



**SPECIAL CALL
PLANNING COMMISSION MEETING**
Kiawah Island Municipal Center
February 26, 2025; 9:00AM

AGENDA

- I. **Call to Order:**
- II. **Roll Call:**
- III. **Approval of Minutes:**
 - A. Planning Commission Meeting Minutes of January 8, 2025 [Tab 1]
 - B. Planning Commission Meeting Minutes of February 5, 2025
- IV. **Public Comments**
(Agenda Items Only)
- V. **Old Business:**
 - A. **Zoning Text Amendment**
 - 1) **#AZO25-000001 | Zoning Permits** [Tab 2]
Request to amend Section 12-165. - Zoning permits. and Section. 12-374. Definitions. to clarify items in which a zoning permit shall be required.
 - B. **Discussion of Planning Priorities for 2025** [Tab 3]
- VI. **New Business:**
- VII. **Correspondence/Staff Comments:**
 - A. Development Project Updates
 - B. Comprehensive Marsh Management Plan
- VIII. **Public Comments:**
- IX. **Commissioner Comments:**
- X. **Adjournment:**

FOIA: 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. Meeting materials available for public view on the Town's Website www.kiawahisland.org

PLANNING COMMISSION MEETING

Kiawah Island Municipal Center

January 8, 2025, 2:00 pm

Minutes

I. **Call to Order:** *Mr. Dowdy called the meeting to order at 2:00 pm.*

II. **Roll Call:**

Present:

Bill Dowdy, *Chairman*
Larry Iwan, *Vice Chairman*
Andy Capelli
Dr. Ronald Curran
Joanne Hennessy

Present via Zoom:

Gene Babinec
John Connolly

Also Present:

Stephanie Tillerson, *Town Administrator*
Boone Aiken Town Attorney
John Taylor, Jr., *Planning Manager*
Daniel Vincent, *Planner 1*
Patrea St. John, *Landscape and Tree Preservation Specialist*

III. **Approval of Minutes:**

A. Planning Commission Meeting Minutes of December 4, 2024

B. Planning Commission Meeting Minutes of December 18, 2024

Approval of the minutes was deferred to the next meeting.

IV. **Public Comments:** *(Agenda Items Only)*

Sherry Gallagher – 119 Spartina Court

Ms. Gallagher provided feedback on the Comprehensive Plan Update. She expressed excitement about the Kiawah Island Alliance, emphasizing the need for more details on the living with nature philosophy and approach. She was also excited about out-of-the-box projects like a centralized communication channel, the Kiawah Island Historical Society, and a water ferry for transportation.

V. **Old Business**

A. KiawahNext Update

1) Comprehensive Plan Update: Review of Public Comments

Mr. Taylor stated he would recap the KiawahNext process and the update of the Comprehensive Plan and then review public comments received to date.

Mr. Taylor stated that a public drop-in meeting was held at Town Hall in December to engage the public with the plan as drafted to date and allow for public comments. He noted that public participation was low, as anticipated, with only four online submissions and five attendees at the public session.

A summary of the comments received at the drop-in meeting and via the online portal have been provided in the meeting materials and are broken down by element. He emphasized the importance of engaging the commission with the public comments and making modifications to the plan based on the feedback.

After reviewing the comments received in the:

Governance Structure – continues to be of interest to the community. Mr. Taylor asks for the commission's input on the Kiawan Island Alliance and its framework.

Population Element - comments on the mixture of ages on the island

Economic Development – comment related to the commercial village, Freshfields, with a comment encouraging affordable workforce housing on John's Island.

Mr. Taylor clarified the need to value public comments and decide whether they should be considered in the plan.

Discussion of the Kiawah Island Alliance indicated a need for more discussion and a desire not to focus on it in the Comprehensive Plan when it is not guaranteed that the entities will form the alliance.

Future Land Use Map

Mr. Taylor presents the future land use map and asks for the commission's input on modifying it.

Mr. Taylor stated that the Municipal Center is zoned Planned Development, which is Mixed Use. The current future land use designation for the Municipal Center is Civic and Institutional. The Civic and Institutional, future land use designation aligns more with the uses of schools, community centers, government offices.

Mr. Capelli questioned if there would be a vote on whether or not the commission would recommend the document to the Council. Mr. Taylor stated the current draft still has revisions to be made, to include comments and feedback from the Mayor, and another workgroup session prior to going forward with a public review and approval process.

Mr. Capelli expressed his concern that comments discussed and agreed to on the structure of the Kiawah Island Alliance where not reflected in the current document.

Mr. Taylor stated that Ocean Park on the current future land use map is identified as medium density to residential and discussed the potential of a staff level suggestion to modifying those properties to low density residential.

Mr. Taylor also discussed the recommendation for Night Heron Park to go from Active Recreation and Open Space to Commercial for future land use designation and the recommendation that Captain Sam's Spit go to Conservation from Low-Density Residential.

VI. New Business:

A. Election of 2025 Officers

Mr. Babinec stated that it did not seem appropriate for Commissioners or members that are stepping down to have an active role in choosing new leadership on the commission.

Mr. Babinec made a motion to postpone the election of our officers until our next scheduled meeting in February, and to extend the term of our vice chair until that time, so that we have new members vote on who our leadership will be and make sure we have the community interests at heart.

The motion to table the election was debated by Commissioners.

Mr. Dowdy asked for a legal opinion from the Town Attorney. Mr. Aiken stated that having done a good

bit of research on the subject, and the simple answer is *this is a policy question from a legal perspective, state law gives extreme deference to the Planning Commission (PC) and the PC is what we call a self-governing body. You have the ability to make your rules, enforce your own rules, amend your own rules when it comes to procedure, so that motion is certainly acceptable from a legal perspective.*

With the legality of motion being clarified, Mr. Dowdy asked if there was a second.

Mr. Connolly seconded the motion.

Mr. Connolly stated that his reason for seconding is that, based on my experience on a lot of different committees, I've never seen an outgoing group elect the next set of officers for a group.

Ms. Hennessy stated that, for the benefit of the community and people who aren't familiar, Mr. Dowdy is right; this is how it has been done. She explained the series of events that created the disconnect between the PC rules of procedure, the way we have done it for 15 years, and how we need to do it going forward.

Ms. Hennessy stated that she agreed with good governance and that outgoing people voting would not be right and is not good governance. One option is to table and vote in February, which is acceptable. If people insist on voting now, she asked that the two outgoing members recuse themselves.

Mr. Dowdy called for a vote on the pending motion.

Ms. Hennessy added that if there is a vote today, there will be a motion to amend the rules of procedure. This vote may be good for this month, but there may be a vote again next month.

Mr. Capelli noted that there was no motion to change the agenda, and that the agenda called for a vote which is based on principles that have been in place for years. Not only that but if a change was proposed that would require a vote.

Mr. Capelli also noted that new members would not be able to speak to the abilities of people already on the committee regarding what they know, what their capabilities are, and who should be suggested to lead the future committee.

The motion to table the election fails by a 3 to 4 vote, with Mr. Dowdy, Mr. Capelli, Mr. Iwan, and Dr. Curran voting "No."

The commission proceeded with the election of new officers, with Mr. Iwan making a motion nominating Dr. Curran for the position of Chairman.

Mr. Iwan reviewed the role of the Planning Commission, which operates independently of the Town and the Town Council. He reviewed in detail the five reasons for that: 1) specialized focus, 2) an advisory role, 3) public input and transparency, 4) checks and balances, and 5) a long-term vision.

Mr. Iwan stated, Dr. Curran had been on the commission for two years and shared, he's participated in a significant number of the subcommittees, and been involved in all the major decisions. Mr. Iwan also stated, one of the things that Dr. Curran brings to the plate is that he has a balanced approach, looks at the entire issue from all the constituencies and gives a 360-degree view of the issues; is a very strong communicator and has a great way of getting people to work together. Mr. Iwan shared, that that it is in their best interest, and whether they believe it or not, is in the best interest of the Town Council and the best interest of the community to have that independent function and somebody with a balanced approach, like Dr. Curran.

Following Mr. Iwan's reason for the nomination, Mr. Capelli seconded the motion, and it was approved with 4 "Aye" votes. No additional votes were made.

Dr. Curran made a motion to nominate Mr. Iwan for the position of Vice-Chairman. Mr. Capelli seconded the motion, and it was approved with 4 "Aye" votes. No additional votes were made.

B. Approval of Rules of Procedure

Commissioners discussed postponing action on the Rules of Procedure to provide changes to the presented draft based on the meeting and including attorney input on proposed language. Mr. Taylor recommended Commissioners to share suggested language edits ahead of the following meeting that could included into a revised draft.

Ms. Hennessey made a motion to table the approval of the Rules of Procedure to provide additional time for submitting changes for review. Mr. Iwan seconded the motion, and it was unanimously approved.

VII. Correspondence/Staff Comments:

A. Development Project Updates

Mr. Taylor stated that originally scheduled for tomorrow's Charleston County Planning and Public Works Committee would be considering the proposed medical village on Betsy Kerrison Parkway. The applicant requested to remove the item from the agenda, so that meeting has been postponed to March 6th.

B. Ongoing Ordinances

Mr. Taylor provided an update regarding pervious surfaces. He stated that due to the timing of last meeting and the holidays, staff has not been able to engage formally with any private sector to provide the additional context requested regarding the potential impacts to changes in the ordinance. He also shared that staff has been working on providing a little more context to the ordinance that would provide understanding of the proposals that have been recommended so far and that it is the intention to have that information coupled with a few independent studies of collecting cost data directly from some of the private sector providers.

Mr. Taylor stated that the Landscape and Tree ordinance will be on the Town Council's agenda next month for the first reading and a public hearing.

Mr. Taylor also shared that at the November Town Council meeting, there were presentations from communication and cell tower companies in which staff will continue to do internal studies to try to advance that and to be able to make a recommendation.

C. Comprehensive Marsh Management Plan

Mr. Taylor stated that at yesterday's Town Council Meeting, Council Member Kaye identified that there will be a potential restructuring of the format of the Marsh Management Workgroup which will take a new form and identity, but that has yet to be determined. Additionally, as a result the workgroup would hold off on making any new meetings or recommendations. Mr. Taylor shared that staff anticipate bringing back to an upcoming meeting a report from the marsh management work group which is evaluating current waterfront buffers, and possibly increasing the OCRM buffer.

Mr. Taylor, shared the goal to be completed with the Comprehensive Plan, Kiawah Next will still be the priority, at least for the 2025 first quarter for planning staff. And following the an approvable state of KiawahNext, an overhaul of our zoning code will be the next big project.

On behalf of the Planning Department, Mr. Taylor thanked Mr. Dowdy and Mr. Capelli for their years of service to the Planning Commission and the Town of Kiawah Island.

VIII. Public Comments:

Sherry Gallagher - 119 Spartina Court expressed disappointment in the election process and requesting more updates on development projects.

Stephanie Tillerson, Town Administrator – Ms. Tillerson thanked Bill and Andy for their service and contributions to the Town over the past 10 years.

IX. Commissioner Comments:

Commissioners express their gratitude to Bill Dowdy and Andy Capelli for their service to the town and congratulations to the new officers, emphasizing the importance of staying independent and working for the best interests of the town.

X. Adjournment:

Mr. Capelli made a motion to adjourn the meeting at 2:46 pm. Ms. Hennessy seconded the motion, and it was unanimously approved.

Submitted by,

Petra S. Reynolds, Town Clerk

Date

PLANNING COMMISSION MEETING

Kiawah Island Municipal Center

February 5, 2025, 2:00 pm

Minutes

I. **Call to Order:** *Dr. Curran called the meeting to order at 2:00 pm.*

II. **Roll Call:**

Present:

Dr. Ronald Curran, *Chairman*
Larry Iwan, *Vice Chairman*
Joanne Hennessy
Sandy Devine

Present via Zoom:

Gene Babinec
Maribeth Schmersal

Also Present:

Stephanie Tillerson, *Town Administrator*
Mac McQuillin *Town Attorney*
John Taylor, Jr., *Planning Director*
Patrea St. John, *Landscape and Tree Preservation Specialist*

Absent:

John Connolly

III. **Approval of Minutes:**

A. Planning Commission Meeting Minutes of December 4, 2024

Mr. Iwan made a motion to approve the minutes of the December 4th, 2024, Planning Commission meeting. Ms. Hennessy seconded the motion, and it was unanimously approved.

B. Planning Commission Meeting Minutes of December 18, 2024

Ms. Hennessy made a motion to approve the minutes of the December 18th, 2024, Planning Commission meeting. Mr. Iwan seconded the motion, and it was unanimously approved.

IV. **Public Comments:** *(Agenda Items Only)*

Amanda Mole – Kiawah Partners

Ms. Mole commented on the text amendment for pervious paving requirements and would like the commissioners to consider that the proposed reduction in secondary lot coverage could impact some creative lot solutions and that the implementation of the ordinance be extended beyond the suggested 30 days to allow projects that are already in the design process to move forward without redesign.

Matt Wilson – Three Oaks Contractors

Mr. Wilson suggested that the Town hold a workshop for contractors and designers to work through which elements should be included. Mr. Wilson shared that driveways should not be included at this point. Mr. Wilson also suggested that if the Town wants to go pervious to allow some concessions such as extra coverage or extra secondary coverage. Mr. Wilson expressed concern that 80% of pervious solutions are two to three times the cost of impervious materials.

V. **Old Business**

A. KiawahNext Update

Mr. Taylor stated that we have a working draft and he and Ms. Tillerson are working to complete a few additional edits and then will ask the Planning Commission working group to reconvene and review in the next week or two. Subsequent to that review the revised document would be brought back to the entire Planning Commission for review.

Ms. Hennessey suggested that following the Town Council Retreat perhaps some of the elements could use some more work such as reviewing the Resiliency element with Ms. Kaye prior to finalizing the document.

B. Approval of Planning Commission Rules of Procedures.

The Commission reviewed and amended the Rules of Procedure, emphasizing clear procedures for officer election and member appointments. The review also included procedural amendments, including quorum requirements and recusal rules, with a focus on maintaining impartiality and avoiding ex parte communications.

Dr. Curran made a motion to amend the Rules of Procedure, Mr Iwan seconded the motion, it was approved unanimously.

After discussion of several amendments, Ms. Hennessey made a motion to adopt the Rules of Procedure as amended. Ms. Schmersal seconded the motion, it was unanimously approved.

(Amended Rules of Procedure attached)

C. Zoning Text Amendment

#AZO24-000008 | Pervious Paving Requirements

Request to amend 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.

Ms. St John provided a recap of the research and supporting documentation for the text amendment and the approval process beginning with Planning Commission recommendation of approval in July 2024. A public hearing and first reading was held by the Town Council in November 2024. Town Council held second reading for the amendment in December 2024.

Ms. St. John shared the following additional amendments to Sec. 12-374 Definitions to modify driveway and parking standards for pervious paving requirements, which was suggested in response to Kiawah Island Community Association's email to allow flexibility to use both pervious and impervious surfaces in a commercial parking lot to accommodate vehicles with heavier loads.

“Designated service drive and loading zones which shall be identified during site plan review process are exempt and may use impervious surfaces.”

Dr. Curran invited the guest contractors to share their experience on Kiawah with pervious pavements including the cost, durability and required maintenance.

Mr. Ambrose, Leadenwah Landscapes, who mostly works with pervious and impervious pavers shared experiences. Mr. Ambrose shared that the most significant cost differential between pervious and impervious would be the labor and the 8-12” gravel base and that costs are approximately \$20 a square foot. Mr. Ambrose shared that some maintenance is required to maintain the pervious quality and that if the pervious pavers are installed correctly there is no

difference in durability with impervious pavers.

Following Mr. Ambrose, Mr. Ryan Shermis, of Three Creek, a design and installation company with experience with permeable and standard pavers, shared his experiences. He respectfully disagreed with the previous speaker, stating there are residential pavers that are the same thickness for permeable or nonpermeable and disagreed that they can become impermeable over time. Mr. Shermis shared that the permeable foundation is an open aggregate so as fines get into those cracks they are pushed down through the open aggregate and that there is not a lot of maintenance required for permeable pavers. In addition, he also shared the only additional cost for a driveway replacement would be for the demo of the existing driveway. Mr. Shermis shared the other benefit of including driveways in the ordinance is that you are adding the open aggregate foundation that is an additional cubic area for collecting rainwater. He stated he has some limited experience with pervious concrete, and that they do not do asphalt. Furthermore, he shared pervious concrete does not have the strength of standard concrete because you take some fines out which to help regular concrete to compact and gives tensile strength.

Mr. Robert Todd, of Three Oaks Contractors both agreed and disagreed with previous speakers. He shared, in terms of costs for a project on Kiawah, the cost to replace a concrete drive was approximately \$50,000 and it was estimated at \$75,000 with pervious pavers. He stated the soil here on Kiawah sandy and pervious so if you have an impervious driveway and the water drains to the side it would filter under the driveway. Mr. Todd concluded that pervious asphalt is very expensive.

Mr. Russell Berner, 286 Masters Court., shared that water follows path of least resistance so water would shed off the side of the driveway and will go under the driveway, so you would have the same effect as permeable pavements. He shared his perspective that you would need to maintain the permeable pavement, including suggestions of pressure washing one to two times a year.

The Commission discussed the complexities of the issue and requested that staff schedule a workshop that would include the experts and design community to weigh the options of moving forward and making a recommendation to Town Council.

Mr. Iwan made a motion to make a recommendation to the Town Council to allow time for a workshop to gather more information and defer back to the Planning Commission. Mr. Babinec seconded the motion. The motion was approved unanimously.

VI. New Business:

A. Introduction Comprehensive Review of Use Table

Mr. Taylor introduced a comprehensive review of the use table to evaluate the uses and appropriateness and suggested small work groups be established to begin reviewing several future ordinance amendments. Ms. Hennessey and Ms. Devine volunteered to begin review of the Use table and share recommendations with the Planning Commission.

B. Discussion of Planning Priorities for 2025

Mr. Taylor briefly highlighted priority items of planning department for 2025. He shared that he and Dr. Curran would like to comprehensively outline the work tasked for the Commission for the year to prioritize them appropriately from the list. And that small working groups would aid efficiency. Ms. Schmersal and Ms. Hennessey agreed to work together on developing a Beach Overlay.

Additional discussion of planning priorities can occur at a special meeting or the next meeting. Staff will reach out to members to schedule a special meeting to address the other

items on the agenda we were not able to discuss tonight.

VII. Commissioner Comments:

Commissioners expressed welcome to the new members of the Commission.

VIII. Adjournment:

Mr. Iwan made a motion to adjourn the meeting at 5:03 pm. Mr. Babinec seconded the motion, and it was unanimously approved.

Submitted by,

Petra S. Reynolds, Town Clerk

Date

DRAFT

Town of Kiawah Island

Planning Commission Rules of Procedure

Preamble

I. Purpose and Function

Under the provisions of the South Carolina Code of Laws, the Planning Commission exists to undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the area within its jurisdiction. The plans and programs must be designed to promote public health, safety, morals, convenience, prosperity, or the general welfare as well as the efficiency and economy of its area of jurisdiction.

The Commission plays a critical role in shaping the Town of Kiawah Island's comprehensive planning efforts, ensuring that land use policies, zoning ordinances, and other regulations are effectively implemented to reflect the community's values and objectives. In carrying out its duties, the Planning Commission must work within the framework and requirements of the governing law while exercising fairness and open-mindedness. The Commission deliberates with public input and serves as an advisory, recommending body to Town Council and not as a final decision-making entity except as provided by law.

The Planning Commission's operations shall be guided by this set of rules of procedure that ensure transparency, consistency, and fairness in decision-making. These rules should enable the Planning Commission to fulfill its duties in an efficient and lawful manner, adhering to the principles of public participation, equitable representation, and informed decision-making. By establishing clear and effective rules of procedure, the Town of Kiawah Island's Planning Commission will be empowered to operate in a manner that fosters public trust and allows for thoughtful, responsible planning.

II. Principles of Serving and Standards of Integrity

Members of the Planning Commission should adhere to the following values when serving in the public interest:

- Remember that your role is first and foremost to serve the community;
- Be at all times truthful with my colleagues, the public and others;
- Avoid any actions that would cause the public to question whether my decisions are based on personal interests instead of the public's interest;
- Do not accept any gifts or other special considerations because of my public position;
- Do not knowingly use false, inaccurate, or biased information in support of my position; and
- Do not use your public positions for personal gain

Article I – Organization

- Section 1** **Rules** – These rules of procedure are adopted pursuant to S.C. Code § 6-29-360 for the Town of Kiawah Island Planning Commission
- Section 2** **Membership** – The Commission is composed of seven (7) members appointed by Town Council, the Governing Body. Appointments are for four years duration, staggered in time so as to provide continuity and ending January 31st.
- Section 3** **Officers and Election of Officers** – The officers of the Commission shall be a Chair and Vice-Chair elected for one-year term or until the officer’s successor is elected. The election of the officers shall occur at the February meeting of the Commission in each calendar year. The Town Clerk will serve as the secretary for the Commission.
- Section 4** **Chair** – The Chair shall be a voting member of the Commission and shall:
- a) Call meetings of the Commission;
 - b) Preside at meetings and hearings;
 - c) Act as spokesperson for the Commission;
 - d) Sign documents for the Commission;
 - e) Transmit reports and recommendations to Council;
 - f) Perform other duties approved by the Commission;
 - g) Provide a proper and detailed onboarding process for new commission members.
- Section 5** **Vice-Chair** – The Vice-Chair shall exercise the duties of the Chair in the absence, disability, or disqualification of the Chair. In the absence of the Chair and Vice-Chair, an acting Chair shall be elected by the members present.
- Section 6** **Secretary** – The secretary shall:
- a) Provide the notice of meetings;
 - b) Assist the Chair in preparation of agendas;
 - c) Keep minutes of meetings and hearings;
 - d) Maintain Commission records as public records;
 - e) Attend to Commission correspondence;
 - f) Perform other duties normally carried out by a secretary;
 - g) Maintain a record of Commission members’ attendance at meetings of the Commission; and
 - h) Give or serve all notices required by statute or ordinances or by these Rules and Procedures or as directed by the Commission.
- Section 7** **Staff** –Town of Kiawah Island Planning Department staff in its support of the Planning Commission shall:
- a) Provide technical assistance to the Commission, where necessary, to conduct the business and fulfill the responsibilities of the Commission.
 - b) Prepare analyses and recommendations for zoning, conditional use, subdivision applications, and other matters of business for consideration of the Commission.
 - c) Provide members of the Commission with copies and updates of regulations, ordinances, rules, plans, and policies which govern or should be considered in

- the performance of their duties.
- d) Provide members of the Commission with publications and notices of seminars, presentations, and instructions on matters which may expand members' knowledge and understanding in areas that would promote the mission of the Planning Commission.
 - e) Provide members of the Commission with copies of applications with support information, plats and maps, and staff analyses and recommendations.
 1. Regular meeting information is to be emailed or made available for pick up to each member of the Commission at least five (5) business days prior to the scheduled Commission meeting.
 2. Special meeting information shall be emailed or made available for pick up to each member of the Commission for review at least forty-eight (48) hours prior to the scheduled Commission meeting with the exception for those special or emergency meetings being called within less than 48 (forty-eight) hours.

Unless otherwise prescribed by South Carolina Code of Laws, email notices to applicants on all zoning and Comprehensive Plan amendments and subdivision applications, including a copy of staff's analyses and recommendations. This notice shall be emailed at least five (5) days prior to the scheduled Commission meeting. Notices and reports may also be placed online on the Town's Website for applicants to view or picked up by applicants at the Planning Department office.

Section 8 **Removal from Office** – An existing officer of the Planning Commission may be removed from office for reasons as misconduct, neglect of duty, or malfeasance before their term of office term expires. The member requesting the removal of the existing officer shall prepare and submit a written statement for the record describing the matter for removal of the officer and the nature of the potential acts caused for such removal. The member requesting removal may present a motion for removal of officer for consideration. After a majority vote of the members of the Planning Commission, the existing officer is removed. An election to fill the vacancy will be held immediately after an officer has been removed from office. For the avoidance of doubt, any such removal or replacement contemplated in this Section 8 shall apply solely to said commissioner's role as an officer (i.e., Chair or Vice-Chair, as prescribed in Section 3 herein) and shall not affect said commissioner's status as a member of the Planning Commission.

Article II – Meetings

Section 1 **Time and Place** –

- a) An annual schedule of regular meetings shall be adopted, published, and posted at the designated Town office in December of each year.
- b) Unless otherwise scheduled, the Planning Commission will shall meet regularly on the first Wednesday, following the regular Town Council Meeting of each month at the Town of Kiawah Island Municipal Center, 4475 Betsy Kerrison Parkway, Kiawah Island, SC at 2:00 PM in the Council Chambers.
- c) Special meetings may be called by the Chair upon 24 hours notice, posted, and delivered to all members and local news media. Meetings shall be held at the place stated in the notices and shall be open to the public.

Section 2 **Agenda** – The Chair shall set the agenda for all meetings of the Commission. The Chair

shall develop the agenda with Town staff. A written final agenda shall be furnished by the secretary to each member of the Commission and the news media and shall be posted on the Town's website at least five (5) business days prior to each regular meeting and at least forty-eight (48) hours prior to a special meeting, with the exception for those special or emergency meetings being called within less than 48 (forty-eight) hours. Items may be added to the agenda at a meeting.

Section 3 **Quorum** – A majority of the members of the Commission shall constitute a quorum. A quorum must be present before any business is conducted other than rescheduling the meeting, except for workshops where business and studies may be conducted without a quorum.

Section 4 **Rules of Order** – Robert's Rules of Order, latest edition, shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.

Section 5 **Voting** – A member must be present to vote. A member attending virtually via video conferencing, teleconferencing, or web conferencing is considered present. The question of disqualification shall be decided by the member affected, who shall announce the reason of disqualification and refrain from deliberating or voting on the question. Members shall abide by the provisions outlined in S.C. Code of Laws. Title 8, Chapter 13 Section 700 pertaining to conflict of interest. Recusals are permissible pursuant to these provisions. On a tie vote, the motion is lost, and in the case of a subdivision or zoning matter, the application is disapproved. The Chair shall request the Secretary to call the roll of each member and ask for their vote on any items requiring a vote.

Section 6 **Conduct** – Except for public hearings and the public comment period, no person shall speak at a Commission meeting unless invited to do so by the Commission chair.

Section 7 **Executive Sessions** – By majority vote the Commission may hold an executive session as permitted by the South Carolina Freedom of Information Act, S.C. Code 30-4-70, as amended. The reason for holding an executive session must be stated into the record. It is a violation of the Town's Code of Ordinances for a member of the Planning Commission or person in attendance to disclose to another person or make public any matter discussed in executive session. If the Commission enters executive session during a meeting, a member attending virtually shall adhere to executive session privileges, ensure that no other person can hear the executive session, and shall acknowledge upon request that there are no other persons present or able to hear the executive session. Failure to protect the privileged discussions of an executive session can result in the member's removal from the Commission.

Article III – Public Hearings

Section 1 **Notice** – The secretary shall give the notice required by statute or ordinance for all public hearings conducted by the Commission. Members of the public desiring to be heard shall give written notice to the secretary prior to commencement of the hearing.

Section 2 **Procedure** – In matters brought before the Commission for public hearing which were initiated by an applicant, the applicant, his agent or attorney shall be heard first,

members of the public next, and staff next. The applicant shall have the right to reply last. No person may speak for more than five (5) minutes without consent of the Commission chair. No person speaking at a public hearing shall be subject to cross-examination. All questions shall be posed by members of the Commission. In matters not initiated by an applicant, members of the public shall speak in the order in which requests were received, or in such order as the Commission Chair shall determine.

Article IV – Records

- Section 1** **Minutes** – The secretary shall record all meetings and hearings of the Commission. The secretary shall prepare minutes of each meeting for approval by the Commission at the next regular meeting. Minutes and recordings shall be maintained as public records.
- Section 2** **Reports** – The secretary shall assist in the preparation and forwarding of all reports and recommendations of the Commission in appropriate form. Copies of all notices, correspondence, reports, and forms shall be maintained as public records.
- Section 3** **Attendance** – Commissioners are expected to attend each meeting. Should a commissioner be unable to attend, the secretary shall be notified.

Article V – Review Procedure

- Section 1** **Zoning Amendments** – Per adopted ordinance.
- Section 2** **Plats** – Per adopted ordinance.
- Section 3** **Comprehensive Plan** – Per adopted ordinance.
- Section 4** **Reconsideration** – The Commission may reconsider any review when so requested by the governing body, or when an applicant brings to the attention of the Commission new facts, a mistake of fact in the original review, correction of clerical error, or matters not the fault of the applicant which affect the results of the review.

Article VI – Finances

- Section 1** **Budget** – The Commission shall submit written recommendations to the governing body for funding in the annual budget. The recommendations shall include, when applicable, an explanation and justification for proposed expenditures.
- Section 2** **Expenditures** – Budgeted funds shall be expended only for approved purposes in accordance with financial policies and procedures set by the governing body, including procurement rules. Upon adoption of a budget by the governing body, the Commission may adopt an authorization for specified expenditures. Reimbursement for actual expenses incurred in the performance of official duties approved in advance by the Commission shall be made to members of the Commission and staff upon submission of vouchers supported by receipts.

Article VII – Adoption and Amendment

Section 1 **Amendment** – These rules may be amended at any regular meeting of the Commission by majority vote of the members of the Commission at least seven (7) days after the written amendment is delivered to all members.

Section 2 **Adoption** – These rules were adopted by a vote of a majority of the members of the Commission at a regular public meeting February 5, 2025.

John Taylor, Jr, Planning Director
Town of Kiawah Island

Larry Iwan, Vice Chair
Kiawah Island Planning Commission

Town of Kiawah Island Zoning Ordinance Amendment Request
Case AZO25-000001 History

Planning Commission Meeting: February 5, 2025
Planning Commission Meeting: February 26, 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 modify Section 12-165. Zoning Permits. and Section 12-374. Definitions

Key Factors of the Proposed Ordinance:

The proposed amendments to Sec. 12-165. Zoning Permits and Section 12-374. Definitions to clarify items in which a zoning permit shall be required. The amendment also adds consistent definitions to the zoning code.

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 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 REVIEW

In application of this ordinance, property owners or respective design teams will be required to formally submit permit applications via our online portal as part of standard zoning review. Specifically for applications for docks, applicants contact the Town to provide notice or inquiry into a proposed dock and its standards. This is to ensure consistency with the Key Dock location ordinance. The Town shares the required standards before a property owner makes investment for a potential dock that is not allowed by the Town's Key Location Map. The state also notifies the Town of such dock applications as docks must be permitted in accordance with state regulations. In the event an applicant has not contacted the Town prior to submitting to the state, the Town's planning department provides comments to the state noting potential inconsistencies with the Town's local ordinance.

With the Town having a local ordinance with specific standards regarding docks, the state has been substantially supportive in deferring to the Town with regard to their approvals, taking into consideration issued Town comments. As a result of these comments, the state encourages the applicant to contact the Town to engage regarding potential inconsistencies and or concerns. With this process, the Town is already conducting a review of the project, in which it should be captured within the permitting history of our public portal.

Please note included sample letters shared with the state.

In 2023, the Town adopted its Comprehensive Marsh Management Plan, which recommends that the Town should regulate bulkheads and other flood/erosion control structures upland of the critical line. It encourages the use of living shorelines where feasible.

Recommendation: Regulate bulkheads and other flood/erosion control structures upland of critical line.

Justification: Article 17 TOKI's municipal code allows TOKI to review bank retention designs and submit comments and recommendations, but provides little authority to guide decision-making. Implementation: Codify ARB standards with a Town ordinance requiring that bulkheads beyond the critical line may only be constructed with prior-OCRM approval, must be constructed flush with adjacent grade/elevation, and any disturbed land must be backfilled and planted with appropriate vegetation. All erosion control or flood mitigation construction regardless of location relative to the critical line requires a Town permit with proof of location and a depiction of the certified critical line. Bulkheads on high ground are not recommended; rather, options for shoreline restoration (like terracing).

As the Town works to develop specific policies and or standards regarding bulkheads and erosion control structures which interface the critical area and highlands, utilizing the approach of issuing comments to the state for these applications, has shown to be effective. Similarly, the Town issues comments to the state when notified of erosion control structures applications. The proposed ordinance allows the initial stages of such review for bulkheads and other erosion control devices to help capture better data and educating property owners on green or hybrid solutions by having the applicant formally submit for review ahead or simultaneously to the state. The ordinance also allows the Town to have a better medium for the applicant to provide support and information that the proposed structure may not be an adverse impact to adjacent

neighbors.

Please note that the ordinance is not intended to cross jurisdictional bounds but provide consistency to local standards.

Planning staff also recommend the Planning Department fee schedule be adjusted to reflect this review.

In addition to providing clarity on the zoning amendment process, the amendment codifies a current practice for structures adjacent to critical which respond to recently adopted CMMP. Planning staff also recommends Town Council amend the Municipal Code Chapter 2. Bank Retention Systems to reflect this standard review practice.

The next phase of review specifically with regard to waterfront development (Marsh, Ponds, Beach) has been introduced to the CMMP. The CMMP workgroup, currently being restructured, is currently studying and preparing for a recommendation on bulkheads, erosion control devices, and buffers of waterfront properties. Following recommendation, this will be brought to the Planning Commission for consideration.

Please note additional references provided supplementary to staff's review.

TOWN COUNCIL MEETING PUBLIC HEARING TO BE SCHEDULED

Sec. 12-165. Zoning permits.

The purpose of zoning permits is to confirm that the intended use fully complies with the provisions of the zoning district.

- (1) *Required.* A zoning permit shall be required before any of the following are permitted:
 - a. The issuance of a building permit under the Town of Kiawah Island building code;
 - b. New construction;
 - c. Additions to existing structures;
 - d. Relocation of any house;
 - e. Excavation, clearing, and/or grubbing preparatory to constructing a structure for which a building permit is required;
 - f. Improvement any lot by grading, filling, or surfacing or by constructing driveways or by constructing or enlarging parking areas containing six or more parking spaces;
 - g. Change in the use classification of any part of a structure or lot including any increase in the number of families or dwelling units occupying a building or lot;
 - h. Installation of any sign as specified within this article;
 - h.i. Fences;
 - i.j. Utility construction;
 - j.k. Obtainment of a business license;
 - l. Tree removal pursuant to section 12-129, Tree Preservation and Landscaping Standards;
 - k.m. Docks, erosion control devices or structures as specified within this article; or
 - l.n. Any earth disturbing activity.
- (2) *Zoning permit application forms.* Requests for approval of zoning permit applications shall be made on forms provided by the Town. The Town may promulgate submittal requirements, instructions for completing forms, internal procedures for acceptance and filing of development applications, and provisions for waiver through the establishment of administrative guidelines.
- (3) *Submission and determination of a complete zoning permit application.* All zoning permit applications shall be submitted to the Planning Director or authorized designee. If all required information is included per section 12-155, the application shall be deemed complete and accepted, along with any established fees. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this article. Submittal of a complete application initiates the application process.
- (4) *Official filing date.* All time limits for processing or acting upon development applications shall commence on the date that a completed application, along with any established fees, are submitted to the Planning Director. Substantial modification of an application by the applicant following the filing of the zoning permit application but prior to the expiration of the period within which the Town is required to act shall extend the period for a like time following the Planning Director's determination that the modified zoning permit application is complete.
- (5) *Time of expiration.* Zoning permits shall become invalid if a building permit is required but not issued within 12 months of the date of issuance of the zoning permit or if a building permit is not required.

(Code 1993, § 12A-511; Ord. No. 2005-08, § 12A-511, 10-12-2005; Ord. No. 2024-01, § 2(Exh. C), 4-2-2024)

Proposed added definitions.

Text: Definitions are the same as defined within the municipal code.

Text: Proposed New

ARTICLE IV. - DEFINITIONS

Sec. 12-374. - Definitions.

*Bulkhead means a retaining wall designed to retain fill material, but not to withstand wave forces on an exposed shoreline.

*Coastal waters means the navigable waters of the United States subject to the ebb and flood of the tide and which are saline waters, shoreward to their mean high-water mark.

*Coastal zone means all coastal waters and submerged lands seaward to the state's jurisdictional limits and all lands and waters in the counties of the state which contain any one or more of the critical areas. These counties include Charleston.

*Erosion means wearing away of highland by tidal action.

Erosion control structure or device means a barrier that prevents or reduces soil erosion. Examples of erosion control structures include breakwaters, bulkheads, groins, jetties, revetments, and seawalls.

*Escarpment means the point at which the high land descends in a vertical or near vertical slope to mean low-water mark.

*Revetment means a sloping structure built along an escarpment or in front of a bulkhead to protect the shoreline or bulkhead from erosion.

CHAPTER 2. BANK RETENTION SYSTEMS

Sec. 17-201. Simultaneous application submittal required.

A property owner or his designate who wishes to apply for a permit to construct a bulkhead or revetment on marshlands or creeks within the limits of the Town must submit simultaneously and immediately to the Town's ~~administrator~~ Planning Director a complete copy of the application and all referenced exhibits and attachments thereto, including any subsequent amendments to such application with all attachments thereto, submitted to ~~DHEC~~ Department of Environmental Services as required by law.

(Code 1993, § 17-201; Ord. No. 2009-08, § 2(2), 9-1-2009)

Sec. 17-202. Permitting specifications and procedures.

During the ~~DHEC~~ Department of Environmental Services application review process, the Town may review the design and submit comments and recommendations.

(Code 1993, § 17-202; Ord. No. 2009-08, § 2(3), 9-1-2009)

Sec. 17-203. Penalties.

Unless a different penalty is specified, any person who violates a provision of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not less than \$25.00 nor more than \$200.00 or imprisoned for not more than 30 days.

(Code 1993, § 17-203; Ord. No. 2009-8, 9-1-2009; Ord. No. 2015-01, § 2.21, 2-10-2015)

MAYOR:

John Labriola

TOWN ADMINISTRATOR:

Stephanie Monroe Tillerson

TOWN ATTORNEY:

Joseph Wilson

TOWN OF



TOWN COUNCIL MEMBERS:

John Moffitt

Bradley D. Belt

Michael Heidingsfelder

Russell A. Berner

January 17, 2024

South Carolina Department of Health and Environmental Control
Office of Ocean & Coastal Resource Management
1362 McMillan Avenue, Suite 400
Charleston, SC 29405
Via email tylerej@dhec.sc.gov.

RE: THOMPSON / PUBLIC NOTICE IN YOUR AREA (TAMARA THOMPSON, HQ0-GCCC-YWZPJ)

Permit to install approximately 115 LF of timber bulkhead along the critical line for the purpose of erosion control.

Greetings:

The Town of Kiawah Island Planning Department is in receipt of the above referenced OCRM permit request to install approximately 115 LF of timber bulkhead along the critical line for the purpose of erosion control. (2) 20 LF bulkhead returns will be installed at either end of the bulkhead, parallel to the property line on and adjacent to Kiawah River at 490 Old Dock Road, Kiawah Island, Charleston County, South Carolina TMS: 207-04-00-098.

Pursuant to the *Town of Kiawah Island's Municipal Code Article 17 – Tidelands Management*, the proposed plans at 490 Old Dock Road are consistent with Chapter 2 Band Retention Systems regarding contacting DHEC OCRM for permitting specifications. However, the proposed two (2) 20LF returns to be installed at either end of the bulkhead, parallel to the property line require Town of Kiawah Island Zoning approval. We request the applicant contact this office immediately to ensure consistency with the Town's Zoning Ordinance, pursuant to *Sec. 12-165. - Zoning permits*.

Please also note that Town adopted a Comprehensive Marsh Management Plan on February 7, 2023. This comprehensive plan guides the Town responsibility to manage a significant natural resource for Kiawah property owners in outlining natural based solutions as living shorelines. Living shorelines are a method of shoreline stabilization using plants and natural materials to reduce erosion and slow the wave energy associated with storms. Rather than creating a barrier between the shore and water, as with conventional bulkheads and seawalls, a living shoreline allows for a natural transition. The shoreline can thus provide erosion protection while still performing valuable ecosystem services and maintaining aesthetic character that makes Kiawah unique. With the proposed plans being inconsistent with the goals of the Comprehensive Marsh Management Plan, we request the applicant to contact the Town to consider alternative natural based solutions for potential erosion control measures as recommended within the Town of Kiawah Island Comprehensive Marsh Management Plan. A copy of this plan can be found online by visiting https://www.kiawahisland.org/marsh_management_plan.php.

If you have any questions or concerns, please do not hesitate to contact the Planning Department at 843-768-9166.

Sincerely,

A handwritten signature in black ink, appearing to read "John Taylor, Jr.", written in a cursive style.

John Taylor, Jr.,
Planning Director
jtaylor@kiawahisland.org
Phone: 843-768-9166
Direct:843-768-9979
Mobile: 843-830-9544

John Taylor

From: Tyler, Evan J. <tylerej@dhec.sc.gov>
Sent: Wednesday, January 17, 2024 2:32 PM
To: John Taylor
Cc: Daniel Vincent; Jim Jordan; Lee Bundrick; jmaybank@kiawah.com
Subject: Re: Town of Kiawah Island Public Notice Response OCRM DHEC (HQ0-GCCC-YWZPJ)

Mr. Taylor,

Thank you for sending this information. I will ensure the applicant is aware of this and reaches out to your office for further discussion.

Thank you,
Evan T

Evan Tyler

Critical Area Project Manager
Ocean and Coastal Resource Management
S.C. Dept. of Health & Environmental Control
Office: 843-953-2009



From: John Taylor <jtaylor@kiawahisland.org>
Sent: Wednesday, January 17, 2024 10:06 AM
To: Tyler, Evan J. <tylerej@dhec.sc.gov>
Cc: Daniel Vincent <dvincent@Kiawahisland.org>; Jim Jordan <jjordan@kiawahisland.org>; Lee Bundrick <lee@kiawahconservancy.org>; jmaybank@kiawah.com <jmaybank@kiawah.com>
Subject: Town of Kiawah Island Public Notice Response OCRM DHEC (HQ0-GCCC-YWZPJ)

*** Caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. ***

Good morning,

Please note the attached public notice response letter from the Town of Kiawah Island regarding permit application (HQ0-GCCC-YWZPJ) for request to install approximately 115 LF of timber bulkhead along the critical line for the purpose of erosion control. (2) 20 LF bulkhead returns will be installed at either end of the bulkhead, parallel to the property line on and adjacent to Kiawah River at 490 Old Dock Road, Kiawah Island, Charleston County, South Carolina TMS: 207-04-00-098.

Please let me know if you have any questions.

All the best,

John T.



John Taylor

Planning Manager

📞 Direct: 843-768-9979

✉️ jtaylor@kiawahisland.org

🌐 www.kiawahisland.org

📍 4475 Betsy Kerrison Parkway
Kiawah Island, SC 29455

Get Social



II: Protect

A consistent management approach to Kiawah’s marsh will depend on a regulatory framework that governs the actions that organizations or individuals are allowed to take in the marsh. SC DHEC will be engaged

in this effort because they have jurisdiction from the critical line to open water (figure 8). This section describes six policy or regulatory actions to protect Kiawah’s marsh.

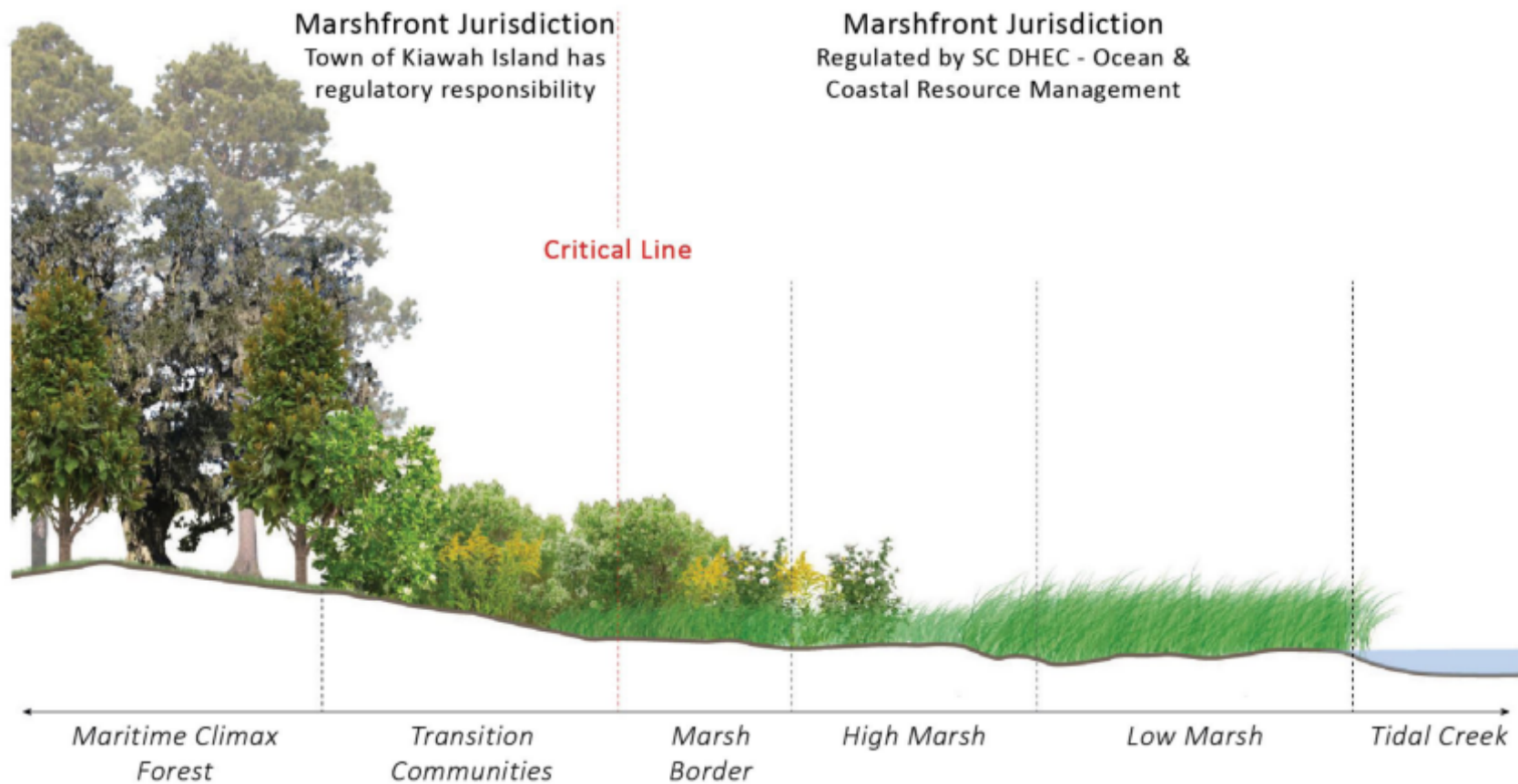


Figure 8 - The “Critical Line” is a biophysical jurisdictional feature that will shift with the edge of the marsh as it migrates due to sea level rise





Photograph 1: Typical Exposed Roots and Bare Earth



Photograph 2: Typical Exposed Roots and Bare Earth



Photograph 3: Rear of Residence Rear Landing Out of Plumb



Photograph 4: Eroded Scrap



Photograph 5: Visible Impacts to Rear Deck



Photograph 6: Exposed Roots and Retreating Scarp



Photograph 7: Exposed Roots and Retreating Scarp



Photograph 8: Scarp



Photograph 9: Eroded Scarp



Photograph 10:



Photograph 11: Marsh Rack Against House



Photograph 12: Meeting with KICA and Town Personnel, Eroded Scarp in Foreground, Unlevel Landing in Background

FY2025 – FY2026 Planning Outlook

Review and Update of Plans Required by State Law

- TOKI Comprehensive Plan 2025 Update – KiawahNext
 - o September 2025
- TOKI 2020 Local Comprehensive Beach Management Plan 5 Year Review
 - o Coordination with Environmental Department (Jim Jordan, Coastal Science Engineering)

Priorities of Resiliency and Kiawah Entering Redevelopment Era

- Improved Stormwater Management Standards
 - o Continuation of comprehensive approach for improved water quality and water quantity standards
 - Site Plan Review
 - Third Party Engineer Review
 - Developing Specific Kiawah Standards
- Phase II Marsh Management Plan Implementation / Review and Update of Waterfront Standards
 - o Recommendation Marsh Management restructured Resiliency Committee
 - Consolidation of existing marsh-related elements
 - Buffer and Setback Protections inclusive of Marsh, Ponds, Beachfront
 - Bulkheads, berms, living shorelines
- Continued Education and Awareness on Resiliency and Marsh Management

Land Use Planning and Zoning Regulatory Changes

- Comprehensive Land Use Planning and Zoning Ordinance Update
- Comprehensive Review of Use Regulations (Permitted, Conditional, Special Exception)
- Communication Towers and Wireless Infrastructure
 - o Coordination with Public Works
- Urban Growth Boundary / IGA Betsy Kerrison Parkway Character Preservation
- Process /administrative ordinances
 - o Lot Coverage definition clarification (calculation to only include upland/highlands)
 - o Development Agreements process before Planning Commission
 - o Kiawah Island Parkway and Beach Walker Drive Overlay – encroachment permits

Anticipated Development Applications

- Kiawah Island Golf Resort – New Development Agreement
- Kiawah Partners – Upper Beachwalker Planned Development