



PLANNING COMMISSION MEETING

Kiawah Island Municipal Center
January 7, 2026; 2:00PM

AGENDA

- I. **Call to Order:**
- II. **Roll Call:**
- III. **Approval of Minutes:**
 - A. Planning Commission Meeting Minutes of December 5, 2025 [Tab 1]
- IV. **Public Comments**
(Agenda Items Only)
- V. **Old Business:**
 - A. **Stormwater Management – Phase II Update** [Tab 2]
Phase II: Development of specific stormwater standards for the Town of Kiawah Island.
 - B. **Enhanced Protections for Beachfront & Environmentally Sensitive Areas – Phase II Update** [Tab 3]
Phase II: Enhanced protections for marsh front properties.
- VI. **New Business:**
 - A. **Zoning Text Amendment Application(s):**
 - 1) **AZO25-0000015 | Combination of the Landscape & Tree Preservation Board and the Design Review Board** [Tab 4]
A request to amend Sec. 12-24.1 Landscape and Tree Preservation Board; Sec. 12-24.2 Design Review Board.; 12-129. Tree Preservation and Landscaping Standards.; and Sec. 12-130. Design Review Standards.
 - B. **Discussion of Planning & Zoning Priorities for 2026**
- VII. **Correspondence/Staff Comments:**
 - A. Development Project Updates
 - B. Resiliency Committee Updates
- VIII. **Public Comments:**
- IX. **Commissioner Comments:**
- X. **Adjournment:**

Public Comments: The public is encouraged to attend meetings to share comments directly to members of the Planning Commission. Persons interested in submitting written public comments should email their comments to the Planning Department, tokiplanning@kiawahisland.gov referencing the case number.

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 [online](#).

PLANNING COMMISSION MEETING
Kiawah Island Municipal Center
December 3rd, 2025, 2:00 pm

Minutes

I. Call to Order: Ms. Hennessy called the meeting to order at 2:00 pm.

II. Roll Call:

Present: Joanne Hennessy, *Chair*
Larry Iwan, *Vice Chair*
Gene Babinec
John Connolly
Sandy Devine
Maribeth Schmersal
Rob Ryan

Also Present: John Taylor, Jr., *Planning Director*
Patea St. John, *Planner 1*
Daniel Vincent, *Planner 1*

III. Approval of Minutes:

A. Planning Commission Meeting Minutes of November 5th

Mr. Iwan made a motion to approve the minutes of the November 5th 2025, Planning Commission meeting. Mr. Ryan seconded the motion, and it was approved unanimously.

Public Comments: (Agenda Items Only) None

IV. Old Business:

A. Stormwater Management – Phase II Update.

Mr. Taylor provided an overview of the current effort to develop supplemental stormwater standards specific for the Town of Kiawah Island. Weston and Sampson and Lucas Hernandez are in the data gathering and analysis phase of this project. There will be a check-in on December 18th after which more detail will be available to update the commission.

B. Continuation of Enhanced Protections for Beachfront and Environmentally Sensitive Areas – Phase II Update.

Mr. Taylor clarified that there are two separate initiatives underway: the beachfront overlay (which was discussed in the workshop immediately preceding this meeting) and the marsh front protections. He emphasized that these are not being run in tandem or approved together as some have commented. Regarding the marsh front protections, they are still in the early information gathering stage. Staff recently met with the conservancy and received a presentation on marsh vulnerability analysis. Additional meetings are scheduled with engineers who have experience working with different marsh areas on the island to allow for comparative analysis. No recommendations regarding marsh protections are expected to be brought forward within the next several months.

V. New Business

#REZ25-000001 | Key Dock Location Map Amendment (245 Eagle Point) and #AZO25-000014 | Key Dock Location Text Amendment (245 Eagle Point)

Mr. Vincent presented both amendments together, explaining that the applicant, property owners Jonathan and Lisa Weitz (represented by Mary Shahid), were requesting to:

1. Amend Section 12-62 Zoning Map to modify the key locations map, changing a fixed dock designation to allow for a floating dock location at 245 Eagle Point Road
2. Amend Section 12-78 Dock Key Locations table to modify the fixed dock designation to allow for a floating dock at the subject property

Mr. Vincent provided background on Kiawah Island's key dock locations map, noting that it was adopted in 1991 to prevent uncontrolled growth of private docks and ensure consistency. He explained that fixed docks (identified by letters) are generally intended for fishing and crabbing with no movable parts, while floating docks (identified by numbers) have floating platforms that rise and fall with the tides and are suitable for mooring small watercraft.

The subject property at 245 Eagle Point currently contains a fixed dock with a walkway and pier head, which was permitted in January 2025. The property received a violation in September 2025 for installing a slide mooring system, which was subsequently corrected. The proposed amendment would establish a new floating dock key location (designated as "37 Eagle Point North") and eliminate the fixed dock designation for the subject property.

Staff recommended approval with the condition that key location 37 be established with an authorized shoreline of 50 linear feet for the subject property, and the existing key location G be reduced from 600 linear feet to 200 linear feet of authorized shoreline (preserving the dock option for the neighboring property at 243 Eagle Point).

The property owner, Jonathan Weitz, explained that the proposed plan involves completely removing the 100-foot pier head plus an additional 35 feet of elevated walkway. This would allow access to the water for boat storage or kayaking while also reducing the visual impact on neighbors.

Mr. Babinec expressed concern about the environmental impact on the marsh, which had been identified in a recent presentation as a "marsh to protect." Mary Shahid clarified that the change would actually be less impactful than the current dock, as it would remove multiple pilings, shorten the walkway, and the floating portion would never touch the bottom at low tide. The floating dock would also include a "Sea Pen" structure that would contain boats and prevent leaks from affecting the environment.

Mr. Iwan made a motion to approve both the Map Amendment #REZ25-000001 | Key Dock Location Map Amendment (245 Eagle Point) and text amendment #AZO25-000014 | Key Dock Location Text Amendment (245 Eagle Point) with staff's recommended conditions. Ms. Divine seconded the motion. There was some discussion. The motion was approved by 6 commissioners and Mr. Babinec opposed the amendments.

Ordinance 2025-21 (#AZO25-000009) | Proposed Beachfront Overlay District

Chair Hennessy noted that the Commission had just discussed this item extensively in the workshop preceding this meeting. She acknowledged that additional work needs to be done on the ordinance, including addressing points raised during the workshop.

The Commission discussed the need to potentially modify the approach to the 50-foot buffer zones to account for different conditions along the beach, particularly in the Eugenia area versus other parts of the island. They also discussed refining the purpose of the ordinance, with commissioners suggesting focusing more on beachfront protection and coastal resilience rather than maintaining ocean views.

Commissioners agreed that while they want to move forward with this initiative, they need to make appropriate adjustments based on the feedback received. They noted a need to address the golf course landscaping requirements that were accidentally overlooked in the current draft.

Mr. Babinec made a motion to table Ordinance 2025-21 and seconded by Commissioner Iwan. The motion passed unanimously.

Ordinance 2025-23 (#AZO25-000012) | Modified Minimum Parking Standards

Chair Hennessy explained that the Commission was still waiting for information from the resort regarding parking standards. John Taylor clarified that there had been confusion about the pervious surface requirements in the ordinance. He noted that staff still supports including the pervious surface requirements but, based on Commission feedback, will separate those requirements to be incorporated in the global stormwater approach instead.

The Commission agreed to focus the parking ordinance specifically on parking quantity requirements and to address surface materials as part of the stormwater management regulations.

Mr. Iwan made a motion to table Ordinance 2025-23 and seconded by Ms. Schmersal. The motion passed unanimously.

VI. Correspondence/Staff Comments

Mr. Taylor reported that Town Council had approved the establishment of a Design Review Board (DRB) at their meeting the previous day. The Town will be advertising for and recruiting members for the board. He noted that Town Council included a provision that if the architectural review transitions to KICA before June 30, 2026, the Council would reevaluate the ordinance to potentially exempt properties subject to KICA covenants.

Mr. Taylor also provided updates on development projects, noting that final approvals are nearing for Night Heron Park, Seafields, and MUSC. He mentioned that MUSC will have a ribbon cutting in two weeks, and Seafields has received a conditional certificate of occupancy to allow furniture loading.

Regarding the urban growth boundary, Taylor reported that he had reconvened with county officials and they are working on draft language to be shared with staff and eventually legal teams to ensure coordination between jurisdictions.

VII. Public Comments

Ms. Gallagher from KICA thanked the Commission for listening to concerns from the resort and tabling the ordinances for further consideration. She emphasized that the resort owns the only parcels left for commercial development on the island, and KICA is trying to support their concerns. She also expressed concern about how the Beach Overlay might impact existing facilities like the Sandcastle pool and any future oceanfront development.

VIII. Commissioner Comments

Mr. Connolly inquired about cars being parked on vacant land near West Beach during large events at the resort, questioning whether this was permitted use of the property. John Taylor noted that the property belongs to the resort but staff could look into whether the parking use was properly authorized.

Mr. Iwan noted this was his last meeting and wished everyone happy holidays.

Chair Hennessy expressed satisfaction with Town Council's approval of the Design Review Board, explaining that the Town has worked with KICA and property owners for three years on this issue. She

noted that the DRB will address commercial and multifamily development, which she believes is a great benefit to the community.

IX. Adjournment

Mr. Iwan made a motion to adjourn and seconded by Mr. Babinec. The motion passed unanimously at 2:56 pm.

Submitted by,

Patrea St John, Planner

Date _____

DRAFT

Town of Kiawah Island Zoning Ordinance Amendment Request
Case AZO25-000015 Case History

Planning Commission Meeting: January 7, 2026
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* Sec. 12-24.1 Landscape and Tree Preservation Board; Sec. 12-24.2 Design Review Board.; 12-129. Tree Preservation and Landscaping Standards.; and Sec. 12-130. Design Review Standards. to transition the functions and responsibilities of the Landscape and Tree Preservation Board to the newly established Design Review Board.

On December 2, 2025, Town Council approved the creation of a Design Review Board. To date the Landscape and Tree Preservation Board has not had substantive reviews. Planning staff recommends the combination of these two boards.

- Key Factors of the Proposed Ord
- Eliminates Sec. 12-24.1 Landscape and Tree Preservation Board (LTPB)
- Shifts functions of the LTPB to the Design Review Board.
- Streamlines approval and permitting process by combining functions under one board.
- Reduces Town resources required to operate two separate boards

RECOMMENDATION BY THE PLANNING COMMISSION

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

DECISION ON AMENDMENT BY THE TOWN COUNCIL

Pursuant to §12-158(5) of the *Land Use Planning and Zoning Ordinance* "After receiving the recommendation of the Planning Commission, the Town Council shall hold one or more public hearings, and any time after the close of the public hearing, take action to approve, approve with modifications, or deny the proposed amendment based on the approval criteria of subsection (6) of this section. A simple majority vote of Town Council members present, and voting shall be required to approve the amendment. Zoning map amendments shall not be approved with conditions. Prior to action on a proposed code text amendment, the Town Council may, in the exercise of its legislative discretion, invoke the "pending ordinance doctrine" by ordinance so that no building permits shall be issued for structures which would be affected by the proposed amendment until the Town Council has rendered its decision on the proposed amendment.

APPROVAL CRITERIA

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

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

PLANNING STAFF REVIEW

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

PLANNING COMMISSION MEETING JANUARY 7, 2026

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.

~~Sec. 12-24.1. Landscape and Tree Preservation Board.~~

- ~~(a) *Creation.* The Town of Kiawah Island Landscape and Tree Preservation Board (TPB) has been created and is authorized to act pursuant to S.C. Code 1976, §§ 6-29-870—6-29-910.~~
- ~~(b) *Composition and appointment of term of office of members.*~~
- ~~(1) The Landscape and Tree Preservation Board shall consist of five members. The TPB shall consist of a cross section of design professionals (two minimum) and property owners who have demonstrated knowledge of the diversity of issues concerning trees and an interest the concept of designing with nature, all to be appointed by the Town Council. At least two of these property owners shall be resident members. The term "resident member" means a person who resides permanently on Kiawah Island for not less than eight months of each calendar year.~~
 - ~~(2) The term of office for members shall be for three years from the date of appointment. Any vacancies shall be filled for the unexpired term by the Town Council. All members shall serve without compensation, but may be reimbursed for actual expenses incurred in connection with their official duties, provided the Town Council has approved such expenditures in advance.~~
 - ~~(3) No member shall serve more than three consecutive terms of office; provided, however, that such member shall be eligible to hold such office after a break in service of 24 months.~~
 - ~~(4) No member shall hold an elected public office in the Town of Kiawah Island or Charleston County.~~
 - ~~(5) The TPB shall elect a chair and vice-chair for one year terms.~~
 - ~~(6) The Planning Director or designee shall serve as Secretary of the Board.~~
- ~~(c) *Administrative office.* The Office of the TPB shall be located in the Town Municipal Center. All applications or requests and other papers to be filed with the Board are to be filed with the Planning Director of the Kiawah Island Planning Department not less than 30 working days prior to the Board meeting at which the matter will be heard.~~
- ~~(1) Meetings of the Board shall be at the call of the Chairperson and at such other times as the Board may determine. All meetings of the Board shall be open to the public.~~
- ~~(d) *Rules of procedures and records.* The TPB shall adopt rules of organizational procedure and shall keep a record of its resolutions, findings, and determinations, which record must be a public record. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such actions, all of which shall immediately be filed in the office of the Board and shall be a public record. The TPB may purchase equipment and supplies and may employ or contract for such staff and such experts as it considers necessary and consistent with funds appropriated by Town Council.~~
- ~~(e) *Functions and powers.* The Landscape and Tree Preservation Board shall have the following powers:~~
- ~~(1) The TPB shall be in place to review and approve, approve with conditions or disapprove a proposed Tree Preservation Plan for all proposed commercial or residential developments pursuant to section 12-129, Tree Preservation and Landscaping Standards.~~
 - ~~(2) The TPB shall be in place to review and approve, approve with conditions or disapprove the removal of any Specimen Tree or Grand Tree pursuant to section 12-129, Tree Preservation and Landscaping Standards.~~
 - ~~(3) The TPB shall be in place to hear and approve, approve with conditions or disapprove applications of special circumstances regarding tree removal as determined by the Planning Director.~~

-
- ~~(4) The TPB shall be in place to hear or approve, approve with conditions or disapprove variance request from strict interpretation of landscaping and tree preservation standards pursuant to section 12-129, Tree Preservation and Landscape Standards of this article.~~
- ~~(5) The TPB may recommend such legislation as may be needed and practicable to pursue the purpose for which the Board was established.~~
- ~~(6) The TPB may serve as an advisory board for the Town for matters pertaining to landscape standards and tree preservation.~~
- ~~(f) *Filing of applications to the Landscape and Tree Preservation Board.*~~
- ~~(1) All applications and matters brought before the TPB shall be heard in the order of filing at the regular meeting of the TPB; provided, however, that the TPB shall set its meeting agenda and determine the number of applications it will hear. The Chairperson may call a special meeting of the Landscape and Tree Preservation Board.~~
- ~~(2) In the event that such a special meeting is called, the Chairperson, at his discretion, shall give notice to interested parties that any or all pending matters before the TPB will be heard and considered at such special meeting.~~
- ~~(g) *Published notice for hearings of the Landscape and Tree Preservation Board.* Applications considered for a decision of the TPB shall be held pursuant to notice provisions as specified in section 12-156.~~
- ~~(h) *Decisions of the Landscape and Tree Preservation Board on Variances.* The TPB shall render decisions on variance applications submitted pursuant to this article and section 12-129. The TPB may grant a variance only if exceptional circumstances exist, and where practical difficulty or unnecessary hardship is so substantial, serious, and compelling that relaxation of the general restrictions ought to be granted. No approval of such considered application shall be granted approval unless the applicant shall show and the Landscape and Tree Preservation Board shall find that:~~
- ~~(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property;~~
- ~~(2) These conditions do not generally apply to other property in the vicinity;~~
- ~~(3) Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonable restrict the utilization of the property;~~
- ~~(4) The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance;~~
- ~~(5) The TPB shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map;~~
- ~~(6) The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance;~~
- ~~(7) Granting the variance will not be contrary to the public or neighborhood interest nor will not adversely affect other property in the vicinity, nor interfere with the harmony, spirit, intent, and purpose of this article; and~~
- ~~(8) Granting of the variance does not substantially conflict with the comprehensive plan or the purposes of this article.~~
- ~~(i) *Stipulations, conditions or safeguards.* In granting a variance, the TPB may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare.~~

~~(j) — *Lapse of approval.* An approved tree preservation plan or variance pursuant to section 12-129 shall lapse and be of no further effect 12 months after the date that the tree preservation plan or variance was approved by the TPB unless a completed application of a zoning permit is submitted in accordance with subsection 12-155(4), or if no zoning permit is required, unless construction or development has commenced and is being diligently pursued.~~

~~(k) — *Minutes of the Tree Preservation Board.* The decisions of the Landscape and Tree Preservation Board shall be in writing and signed by the Chairperson or designee. The minutes of the TPB shall show the vote of each member upon each question, or if a member is absent or fails to vote, the minutes shall indicate such fact. The decisions of the TPB shall be filed in the offices of the TPB and the Planning Director. True copies thereof shall be sent by registered mail to each of the interested parties, and shall show the date of the filing and of the decision. These decisions shall be a public record.~~

~~(l) — *Appeals from Landscape and Tree Preservation Board decisions.* Any person who may have a substantial interest in any decision of the TPB or any officer, board, or bureau of the Town may appeal from any decision of the TPB to the Circuit Court in and for the County by filing with the Clerk of such court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 calendar days after the decision of the Landscape and Tree Preservation Board is rendered.~~

~~(Ord. No. 2024-01, § 2(Exh. E), 4-2-2024)~~

Sec. 12-24.2. Design Review Board.

- (a) *Creation.* The Town of Kiawah Island Design Review Board (DRB) has been created and is authorized to act pursuant to S.C. Code 1976, §§ 6-29-870—6-29-910.
- (b) *Intent.* The intent of establishing the Design Review Board and initiating design review is to enhance the Island's character, preserve property values and protect the unique identity of the Town of Kiawah Island. The Design Review process is intended to promote ~~architectural~~ design that is compatible in mass, scale, site orientation and design with existing development of the Town and in harmony with the natural environment.
- (c) *Composition and appointment of term of office of members.*
- (1) The Design Review Board shall consist of five members, at least three of whom must be property owners or resident members, all to be appointed by the Mayor and approved by the Town Council. At least three members shall be registered design professionals or have relevant professional credentials and expertise in the areas of architecture, landscape architecture, urban planning, construction or similar field. The term "resident member" means a person who resides permanently within the Town of Kiawah Island for not less than eight months of each calendar year.
 - (2) The term of office for members shall be three years from the date of appointment. Any vacancies shall be filled for the unexpired term by the Town Council. The Board members shall serve overlapping terms of three (3) years each. At the time of the creation of the Design Review Board, three of the Board's five (5) members shall serve terms of one (1), two (2) and three (3) years as designated by the Town Council. Their successors shall be appointed for a full three (3) year term. The Board members appointed to fill the additional two (2) places on the Board shall serve terms of two (2) and three (3) years, as designated by Town council and their successors shall be appointed for full three (3) year terms. Members are all eligible for reappointment.
 - (3) No member shall serve more than three consecutive terms of office; provided, however, that such member shall be eligible to hold such office after a break in service of 12 months.
 - (4) No member shall hold an elected public office in the Town of Kiawah Island or Charleston County.
 - (5) The DRB shall elect a chair and vice-chair for one-year terms.
 - (6) The Planning Director or designee shall serve as Secretary of the DRB.
- (d) *Rules of procedures and records.* The DRB shall adopt rules of organizational procedure and shall keep a record of its resolutions, findings, and determinations, which record must be a public record. The DRB shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such actions, all of which shall immediately be filed in the office of the DRB and shall be a public record. The DRB may purchase equipment and supplies and may employ or contract for such staff and such experts as it considers necessary and consistent with funds appropriated by Town Council.
- (e) *Meetings.* Meetings of the DRB shall be at the call of the Chairperson and at such other times as the DRB may determine.
- (1) All meetings of the DRB shall be open to the public.
 - (2) The Chairperson may call a special meeting of the Design Review Board. In the event that such a special meeting is called, the Chairperson, at their discretion, shall give notice to interested parties that any or all pending matters before the DRB will be heard and considered at such special meeting.
- (f) *Functions and powers.* The Design Review Board shall have the following powers:
- (1) The DRB shall have jurisdiction over all lands within the municipal limits of the Town of Kiawah Island.

(2) The DRB shall establish a process for sequenced reviews that will protect and improve the visual and aesthetic character of development within the Town of Kiawah Island.

a. Review, approve, approve subject to conditions or deny approval for: construction, enlargement or improvements governed by this Zoning Ordinance that relates to the design, mass, siting or exterior appearance of a structure, except for those actions deemed to be routine maintenance by the Planning Director.

a. ~~Review and approve, approve with conditions or disapprove a proposed Tree Preservation Plan for all proposed commercial or residential developments pursuant to section 12-129, Tree Preservation and Landscaping Standards. or is pursuant to Section 12-129 Tree Preservation & Landscape standards.~~

b.

~~b.~~

(3) The DRB shall review and render decisions using standards and guidelines as referenced within the "Town of Kiawah Island Design Review Standards and Guidelines", Sec.12-130. Design Review -and Section 12-129 Tree Preservation & Landscape Standards on development projects within the municipal limits of the Town of Kiawah Island, excluding single-family residential, except single family residential which are not subject to review or purview of any established architectural review board.

(4) The DRB may recommend such legislation as may be needed and practicable to pursue the purpose for which the DRB was established.

(g) *Filing of applications to the Design Review Board.*

(1) All applications and matters brought before the DRB shall be heard in the order of filing at the regular meeting of the DRB; provided, however, that the DRB shall set its meeting agenda and determine the number of applications it will hear.

(h) *Published notice for hearings of the Design Review Board.* Applications considered for a final review decision of the DRB shall be held pursuant to notice provisions as specified in Section 12-156.

(i) *Decisions of Design Review Board.* The DRB shall approve, approve with conditions or disapprove applications submitted pursuant to this article ~~and~~, the "Town of Kiawah Island Design Review Standards and Guidelines" and, Section 12-130. Design Standards and -Section 12-129 Tree Preservation & Landscape Standards.

(1) The DRB may grant relief from established standards and guidelines, where exceptional circumstances exist and where the DRB determines that the applicant demonstrates the relief does not adversely affect the character of the properties within the vicinity nor interfere with the purposes of this article.

(2) The DRB shall render decisions on variance applications submitted pursuant to Section 12-129. Tree Preservation Standards. The DRB may grant a variance only if exceptional circumstances exist, and where practical difficulty or unnecessary hardship is so substantial, serious, and compelling that relaxation of the general restrictions ought to be granted. No approval of such considered application shall be granted approval unless the applicant shall show and the Landscape and Tree Preservation Board shall find that:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

b. These conditions do not generally apply to other property in the vicinity;

c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonable restrict the utilization of the property;

d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance;

e. The TPB shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map;

f. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance;

g. Granting the variance will not be contrary to the public or neighborhood interest nor will not adversely affect other property in the vicinity, nor interfere with the harmony, spirit, intent, and purpose of this article; and

~~(4)~~h. Granting of the variance does not substantially conflict with the comprehensive plan or the purposes of this article.

(3) The DRB may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the DRB may consider advisable to protect neighborhood character, aesthetic or property values in the surrounding area, or to promote the public health, safety, or general welfare.

~~(2)~~

- (j) *Lapse of approval.* DRB approval shall lapse and be of no further effect 18 months after the date the application and development plans were granted approval by the DRB.
- (k) *Minutes of the Design Review Board.* The decisions of the DRB shall be in writing and signed by the Chairperson or designee. The minutes of the DRB shall show the vote of each member upon each question, or if a member is absent or fails to vote, the minutes shall indicate such fact. The decisions of the DRB shall be filed in the offices of the DRB. These decisions shall be a public record.
- (l) *Appeals from Design Review Board decisions.* Any person who may have a substantial interest in any decision of the DRB or any officer or agent of the Town may appeal from any decision of the DRB to the Circuit Court in and for the county by filing with the clerk of such court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 calendar days after the decision of the DRB has been noticed to the applicant.

(Ord. No. 2024-01, § 2(Exh. E), 4-2-2024)

Sec. 12-129. Tree Preservation and Landscaping Standards.

Purpose and Intent. The purpose of these regulations is to provide tree preservation and landscaping standards for all properties within the Town of Kiawah Island's municipal boundaries in order to consistently preserve and enhance Kiawah's natural environment and to protect significant trees and forests for present and future generations. The proper care of trees, shrubs and other landscape plants is important to the implementation of this chapter. It is the expectation that property owners, tree care professionals and design professionals utilize industry best practices in providing the proper care of trees for the overall health of the environment. The intent of these regulations is to:

- a. Preserve the natural character of neighborhoods;
- b. Ensure the health and wellbeing of Kiawah's native trees and maritime forests;
- c. Protect the health and safety of residents;
- d. Protect water quality and minimize stormwater runoff;
- e. Help prevent erosion or flooding;
- f. Promote integrated development with nature to minimize tree loss and environmental degradation;
- g. Establish a minimum standard for tree preservation and mitigation of environmental impacts resulting from tree removal;
- h. Screen noise, dust and glare;
- i. Maintain and or improve aesthetic and property values;
- j. Promote the planting of native trees and shrubs; and
- k. Encourage best practices for proper landscape and tree care.

Tree Preservation

(1) *Applicability & Exemptions.* The provisions of this article apply to all real property within the municipal limits of the Town of Kiawah Island, excluding single-family residential developments, except single family residential developments which are not subject to review or purview of any established architectural review board.

- a. The following are exempt from the provisions of this article:
 1. Pruning of trees or shrubs for regular maintenance including dune maintenance.
 2. The trimming or removal of trees or vegetation for safe sight distance and visibility within or adjacent to a right of way or leisure trail for pedestrian, bicycle and or vehicular travel.
 3. Routine maintenance as pruning and trimming of trees on golf course. The removal of Specimen Trees on golf courses shall not be exempt from the provisions of this article.
 4. The removal of trees for emergency work.
 5. The removal of invasive tree species as defined within this article.
 6. Tree work completed by utility companies, electric suppliers, or governmental agencies. This article shall not restrict utility and electric suppliers from maintaining safe clearance around existing utility equipment, and existing easements in accordance with applicable state laws. The siting and construction of future gas, telephone, communications, electrical lines, or other utilities shall be exempt from the provisions of this article provided that the applicable company, supplier, or agency has consulted with the Town and received zoning approval from the Planning

Director prior to the commencement of construction or major maintenance projects to develop a strategy to:

- i. Minimize trimming of Protected Trees that do not substantially interfere with the intended purpose of construction or maintenance;
 - ii. Prioritize the protection of Protected Trees as a factor to be considered in the design process;
 - iii. Specify that trees to be removed from the rights-of-way by electric utilities and other utilities may be required to be replaced by such entity.
7. Nothing in this article shall be construed to prevent the ordinary trimming and maintenance of trees provided that a permit is obtained if required and such trimming is so excessive so as to constitute an abuse as described in this section.
- b. ~~The removal of any Specimen Tree on a single family residential development shall not be exempt from the provisions of this article.~~

(2) *Required Permit.*

- a. No person shall cut down, top, remove, relocate, damage, destroy, or in any manner abuse any Protected Tree or Specimen Tree on any lot or right-of-way unless authorized by the terms of this article.
- b. The removal of any Protected Tree or Specimen Tree on any site prior to the issuance of a zoning permit by the Town of Kiawah Island is prohibited. A zoning permit shall be required for the removal, relocation or destruction of Protected Trees or Specimen Trees in accordance with the procedures set out in this article. Permits for tree removal may be approved when the Planning Director has determined that one or more of the following conditions exist:
 1. The tree removal is part of a development plan or site plan for which a Tree Preservation Plan prepared by a licensed surveyor, civil engineer, forester, arborist, or landscape architect has been reviewed and approved pursuant to this article; or
 2. The tree(s) to be removed has been approved by the Landscape and Tree Preservation Board; or
 3. The density of trees is great enough that removal of a tree would be beneficial to the overall area and or health of a Protected Tree and or an environment as determined by a certified arborist.
- c. Trees that are determined to be causing structural damage to a structure greater than 200 square feet or sidewalks and driveways, where said damage cannot be remedied without removing the tree may be removed as determined by a certified arborist. When there is a question of whether tree removal is necessary, the Planning Director may require documentation from a certified arborist with Tree Risk Assessment Qualifications that said damage cannot be successfully halted through root pruning and the installation of a root barrier while maintaining the structural integrity of the tree.
- d. An approved zoning permit for tree removal may be issued with conditions as determined by the Planning Director or Landscape and Tree Preservation Board.
- e. A permit shall not be required for tree(s) to be removed that have been determined to be dead, diseased, irreparably damaged, hazardous, or clearly causing damage to the property or injury to a person in the opinion of a certified arborist or Tree Risk Assessment Qualified (TRAQ) Arborist. Notification shall be made to the Town's Planning Department of such condition(s) prior to tree removal.
 1. Notification to the Planning Department should include photos of the subject tree(s) and any supporting documentation to describe the conditions.

(3) *Tree Surveys, Tree Preservation Plans, and Landscape Plans.*

- a. A tree survey showing all existing trees throughout the portion of any site or right-of-way proposed for disturbance and including any area counted as required open space area shall be submitted as part of any site plan for zoning permits for new construction, substantial improvements, or renovations; or any preliminary and final subdivision plats in accordance with the requirements below. Tree Survey submittal requirements can be found in *Table 41, Tree Survey, Preservation and Landscape Plan Submittal Requirements* of this article.
1. Tree surveys shall include the name, phone number, address, signature, and seal of a licensed surveyor, civil engineer, forester, arborist, or landscape architect.
 2. The tree survey must be certified and dated within two years of its submittal.
 3. A topographical and tree survey must be to an architectural or engineer's scale and is required to show the legal description of the property, including the following:
 - i. Recorded property lines, easements, and setbacks.
 - ii. The topographical contours of the lot, along with spot elevations for existing curbs, the street, and neighboring lot curbing.
 - iii. The location, genus, and species of all oak trees over three inches caliper DBH and other trees more than six inches caliper DBH.
 - iv. Any prominent natural features of the site.
 - v. Adjacent residences with roof heights from mean sea level (MSL), garages, and driveways.
 - vi. Current Ocean and Coastal Resource Management's Certified Critical Line which must be certified with five years of submittal.
 - vii. Utility locations.
- b. A Tree Preservation Plan is a plan that shows all trees in the area to be developed or within the property, the trees to be protected or preserved, the measures taken to preserve them and those scheduled to be removed, including dead and damaged trees. Tree Preservation Plans may be required to be submitted to meet the requirements of this article as specified in *Table 41, Tree Survey, Preservation and Landscape Plan Submittal Requirements*.
1. The Tree Preservation Plan will include calculations to determine the number of replacement trees as required by the tree removal, mitigation, and replacement section of this article and a proposed reforestation landscape plan.
 2. The Tree Preservation Plan shall be developed by a forester, arborist, landscape architect or other horticultural registered professional.
 3. The Tree Preservation Plan shall reflect the applicant's best effort to determine the most feasible and practical layout of buildings, parking lots, driveways, streets, storage, and other physical features, so that the fewest Specimen and Protected Trees are destroyed or damaged and to minimize the negative environmental impact to the site.
 4. The Tree Preservation Plan should consider how the subject property along with adjacent properties, tree densities and landscape can contribute to develop and or maintain wildlife habitat.
 5. The Tree Preservation Plan shall consider the grade quality of trees greater than eight inches DBH where all Grade A and Grade B trees should be prioritized for preservation.

6. Required Tree Protection Fencing: Tree protection fencing shall be shown on the plan, placed around all trees designated to be saved, prior to the start of development activities or grading. Such barriers shall be erected at a recommended minimum distance from the base of Protected Trees according to the following standards:
- i. Tree protection fencing shall be placed at a minimum distance equal to ten feet from the base of a Specimen Tree. All vegetation on the site that is not impacted by construction shall be protected using tree protection fencing.
 - ii. Tree protection fencing shall consist of barriers approved by the Planning Department (a minimum of four feet in height). The Planning Department shall not require that chain link fences be used.
 - iii. Protective barricades shall remain in place until development activities are complete. The area within the tree protection fencing shall remain free of all building materials, stockpiled soil, or other construction debris. Construction traffic, storage of vehicles and materials, and grading shall not take place within the protective areas of the existing trees. Any violations must be addressed immediately, or a stop work will be issued.
 - iv. Construction access to a site should occur where an existing or proposed entrance/exit is located, except for driveway access points, sidewalks, and curb and gutter, land disturbance within a tree dripline is prohibited.
- c. Landscape Plans may be required to be submitted to meet the requirements of this article as specified in *Table 41, Tree Survey, Preservation and Landscape Plan Submittal Requirements*. Details of what must be included can be found in Landscape Standards (2).
- d. *Table 41, Tree Survey, Preservation and Landscape Plan Submittal Requirements* in subsection (3) of this section shows the minimum requirements for submittal of various plans.

Table 41. Tree Survey, Preservation and Landscape Plan Submittal Requirements			
Improvement Type	New Construction and Lot Preparation	Major Improvement ¹	Minor Improvement
Tree Survey	Required	Required	Not Required ³
Tree Preservation Plan	Required	Required ²	Not Required ²
Landscape Plan	Required	Required	Not Required ³
Submittal Requirement Notes:			
(1) A major improvement shall include any repair, renovation, reconstruction, alteration, or improvement where the footprint of the structure is being modified or where the proposed improvement creates any earth disturbing activity greater than 25 percent of the lot.			
(2) A Tree Preservation Plan shall be required if a proposed development requires the removal of a Specimen or Protected Tree(s)			
(3) At the discretion of the Planning Director a landscape plan or tree survey may be required for any improvement which has been determined to create a potential adverse impact.			

(4) *Specimen and Protected Trees.*

- a. Specimen Trees and Protected Trees are species chosen as a point of focus in a landscape which usually has an unusual shape, texture, color or other feature that distinguishes it from other trees and shrubs in the area excluding invasive species. These trees have a life expectancy of greater than ten years, have a relatively sound and solid trunk with no extensive decay or hollow, and have no major insects, pathological problem, or defects. Specimen Trees are valued for their size and their legacy.

-
- b. Under the provisions of this article, the following trees are considered Specimen Trees and shall be prohibited from being removed unless approval is granted by the Planning Director or designee in accordance with the requirements of this article:
 - 1. Grand Trees: Any tree with a diameter breast height of 24 inches or greater in size; and
 - 2. Live Oak Trees with a diameter breast height of 16 inches or greater.
 - c. Under the provisions of this article, the following trees are considered Protected Trees and shall be prohibited from being removed unless approved by the Planning Director or designee in accordance with the requirements of this article:
 - 1. Any tree with a diameter breast height of eight inches or greater.

(5) *Tree Removal and Tree Impacts.*

- a. For the purpose of this article, the term "Tree Removal" shall include, but not be limited to, damage inflicted to the root system by machinery; girdling; storage of materials and soil compaction, changing the natural grade above or below the root system or around the trunk; damage inflicted on the tree permitting fungus infection or pest infestation; excessive pruning; excessive thinning; excessive paving with concrete, asphalt or other impervious material within such proximity as to be harmful to the tree; excessive grading; or any act of malicious damage to a tree. The final determination of tree removal shall be made by the Planning Director.
 - 1. Tree Pruning:
 - i. Pruning or thinning more than 25 percent of the leaf surface on both the lateral branch and the overall foliage of a mature tree that is pruned within a growing season shall be considered excessive. Additionally, one-half of the foliage of a mature tree should remain evenly distributed in the lower two thirds of the crown and individual limbs upon completion of any pruning.
 - ii. Pruning or thinning such as the removal of branches six inches or greater in diameter shall also be considered excessive.
 - iii. Crape Myrtle Trees shall be excluded from the requirements of tree pruning.
 - 2. Tree Root Zone Protection:
 - i. Paving or grading within five feet of the base of the tree or paving or grading 50 percent or greater of the circumference of the tree shall also be considered excessive as determined by the Planning Director.

(6) *Tree Mitigation and Replacement.*

- a. Tree mitigation shall adhere to the following standards in which the applicant shall mitigate loss or removal of Protected Trees and Specimen Trees by planting replacement trees in appropriate areas on the property in accordance with the tree replacement requirements as listed in *Table 4J. Tree Preservation Requirements and Mitigation Standards* and the approved tree preservation plan.

Table 4J. Tree Preservation Requirements and Mitigation Standards			
Tree Size	Location/Context	Preservation Requirements	Mitigation Standard
Individual Tree Removal (Post Occupancy)			
Specimen Trees (<i>Grand Trees 24 inches or greater & Live Oaks 16 inches DBH or greater</i>)	All areas	Removal prohibited except as approved by the Landscape and Tree Preservation Design Review Board and in accordance with required tree preservation plan and the mitigation standards.	Must replant trees with a minimum combined DBH equal to 100% of the tree(s) removed. Replanted trees shall be 70% native species. This mitigation standard shall only be required for applicable Grade A Grade B graded trees. The Design Review Board The Landscape and Tree Preservation Board has discretion to modify required mitigation standards subject to the preservation and mitigation standard criteria listed in this table.
Protected Trees (<i>8 inches or greater</i>)	Outside of the Building Footprint of the Structure	Removal prohibited except as approved by the Planning Director or designee and in accordance with the required tree preservation plan and mitigation standards.	Must replant trees equal to 70% of the total quantity of tree(s) removed. Replanted trees shall be 70% native species. The Planning Director has discretion to modify required mitigation standards subject to the preservation and mitigation standard criteria listed in this table.
All trees	Edge of marsh, ponds or dunes and or at the Critical line on the landward side	Removal prohibited except as approved by the Planning Director or designee and in accordance with the required tree preservation plan and mitigation standards.	Must replant trees with a minimum combined DBH equal to 70% of the tree(s) removed. Replanted trees shall be 70% native species. The Planning Director has discretion to modify required mitigation standards subject to the preservation and mitigation standard criteria listed in this table.
Tree Removal for Construction Activity/Site Development			
Specimen Trees	Within Building Footprint of Structure	Removal prohibited except as approved by the Design Review Board Landscape and Tree Preservation Board and in accordance with required tree preservation plan and the mitigation standards.	Must replant trees with a minimum combined DBH equal to 100% of the tree(s) removed. Replanted trees shall be 70% native species. This mitigation standard shall only be required for applicable Grade

			A Grade B graded trees. The Landscape and Tree Preservation Board <u>The Design Review Board</u> -has discretion to modify required mitigation standards subject to the preservation and mitigation standard criteria listed in this table.
Protected Trees (8 inches or greater)	Outside of Buildable Area	Full preservation of all Protected Trees is required in all yards (front, side and rear) except for any required or permitted driveways, roads, easements, stormwater retention/detention areas or drainage structures.	Must replant trees equal to 70% of the total quantity of tree(s) removed. Replanted trees shall be 70% native species. The Planning Director has discretion to modify required mitigation standards subject to the preservation and mitigation standard criteria listed in this table.
All Trees (8 inches or greater)	Within the Buildable Area and Outside of the Building Footprint of Structure	Removal prohibited except as approved by the Planning Director or designee and in accordance with required tree preservation plan and the mitigation standards.	Must replant trees equal to 70% of the total quantity of tree(s) removed. Replanted trees shall be 70% native species. The Planning Director has discretion to modify required mitigation standards subject to the preservation and mitigation standard criteria listed in this table.
All trees	Edge of marsh, ponds, or dunes and or at the critical line on the landward side	Removal prohibited except as approved by the Planning Director or designee and in accordance with the mitigation standards.	Must replant trees with a minimum combined DBH equal to 70% of the tree(s) removed. Replanted trees shall be 70% native species. The Planning Director has discretion to modify required mitigation standards subject to the preservation and mitigation standard criteria listed in this table.
Preservation and Mitigation Standard Criteria: The following shall be considered in evaluation of any modified required mitigation standards.			
(1) The preferred density should be equal to a combined DBH greater than or equal to 20 trees per acre or 160 inches per acre, whichever is greater. Preservation and mitigation trees should equal 70 percent of the total number trees on the lot.			
(2) Mitigation for Specimen Trees shall only be required for grade quality Grade A and Grade B trees as determined by a certified arborist.			
(3) Edge of marsh, ponds shall be defined as the area within three feet of a marsh, pond line.			
(4) The trees required to be replaced pursuant to this article shall be in addition to any other trees required to be planted pursuant to any other provision of the Town's Code of Ordinance.			

(5) Palm Trees, Palmetto Trees, Pine Trees, and Sweet Gums within the buildable area shall not require mitigation.
(6) Mitigation may not be required for removal of trees within storm water retention/detention areas at the discretion of the Planning Director.
(7) Mitigation trees shall measure a minimum of three inches in caliper DBH.
(8) The grade quality, size and quantity of trees may be considered in the preservation or mitigation requirements.
(9) Removal without mitigation may be permitted if necessitated by emergencies, death, disease, or damage not caused by the property owner as determined by the Planning Director. Removal without mitigation is also permitted for the removal of invasive species.
(10) To prevent a monoculture among plantings, the applicant's plan shall include a diversity in the trees planted for mitigation. No single plant species shall represent more than 40 percent of the total landscape plantings per plant type, except for projects whose landscape requirements for Canopy Trees are less than ten trees.
(11) Depending on the number of trees planted, there shall be a diversity of the plantings. The following diversity of trees is recommended:
5 to 10 trees: Minimum 2 types of trees to be planted;
10 to 20 trees: Minimum 4 types of trees to be planted;
20 to 100 trees: Minimum 7 types of trees to be planted;
Greater than 100 trees: Minimum 10 types of trees to be planted
(12) The replacement tree and plants utilized for mitigation shall be native species. Submitted landscape plans used to satisfy the requirements of this article, shall be 70 percent native species. The replacement tree preferred shall be native species such as Oak, Magnolia, Palmetto, or Hickory.
(13) Palmetto Trees may be used to fulfill the canopy tree requirements. These trees are to be planted at a ratio of three Palmetto Trees for each canopy tree and are to be planted in groupings of three.
(14) Where mitigation trees will not fit on a lot, the alternative locations adjacent to the subject property or planning area may be considered. Coordination of an alternative location may include but is not limited to right of way enhancement, open space, adjacent property or other public or common areas within or adjacent the Town limits as determined by the Planning Director. The Planning Director may coordinate with the Public Works Director, Kiawah Island entities, or other broader community stakeholders. Coordination should also consider how mitigation trees may be maintained.
(15) Where mitigation trees are planted on the subject property, they shall be guaranteed for one full year after planting. Any trees that die within this time period must be replaced by the applicant and/or property owner. Mitigation trees which may be planted in an alternative location are not required to be guaranteed.

(7) *Maintenance of Trees.*

- a. Following development, the property owner shall be responsible for maintaining the trees that were saved and/or planted. Proper tree care should use ANSI A300 (Tree, Shrub, and Other Woody Plant Maintenance—Standard Practices) for best practices.

(8) *Administration.*

- a. Plan Alterations or Revisions: Due to seasonal planting problems and/ or a lack of plant availability, approved plans may require minor revisions. Minor revisions to planting plans may be approved by Town Staff if:
 - i. There is no reduction in the quantity of plant material;
 - ii. There is no significant change in size or location of plant materials; and
 - iii. The new plants are of the same general category (i.e., shade tree, ornamental tree, evergreen, or shrub) and have the same general design characteristics (mature height, crown spread) as the materials being replaced.

(9) ~~Design Review Board~~Landscape and Tree Preservation Board.

- a. The ~~Design Review Board~~Landscape and Tree Preservation Board shall review with the authority to approve, approve with conditions, or disapprove a proposed Tree Preservation Plan for proposed commercial or multifamily residential developments in accordance with the provisions of the article.
- b. The ~~Design Review Board~~Landscape and Tree Preservation Board shall review and approve the removal of any Specimen Tree or Grand Tree in accordance with the provisions of the article.
- c. The ~~Design Review Board~~Landscape and Tree Preservation Board shall also be in place to hear special circumstances regarding tree removal or where strict interpretation of the ordinance has been made by the Planning Director. An applicant may apply to be granted relief or exception to this article as reviewed and approved by ~~the Design~~the Design Review Board~~Landscape and Tree Preservation Board~~. The applicant should make their appeal case to the ~~Landscape and Tree Preservation Board~~Design Review Board pursuant to section 12-24.1, Landscape and Tree Preservation Board, in which the Landscape and Tree Preservation Board shall review and make a decision based on the applicant's submission and approval criteria.

(10) *Inspections, Violations, and Fines.*

- a. The Planning Director or ~~Design Review Board~~Landscape and Tree Preservation Board may approve a delayed schedule for planting materials (provided by the applicant's contractor) when the immediate planting schedule would impair the health of plants. When a delayed planting schedule is approved, the applicant shall provide a bond equivalent to one and one-half times the projected cost of the planting materials and installation in accordance with the American Association of Nurserymen Standards. This is designed to include severe weather, such as droughts, heat waves, and floods. The applicant shall provide a minimum of two quotes from local (tri-county area) contractors for review and the bond amount shall be determined by the Planning Director.
- b. The Town reserves the right to inspect the site or property at any reasonable time for compliance with tree preservation requirements. Town Staff may inspect the site one year after the issuance of a permanent Certificate of Occupancy in order to ensure compliance with the approved tree plan.
- c. If the Town finds a development in violation of this article or if an applicant fails to satisfy any condition that was imposed as part of the original or revised approval of the zoning permit or Tree Preservation Plan or that was made pursuant to the provisions of this article, the applicant or property owner shall be in violation of this article.

-
- d. Any applicant or property owner in violation of this ordinance shall be subject to fines or penalties as prescribed in this article and or other remedies and enforcement actions pursuant to section 12-214.
 - i. The illegal removal of a tree(s), in accordance with the provisions of the article shall constitute a violation and the property owner shall be subject to a penalty fine of \$1,080.00 per tree.
 - ii. The illegal removal of a tree(s), in accordance with the provisions of the article shall constitute a violation and the property owner shall be required to mitigate the illegal removal of a tree(s).

Landscape Standards

The preservation and enhancement of natural systems is a principal priority on Kiawah Island. Development of Sustainable Landscapes is a key objective of these landscape standards and a key component of the community's resilience planning. Sustainable Landscapes sequester carbon; clean the air and water; increase energy efficiency; restore habitats; and create value through significant economic, social and environmental benefits.

(1) *Applicability.* The provisions of this Article apply to all real property within the municipal limits of the Town of Kiawah Island, excluding single family residential developments. However, the provisions of this article shall still apply to single family residential developments which are not subject to review or purview of any established architectural review board.

- a. Landscape Plan shall be required for:
 - 1. All new construction.
 - 2. Exterior remodeling involving a change in the building footprint.
 - 3. Parking areas or other impervious surfaces.
 - 4. Change of use that results in a more intense use.
 - 5. Additions to any structure used for any purpose (except single-family residences
 - 6. At the request of the Planning Director.
- b. No zoning permit shall be issued for a development subject to review until the landscape plan has been approved in accordance with the provisions contained within this article.

(2) *Landscape Plans.*

- a. Plans submitted to meet the requirements of this article shall be a minimum of one-inch equals 20 feet and/or the same engineering scale as the site plan and include; a graphic scale and north arrow. All landscape documents submitted shall be prepared, sealed and dated by a Landscape Architect licensed to practice in the State of South Carolina.
- b. Landscape drawings shall show and describe all site conditions including buildings, pervious and impervious areas, parking, service areas, site furnishings, site and street lighting, natural areas and open space in relationship to site development. Landscape drawings shall consist of sufficient detail and of profession quality to enable comprehensive review.
- c. All landscape plan submissions shall include, but not be limited to documentation of the following;
 - 1. Limits of project site, property lines, setbacks, easements, and context including adjacent sites, vegetation, and buffers.
 - 2. Location of above and below grade site utilities, and service connections including fire department connections, easements, and access requirements. (shown as an underlay).
 - 3. All land disturbing activities and limits of disturbance, including utility work.

-
4. Phasing, future development, temporary uses and timing of construction if applicable.
 5. Tree Preservation fencing.
 6. Proposed topography, drainage ways, yard inlets, area drains, overflow areas.
 7. Proposed plant material shall be depicted at maturity.
 8. Specification and location for hardscape elements such as planters, street and site lighting, site furnishings, paving, walls, fences, signs, etc.
 9. Plant list that includes the complete botanical and common name, native species designation, quantities of each, container size, caliper size, height and spread at planting.
 10. Landscape plan must include in tabular format how the proposed planting meets the requirements of this ordinance.
- (3) *Issuance of Certificate of Occupancy.* The landscape architect of record shall provide a certification letter to the town certifying that the landscaping was installed in accordance with the plans and specifications submitted. With respect to landscape material for a newly developed or redeveloped site undergoing construction, a final certificate of occupancy (CO) shall be issued by the Building Official once all landscape material has been installed in accordance with the approved landscape plans and certified by the Landscape Architect of Record. A temporary certificate of occupancy (TCO) may be issued by the Building Official until all pending issues are addressed; such as plant availability, planting season time of year etc.
- (4) *Plant Materials.*
- a. Natives. Using native plants has a direct impact on the local ecosystem which includes many benefits such as the protection of water resources and reducing the need for fertilizers, pesticides and irrigation which can contribute to stormwater runoff pollution and degradation of downstream water quality. Native plants also provide essential watershed protection, helping natural aquifers recharge, serving to filter water naturally before flowing into rivers and estuaries, lessening erosion and flooding and resistance to saltwater intrusion from flooding and storm surge. In addition, native plants sustain pollinators vital for fruit production and provide high-quality food and shelter for wildlife.

Town of Kiawah Island Grow Native Plant Database is a searchable online database of native trees, shrubs, perennials, vines, ferns, and grasses that provides detailed information on growing conditions, size, flowering, salt tolerance, deer resistance, and the wildlife value for each plant.

https://www.kiawahisland.org/wildlife/top_initiatives/grow_native/native_plant_database.php

Unless otherwise noted in this Ordinance, all proposed planting must be 70 percent native species for trees and shrubs and 50 percent for ground covers.
 - b. Existing Plant Materials. Utilization of vegetation and plant materials that exist on a parcel prior to its development may be used to satisfy the landscaping standards provided they meet the requirements of this ordinance, at the determination of the Planning Director. No site clearing may commence without a Town of Kiawah Island zoning permit.
 - c. Invasive Plant Materials. Landscape plans may not indicate the use of plant species listed on the "Nonnative Invasive Plants of Southern Forests" registry published by the USDA and the "Invasive Plant Pest Species of South Carolina." These species must be removed during site development if existing on the property.
 - d. Size. Unless otherwise stated, all plant materials used to satisfy the requirements of this Ordinance shall meet the following minimum size standards:

Canopy Tree	3" caliper/12' height
Understory/Ornamental	8' height
Evergreen/Conifer Tree	8' height
Shrubs	3 gallon /18—24" height

- e. Species. Species of plant material used to satisfy the requirements of this Ordinance shall be native to the Island or cultivated to survive in this climate. No single plant species shall represent more than 40 percent of the total landscape plantings, except for projects whose landscape requirements for canopy trees are less than ten trees.

All plants installed to satisfy the requirements of this Ordinance shall meet or exceed the plant quality standards of the most recent edition of American Standard for Nursery Stock, published by the American Association of Nurserymen. Plants shall be nursery grown and either balled and burlapped, container grown or transplanted.

(5) *Installation, Maintenance and Replacement.*

- a. Installation. All landscaping shall be installed according to American Association of Nurserymen standards and sound nursery practices in a manner designed to encourage vigorous growth. Sites for plant materials shall be prepared or improved in accordance with American Association of Nurserymen standards for soil preparation and drainage. Landscape plans shall include specifications and details required for the specific requirements of the site.
- b. Irrigation. An automatic irrigation system is required to sustain the initial landscape planting.
- c. Maintenance and Replacement. Required trees, shrubs, and other landscape features shall be considered elements of the project in the same manner as parking, building materials, etc. The property owner shall be responsible for the following:

All landscapes shall be maintained free from disease, pests, weeds, and litter. This maintenance could include weeding, watering, fertilizing, pruning, mowing, mulching or other maintenance as needed and in accordance with acceptable horticultural practices, including American National Standards Institute standards for Tree Care operations and American Association of Nurserymen standards.

The regular maintenance, repair, or replacement of any landscaping required by the ordinance and as shown on the approved site plan.

When replacement of trees, plant material, or other landscape features is required, such replacement shall be accomplished within the shorter of one growing season, one year or such time frames as required by the Planning Director.

(6) *Planting Standards.*

- a. Minimum Lot Landscape Requirements.
 - 1. Trees: The minimum tree requirements for a developed lot shall be equal to a combined DBH greater than or equal to 20 trees per acre or 160 inches per acre, whichever is greater. Each lot after development must contain a minimum of 70 percent of the healthy trees that existed on the lot predevelopment. This requirement may be fulfilled with a combination of existing trees and mitigation trees per the tree preservation plan.
 - 2. Shrubs: 50 percent of all shrubs installed must be a minimum size of seven gallons. The remaining installed shrubs must be a minimum of three gallons.

-
3. Grass, ground cover, and mulch: Large expanses of non-native grass are prohibited unless associated with recreational purposes. Areas of sod must be a minimum of ten feet from lagoon edges. Areas to be grassed must be sodded as opposed to seeded or sprigged. Synthetic turf is discouraged.
 4. Pine straw or mulch areas are minimized and limited to an area no greater than ten percent of the planting areas.

b. Vehicular use landscape standards.

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.

All new parking lots shall be designed with the required landscape areas to accommodate green infrastructure and low-impact development practices.

2. Perimeter landscape requirements.

- (i) A 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. Adjacent buffers shall count toward the minimum ten-foot perimeter landscape area.

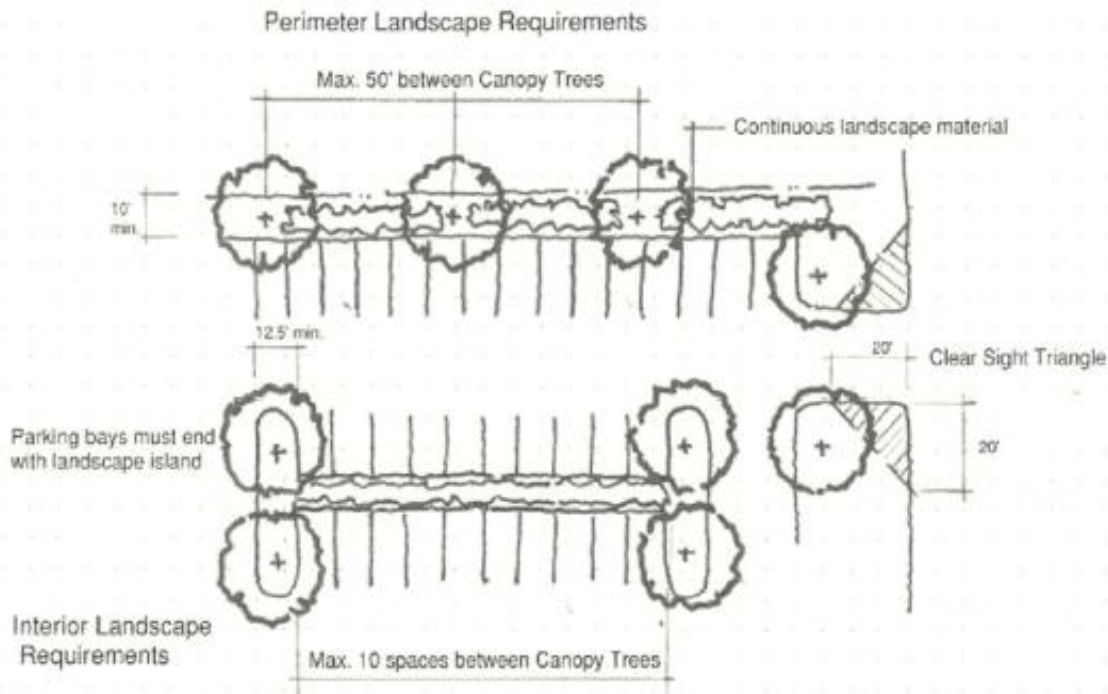
- (ii) Required perimeter landscape areas shall be planted in accordance with the following minimum standards:

- a. One canopy tree shall be provided for each 50 linear feet of parking, loading, or vehicular use area perimeter.
- b. Landscape material of a least five feet in height (at maturity) shall be planted within the perimeter landscape area to provide a continuous landscape element, or a combination of trees, hedges, other durable landscape material or approved wall or fence 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 ground cover;
- d. Landscape material with a mature height greater than 18 inches shall not be permitted within the sight triangle.

A clear sight triangle formed by a diagonal line connecting two points located on intersecting lines of pavement edge, each point being 20 feet from the intersecting lines.

- ii. 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 450 square feet and 12-foot, six-inch width. 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) Landscaping provided to meet the right-of-way buffer standards (same as perimeter landscape) of this article may not be used to satisfy interior parking lot landscaping requirements.



VEHICULAR USE LANDSCAPE STANDARDS

- c. Buffers.
 - 1. The compatibility buffers as outlined in section 12-127 are meant to provide sufficient buffering and screening between and among new and existing developments. It is prohibited to remove any vegetation in these buffers without a permit except invasive species as listed on the "Invasive Plant Pest Species of South Carolina".
 - 2. Natural buffer yards are the preference, those which vegetation has been permitted to have grown through natural succession to include trees which are at least 20 feet tall with thickly vegetated understory growth.
 - 3. Densely planted buffer yards. If the current conditions of the proposed buffer yard does not meet the above definition the proposed landscape shall include 70 percent native

variety of trees and understory planting which will mature to create an opaque buffer yard within five years of planting.

(Ord. No. 2024-01, § 2(Exh. A), 4-2-2024; Ord. No. 2025-02, § 2(Exh. A), 3-4-2025)

Sec. 12-130. Design Standards.

- (1) *Purpose and Intent.* The purpose of these regulations are to provide a clear and transparent process for design review of commercial, mixed-use, civic, and multi-family residential developments in the Town of Kiawah Island, ensuring new development projects support community character and environmental stewardship.

The intent of these regulations is to:

- a. Preserve the natural character of existing neighborhoods;
 - b. Ensure aesthetic compatibility with existing character of Kiawah;
 - c. Promote integrated development with nature;
 - d. Maintain and or improve aesthetic values; and to
 - e. Establish consistent application of minimum standards and guidelines for architectural design.
- (2) *Applicability and Exemptions.* The provisions of this article shall apply to all real property within the municipal limits of the Town of Kiawah Island, excluding single-family residential, except single family residential which are not subject to review or purview of any established architectural review board.
- (3) *Design Standards and Guidelines.* Proposed developments shall be reviewed in accordance the provisions of this article and the “Town of Kiawah Island Design Review Standards and Guidelines”. The following standards shall be utilized by the board and the Planning Director in reviewing the plans, drawings, sketches and other documents as required for review and or approval. These standards are intended to guide property owners and design professionals in achieving thoughtful, context-sensitive architecture that reflects Kiawah Island’s unique character. All projects should reinforce the Town’s principle of Living with Nature within the Comprehensive Plan by integrating built form with the natural landscape, scale, and community character. These standards are not intended to affect the use of property or any by right entitlement of applicable zoning regulations, with the exception of the siting and design of development.
- a. Site Orientation and Layout: Developments should respect the Kiawah’s natural topography, vegetation and ecological systems; prioritize site planning that reduces visual and environmental impacts; orient primary building facades to maximize natural light and ventilation while minimizing heat gain; position buildings to preserve significant trees, wetlands, dunes and other natural features; avoid large expanses of paving; cluster parking areas and screen them with native landscaping; site buildings to maintain view corridors to natural features (marsh, forest edges, ocean); and incorporate pedestrian pathways, shaded outdoor areas, and connections to nearby amenities.
 - b. Massing and Scale: Developments should ensure buildings are appropriately scaled and complement the Town of Kiawah Island’s natural character; break down larger developments into visually cohesive but distinct components; use form and rhythm to harmonize with surrounding development and the natural setting; employ varied rooflines, articulated facades, and step-backs to avoid monolithic appearances; use massing strategies that reflect a hierarchy of forms (primary volume with secondary wings or terraces); break large buildings into smaller scaled segments to maintain pedestrian-friendly proportions; design transitions between building elements to reduce perceived bulk at edges or along public frontages; and consider how massing interacts with the skyline and treeline, ensuring natural dominance.
 - c. Building and Structure Heights: Building heights should reinforce Kiawah’s low-rise, nature-focused identity; transition thoughtfully to surrounding contexts, especially near sensitive habitats and existing neighborhoods; be limited to maintain a harmonious relationship with surrounding vegetation and structure; be step downed along sensitive edges (adjacent single-family areas, critical

area, marsh fronts, or ocean fronts); buildings should use roof forms (hipped, gabled, or gently sloped) to blend with the natural canopy line; screening rooftop mechanicals and utility equipment with architectural enclosures integrated into building design; and avoid flat-topped silhouettes that create stark contrasts with the natural environment.

- d. Fenestration (Windows, Doors, Openings): Openings should contribute to human scale, rhythm, and transparency while respecting privacy and energy performance; fenestration should enhance the building's relationship to the outdoors and natural light; windows and doors should be proportioned and grouped to create balanced compositions; avoid excessive expanses of unbroken glass; use mullions, bays, or screens to provide rhythm; orient and shade fenestration to minimize glare and heat gain while maximizing natural light; employ materials and colors that reduce reflectivity and blend with natural surroundings; encourage the use of porches, loggias, screened rooms, and recessed openings to create depth and shadow; and ground-floor fenestration should promote activity and visual connection with the public realm.
- e. Environmental Stewardship and Process: Developments should protect Kiawah's ecosystems during and after construction; minimize disruption and restore impacted areas; establish tree/vegetation protection zones before construction; employ low-impact construction access and staging to development sites; use native plantings for restoration and landscape; integrate use of pervious materials and nature based solutions for stormwater management; and use sustainable materials and energy-efficient building practices.
- f. Signs: The shape, configuration, location, design, color, texture, lighting and materials of all exterior signs and outdoor advertising structures or features should not detract from the design of proposed or existing buildings and structures and the surrounding properties.

(4) *Application and Review Stages.*

- a. *Preliminary Review*: Prior to advancing a project, the applicant shall submit for preliminary review and approval to the Design Review Board. Preliminary Review shall not constitute final approval of design.
- b. *Final Review*: Prior to submitting for zoning review and approval, applicants shall receive final Design Review Board approval.

(5) *Design Review Board.*

- a. The Design Review Board shall review with the authority to approve, approve with conditions, or disapprove developments in accordance with the provisions of the article.

(6) *Inspections, Violations, and Fines.*

- a. The Town reserves the right to inspect the site or property at any reasonable time for compliance with approved standards and guidelines. Town staff may inspect the site after the issuance of a permanent Certificate of Occupancy in order to ensure compliance with the approved plans.
- b. If the Town finds a development in violation of this article or if an applicant fails to satisfy any condition that was imposed as part of the original or revised approval of the proposed development that was made pursuant to the provisions of this article, the applicant or property owner shall be in violation of this article.
- c. Any applicant or property owner in violation of this ordinance shall be subject to fines or penalties as prescribed in this article and or other remedies and enforcement actions pursuant to section 12-214.