

Establishment of the Town of Kiawah Island Board of Architectural Review / Design Review Board (BAR/DRB)

I. Background, Purpose and Legal Authority

Background: In 2023, The Town of Kiawah Island and the Kiawah Island Community Association agreed to form the Architectural Review Board Joint Workgroup with the goal of collaborating on the formation of a new, community-led architectural control function. This workgroup initially focused on identifying concerns around the cost, consistency and transparency of the existing architectural control processes on Kiawah. The goal of this transition was to permanently place responsibility for the architectural integrity of Kiawah Island into the hands of property owners. The developer stated during a December 2023 Town of Kiawah Island meeting that it intends to work with KICA to transition ARB authority. With the efforts, considerations and actions of this transition process to date, there is uncertainty of the comprehensive timeline and future architectural controls for development on Kiawah.

Purpose: With the uncertainty of architectural controls for development in the future for Kiawah Island, the Town of Kiawah Island now finds that it is in the public interest to amend the Town of Kiawah Island Land Use Planning and Zoning Ordinance to establish a body which makes provisions to protect and improve the unique character of Kiawah Island. The Town of Kiawah's established architectural design review will operate and function independently of any existing architectural board.

Intent: To provide a clear and transparent process for the architectural design review of commercial, mixed-use, civic, and multi-family residential developments in the Town of Kiawah Island, ensuring new development projects support community character and environmental stewardship.

Legal Framework: The DRB would be established under the authority of:

- South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (Title 6, Chapter 29, SC Code) (S.C. Code 1976, §§ 6-29-870—6-29-910)
 - *Section 6-29-870 (A) "A local government which enacts a zoning ordinance which makes specific provision for the preservation and protection of historic and architecturally valuable districts and neighborhoods or significant or natural scenic areas, or protects or provides, or both, for the unique, special, or desired character of a defined district, corridor, or development area or any combination of it, by means of restriction and conditions governing the right to erect, demolish, remove in whole or in part, or alter the exterior appearance of all*

buildings or structures within the areas, may provide for appointment of a board of architectural review or similar body.”

- Municipal Home Rule Act (Title 5, SC Code)
 - *Section 5-1-10 (A) “A municipality having a certificate of incorporation issued by the Secretary of State and a township established by act of the General Assembly are declared to be perpetual bodies, politic and corporate, entitled to exercise all the powers and privileges provided for municipal corporations in this State, and subject to all the limitations and liabilities provided for municipal corporations in this State. (B) The incorporation or corporate capacity of a municipality or township established by act of the General Assembly must not be attacked in any court in this State except as provided by statute.”*

These laws empower local municipalities to create design review boards and adopt zoning ordinances that regulate the design of development within their jurisdictions.

II. Board Structure and Membership

Scope of Authority: All real property within the Town of Kiawah Island municipal limits would be subject to the established review board. The Town would need to consider applicability to both residential, and commercial or other development types.

Membership Structure: South Carolina State law prescribes the framework for membership. *[Section 6-29-870.Board of architectural review; membership; officers; rules; meetings; records.]*

Existing Town of Kiawah Island quasi-judicial review boards as the Board of Zoning Appeals and the Landscape and Tree Preservation Board have three (3) year terms, staggered with a 3-term limit. With the difficulty of recruiting and retaining the level of professional expertise necessary for an architectural design review board, it is recommended that proposed membership of the DRB serve a lesser term, allowing for a two (2) year term to ease recruitment and increase commitment. To aide recruitment, recruitment could be extended to non residents or property owners and professionals not on Kiawah. The proposed DRB should contain a cross section of expertise / representatives as described below. It should be noted that members must disclose conflicts of interest per SC Ethics Act. It is recommended a board of seven members.

Personnel	Qualification
Licensed Architect	Experience with sustainable or coastal design

Landscape Architect	Background in native, ecological, or low-impact landscaping
Planner	Knowledge of land use and planning best practices
Environmental Expert	Coastal ecology, wetlands, or marine biology background
Construction Expert	Developer or builder familiar with LEED/green building construction best practices
Resident/Property Owner	Kiawah Island resident or property owner with interest in design
Town Staff (non-voting)	Planning, zoning, or code enforcement representative

III. Architectural Design Standards and Review Principles and Policies

Guiding Principles: The specific functions and powers of an established review board are prescribed by the Town Council as consistent with South Carolina state statutes. In developing those functions, powers and potential guidelines, the Town Council should consider approval criteria for the proposed board with the following principles and policies in mind.

- Ensure a distinct understanding and balance of the built environment and the natural environment;
- Preserves the natural beauty and ecological function of the area.
- Reduces adverse aesthetic impacts on the public good and existing community character.
- Promote quality development and sound architectural design standards that complement Kiawah’s unique natural coastal setting.

Core Design Standards: When considering review of development projects, the established board may adopt guidelines and policies at its discretion.

- **Site Organization**
 - Protect topography, view corridors, existing trees, marshlands, and dune systems.
- **Architectural Form**
 - Encourage compatible Lowcountry vernacular design (e.g., elevated structures, broad eaves, natural materials)
 - Limit building height and massing to complement surrounding context.
- **Sustainability and Resilience**
 - Promote passive design, solar orientation, and green infrastructure.
- **Landscaping and Open Space**
 - Use of native or adaptive species in all planted areas
 - Incorporate green buffers, bioswales, rain gardens, and permeable paving.

- Provide pedestrian connectivity to existing networks.
- Promote wildlife corridors.
- **Public Realm and Connectivity**
 - Minimize surface parking and enhance aesthetic screening.
 - Provide infrastructure amenities where appropriate (trails, open space, etc.)

IV. Implementation Timeline

Below is a standard phasing template for implementation. The findings and initial work of the established joint TOKI and KICA ARB Taskforce (Phases I-III) should be a resource utilized by staff, the Planning Commission and Town Council. As there has been a head including framework considerations, significant stakeholder engagement to date, Town staff can begin drafting language specifically around the required ordinances for which the board would be established and consider reviewing development applications. The drafting of architectural design guidelines should have input from the design community. This can occur through small committees and public workshops. Guidelines can be adopted by policy through resolution or codified through the zoning code. There are advantages and disadvantages of each which center around enforceability and flexibility for design.

An ordinance and draft of the standards would be prepared for consideration by the Planning Commission for recommendation followed by Town Council adoption. It is recommended that consideration be given to the recruitment of potential members as this nears consideration for recommendation and adoption.

Phase	Key Actions
Phase 1: Initiation	Draft ordinance language; identify roles and responsibilities
Phase 2: Stakeholder Input	Hold public forums and engage developers, residents, and professionals
Phase 3: Draft Standards	Prepare architectural design guidelines; align with comprehensive plan and zoning code
Phase 4: Board Formation	Recruit, interview, and appoint board members; conduct training sessions
Phase 5: Ordinance Adoption <i>(simultaneous with Phase 4)</i>	Public hearing and final adoption of ordinance and standards by Town Council
Phase 6: Infrastructure	Modify internal permitting system to accommodate applications and review procedures
Phase 7: Board Launch	BAR/DRB operational; begin accepting applications

V. Ordinance Development and Adoption Process

Below is an overview of the adoption process to which the DRB would be constituted by the Town Council. The greatest timetable would be to establish architectural design standards and guidelines.

- **Drafting Ordinance**
 - Drafted by Town Planning Department and Legal Counsel
 - Takes similar format to BZA and LTPR
 - Reviewed for compliance with:
 - SC Code § 6-29-870 (Establishment of Design Review Boards)
 - Local zoning enabling laws and comprehensive plan.
- **Drafting Architectural Guidelines**
 - Prepared with small workgroup staff and design teams.
 - Consider separate architectural design manuals.
- **Committee and Public Review**
 - Present ordinance and draft architectural design guidelines to:
 - **Community Workshop(s)**
 - **Town Planning Commission** for recommendation
 - **Public hearing** as required by SC Code § 6-29-760.
 - **Town Council** for two readings and final adoption
- **Final Provisions**
 - The ordinance and or rules of procedure of a new review board should address:
 - Board authority, jurisdiction and functions and powers.
 - Board composition and appointment term of office.
 - Application and review procedures
 - Architectural design guidelines and policies
 - Public notice requirements
 - Conduct or procedures of application hearings
 - Sequencing of review and approvals
 - Appeals process.
 - Enforcement and compliance penalties

VI. Application and Review Process

1. Pre-Application Meeting

- Informal discussion with staff and DRB members
- Review of conceptual ideas and site feasibility

- Site analysis and site visit
- 2. **Application Submission**
 - Includes site plans, architectural renderings, landscape plans, sustainability checklist, etc.
- 3. **Staff Review**
 - Ensures completeness and zoning compliance.
- 4. **DRB Meeting**
 - Public meeting to discuss project.
 - Applicants present; public may comment.
- 5. **Decision**
 - DRB may approve, approve with conditions, or deny.
 - Written findings provided for decisions.
- 6. **Appeals**
 - May be submitted within 30 days to designated appeals board per ordinance.

VII. Evaluation and Monitoring

- **Annual DRB Report** to Town Council
 - Includes project approvals, sustainability achievements, challenges, and public feedback.
- **Architectural Design Guidelines Review** every 5 years.
 - To incorporate evolving best practices, climate adaptation strategies, and community input

VIII. Resources and Additional Considerations

Please note the reports produced by the TOKI/KICA ARB Taskforce

[Phase I Report](#)

[Phase II Report](#)

[Phase III Report](#)

The Town's existing Landscape and Tree Preservation Board has had limited action since being constituted. This board could also be expanded and repurposed to include architectural review, opposed to a separate review board. This could save on some added resources and time dedicated administratively to support and serve a new review body. The Town must consider budgetary discussions on establishing a new board, staffing and administrative related expenses such as permitting and processing applications.

IX. Summary

The proposed Kiawah Island architectural design review body provides a transparent, legally grounded, and environmentally conscious mechanism for managing commercial and multi-family development in the town. Its structure, independent from the ARB and rooted in South Carolina's enabling legislation, ensures a balanced approach to growth that respects both community character and ecological integrity.