



PLANNING COMMISSION MEETING

Kiawah Island Municipal Center

February 5, 2025; 2:00PM

AGENDA

- I. **Call to Order:**
- II. **Roll Call:**
- III. **Approval of Minutes:**
 - A. Planning Commission Meeting Minutes of December 4, 2024 [Tab 1]
 - B. Planning Commission Special Call Meeting Minutes of December 18, 2024
 - C. Planning Commission Meeting Minutes of January 8, 2025
- IV. **Public Comments**
(Agenda Items Only)
- V. **Old Business:**
 - A. KiawahNext – Comprehensive Plan Update [Tab 2]
 - B. Approval of Planning Commission Rules of Procedures [Tab 3]
 - C. **Zoning Text Amendment**
 - 1) **#AZO24-000008 | Pervious Paving Requirements** [Tab 4]
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.
- VI. **New Business:**
 - A. **Zoning Text Amendment**
 - 1) **#AZO25-000001 | Zoning Permits** [Tab 5]
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. **Introduction Comprehensive Review of Use Table** [Tab 6]
 - 1) Permitted, Conditional, Special Exception Uses Discussion Item
 - C. **Discussion of Planning Priorities for 2025** [Tab 7]
- 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

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;
- Do not use your public positions for personal gain; and
- ~~Carefully consider any promises made and keep them~~

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. Members shall serve until successors are appointed and qualified. Members are subject to term limits as set forth in Chapter 12 – Land Use Planning and Zoning Ordinance, Article II – Zoning., Division 1. – Generally, Section 12-23. – Planning Commission.
- Members of the Planning Commission shall also be governed by the Town of Kiawah Island’s Volunteer Policy, as amended which provides general volunteer requirements, process for volunteer recruitment and appointments and end of service term protocols.
- 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. Neither of these two positions shall be filled by a Commissioner beginning his or her first year of service as a Commissioner. The election of the officers shall occur at the ~~s~~at the first-third meeting of the Commission in each calendar year, after any incoming members being appointed have been seated. The terms of the officers elected shall be effective once the Chair declares each officer elected. 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)~~ Coordinate request from members of Planning Commission for further information to the Planning Department;
 - ~~f)h)~~ Coordinate with the Planning staff to develop the agenda; and
 - ~~g)i)~~ 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 ~~mailed or~~ emailed or made available for pick up to each member of the Commission at least ~~seven~~ five (5) ~~business~~ days prior to the scheduled Commission meeting.
 2. Special meeting information shall be ~~presented~~ 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.
- ~~f)~~ Unless otherwise prescribed by South Carolina Code of Laws, email ~~Mail~~ 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 ~~emailed~~ or picked up by applicants at the Planning Department office, ~~and, in these cases, would not be required to be mailed.~~

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 all seven 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~~ 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 ~~seven-five (57) 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 ~~shall~~ **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, ~~newly revised (currently in 12th ed.)~~ 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. Each member shall vote on every question unless disqualified by law. 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

Communication – All discussion of a pending matter before the Commission shall take place in the public meeting. This is to avoid the appearance of improper ex parte communications and to comply with the South Carolina Freedom of Information Act.

Section 7-8 **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. ~~Recordings shall be preserved for a period of two years according to the South Carolina General Records Retention Schedules for Municipal Records; Sub-article 4, Section 12-604.1.~~—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 7, 2024~~ February 5, 2025.

John Taylor, Jr, Planning Director
Town of Kiawah Island

Dr. Ronald Curran, Chair

Kiawah Island Planning Commission

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



1

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


 February 2022

2



Pervious Paving Materials

Pervious Concrete Pavers

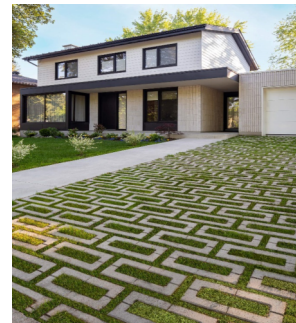
- Oceanwoods Driveways & Sandcastle Parking Lot
- Very durable, easy to maintain once installed properly – depends on site conditions
- Costs \$14 – \$28 SF – same as standard concrete pavers.
- Recommend working with Geotech to verify soil type is appropriate for application.

3

3

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.



4

4

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

6

6

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




7

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**

8

8

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**

9

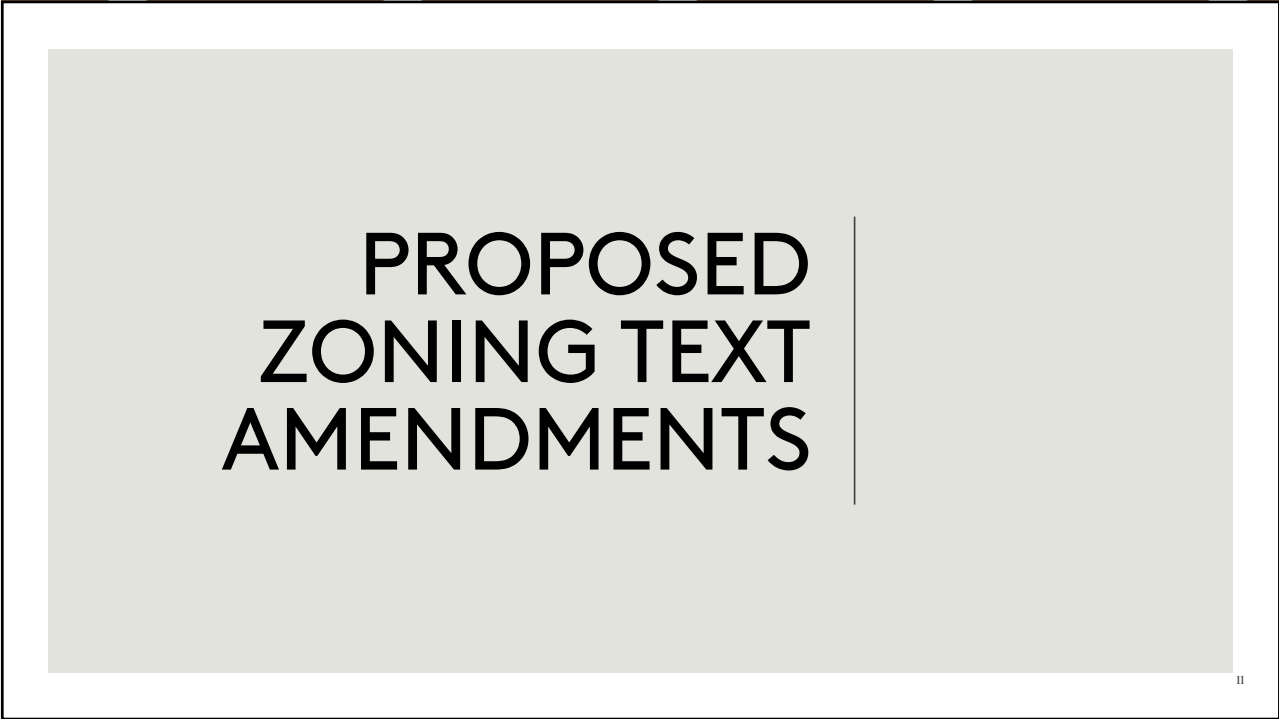
9

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

10

10



11

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.

12

12

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

13

13

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.**"

14

14

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.

15

15

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."**

16

16

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:

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
--------------------------------	---------------------------------------

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
Kiawah Island, SC 29455
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

Please disregard if this email does not concern your business. If you are no longer doing business on Kiawah Island, please reply to this email and request to be removed from our database. Your email can only be removed if you no longer have a current business license with the Town of Kiawah Island.

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

Planning Commission Meeting: February 5, 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.i. 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.

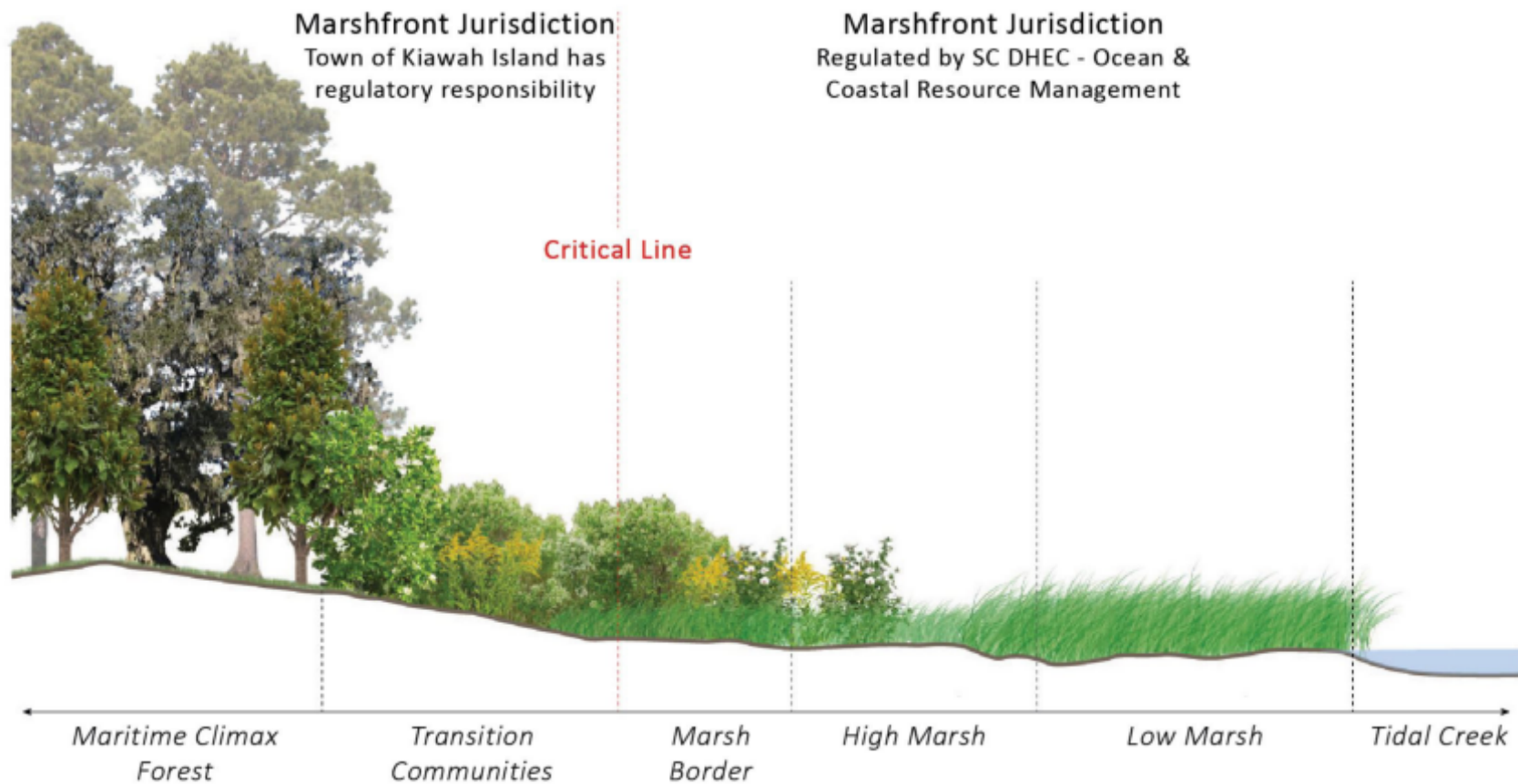


Figure 8 - The “Critical Line” is a biophysical jurisdictional feature that will shift with the edge of the marsh as it migrates due to sea level rise



DIVISION 3. USE REGULATIONS

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

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

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

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

Food and beverage services													
	Bar or lounge (alcoholic beverages), including taverns, cocktail lounges or member exclusive bars or lounges				S	S	S		.				
	Catering services				C	C	C					(j)	
	Restaurant, general, including cafeterias, diners, delicatessens, or full-service restaurants or accessory uses to a golf course, clubhouse or recreational area (without alcoholic beverages)				P	C	C		C	S	C	(j)	
	Restaurant, general, including cafeterias, diners, delicatessens, full-service restaurants or accessory uses to a golf course, club house, or recreational area (with alcoholic beverages)				C	C	C		C	C/S	C	(j)	S
Information industries													
	Advertising services (not including advertising signs)				C							(k)	C/S
	News syndicate services				P				.				
	Radio and television broadcasting studios (only)				C	C	C					(k)	
	Data processing services				P				.				
Offices													
	Real estate sales and services				P	P	P				C	(a)	
	Administrative or business office, including bookkeeping services, couriers, insurance offices, personnel offices, real estate services, secretarial services or travel arrangement or ticketing services				P				P				
	Government offices				P			C	C		C	(a)	
	Legal and other professional services, including accounting, tax preparation, architectural or engineering				P				.				
Other nonresidential development													
	Communications towers							C	C	C	C	(m)	C
	Convention center, visitors bureaus or conference center				C		P	C	P			(n)	
Repair and maintenance services													
	Repair service, consumer, including appliance, shoe, watch, furniture, jewelry or musical instrument repair shops				C							(o)	

	Vehicle service, limited, including automotive oil change or lubrication shops or carwashes (enclosed area only)				C				C						(o)	
Retail sales																
Nonstore retailers																
	Direct selling establishments				C										(p)	
	Electronic shopping or mail order houses				C										(p)	
Building materials or garden equipment and supplies retailers																
	Hardware stores				C										(p)	
	Home improvement centers				C											
	Garden supplies centers or nursery and greenhouse retail centers				C										(p)	
	Paint, varnish, glass or wallpaper stores				C										(p)	
	Food sales, including grocery stores, meat markets or butchers, retail bakeries or candy shops				C										(p)	
	Liquor, beer, or wine sales				C										(p)	
Retail sales or services, general																
	Antique stores				C										(p)	
	Department store or limited price variety stores				C										(p)	
	Art, hobby, musical instrument, toy, or related products stores				C	C	C								(p)	
	Sporting goods or bicycle retail and rental				C	C	C								(p)	
	Book, stationary, newspaper, or magazine retail				C	C	C								(p)	
	Cameras or photographic supplies stores				C	C	C								(p)	
	Clothing, piece goods, shoes, jewelry, luggage, leather goods or related products stores, florists				C	C	C					C			(p)	C
	Convenience stores (less than 5,000 square feet gross floor area per establishment)				C	C	C								(p)	
	Drug stores or pharmacies (less than 5,000 square feet gross floor area per establishment)				C	C	C								(p)	
	Electronics, appliance, electrical supplies or related products stores				C										(p)	

	Furniture, cabinet, home furnishings, or related products stores				C									(p)	
	Gifts, novelties and souvenir stores				C	C	C							(p)	
	Optical goods				C									(p)	
	Private postal or mailing services				C									(p)	
	Tobacconists				C	C	C							(p)	
	Service stations, gasoline (with or without convenience stores)				C									(p)	
Retail or personal services															
Consumer convenience services															
	Locksmiths				C									(p)	
	Tailors or seamstresses				C	C	C							(p)	
	Hair, nail, or skin care services, including barbershops or beauty salons				C	C	C							(p)	
	Personal improvement services, including health or physical fitness studios, reducing studios and spas				C	C	C							(p)	
	Photographic services, including one-hour photofinishing				C	C	C							(p)	
Construction services															
	Construction services									C				(q)	
Warehouse and storage facilities															
	Warehouse and storage facilities									C				(r)	
Vehicle storage															
	Vehicle storage, including boat or RV storage									C				(s)	
Recycling services															
	Recycling collection, dropoff									C	C			(t)	
Transportation															
	Taxistands				C	C	.	C							
	Bus passenger stands				C	C	C							(u)	

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

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

Sec. 12-103. Conditions of use.

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

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

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- i. Cable television amplifiers.
 - j. Other such similar equipment, typically installed above ground.
- (4) *Utility cabinets, utility structures.* For utility cabinets which measure approximately nine feet in length by six feet in width, and once installed, stand approximately five feet above grade, and for any other utility structures which the zoning administrator determines are similar in size and impact on the community shall be treated as accessory structures and the following standards shall apply:
- a. Structure shall not be located on property zoned for residential use and must be located a minimum of ten feet from any residential property line.
 - b. Structure shall be surrounded by a landscaped buffer, pursuant to section 12-127.
- (h) *Commercial accommodations.* Hotels or inns providing more than 50 guestrooms shall comply with the special exception provisions of this article or shall be a part of a development agreement.
- (i) *Financial services.*
- (1) Automated teller machines (ATM), stand-alone.
 - (2) ATMs shall be walk-up style and shall be permitted as accessory uses.
- (j) *Food and beverage services.*
- (1) *Bars, cocktail lounges, taverns.*
 - a. Bars or lounges, including taverns, cocktail lounges or member exclusive bars or lounges serving alcoholic beverages are only permitted in restaurants, private clubs, hotels, inns, or country clubs.
 - b. Where applicable, these uses shall comply with the special exception provisions of this article.
 - (2) *Catering services.* Catering service facilities shall only prepare and store food in permitted restaurants, private clubs, hotels, inns, or country clubs.
 - (3) *Restaurant, general.* All general restaurants not a part of a hotel, inn, private club or country club and occupying over 2,000 square feet of floor area shall comply with the special exception provisions of this article.
 - (4) Restaurant, café, coffee shop or snack bar is only permitted in the CS-2 as an ancillary use to the building's primary function as office and meeting space.
 - (5) Be designed so that light sources are shielded from adjacent single-family residential properties, and property zoned R-2.
- (k) *Information industries.*
- (1) *Advertising services.* All advertising associated with this use shall be contained within the structure and not visible, except for any permitted sign, on the exterior of the structure.
 - (2) *Radio and television broadcasting studios.* All radio or television broadcast studios shall be located within a structure. No mobile radio or television broadcast stations are permitted as a permanent use. Temporary use permits may be granted if applicant complies with temporary use permit requirements.
- (l) *Government offices.* Government offices shall:
- (1) Meet the buffer requirements of section 12-127;
 - (2) Provide off-street parking as required in section 12-128; and
 - (3) Be designed so that light sources are shielded from adjacent single-family residential properties.

(m) *Communications towers.*

- (1) *Purpose and legislative intent.* The Federal Telecommunications Act of 1996 affirmed the Town of Kiawah Island's authority concerning the placement, construction and modification of wireless telecommunications facilities. The regulations of this section are designed to site communications towers on Kiawah Island. It is the intent of this article to allow for the harmonious co-existence of communications towers and other land uses. It is also the intent of this article to reduce the overall negative impact of communications towers by:
 - a. Reducing the number of towers needed through a policy of encouraging collocation; and
 - b. Encouraging the following, if collocation is not feasible:
 1. The use of stealth tower design, as defined in subsection (m)(3) of this section;
 2. The clustering of towers (tower farms);
 3. The placement of towers away from roadways;
 4. The provision of effective screening; and
 5. The location of communications equipment on existing structures.
- (2) *Collocation exemption.* Proposed communications equipment collocating on existing towers and structures without adding to their height shall require only a zoning permit and shall not be subject to the requirements of this section.
- (3) *Stealth tower provision.*
 - a. For the purposes of this section, the term "stealth tower" means a communications tower not exceeding 120 feet in height designed to unobtrusively blend into its existing surroundings so as not to have the appearance of a communications tower and is designed to hide, obscure, or conceal the presence of the towers and antennas. Examples of stealth towers include, but are not limited to, antenna tower alternative structures, architecturally roof-mounted antennas, building-mounted antennas painted to match the existing or proposed trees and landscaping, antenna structures designed to look like light poles or electrical utility poles, artificial trees, clock towers, flagpoles, steeples, water towers or water tanks.
 - b. All proposed stealth tower designs must be approved by the Planning Director.
 - c. A complete zoning permit application for a stealth tower that meets all requirements of this article shall be approved.
- (4) *Preapplication meeting.* Prior to submitting a formal application for a zoning permit for a communications tower the applicant is required to attend one or more preapplication meetings. The purpose of the preapplication meeting is to address key issues which will help to expedite the review and permitting process. The Planning Director may conduct a site visit at the preapplication meeting.
- (5) *Zoning permit submittal requirements.* Prior to zoning permit approval, all applications for communications towers shall complete the site plan review process as provided in section 12-162. In addition to any site plan review requirements, the application must contain the following items:
 - a. A site plan, drawn to engineer's scale, showing the location of the tower guy anchors (if any), existing or proposed buildings and structures or improvements, including parking, driveways or access roads, fences and protected Grand Trees affected by the proposed construction. If there are no Grand Trees affected, a surveyor's statement on the site plan must be shown. Adjacent land uses shall also be noted on the site plan, with precise measurements noted between the proposed tower and any residential structures on surrounding properties.

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- b. The site plan must show a vegetated buffer, either existing or installed, that provides an effective screen from public rights-of-way and adjacent property owners and across view corridors. If a buffer is to be installed, its placement on the site will vary in order to provide the most effective screening from public view. Required materials will be based on installation of a 25-foot buffer around the fenced area.
 - c. The height and typical design of the tower, typical materials to be used, color, and lighting shall be shown on elevation drawings. The applicant shall submit documentation justifying the total height of any communications towers, facility and/or antenna and the basis therefor.
 - d. Additionally, color and material samples shall be provided. The tower must be located no closer to a residential structure than a distance equal to 1.5 feet for each foot in height of the proposed tower plus 50 feet as measured from the center of the proposed tower. At a minimum, there must be a 150-foot distance between the proposed tower and a residential structure.
 - e. A six-foot nonclimbable fence must be placed around the tower and any associated building. Guy wires may be fenced separately.
 - f. The proposed tower must be located such that adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining properties. The fall zone shall be determined by an engineer certified by the State of South Carolina in a letter which includes the engineer's signature and seal.
 - g. For the purposes of collocation review and review of efforts at siting a tower on the same lot near an existing tower, the applicant shall submit satisfactory written evidence such as correspondence, agreements, contracts, etc., that alternative towers, buildings, or other structures are not available or suitable for use within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria, providing a location free of interference from other communication towers, or available at the prevailing market rate (as determined by staff communication with persons doing business within the industry). Additionally, the applicant shall make every effort to build the proposed tower in such a manner as may allow other telecommunication users to collocate.
 - h. Proposed towers may not be located within 1,000 feet of the center of an existing tower unless the applicant certifies that the existing tower does not meet the applicant's structural specifications and the applicant's technical design requirements, or that a collocation agreement could not be obtained at a reasonable market rate. In the event of the situation set forth in this subsection, the clustering of new towers on the same parcel near existing towers is permitted.
 - i. The proposed tower shall only be illuminated as required by the Federal Communications Commission or Federal Aviation Administration. Nighttime strobe lighting shall not be incorporated unless required by the Federal Communications Commission or Federal Aviation Administration. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting that shall be as unobtrusive and inoffensive as permissible under state and federal regulations, and an artist's rendering or other visual representation showing the effect of light emanating from the site on neighboring habitable structures within 1,500 feet of all property lines of the parcel on which the communications towers are located.
 - j. Communications towers shall contain a sign no larger than four square feet to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities. The sign shall contain the names of the owners and operators of the antennas, as well as emergency phone numbers. The sign shall be located so as to be visible from the access point of the site. No other signage, including advertising, shall be permitted on any facilities, antennas, antenna supporting structures or antenna towers, unless required by law.

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- k. A copy of the tower's search ring.
 - l. To ensure the removal of towers which do not meet requirements for continued use or proper maintenance, a statement of financial responsibility shall be submitted for each tower and a performance bond for the amount of anticipated removal costs shall be posted. The bond must be renewed as necessary to ensure that it is maintained at all times during the existence of the tower.
 - m. The applicant shall furnish a visual impact assessment which shall include:
 - 1. A zone visibility map which shall be provided in order to determine locations where the tower may be seen.
 - 2. Pictorial representations of before and after view from key viewpoints both inside and outside the Town including, but not limited to:
 - (i) Major highways and roads;
 - (ii) State and local parks;
 - (iii) Historic districts;
 - (iv) Preserves and historic sites normally open to the public; and
 - (v) Any other location where the site is visible to a large number of visitors, travelers or residents.
 - 3. An assessment of the visual impact of the tower base, guy wires and accessory buildings from abutting and adjacent properties and streets
- (6) *Retention of expert assistance and reimbursement by the applicant.*
- a. The Town may hire any consultant and/or expert necessary to assist the Town in reviewing and evaluating the application, including the construction and modification of the site, once permitted, and any requests for recertification.
 - b. An applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of the consultant and expert evaluation and consultation to the Town in connection with the review of any application including the construction and modification of the site, once permitted. The initial deposit shall be \$8,500.00. The application will not be processed until receipt of this initial deposit. The Town will maintain a separate escrow account for all such funds. The Town's consultants/experts shall invoice the Town for its services in reviewing the application, including the construction and modification of the site, once permitted. If, at any time during the process this escrow account has a balance less than \$2,500.00, the applicant shall immediately, upon notification by the Town, replenish said escrow account so that it has a balance of at least \$5,000.00. Such additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the application. In the event that the amount held in escrow by the Town is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant. The applicant shall not be entitled to receive any interest earnings on unused funds.
 - c. The total amount of the funds needed as set forth in subsection (m)(6)b of this section may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.
- (7) *Surrounding property owner notification.*

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- a. In order to better inform the public, in the case of a new communications towers, the applicant shall hold a balloon test as follows:
 - 1. Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of three-foot diameter brightly colored balloon at the maximum height of the proposed new tower.
 - 2. The dates, (including a second date, in case of poor visibility on the initial date) shall be provided to the Planning Director ten days after receipt of the complete application notice.
 - 3. The dates shall be set at minimum 15 days prior to the Planning Director making a final decision on the zoning permit.
 - 4. The balloons shall be flown for ten consecutive hours between 8:00 a.m. and 6:00 p.m.
 - b. Once the application is deemed complete by the Planning Director for a communications tower zoning permit, the Planning Department shall provide parties in interest, personal, posted and newspaper notice in accordance with the requirements of section 12-156. The public notice shall include the dates of the balloon tests as provided by the applicant and the date the Planning Director must make a final decision on the zoning permit.
- (8) *Time limit for staff review.* Upon receipt of an application deemed complete by the Planning Director for a communications tower zoning permit, the Planning Director shall have a maximum of 45 days to act on the application. The 45 days begins from the date the applicant is sent written notice of a complete application from the Planning Director. Failure to act on the application within 45 days will result in the applicant being granted a zoning permit.
- (9) *Zoning permit approval criteria.*
- a. A complete zoning permit application for a stealth tower that meets all requirements of this article shall be approved.
 - b. Upon review of a complete application, no zoning permit shall be issued for a communications tower, until the Planning Director determines that the proposed tower complies with the following criteria and standards:
 - 1. The location and height of the proposed tower will not substantially impact the character of property listed in or eligible for the National Register of Historic Places, other significant environmental, cultural or historical site officially designated scenic roads or rivers and that the tower is designed to blend into the environment and minimize visual impact.
 - 2. If a completely new tower is necessary, the applicant must provide written proof of attempts at collocation and siting a tower on the same lot near an existing tower were proven not feasible or practical.
 - 3. The applicant has pursued any available publicly owned sites and privately owned sites occupied by a compatible use, and if not utilized, that these sites are unsuitable for operation of the facility under applicable communications regulations and the applicant's technical design requirements.
 - 4. Staff shall review and approve the color and materials to be used for the proposed tower.
 - 5. If the Planning Director finds a proposed communications tower will have a substantially negative impact on a surrounding area or adjoining property, the use shall fall under the special exception (S) provisions of this article.
 - c. In determining whether the use shall fall under the special exception (S) provisions the Planning Director may consider one or more of the following items:
 - 1. The proposed use will be detrimental to adjacent land uses including historical sites;

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2. The proposed use will have a negative aesthetic visual impact;
 3. The proposed use will have an adverse affect on the environment (not including radio frequency emissions); and
 4. The proposed use is contrary to the public health, safety or welfare.
- (10) *Tower abandonment.* A tower that is not used for communication purposes for more than 120 days (with no new application on file for any communication user) is presumed to be out of service and the owner of such tower must notify the staff and remove the tower within 50 days. Towers which are not maintained by the owner according to the Town building code shall be removed by the owner within 60 days. To ensure the removal of towers which do not meet requirements for continued use or proper maintenance, a statement of financial responsibility shall be submitted for each tower and a performance bond for the amount of anticipated removal costs shall be posted. Removal costs shall be charged to the tower owner. The bond must be renewed as necessary to ensure that it is maintained at all times during the existence of the tower.
- (n) *Convention center or visitors bureau.* The convention center or visitors bureau using over a total of 10,000 square feet must comply with the special exception provisions of this article.
- (o) *Repair and maintenance services.*
- (1) *Consumer repair services.* Consumer repair services, including repair and servicing of appliances, shoes, watches, furniture, jewelry, musical instruments or similar items, may only occur within an enclosed structure. No noise or other emissions from the structure are permitted.
 - (2) *Vehicle service.* Limited vehicle service, including automotive oil change or lubrication operations and shall be conducted within an enclosed building. Vehicle storage shall be located in an enclosed building or in an opaquely screened yard.
- (p) *Retail sales and retail or personal services.* Retail sales, display and storage of goods are permitted only within a designated building for that particular use. Personal improvement services shall be included as a permitted use as within the PR category as accessory to golf clubhouses, or other private club amenities within a designated building for such uses.
- (q) *Construction services.* Contract construction services operations (e.g., contractor's shops, plumbing shops, heating and air conditioning shops, etc.) excluding construction sites for authorized development activities, shall be conducted within an enclosed building. Authorized development activities, for the purpose of this section, include the permitted installation, construction of buildings, structures or utilities at the site on which they will be used. Vehicle, equipment and materials storage at construction services offices shall be located in an enclosed building or in an opaquely screened yard.
- (r) *Warehouse and storage facilities.* Warehouse and storage facilities shall be designed so that all stored items are located within a completely enclosed building, or are completely screened from view from adjacent property lines. Portable storage units shall not be allowed to remain on any property for more than 72 hours within a week.
- (s) *Vehicle storage, including boat or recreational vehicle storage.*
- (1) Storage of boats, campers and other major recreational equipment, if provided, must be contained within completely enclosed buildings or opaquely screened storage areas on an approved lot. No such equipment shall be used for living, sleeping or housekeeping purposes.
 - (2) Canoes and kayaks may be stored in a semi-enclosed storage rack which is suitably landscaped.
- (t) *Recycling services; recycling collection, dropoff.* Recycling collection and dropoff structures are limited to the following:

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- (1) Maximum dimensions: Nine feet in length by six feet in width, and once installed, stands no more than five feet above grade.
 - (2) Structure shall not be located on property zoned for residential use and must be located a minimum of ten feet from any residential property line.
 - (3) Structure shall be surrounded by a landscaped buffer, as determined by the Planning Director pursuant to section 12-127.
- (u) *Transportation; bus passenger stands.* The design and location of bus passenger stands shall only be approved after completing the site plan review procedures contained within section 12-162.
- (Code 1993, § 12A-302; Ord. No. 2005-08, § 12A-302, 10-12-2005; Ord. No. 2006-08, § 2.1(12A-302), 11-7-2006; Ord. No. 2016-04, § 1, 9-6-2016; Ord. No. 2023-22, § 2(Exh. A), 11-28-2023)

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

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

- (1) *Definition and applicability.*
 - a. The terms "permitted uses" and "approved special exception uses" include accessory uses and structures that are necessarily associated with, and appropriate, incidental and subordinate to, the allowed principal use. Accessory uses and structures shall be subject to the same regulations that apply to principal uses and structures in each zoning district, unless otherwise expressly stated.
 - b. Permits for accessory uses and structures shall be issued by the Town of Kiawah Island Planning Director.
 - c. In a residential zoning district, an accessory building or structure is a subordinate or incidental structure, attached to or detached from the principal building, which is not used for commercial purposes and which is not rented.
 - d. In nonresidential zoning districts, an accessory building or structure is a subordinate building or structure, the use of which is secondary to and supportive of the principal building.
 - e. Accessory buildings or structures shall not be permitted without a principal building or primary use being in existence.
 - f. Accessory uses include any use that is authorized in the district which is secondary or subordinate to the primary use.
- (2) *Standards for detached accessory dwelling units in residential districts.* An accessory dwelling unit to be occupied by family members or caretakers may be allowed as an accessory use to the principal dwelling unit under the following conditions:
 - a. No detached accessory dwelling unit may be constructed on a lot less than 15,000 square feet;
 - b. The detached accessory dwelling unit may not be sold separately from the sale of the entire property, including the principal dwelling unit, and shall not be leased or sublet;
 - c. The detached accessory dwelling unit shall comply with all required building setbacks for the principal residential use and shall be located in the buildable area of the lot;
 - d. The overall height of a detached accessory dwelling shall be limited to one story, provided that an accessory dwelling may be located over a garage;

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- e. When the accessory dwelling is directly attached to the principal dwelling with a roof connection of a minimum of four feet in width, or a wall connection of a minimum of four feet in height, it shall be considered an integral part of the main building; and
 - f. Detached accessory dwellings shall not exceed 1,500 square feet of heated area.
- (3) *Standards for accessory dwelling units in existing structures and nonresidential districts.*
- a. Accessory dwellings for nonresidential structures shall be solely for use by fulltime caretakers of the structure. Such dwellings shall have at least one access through the business that employs the caretaker.
 - b. The overall height of an accessory dwelling shall be limited to one story, provided that a garage apartment or nonresidential caretaker's quarters may be located over a garage.
- (4) *Standards for accessory buildings in residential districts.* Accessory buildings may be allowed in residential zoning districts pursuant to the following conditions:
- a. No accessory building may be constructed on a lot less than 15,000 square feet;
 - b. Detached accessory buildings shall be prohibited from being placed in front of the principal building and shall be placed in the rear yard. Except that a detached accessory use may be constructed in front of the principal residence where the residence backs up to a beach, golf course, lagoon or marsh and is only permitted after approval as a special exception. Accessory buildings will be located within the buildable area of the lot as delineated by the setback requirements;
 - c. Subleasing or renting an accessory building separately from the primary use shall constitute a violation of this article.
- (5) *Standards for accessory structures in residential districts.* Accessory structures may be allowed in residential districts under the following conditions:
- a. Private swimming pools, along with incidental installations such as pumps and filters, may not be located in the front yard. A pool shall be set back a distance of not less than ten feet from all lot lines, except that a pool that is elevated more than four feet above the average natural ground level at the nearest property line shall comply with required building setbacks. All swimming pools shall be gated and fenced. The fence height shall be five feet.
 - b. Private tennis courts shall not be constructed within 20 feet of any adjoining property under other ownership. Tennis court fences or walls shall not exceed 12 feet in height, and no lights for the tennis court shall be permitted.
 - c. Fences shall be limited to landscaped hedgerows of dense plant material and/or wooden, masonry or wrought-iron material, all of which are required to be architecturally integrated with development of the lot or parcel. Fences shall not exceed five feet in height from grade for residential development; provided, however, that this five-foot height restriction shall not apply to the hedgerow portion of any fence or to a fence consisting completely of a hedgerow. This five-foot height restriction shall apply to any gate or gates in any fence of any kind. Solid wood fences shall not be permitted in front yards. Fences (excluding the use of plant material) shall not be permitted within five feet of a side or rear property line. Fences taller than three feet from pavement shall not be located within a sight triangle. Fence heights and setback restrictions shall not apply to the patio wall of patio homes. In measuring the height of a fence to determine whether it complies with the height restrictions, the measurement shall be made to the uppermost portion of the fence, and, if there is anything affixed to or regularly placed or resting thereon, including, without limitation, decorative or ornamental elements or features, all of

which shall be considered a part of the fence for the purposes of this section, then the height measurement shall be to the top of any such thing, element or feature.

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

Sec. 12-105. Home occupations.

The purpose of this section is to permit home occupations that will not change the character of the residential areas in the Town. The intent of this article is to conserve property values, as well as protect residential neighborhoods from excessive noise, excessive traffic generation, nuisances, health and safety hazards which may result from a home occupation conducted in the residential zones.

- (1) All home occupations must comply with the following conditions:
 - a. The use of the dwelling unit in connection with an occupation shall be deemed to be clearly incidental and subordinate to its use for residential purposes if the home occupation occupies no more than 25 percent of the heated and cooled square footage of the residence, and no more than 25 percent of the garage or other enclosed areas which may be utilized to store supplies or materials associated with the home occupation.
 - b. No employees other than persons residing on the premises shall be engaged in the activities of the home occupation.
 - c. There shall be no exterior displays, no exterior storage of equipment, including unlicensed equipment and materials, vehicles with business logos, and no exterior indication of the home occupation which may change the outside appearance of the principal residence or change the residential character of the building.
 - d. No on-premises advertising for the home occupation shall be allowed, nor shall advertisement of the address of the property to attract customers, clients or the public to the premises allowed. Window areas must not purposely or intentionally be used as display areas or offer merchandise for sale.
 - e. Home occupations shall not require internal or external structural alterations of the principal residence or require the installation of equipment or machinery creating utility demand, noise, fumes or other impacts in excess of equipment or machinery that is customary in a residential area.
 - f. The home occupation shall take place entirely within the residential dwelling.
 - g. No open lot storage shall be permitted in connection with a home occupation.
 - h. No pedestrian or vehicular traffic shall be generated by the home occupation.
 - i. No home occupation requiring any equipment or processing which creates noise, vibration, glare, fumes, odors, smoke or dust which disturb neighbors and/or alters the residential character of the premises shall be permitted.
 - j. No electric devices may be used in any home occupation which may cause electrical interference or create visual and audible interference in any radio or TV receivers causing fluctuations in the line voltage off the premises.
 - k. Delivery trucks shall not operate out of a residential area as a function of a home occupation.

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- I. Offices for professional or business activities may be permitted; provided, however, that they adhere to the provisions of this article and that they do not violate any condition prescribed herein.
 - (2) The following occupations, professions, and business activities and those of a similar nature are some of, but not intended to be a complete list of prohibited home occupations:
 - a. Clinics, hospitals;
 - b. Funeral homes, mortuaries;
 - c. Animal/veterinary clinics;
 - d. Restaurants;
 - e. Large scale repair services;
 - f. Construction activities;
 - g. Ambulance services;
 - h. Taxi services;
 - i. Beauty salons, barbershops; and
 - j. Vehicle sales or parts sales.
 - (3) This section does not permit the establishment of unlisted home occupations unless they comply with all other standards and conditions of this article.

(Code 1993, § 12A-304; Ord. No. 2005-08, § 12A-304, 10-12-2005)

Sec. 12-106. Temporary uses.

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

- (1) Temporary zoning permits are obtained from the Town of Kiawah Island Planning Director.
- (2) *Temporary buildings and temporary building material storage areas.*
 - a. Temporary buildings and temporary building material storage areas may be used for construction purposes on a site which is not yet occupied. Temporary buildings and temporary material storage areas for construction purposes located on the project site shall be approved as part of the site plan review. For any temporary buildings or material storage areas situated off-site, a separate permit is required. This separate permit must be approved independently of the site plan review process.
 - b. The site may not be permanently altered in any manner, by e.g., removal of "trees" (as defined in section 12-374, Definitions) or vegetation. However, trees of two DBH inches or less or minor vegetation for proposed temporary uses, which do not require grading or land disturbance activities that alter existing site conditions, may be removed as determined by the Planning Director, if such trees are replaced with a similar/like kind planting of the same DBH inches of trees removed. Replacement trees shall be approved by the Planning Director prior to removal.
 - c. Such buildings shall be permitted for a specific period of time in accordance with a permit issued by the Planning Director, subject to periodic renewal for cause shown.
 - d. Temporary permits shall be issued only if adequate parking and sanitation facilities are provided to serve the proposed use or activity.

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- e. Upon completion or abandonment of construction or expiration of the permit, such temporary buildings and building material storage areas shall be removed and the site shall be restored to its pre-existing condition to the satisfaction of the Planning Director. The Planning Director may require the planting of additional vegetation to satisfy this requirement.

(3) *Special events.*

- a. A temporary zoning permit shall be issued for public assembly use and for events of public interest. Temporary zoning permits shall be issued for a specific period of time in accordance with a permit issued by the Planning Director, subject to periodic renewal for cause shown. Such permit may be extended by the Planning Director. Examples of special events include: Concerts, religious and/or cultural events, sports tournaments or competitions, and parking for special events.
- b. Temporary buildings associated with special events may be used on the site which the event is to take place.
- c. Such buildings shall be permitted for a specific period of time in accordance with a permit issued by the Planning Director, subject to periodic renewal for cause shown.
- d. Temporary permits shall be issued only if adequate parking and sanitation facilities are provided to serve the proposed use or activity.
- e. Upon completion or abandonment of the special event or expiration of the permit, such temporary buildings and associated equipment shall be removed to the satisfaction of the Planning Director.

(Code 1993, § 12A-305; Ord. No. 94-12, § 2(12A-316), 9-26-1994; Ord. No. 2005-08, § 12A-305, 10-12-2005; Ord. No. 2024-08, § 2(Exh. A), 6-4-2024)

Secs. 12-107—12-125. Reserved.

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 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 Table (Permitted, Conditional, Special Exception)
- Communication Towers and Wireless Infrastructure
 - o Coordination with Public Works
- Urban Growth Boundary / IGA Betsy Kerrison Parkway Character Preservation

Anticipated Development Applications

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