

Town of Kiawah Island Zoning Ordinance Amendment Request
Case AZO24-000008 Case History

Planning Commission Meeting: July 3, 2024
Public Hearing and First Reading: November 5, 2024
Town Council Meeting: December 3, 2024
Planning Commission Meeting: December 18, 2024
Planning Commission: February 5, 2025
Second Reading: TBD

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 modify Section 12-128. Access, Parking and Loading Regulations, Sec. 12-63 Description of Zoning Districts and Regulations, and Sec.12-374. Definitions to modify driveway and parking standards for pervious paving requirements.

Key Factors of the Proposed Ordinance:

The proposed amendments to Sec. 12-128 Access, Parking and Loading Regulations and Sec 12-63 Description of Zoning Districts and Regulations will require pervious paving for new and replacement driveways and parking lots and modifies the allowable increase of maximum lot coverage for utilizing pervious material. Introduces revised definition of pervious surface.

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 finds the proposed amendment satisfies the approval criteria pursuant to §12-158(6) and recommends approval.

PLANNING STAFF REVIEW

The proposed amendments require all new and replacement driveways and parking facilities to be pervious paving material and modifies the incentive that allowed increase to the maximum lot coverage for residential districts for utilizing pervious material for driveways. With the recommendation to require all driveways be of a pervious paving material, the allowable increase incentive for areas not defined by driveways in *Section 12-63. Description of zoning districts and regulations* was eliminated. Reduced incentives remain for use of pervious walks, patios and raised courtyards and planters created by walls three feet or less above adjacent grade.

The minimization of total impervious area directly relates to a reduction in stormwater runoff volume and the associated pollutants from a development site. It is for this reason that; this proposed amendment is recommended by the Comprehensive Marsh Management Plan Pervious Impervious Subcommittee and is responsive to specific recommendations of both the Comprehensive Marsh Management Plan (2023) and the Flood Mitigation and Sea Level Rise Adaption Report for Kiawah Island (2018) to reduce the amount of impervious surfaces on the island.

In addition to the reduction in runoff and associated pollutants this could also count towards the Town's Community Rating System (CRS) credits to improve the community's FEMA score which could help lower flood insurance rates. *"The Community Rating System (CRS) is a voluntary incentive program that recognizes and encourages community floodplain management practices that exceed the minimum requirements of the National Flood Insurance Program (NFIP)."*

The Pervious/Impervious Subcommittee of the Comprehensive Marsh Management Plan has been studying for the past six months various strategies to reduce the amount of impervious surface on Kiawah, per the plan's recommendation. This has included looking at possible incentive programs and how other coastal communities are addressing this issue as well as studying regulatory approaches.

City of Folly Beach – All new driveways and parking area outside the structure footprint are required to be pervious.

City New Orleans – All new and renovated surface parking lots are required to use pervious pavement.

Tybee Island – All new residential driveways and replacements of more than 50% of existing driveways be permeable materials designed to allow retention of at least the first one inch of stormwater.

Town of Seabrook Island – Parking spaces more than 10% of the minimum required parking spaces for a development are required to be permeable. No permeable parking requirements however permeable parking can be administratively approved for parking areas beyond the minimum parking

development standards, for outdoor storage areas, and for open air recreation parking uses for the Camp St. Christopher District.

Staff introduced an approach of providing incentives along with regulatory changes to achieve the recommended reduction of pervious paving on the island at the Town Council Retreat May 9-10, 2024. Based on the discussion it was understood that the Town of Kiawah has minimum incentives that can be offered at this time, as permitting costs are low and other resources are not available. It was recommended that the regulatory approach would be needed to achieve the desired reduction in impervious surface.

The review process for this recommendation began with an introduction for discussion purposes to the Planning Commission at the June 8, 2024 meeting. Subsequent to the introduction in June of 2024, the Planning Commission made a recommendation on the proposed amendment in July 2024. In coordination with additional resiliency and stormwater management regulatory change recommendations, further consideration of any action was paused to engage and inform the community including the Planning Commission and Town Council with greater understanding of Kiawah's existing condition.

On September 30, 2024, the Planning Department hosted a joint Town Council Planning Commission Stormwater / Resiliency Workshop to provide engagement with engineering professionals to better understand general stormwater best management practices and Kiawah Island's existing conditions. Representatives from Charleston County Public Works Department, Kiawah Island Community Association and Kiawah Conservancy were present.

The importance of education and awareness will be a continued priority to communicate the benefits of pervious paving and impacts of water quality are continued efforts of not only the planning department but the many other stakeholders.

- The Planning Commission has now a liaison role to area regimes and neighborhood to liaise between neighborhoods inquiring about the process of pervious paving materials. This provides direct opportunity to expound upon previous case studies and successes. This also provides an opportunity to educate and inform the community on the pervious paving options that are available with a range of durability and associated costs.
- Planning staff has presented to the Kiawah Island Community Association to share information gathered through Comprehensive Marsh Management Workgroup on pervious paving benefits.
- Communications department in coordination with subcommittee of the Comprehensive Marsh Management Workgroup is currently working on a pervious material podcast series.
- Standard communications on these subject matters are on the website and pushed out to the community from the Town along with the other entities as the Kiawah Conservancy and Kiawah Island Community Association to increase range of audiences.
- The Kiawah Conservancy has provided an analysis which provides impervious surface coverage across Kiawah estimating ~18% total impervious area. According to SCDNR and NOAA thresholds references included within materials:
 - o Greater than 10-20% impervious coverage leads to adverse changes to the physical and chemical environment.
 - o Greater than 20-30% impervious coverage leads to significant changes in environmental conditions

The proposed amendment would not require any existing driveways or parking areas to be demolished and replaced. Any proposed new driveway or parking area, or in the event a property owner is replacing

their driveway, or a major renovation for parking or driveway it would now be required implement a permeable surface.

With the continued dialogue and engagement planning staff finds the proposed amendment is consistent with greater goal of Kiawah community becoming more resilient.

PLANNING COMMISSION MEETING JULY 3, 2024

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.

On July 3, 2024 The Planning Commission approved the proposed text amendment with a vote of 5 to 1.

TOWN COUNCIL MEETING PUBLIC HEARING AND FIRST READING NOVEMBER 5, 2024

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.

The Town Council voted to approve on 1st Reading the ordinance as proposed by a vote of 3 to 1.

Discussion included views on incentives programs along with concerns about the cost and maintenance of pervious surfaces.

TOWN COUNCIL MEETING SECOND READING DECEMEBR 3, 2024

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.

Town Council held discussion regarding potential incentives opportunities. The Town Council voted to amend the proposed ordinance, recommending changes. These changes received a vote of Town Council 4 to 1. Due to the proposed changes, legal counsel advised the Council that the ordinance should go back before the Planning Commission for review and recommendation. Town Council discussed the removal of replacement driveways as a pervious paving requirement. They also held further discussion on requirements for replacement parking facilities. Town Council directed planning staff and legal staff to convene on proposed language regarding qualifying replacement parking facilities. Town Council also voted to amend the proposed ordinance, recommending changes with raised concerns before considering final approval. The proposed text amendment will be reviewed by the Planning Commission for review and recommendation at a special call meeting on December 18, 2024.

PLANNING COMMISSION MEETING DECEMBER 18, 2024

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.

Planning Commission discussed potential changes presented. On December 18, 2024, the Planning Commission voted to defer action for further study of potential impacts by a vote of 7 to 0.

Planning Commission requested engagement with professionals to provide additional context to installation, maintenance, costs, and other potential impacts.

PLANNING COMMISSION MEETING FEBRUARY 5, 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.

Planning staff has invited members of the private sector to engage with the Planning Commission relative to pervious paving requirements.

Town of Kiawah Island

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

February 5, 2025



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Impervious / Pervious Paving

The minimization of total impervious area directly relates to a reduction in stormwater runoff volume and the associated pollutants from a development site. The reduction of the amount of impervious surface has been a direct recommendation of the:

- Comprehensive Marsh Management Plan – 2022
- Flood Mitigation and Sea Level Rise Adaption for Kiawah Island – 2018
- Nature Based Solutions Manual for Kiawah Island – Green Infrastructure
- Low Impact Development in Coastal South Carolina: A Planning and Design Guide

This effort could also count towards Kiawah’s Community Rating System (CRS) credits to improve FEMA’s score which could lower flood insurance rates.



The Town of Kiawah Island
Comprehensive Marsh Management Plan



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Pervious Paving Materials

Pervious Concrete Pavers

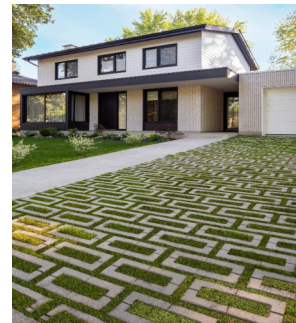
- Oceanwoods Driveways & Sandcastle Parking Lot
- Very durable, easy to maintain once installed properly – depends on site conditions
- Costs \$14 – \$28 SF – same as standard concrete pavers.
- Recommend working with Geotech to verify soil type is appropriate for application.

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Pervious Paving Systems

- Includes numerous commercial products that have either concrete or plastic cells that are then fillable with pervious material including pea gravel, grass etc. Many systems also allow for on site retention beneath the surface that can tie to a larger stormwater system. This also includes porous precast concrete pavers.
- Flexible applications, works for all soils, min. runoff coefficient
- May require some maintenance depending on materials used for infill.
- Varied costs.



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Pervious Concrete Drives and Walkway



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Pervious Asphalt and Concrete





- Both are familiar materials, made with the same material as the conventional paving but with fines being removed and reduced creating void space, approximately 16% as opposed to 2% for conventional paving.
- The subsurface detail can be modified to adapt to soil conditions.
- Approximate Costs
 - Conventional Asphalt - \$ 13-14/SF
 - Pervious Asphalt - \$ 15-16/SF
 - Conventional Concrete \$ 7 – 11/ SF
 - Pervious Concrete \$ 11.50/ SF

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Soft Materials with Edging

- Pea Gravel, Oyster Shell, Plantation Mix are all options which are used locally.
- Edging is needed to assist in keeping material in place.
- Kiawah River Farmstand Parking Lot – may require paved handicap access if not ADA accessible.
- Costs Vary / Approximate Costs
- Plantation Mix \$4.25/SF with steel edging \$16/LF
- Pea Gravel \$6.75/SF with steel edging \$16/ LF

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How did we get here? Impervious / Pervious Surfaces

- **Flood Mitigation and Sea Level Rise Adaption for Kiawah Island – 2018**
- **Comprehensive Plan Resiliency Amendments – 2019**
 - Formalize a Comprehensive Marsh Management Plan
- **Comprehensive Marsh Management Plan – Adopted 2023**
 - Phase I Priority Objective established which included Pervious/Impervious focus
 - *“Incentivize permeable surfaces, formalize stormwater BMPs for private properties”*
 - *“Significantly limit impermeable surfaces and incentivize on-site stormwater management; particularly in new developments.”*
 - *Focused Community Awareness and Education of the plan components*
- **Town Council Retreat – May 2024**
 - Recommendation of dual prong approach of Incentives/Regulatory Changes presented
 - Initial Little to No Desire of Town Council to move forward with presented incentives
- **Continued Efforts of Awareness, Education and Incentives through Marsh Management Workgroup**
- **Comparison to other coastal communities**
- **Planning Commission Recommendation of Approval – July 3, 2024**
- Town Council Public Hearing and 1st Reading consideration tabled August 2024 for continued community engagement
- **Stormwater and Resiliency Workshop – September 30th**
- **Public Hearing and First Reading – November 5, 2024**

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How did we get here? Impervious / Pervious Surfaces Continued

- **Public Hearing and First Reading – November 5, 2024**
- **Second Reading – December 3, 2024**
 - Proposed ordinance remanded to Planning Commission
- **Planning Commission – December 18, 2024**
 - Deferred action for further study
- **Charleston Home Builders Association – January 27, 2025**
 - Communicate proposed ordinance to additional group of professionals
- **Planning Commission – February 5, 2025**

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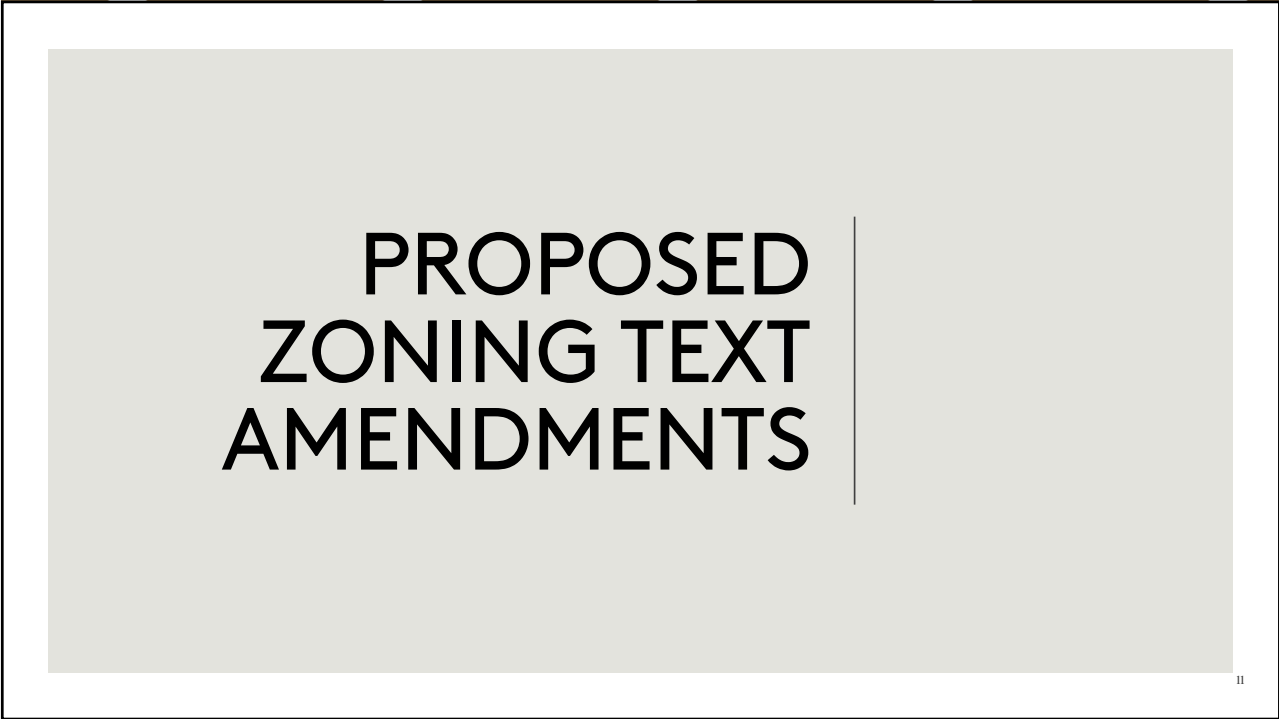
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Awareness and Education

- **Focused Educational and Community Awareness**
 - Highlight of other referenced documents which support initiatives
 - Nature Based Solutions Manual for Kiawah Island – Green Infrastructure
 - Low Impact Development in Coastal South Carolina: A Planning and Design Guide
 - Marsh Management Workgroup – Earth Day April 26th
- **Continued efforts to increase awareness and education**
 - Weekly Eblast and Dedicated Online Resources via Town's Website
 - Joint Communication and Messaging between Entities Town, KICA, ARB, Conservancy
 - Targeted Communication to contractors and property owners encouraging the use of pervious surfaces
 - Communication to Kiawah Regime Councils
 - Pervious Paving Podcast Series – Released November 1st
 - KIARB released a preapproved list of materials to assist with permitting process
 - Community Rating System benefits
 - Continued evaluation of analysis

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Proposed Text Amendments

#AZO24-000008 Pervious Paving for Driveways and Parking Lots

- Sec. 12-128. Access, Parking and Loading Regulations.
- Sec 12-63. Description of Zoning District and Regulations.
- Sec. 12-374. Definitions.

The proposed amendments to Section 12-128 Access, Parking and Loading Regulations and Section 12-63 Description of Zoning Districts and Regulations will require pervious paving for new and replacement driveways and parking lots and modifies the allowable increase of maximum lot coverage for utilizing pervious material. Introduces revised definition of pervious surface.

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Opportunities and Pathways

Incentives

- Driveway Replacement Program
- Rain Barrel & Rain Garden Programs
- Financial Grants, Expedited Permitting, Waived Fees
- Special Recognition

Permeable Requirements

- Driveways
- Parking
- Non-Primary Trails

Stormwater Regulations

- LID and Green Infrastructure Requirements based on BMPs
- "Water Quality Fee" Stormwater Fees
- Modified onsite retention requirements prior to entering the master drainage system
- Modified buffer standards for marsh and ponds

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Zoning Ordinance Text & Map Amendment Applications: Recommendation by the Planning Commission

Section 12-158(3) of the Zoning Ordinance states "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 the Planning Commission members present and voting shall be required to approve the amendment.**"

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Zoning Ordinance Text & Map Amendment Applications: Approval Criteria

(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.

Staff finds the proposed text amendment consistent with each of the outlined criteria.

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Zoning Ordinance Text and Map Amendment Applications: Decision on Amendment by the Town Council

Section 12-158(5) states "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.**"

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TOWN OF KIAWAH ISLAND

ORDINANCE 2024-24

An Ordinance to Amend Chapter 12 – Land Use Planning and Zoning Ordinance Article II. Zoning, Division 2. Zoning Maps/Districts. Sec. 12-63. - Description of zoning districts and regulations.; Division 4. Supplemental Regulations., Sec. 12-128. - Access, parking and loading regulations.; and Article IV. Definitions. Sec. 12-374. - Definitions. to modify driveway and parking standards for pervious paving requirements

WHEREAS, the Town of Kiawah Island Municipal Code currently contains *Chapter 12 - Land Use Planning and Zoning*; and

WHEREAS, the Town of Kiawah Island now finds that, upon further review, it is in the public interest to amend the *Town of Kiawah Island Land Use Planning and Zoning Ordinance* to enhance resiliency efforts by modifying driveway and parking standards for pervious paving requirements; and

WHEREAS, the text amendment would be consistent with the purposes and intent of the adopted Comprehensive Plan and would not be detrimental to the public health, safety, and welfare of the Town of Kiawah Island; and

WHEREAS, the Planning Commission held a meeting on July 3, 2024 at which time a presentation was made by staff, and an opportunity was given for the public to comment on the text amendment request; and

WHEREAS, the Planning Commission, after consideration of the staff report, subsequently voted to recommend to Town Council that the proposed amendment be approved; and

WHEREAS, Town Council held a Public Hearing on November 5, 2024 ~~and March 4, 2025~~ providing the public an opportunity to comment on the proposed amendment; ~~and~~

WHEREAS, the Planning Commission held subsequent meetings on December 18, 2024 and February 5, 2025 at which time a presentation was made by staff, and an opportunity was given for the public to comment on the text amendment request; and

WHEREAS, the Planning Commission, after consideration of the staff report, subsequently voted to recommend to Town Council that the proposed amendment be approved.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF SAID COUNCIL.

Section 1 Purpose

The purpose of this Ordinance is to amend Chapter 12 - Land Use Planning and Zoning Ordinance to modify driveway and parking standards for pervious paving requirements.

The proposed amendments require all new and replacement driveways and parking facilities to be pervious paving material and modify the incentive that allows an increase to the maximum lot coverage for residential districts for utilizing pervious material for driveways.

Section 2 **Ordinance**

- (1) The Town hereby amends Section 12-63 Description of Zoning Districts and Regulations as shown in the attached “**Exhibit A**”.
- (2) The Town hereby amends Section 12-128. Access, Parking and Loading Regulations as shown in the attached “**Exhibit B**”.
- (3) The Town hereby amends Section 12-374. Definitions as shown in the attached “**Exhibit C**”.

Section 3 **Severability**

If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind property, circumstances or set of circumstances, such holding shall not affect the circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property, or circumstances.

Section 4 **Effective Date and Duration**

This Ordinance shall be effective 30 days (April 4, 2025) upon from its enactment by Town Council for the Town of Kiawah Island.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS XX DAY OF XXXX, 2025.

Bradley Belt, Mayor

ATTEST:

By: _____
Petra Reynolds, Town Clerk

1st Reading: November 5, 2024

2nd Reading:

DRAFT 02.05.2025

Sec. 12-63. Description of zoning districts and regulations.

The purpose and intent of this section is to specify zoning categories and standards for all classes of use, e.g., residential, resort, commercial, etc. Standards include permitted density, lot size and coverage, and supplemental regulations.

- (1) Any property previously zoned special development shall fall under the PD zoning.
- (2) In determining the maximum number of dwelling units or hotel rooms per acre, all water bodies and all land below mean high-water level on the original or "grassroots" site are to be excluded. This requirement serves to reduce overcrowding and over-development of residential, resort, commercial and other sites. Maximum density/intensity is a limit on development rights, and not a grant of vested rights.
- (3) Lot coverage is defined in article IV, definitions, of this ordinance. Maximum percentage lot coverage is specified for each zoning district: however, the following items shall be excluded from lot coverage as determined by the Planning Director:
 - a. At grade boardwalks and landscape retaining walls below three feet in height; or
 - b. The access drive located on the "pole" of a flag lot as defined by this ordinance.

Allowable increase for residential districts. The maximum lot coverage for the R1, R2, and R3 districts may be increased for specific pervious elements as follows:

Maximum Lot Coverage as Shown in the Residential District	Allowable increase as percentage of the Maximum Lot Coverage
50 percent	10-2.5 percent
40 percent	15-5 percent
33 percent	20-10 percent

The only items that qualify for allowable increase in maximum lot coverage as determined by the Planning Director are:

- ~~a. Driveways not defined by this ordinance that utilize pervious materials.~~
- b. Pervious walks and patios.
- c. Raised courtyards and planters created by walls three feet or less above the adjacent grade.

Where an OCRM critical line is located on the property, the setback and buffer requirements of the waterfront development standards, section 12-76, shall apply.

- (4) The following apply to the residential zoning districts:
 - a. 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.
 - b. The minimum yard requirements shall be increased to 30 feet from any lot or parcel boundary which abuts a golf course, lagoon, marsh, and/or open area.
 - c. Height of single-family detached homes is measured from the Federal Emergency Management Agency's base flood elevation determined for the individual home site.
- (5) The following apply to the nonresidential zoning districts:

- a. 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.
- b. Nonresidential structures may have the height in stories shown in the corresponding zoning district lot standards table, provided that the highest roof ridge of the building does not exceed the height shown from the Federal Emergency Management Agency's base flood elevation determined for that individual structure.
- c. Canopies connected to the main building shall be set back a minimum of 20 feet from any property line.

(Code 1993, § 12A-203; Ord. No. 2005-08, § 12A-203, 10-12-2005; Ord. No. 2015-04 , § 2, 4-14-2015)

Sec. 12-128. Access, parking and loading regulations.

The following regulations are intended to aid in the design and location of proper access, parking, and loading areas in order to maintain safe and efficient traffic flow, and to promote environmental stewardship and stormwater runoff best management practices.

- (1) *Access/driveways.* The following regulations shall apply to all development to prevent the proliferation of poorly spaced driveways that can result in reduced safety and carrying capacity of community streets, except that the distances may be varied in accordance with section 12-163 to permit the construction of a single, safe access where no other access to a lot is possible.
 - a. Generally, any lot having access to more than one type of street shall provide access on the street designed for the lowest traffic volume.
 - b. Nonresidential properties having access to a minor and collector street may construct a single driveway on the collector street, provided that the driveway complies with the standards herein.
 - c. There shall be only one curb cut for an individual lot or parcel. Town approval shall be required for more than one curb cut to an individual lot or parcel from any street, where there is a compelling reason.
 - d. No lot or development parcel shall directly access Kiawah Island Parkway and the arterial portions of Governor's Drive and Flyway Drive.
 - e. Private residential driveways shall be a minimum of ten feet in width and provide a vertical clearance of a minimum of 13.5 feet. Nonresidential driveways shall be a minimum of 18 feet in width and provide a vertical clearance of a minimum of 13.5 feet.
 - e-f. All new driveways permitted after April 4, 2025 shall be constructed of pervious materials.
- (2) *Spacing between driveways and intersections.* The centerline of driveways shall be separated from the centerline of other driveways and intersections in accordance with the following table 4D, excepting lots platted prior to adoption of the ordinance from which this article is derived and where relief is needed to protect essential natural features, such as specimen trees and dunes:

Table 4D. Driveway Separation Regulations	
Road Type	Minimum driveway separation
Arterial	Driveways prohibited
Collector	75 feet
Minor	No spacing limitation

- a. No driveway shall be permitted providing access to an arterial street if the property has access to a collector or minor street.
 - b. On minor streets, no driveway should be permitted within 60 feet of an intersection, except when relief is needed due to an existing tree, unusual lot configuration, wetlands or other topographical or geographic feature of the lot.
 - c. When channelized right turn lanes are used, the Planning Director shall determine the minimum spacing between the driveways and intersections based on AASHTO standards as modified by site-specific conditions.
- (3) *Parking and loading.* This section specifies the minimum parking and loading standards for the Town. Where strict interpretation of these standards creates a unique hardship, an individual may seek a variance pursuant to section 12-163.

- a. *Minimum parking requirements.* Each use shall provide the number of parking spaces specified in table 4F in subsection (3)c of this section and comply with the following:
1. The Planning Director shall determine the number of parking spaces required for uses not referenced in table 4F in subsection (3)c of this section by first applying the standard for the most similar use or uses as listed in the table. If there is no similar use, the Planning Director may make a determination or may request that the applicant undertake a parking study.
 2. Any fraction of a parking space required under this article shall be counted as a full parking space.
 3. Handicapped spaces shall be provided as required by the Americans with Disabilities Act (ADA) standards shown below in table 4E in subsection (3)b of this section, or as requirements are amended by Federal Law.
 4. Parking requirements shall be based on gross leasable area.
 5. Off-street parking facilities shall be provided for any new building constructed and for any new use established, for any addition or enlargement of an existing building or use, or for any change of occupancy or manner of operation that would result in additional parking spaces being required; provided, however, if insufficient parking exists on a lot or parcel, then the number of spaces required to meet the needs of both the existing and new buildings or uses shall be provided.
 6. Facilities being used for off-street parking on the effective date of this article shall not be reduced in capacity to less than the number of spaces prescribed, nor shall they be altered in design or function to less than the minimum standards prescribed herein.
 7. For sites with more than one use, or for adjacent sites served by a common parking facility, the parking requirement shall be the total number of spaces required for each site or use.
- b. *Accessible parking for physically disabled persons.* Handicapped spaces shall be provided as required by the Americans with Disabilities Act (ADA) standards shown in the following table 4E:

Table 4E. Minimum Number of Accessible Spaces for Physically Disabled Persons			
Total Parking Spaces Provided	Minimum Number of Spaces		
	Accessible	Van Accessible	Car Accessible
1—25	1	1	0
26—50	2	1	1
51—75	3	1	2
76—100	4	1	3
101—150	5	1	4
151—200	6	1	5
201—300	7	1	6
301—400	8	1	7
401—500	9	2	7
501—1,000	2 percent of total spaces	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
Over 1,000	20 + 1 per each 100 spaces over 1,000		

- c. *Minimum dimensions.* All parking spaces reserved for persons with disabilities shall comply with the parking space dimension standards of this section, provided that access aisles shall be provided immediately abutting such spaces, as follows:
1. *Car accessible spaces.* Car accessible spaces shall have at least a five-foot-wide access aisle located abutting the designated parking space.
 2. *Van accessible spaces.* Van accessible spaces shall have at least an eight-foot-wide access aisle located abutting the designated parking space.
 3. *Proximity to main entrance.* All accessible spaces shall be in close proximity to the main entrance of the facility being served.

Table 4F. Off-Street Parking Requirements	
Type of Development	Required No. of Parking Spaces ⁽¹⁾
Residential	
Single-family detached	2 spaces per dwelling unit (DU) ⁽²⁾
Duplex	2 spaces per dwelling unit
Patio homes	2 spaces per 2 bedroom per dwelling unit
Townhouses	2.5 spaces per 3 or more bedroom per dwelling unit
Multiple-family	1.5 spaces per efficiency or 1 bedroom per dwelling unit
Hotels	
Guestrooms	1 space per 4 persons allowed under maximum occupancy
Conference area (part of hotel structure)	1 space per 75 square feet of indoor seating area, plus 1 per 200 square feet of outdoor seating area
	50 percent of parking required for other uses
Other uses⁽²⁾	
General office	1 space per 300 square feet of GLA
Real estate sales/leasing	1 space per 100 square feet of GLA
Doctor/dentist office	1 space per 100 square feet of GLA
Retail/service	1 space per 250 square feet of GLA
Restaurant	1 space per 75 square feet of indoor seating area, plus 1 per 200 square feet of outdoor seating area
Religious activities and public assembly	1 space per 50 square feet of assembly area
Convention center (not accessory to hotel)	1 space per 4 persons allowed under maximum posted occupancy, plus 1 per employee in shift
Community services	1 space per 2 employees plus 1 per company car parked on the premises
Recreational	
Driving range	1.5 spaces per tee
Golf courses	4 spaces per hole, plus 50 percent of the other uses, plus 1 space per employee on the largest shift ⁽³⁾
Tennis courts	2 spaces per court, plus 50 percent of the other uses, plus 1 space per employee on the largest shift ⁽³⁾
Marinas	3 spaces per 4 slips, plus 50 percent of the other uses ⁽³⁾
Swimming pool	1 space per 300 square feet pool and deck area

Food and beverage	1 space per 75 square feet of indoor seating area, plus 1 space per 200 square feet of food service area
Other recreational facilities, indoor	1 space per 300 sq. ft
Parks (note: in addition to any other uses in this table)	1 space per 2 acres with minimum of 3 spaces
Mixed use parking	Calculated per individual use as set forth in this table
⁽¹⁾ The Planning Director may determine that parking in addition to any of the parking set forth in this table is necessary in the form of overflow parking on pervious surfaces.	
⁽²⁾ Single-family residences shall have adequate turnaround space along driveways so that vehicles do not need to back into or out of driveways.	
⁽³⁾ Other uses may include accessory meeting rooms/convention facilities and accessory restaurants.	

d. *Parking design standards.* The following are minimum design standards, the Planning Director may require modifications to parking lot design to ensure the safety of pedestrians, bicyclists and motorists:

1. All off-street parking shall be located outside of required landscape buffer areas and behind front building lines.
2. Parking facilities constructed, or reconstructed greater than 50 percent of their original size, subsequent to the effective date of the ordinance from which this article is derived shall conform to these design standards.
3. All required parking facilities shall be maintained for the duration of the use requiring such facilities. Parking facilities shall be used exclusively for the temporary parking of passenger automobiles, motor vehicles or light trucks not exceeding one ton in capacity, and shall not be used for the sale, display or storage of merchandise, or for the storage or repair of vehicles or equipment.
4. All required parking facilities shall be located on the same site as the use for which such facilities are required.
5. On street head-in parking is prohibited.
6. Angled parking is prohibited.
7. Required parking for residential uses shall be provided within an enclosed garage.
8. Each standard parking space shall consist of an independently accessible rectangular or trapezoidal area.
9. Each parking space shall have a vertical clearance of at least 7.5 feet.
10. Each parking and loading area shall have adequate drives, aisles, and turning and maneuvering areas for access and usability, and shall at all times have access to a street or alley.
11. The minimum parking facility design standards are listed in table 4G in this subsection.

12. All required surface parking facilities shall be constructed of a pervious surface. This includes newly constructed or additions to existing parking facilities and replacement parking facilities. Replacement parking facilities shall be defined as substantial improvements where any combination of repairs, reconstruction, alteration or improvements exceed 50% of the total surface parking facility area as determined by the

Planning Director. Designated service drive and loading zones which shall be identified during site plan review process are exempt and may use impervious surface materials.

12-13. Where applicable, the Planning Director may require overflow parking spaces in addition to those required in table 4F in subsection (3)c of this section. All overflow parking spaces shall be of a pervious surface.

13-14. Required parking spaces shall not have direct access to a street or highway. Access to required parking spaces shall be provided by on-site driveways. Off-street parking spaces shall be accessible without backing into or otherwise reentering a public right-of-way.

Parking Pattern (degrees)	Maneuvering Lane Width (feet)		Parking Space Dimensions (feet)		Total Width of Two Tiers of Spaces and Maneuvering Lane (feet)	
	One-Way	Two-Way	Width	Length	One-Way	Two-Way
0 (parallel)	11	18	8.5	25	28	35
30—50	12	20	9	18	48	56
54—75	13	22	9	18	49	58
76—90	N/A	24	9	18	N/A	60

- e. *Markings.* In paved parking areas, each off-street parking space shall be identified by surface markings at least four inches in width. Marking shall be visible at all times. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking and storage of vehicles.
- f. *Off-street loading requirements.*
 1. *Spaces required.* For every nonresidential use there shall be provided sufficient space to accommodate the maximum number of trucks that will be loading, unloading, or standing at any one time.
 2. *Size of space.* Each off-street loading space shall be of a size commensurate with the buildings to be accommodated. In no case shall required off street loading space encroach upon off street parking space required by this article.
 3. *Location.* All required off street loading spaces shall be located on the same lot as the building which they are intended to serve.
 4. *Entrances and exits.* Off-street loading entrance and exit drives shall be located at least 25 feet from any street intersection.
 5. *Loading spaces adjacent to sidewalks.* Where a loading space is adjacent to a public sidewalk or other public pedestrian way, it shall be so located, arranged, and improved with curbs or other barriers, as to provide adequate protection for pedestrians.
 6. *Maneuvering areas.* All off street loading spaces shall be provided with adequate off street maneuvering areas.

Gross Floor Area (square feet)	Loading and Unloading Spaces Required
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0—1,999	None
2,000—4,999	1 space at the discretion of the Planning Director
5,000—19,000	1 space
20,000—99,000	1 space, plus one space for each 20,000 square feet or portion thereof in excess of 20,000 square feet
100,000 or more	5 spaces, plus one space for each 40,000 square feet or portion thereof in excess of 100,000 square feet

g. *Parking, loading and vehicular use area landscaping.*

1. *Parking, loading and vehicular area perimeters.* Unless otherwise expressly stated, perimeter landscaping shall be required around the outer perimeter of all off street, surface parking, loading and vehicular use areas. Parking areas for the exclusive use of single-family dwellings shall be exempt from these requirements. Any off-street parking, loading or vehicular use area that will be entirely screened from view by an intervening building or structure or by a buffer provided to satisfy requirements contained elsewhere in this article shall also be exempt from these (parking, loading and vehicular use area) perimeter landscaping requirements.
2. *Perimeter landscape requirements.*
 - (i) A curbed perimeter landscape area at least ten feet in depth shall be provided at the perimeter of all off-street parking, loading and vehicular use areas, except where permitted driveway openings are to be provided. Where drainage or other utility easements exist along property lines, the perimeter landscape area shall be located adjacent to the easement.
 - (ii) Required perimeter landscape areas shall be planted in accordance with the following minimum standards:
 - A. One canopy tree shall be provided for each 50 linear feet of parking, loading or vehicular use area perimeter. These trees may be used to satisfy the interior parking lot landscaping requirements;
 - B. A hedge or other landscape material of at least three feet in height (at maturity) shall be planted within the perimeter landscape area to provide a continuous landscape element, or a combination of trees, hedge, other durable landscape material or approved wall, fence or earth berm may be used to form the continuous landscape element;
 - C. All portions of the perimeter landscape area not planted with shrubs or trees or covered by a wall or fence barrier shall be planted in grass or ground cover; and
 - D. Parked vehicles may overhang a landscaped area if curbing is installed to prevent any damage to plants within the required perimeter landscape area. Landscaping, walls, fences and earth berms will be located to prevent their damage and/or destruction by overhanging vehicles.
3. *Interior areas landscape requirements.* The following interior parking lot landscaping requirements shall apply to all parking lots except those exclusively serving single-family residential uses.
 - (i) A minimum of one landscape island shall be provided for each ten parking spaces within an off-street parking area. Required landscape islands shall have

a minimum of 325 square feet, variably dependent upon the species of the canopy tree proposed by the designer. Each parking lot bay must terminate with a tree island.

- (ii) Each required landscaping island shall contain at least one canopy tree and there shall be at least one canopy tree per ten parking spaces within the off-street parking area. Double-loaded interior parking landscape islands are to be no less than ten feet wide and canopy trees planted in these islands are to be planted in line with parking stripes (between vehicles).
- (iii) Curbs, wheel stops or other approved protective barriers shall be installed around all required landscape islands, as approved by the Planning Director.
- (iv) Landscaping provided to meet the right-of-way buffer standards of this article may not be used to satisfy interior parking lot landscaping requirements. Canopy trees provided to meet perimeter landscaping requirements may be counted to satisfy interior parking lot landscaping requirements.

h. *Paving and drainage.*

1. For all uses ~~except single family dwellings,~~ parking and loading facilities shall be surfaced and maintained with ~~asphaltic concrete or other permanent hard surfacing~~ material sufficient to prevent mud, dust, loose material and other nuisances. ~~Pervious materials may be allowed as approved by the Planning Director.~~ Parking areas underneath the footprint of existing and proposed structures shall be exempt from this requirement. (Pervious surfaces permit infiltration or percolation of stormwater into the ground a rate greater than 0.1 inch/hour.)
2. All parking and loading facilities shall be designed, graded and provided with permanent storm drainage facilities that prevent standing water on any parking area, and do not increase the flow of water onto adjacent properties, streets or alleys. These facilities may include Low Impact Development solutions such as Bioretention Areas.

(Code 1993, § 12A-405; Ord. No. 94-12, § 2(12A-404), 9-26-1994; Ord. No. 2005-08, § 12A-405, 10-12-2005)

Sec. 12-374. Definitions.

- (a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Relevant Definitions

Driveway means a minimum ten-foot wide vehicular travel way of any surface treatment (pervious or impervious) from the property line to the garage. This includes guest parking and required back-up and turn-around areas required for safe vehicular movement as determined by the Planning Director.

Impervious surface means any material which prevents, impedes or slows infiltration or absorption of stormwater directly into the ground at the rate of absorption of vegetation bearing soils, including buildings, asphalt, concrete, gravel and other surfaces as determined by the Planning Director.

Lot coverage means the total percentage of lot area that is impervious to stormwater, including buildings, decks, walls, driveways, ~~front~~-walkways, and other impervious surfaces as defined by this ordinance and determined by the Planning Director.

Parking lot means an open area providing off-street parking for the motor vehicles of residents, tourists, customers, or employees on a temporary, daily, or overnight basis.

Bioretention areas (rain gardens) means shallow depressed areas that are filled with a sandy soil and/or gravel media and are planted with vegetation used to reduce stormwater runoff rates, volumes and pollutant loads.

Pervious surface means an unimproved portion of land maintained in its natural condition or an improved portion of land covered by a material that permits infiltration or percolation of stormwater into the ground ~~as determined by the Planning Director~~ at a rate greater than 0.1 inch/hour.

Service drive means a designated drive aisle that is used for delivery and service by trucks and larger vehicles.



Supplementary Packet
Planning Commission Meeting
February 5, 2025

AZO24-000008
Written Public Comments

John Taylor

From: Shannon White <shannon.white@kica.us>
Sent: Tuesday, December 17, 2024 3:44 PM
To: John Taylor
Cc: Jody Forrest; ryan.ellmers@kica.us
Subject: Comments for Planning Commission Meeting on Dec. 18, 2024

Dear John,

Thank you for the opportunity to provide feedback on the Planning Commission's proposed changes to the Town's ordinance concerning parking areas and drives. KICA fully supports the efforts to encourage the use of more pervious surfaces across Kiawah Island. My comments, however, pertain specifically to the impact of these changes on commercial properties.

As it currently stands today, a commercial property's parking lot and drive may be a combination of both pervious and impervious surfaces. Based on my understanding of the proposed revisions, this flexibility would no longer be permitted. I believe it is in the best interest of commercial properties to retain the option to use a mix of materials, as these properties often accommodate higher volumes of traffic and vehicles with heavier load capacities.

For an example, KICA currently has a mixture of materials at the Sandcastle facility, with the parking spaces being pervious but the drive areas being asphalt to handle the heavier vehicle traffic and loads. This approach effectively balances environmental considerations with practical functionality. In 2025, we plan to implement a similar solution at Beachwalker Center, which handles the bulk of the island's commercial vehicle decal and pass issuance.

I respectfully request that the ordinance revisions consider the unique needs of commercial properties by allowing the continued use of both pervious and impervious surfaces, while still encouraging the increased adoption of pervious materials wherever feasible.

Thank you for your time and consideration -
Shannon

Shannon White
Chief Operating Officer
Kiawah Island Community Association

Beachwalker Center
23 Beachwalker Drive
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P: 843-768-9194
kica.us

Email: gina@camensarchitecturalgroup.com

CC:

BCC:

Subject: Pervious Paving Email

Sent On: 10/30/2024 - 01:32 PM

Through recent work to further protect Kiawah properties, mitigate flooding, and steward the environment, the Town of Kiawah Island has partnered with other island entities to consider proactive solutions to address these issues locally. In this work, pervious surfaces were reviewed as an invaluable way to reduce flooding, prevent pollutants in stormwater, and protect property owners from adverse flooding events.

The Town encourages contractors to consider incorporating pervious surfaces, such as pervious concrete or asphalt, pervious paving systems, gravel with edging, or brick and cobble on sand in future projects on Kiawah Island. These primarily include driveways, parking areas, walkways, cart paths, pool decks, and sidewalks. Property owners have expressed an interest in these projects and may approach local companies to fulfill these needs.

Contractors working on property improvements which may require review by the [Kiawah Island Architectural Review Board \(ARB\)](#) should contact the ARB at (843) 768 3419 for further details on recommended material types.

Contractors should contact the Town's Planning Department at (843) 768 9166 (Patria St. John) for further questions regarding pervious paving projects.

For more information on how the Town is proactively addressing flood mitigation, marsh protection, and environmental stewardship, please visit www.kiawahisland.org/marsh_management_plan.php.

John Taylor, Jr.
Planning Director
Town of Kiawah Island

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