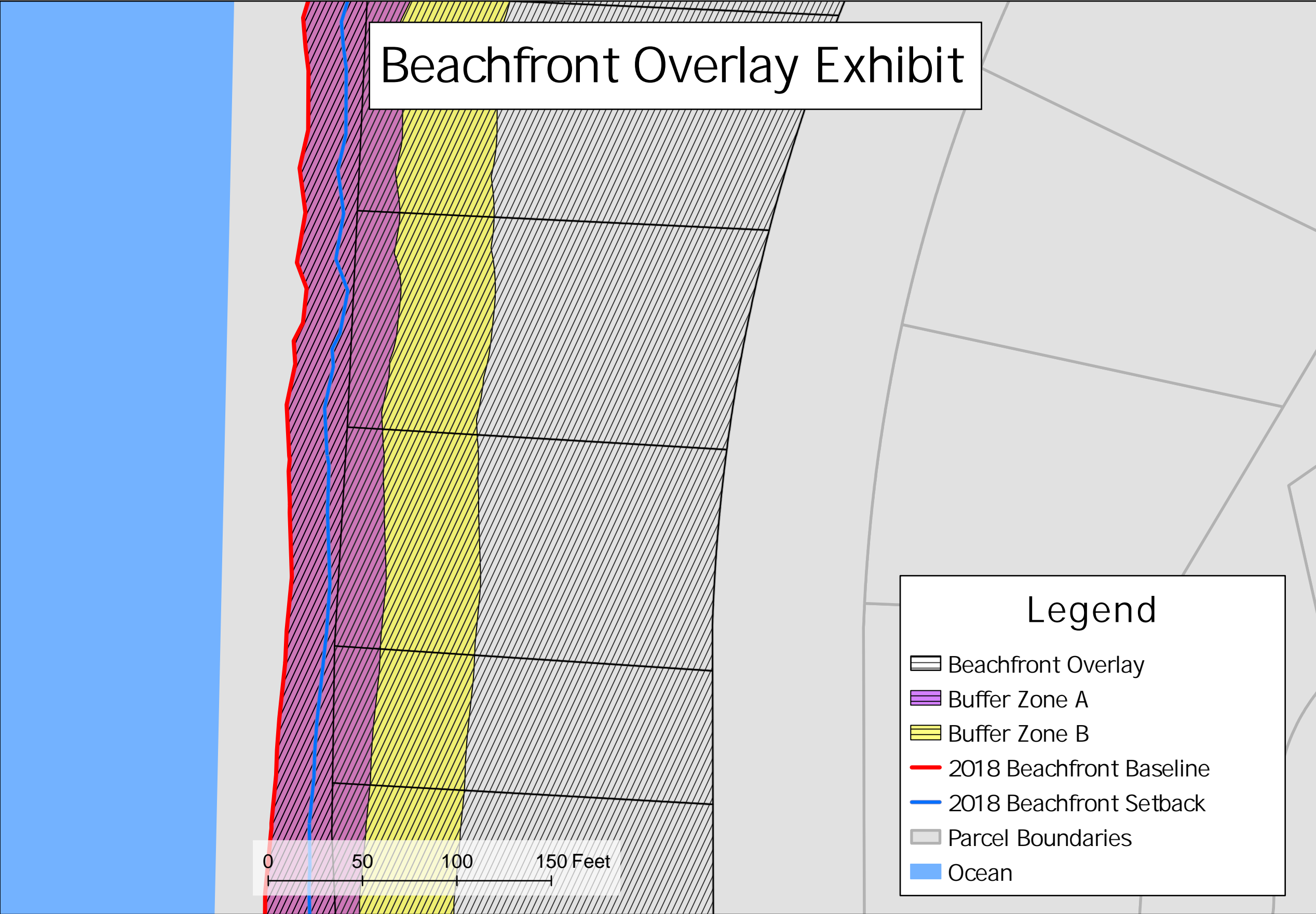
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- (2) **Buffer Zone B:** A fifty (50) foot buffer zone shall be established extending from the landward edge of Buffer Zone A (50 feet from the baseline) to a distance of one hundred (100) feet from the 2018 South Carolina Beachfront Jurisdictional Baseline, as depicted in the Town of Kiawah Island Beachfront Overlay Zoning Map. (Buffer Zone B shall be measured fifty feet (50') from the baseline measured landward to one hundred feet (100') from the baseline).
- a. Structures within Buffer Zone B shall not exceed a maximum building height of ten (10) feet as measured from the base building height elevation.
 - b. Improved areas within Buffer Zone B shall not exceed 20% of the total buffer zone area of the subject property. For purposes of application, improved areas includes any physical alteration to the existing site involving construction, as structures, paving, hardscapes, whether impervious or pervious.
- (f) *Building height.* Developments within the BOD should incorporate varied heights of a building's elements or sections, rather than maintaining a uniform height throughout the structure, to reduce visual massing toward the ocean.
- (g) *Dune protection.* No alteration, grading or site work shall impact the primary dune without prior coordination and written approval from the Town's Environmental & Natural Resources Department.
- (h) *Tree preservation and landscaping.*
- (1) Tree Protection and Landscaping Standards (Sec. 12-129) shall apply to the Beachfront Overlay District.
 - (2) Only native South Carolina coastal species may be planted within established Buffer Zones A and B.
 - (3) Invasive plant species are prohibited.
- (i) *Lighting.* All lighting within the BOD shall comply with the standards of the Town of Kiawah Island Municipal Code Article 16 Beach Management.
- (j) *Nonconformities.* Existing structures legally established prior to the adoption of this article shall be deemed nonconforming.
- (k) *Variances.* Relief from the provisions of this section may be granted by the Board of Zoning Appeals where strict application would result in undue hardship, provided such relief does not compromise the public interest or the purposes of this section.

Beachfront Overlay Exhibit

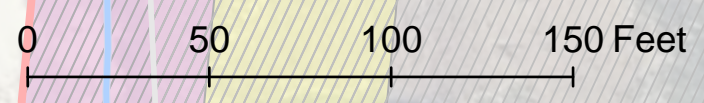


Legend







-  Beachfront Overlay
-  Buffer Zone A
-  Buffer Zone B
-  2018 Beachfront Baseline
-  2018 Beachfront Setback
-  Parcel Boundaries
-  Ocean



Beachfront Overlay Exhibit



Legend

-  Beachfront Overlay
-  Buffer Zone A
-  Buffer Zone B
-  2018 Beachfront Baseline
-  2018 Beachfront Setback
-  Parcel Boundaries

