

Town of Kiawah Island Zoning Ordinance Amendment Request Case AZO25-000009 Case History

Planning Commission Meeting: September 10, 2025

Town Council Workshop: September 23, 2025

First Reading: October 14, 2025

Public Hearing: November 4, 2025

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 create a beachfront overlay zoning district establishing a consistent visual, spatial and ecological transition buffer zone between the built environment and the beach and dune system.

Kiawah Beachfront Contextual Factors:

- Kiawah's developed beachfront properties are largely single family residential.
- Remaining undeveloped parcels are principally non-single family residential properties owned by Kiawah Island Golf Resort (West Beach - Old Inn Site, East Beach - Sanctuary).
- Recent multifamily developments have created larger massed structures with more prominent visual presence and impact to beach profile.
- The vast majority of Kiawah's beachfront has been conveyed to the Kiawah Island Community Association, adding a unique protection layer.
- Kiawah beachfront uniquely has parcels which extend to the MHW (West End – Timbers, Cape) (Royal Beach).
- Beachfront Setbacks: Rear setbacks vary for properties adjacent to the beachfront. They range from 20' to 120' depending on location and zoning district. Majority of rear setbacks are 25', 30', 50', or 120' measured from the rear property line. Property rear setbacks also factor in height of structures as the oceanfront setbacks for RST-2 Resort Zoning District include tiered heights lower closer to the ocean.
- Beachfront jurisdictional lines encroach in varied locations across the beach and dune system. These include developed lots along Eugenia Ave, which create areas of concern for long-term resiliency.
- TOKI has recently modified its Beachfront Jurisdiction and Management Ordinance, broadening the definition of beach to encompass primary dune.
- 2018 SC Beachfront Jurisdictional Lines provide a mapped reference point.
- South Carolina Code of Laws §48-39-280 requires SCDES BCM to establish and periodically review two beachfront jurisdictional lines - the baseline and the setback line - which delineate the extent of the state's direct permitting authority for activities proposed within the beach/dune system critical area. The baseline is the more seaward (towards the ocean) line, while the setback line is the landward (towards the land) line. South Carolina will be updating the jurisdictional lines in 2026.

The proposed ordinance organizes additional beachfront standards within established buffer zones along the beachfront for the following intent and purposes.

- Establish a consistent visual, spatial, and ecological transition buffer zone between the built environment and the ocean, beach, and dune system;
- Protect Kiawah Island's beachfront profile, view corridor and the ecological function of dune systems and maritime forest habitats;
- Promote coastal resilience and aesthetic compatibility through zoning and vegetation standards; and
- Maintain and enhance ocean views from properties and public vantage points, including boardwalks and beach access paths.

Key Factors of the Proposed Ordinance:

- The two buffer zones are established utilize the 2018 beachfront jurisdictional lines. The 2018 jurisdictional lines represent a consistent, known and measurable line that can be applied to surveys and site plans for proposed developments. It is anticipated that future jurisdictional baselines will not move any closer to the ocean, however, should future baselines move, the 2018 baseline creates a frame of reference for existing and future development as much of the ocean front properties have been developed.
- The ordinance does incorporate a clause should there be a need to reconsider the boundaries of the BOD, that the Planning Commission shall provide a recommendation to Town Council determining any adjustment to the district boundaries.
- The authorized uses of the underlying zoning district remain in place for the BOD.
- Seawalls, bulkheads or other hard erosion control structures are prohibited. Please note the referenced studies which highlight how seawalls increase erosion through wave reflection, reduce biodiversity, starve adjacent beaches of sediment and emphasize the importance of preserving natural dune systems and implementing living shoreline strategies (e.g., oyster reefs, dune restoration) as resilient and ecologically sound alternatives.
 - Seawalls are often considered visually unappealing and detract from the natural beauty of the coastline, which is important for tourism and recreation in coastal towns.
 - Seawalls stop the natural landward migration of the beach, causing it to narrow and eventually disappear in front of the wall as sea levels rise. As beaches narrow due to erosion caused by seawalls, access to the beach can become limited or even unsafe. Wave energy reflected off the seawall can scour the base of the wall and increase erosion on adjacent, unprotected beaches.
 - Seawalls replace natural sandy beach habitat with a hard, artificial structure, negatively impacting plants and animals that depend on the beach for nesting, breeding, and foraging. Studies have shown that beaches with seawalls have fewer and smaller intertidal species and significantly lower numbers of shorebirds and other birds compared to unarmored beaches.
- The ordinance increases oversight of dune and wildlife habitat protection by requiring coordination with the Town's Environmental & Natural Resources Department for development projects impacting the beachfront.
- Existing structures within any of the established buffer zones would be nonconforming and would now be subject to the standards set forth in 12-192. Nonconforming structures.

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

The proposed ordinance establishes a consistent visual, spatial and ecological transition buffer zone between the built environment and the beach and dune system. The proposed ordinance considers existing structures potentially impacted by proposed standard reinforcing nonconformity status.

Pursuant to SC Code Title 48 - Environmental Protection and Conservation, Chapter 39, Coastal Tidelands and Wetlands, the proposed regulations will require review and approval by the South Carolina Department of Environmental services, specifically the Bureau of Coastal Management.

SECTION 48-39-100. Plan developed in cooperation with local governments.

(A) The management program specified in Section 48-39-90 shall be developed in complete cooperation with affected local governments in the coastal zone. This cooperation shall include, but not be limited to:

(1) Involvement of local governments or their designees in the management program.

(2) Provision of technical assistance and grants to aid local governments in carrying out their responsibilities under this chapter.

(3) Dissemination of improved informational data on coastal resources to local and regional governmental units.

(4) Recommendations to local and regional governmental units as to needed modifications or alterations in local ordinances that become apparent as a result of the generation of improved and more comprehensive information.

(B) Any city or county that is currently enforcing a zoning ordinance, subdivision regulation or building code, a part of which applies to critical areas, shall submit the elements of such ordinances and regulations applying to critical areas to the department for review. The department shall evaluate such ordinances and plans to determine that they meet the provisions of this chapter and rules and regulations promulgated hereunder. Upon determination and approval by the department, such ordinances and regulations shall be adopted by the department, followed by the department in meeting its permit responsibilities under this chapter and integrated into the Department's Coastal Management Program. Any change or modification in the elements of approved zoning ordinances, subdivision regulations or building codes applying to critical areas shall be disapproved by the department if it is not in compliance with the provisions of this chapter and rules and regulations promulgated hereunder.

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

- 1) The South Carolina Department of Environmental Services Bureau of Coastal Management provides, review and affirms required coordination for consistency with its Coastal Management Program.

PLANNING COMMISSION MEETING SEPTEMBER 10, 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 Commission recommend approval by a vote 6 to 0.

The recommendation incorporates some preliminary feedback shared by the Department of Environmental Services Bureau of Coastal Management regarding jurisdictional review authority.

Planning Commission also recommend amending Sec. 12-129. Tree Preservation and Landscaping Standards to address shrub and maritime forest along the ocean front which is anticipated to be brought before the Planning Commission for recommendation at a later date.

TOWN COUNCIL WORKSHOP SEPTEMBER 23, 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.

Town Council reviewed and discussed proposed ordinance, discussing nonconforming structures with regard to the proposed beach overlay. Planning staff noted the potential amendments for further discussion and approval at the next Town Council meeting.

TOWN COUNCIL MEETING OCTOBER 14, 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.

TOWN OF KIAWAH ISLAND

ORDINANCE 2025-21

An Ordinance to Amend Chapter 12 – Land Use Planning and Zoning Ordinance Article II. Zoning, Division 2. Zoning Map/Districts establishing Section 12-81. Beachfront Overlay Zoning District. to create a consistent visual, spatial and ecological transition buffer zone between the built environment and the beach and dune system.

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 establish a consistent visual, spatial and ecological transition buffer zone between the built environment and the beach and dune system; 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 September 10, 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; and

WHEREAS, Town Council held a Public Workshop on September 23, 2025 providing the public an opportunity to comment on the proposed amendment.

WHEREAS, Town Council held a Public Hearing on November 4, 2025 providing the public an opportunity to comment on the proposed amendment.

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 establish a Beachfront Overlay Zoning District.

Section 2 Ordinance

- (1) The Town hereby amends Division 2. Zoning Map/Districts establishing Sec. 12-81. Beachfront Overlay Zoning District as shown in the attached **“Exhibit A”** which is hereby incorporated herein by reference.

- (2) The boundaries of the established Beachfront Overlay Zoning District are depicted in the Town of Kiawah Island Beachfront Overlay Zoning District Map as shown in the attached “**Exhibit B**” which is hereby incorporated herein by reference.
- (3) The Town hereby amends the official zoning map to incorporate the established Town of Kiawah Island Beachfront Overlay Zoning District.

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 upon 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 D. Belt, Mayor

ATTEST:

By: _____
Petra Reynolds, Town Clerk

1st Reading:

2nd Reading:

Sec. 12-81. Beachfront Overlay Zoning District.

(a) Purpose and intent. The purpose and intent of the Beachfront Overlay Zoning District (BOD) is to:

- (1) Establish a consistent visual, spatial, and ecological transition buffer zone between the built environment and the ocean, beach, and dune system;
- (2) Protect Kiawah Island's beachfront profile, view corridor and the ecological function of dune systems and maritime forest habitats;
- (3) Promote coastal resilience and aesthetic compatibility through zoning and vegetation standards; and
- (4) Maintain and enhance ocean views from properties and public vantage points, including boardwalks and beach access paths.

Activities or uses that would compromise these purposes and intents shall be prohibited or strictly regulated within the BOD.

(b) Effect & Applicability of overlay zoning district. The BOD shall apply to all properties within the established district boundaries as depicted on the official zoning map titled, "Town of Kiawah Island Beachfront Overlay Zoning District."

- (1) The BOD regulations of this section apply in addition to the underlying (base) zoning district regulations. In case of conflict between the regulations of this section and other regulations in this chapter, the regulations of this section shall prevail.
- (2) The Bureau of Coastal Management has direct permitting authority over three beachfront critical areas of the state, the Beach/Dune System, Beaches, and Coastal Waters, pursuant to statutory provisions in S.C. Code Ann. § 48-39-10, et. Seq, and the SCDES's Coastal Division Regulations S.C. Code Reg. §30-1 et. Seq. as amended.

(c) District boundaries. The BOD includes parcels located within one hundred and fifty (150) feet of the 2018 South Carolina Beachfront Jurisdictional Setback Line, as established by the State of South Carolina, or parcels adjacent to the primary dune line of the beachfront as determined by the Town of Kiawah Island Beachfront Overlay Zoning District Boundaries. The official zoning map may be supplemented by a GIS overlay to refine exact boundaries.

- (1) No less than 120 calendar days after the South Carolina Department of Environmental Bureau of Coastal Management reviews and establishes the position of the beachfront jurisdictional lines, the Planning Commission shall provide a recommendation to the Town Council determining any adjustment to the district boundaries or established buffer zones of the Beachfront Overlay District.

(d) Authorized and prohibited uses.

- (1) Authorized uses. All uses permitted in the underlying zoning district shall be permitted unless otherwise restricted by the provisions of this article.
- (2) Beach walkovers shall be exempt from the provisions of this article and may be permitted in accordance with the Town of Kiawah Island Municipal Code Article 16 Beach Management. Beach walkovers must meet the statutory and regulatory requirements and criteria in S.C. Code Ann. § 48-39-10, et. Seq, and the SCDES's Coastal Division Regulations S.C. Code Reg. §30-1 et. Seq.

(3) Prohibited uses. Seawalls, bulkheads, and other hard erosion control structures shall be prohibited.

(e) Buffer Zones.

(1) Buffer Zone A: A fifty (50) foot buffer zone shall be established landward from the 2018 South Carolina Beachfront Jurisdictional Baseline, as depicted in the Town of Kiawah Island Beachfront Overlay Zoning Map. Buffer Zone A shall be measured from the baseline to fifty feet (50') landward from the baseline.

a. No structures, including pools, shall be permitted within Buffer Zone A.

(2) Buffer Zone B: A fifty (50) foot buffer zone shall be established extending from the landward edge of Buffer Zone A (50 feet from the baseline) to a distance of one hundred (100) feet from the 2018 South Carolina Beachfront Jurisdictional Baseline, as depicted in the Town of Kiawah Island Beachfront Overlay Zoning Map. Buffer Zone B shall be measured fifty feet (50') from the baseline measured landward to one hundred feet (100') from the baseline.

a. Structures within Buffer Zone B shall not exceed a maximum building height of ten (10) feet as measured from the base building height elevation.

b. Improved areas within Buffer Zone B shall not exceed 20% of the total Buffer Zone B area of the subject property. For purposes of application, improved areas includes any physical alteration to the existing site involving construction, as structures, paving, hardscapes, whether impervious or pervious as determined by the Planning Director.

(f) Building height. Developments within the BOD should incorporate varied heights of a building's elements or sections, rather than maintaining a uniform height throughout the structure, to reduce visual massing toward the ocean.

(g) Dune protection. No alteration, grading or site work shall impact the primary dune without prior coordination and written approval from the Town's Environmental & Natural Resources Department. Any activity impacting the primary oceanfront dune requires South Carolina Department of Environmental Service's Bureau of Coastal Management review and authorization, in addition to local approval from the Town's Environmental/Natural Resources Department.

(h) Tree preservation and landscaping.

(1) Tree Protection and Landscaping Standards (Sec. 12-129) shall apply to the Beachfront Overlay District.

(2) Only native South Carolina coastal species may be planted within established Buffer Zones A and B.

(3) Invasive plant species are prohibited.

(i) Lighting. All lighting within the BOD shall comply with the standards of the Town of Kiawah Island Municipal Code Article 16 Beach Management.

(j) Nonconformities. Existing structures legally established prior to the adoption of this article shall be deemed nonconforming.

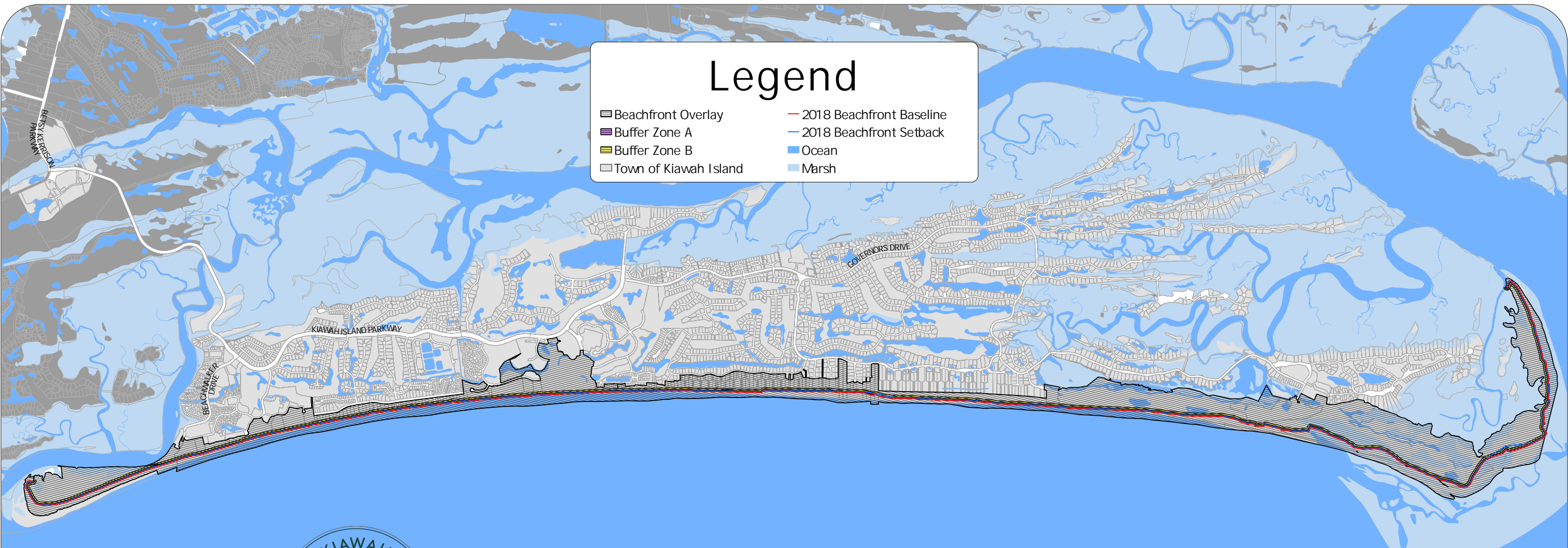
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(k) Variances. Relief from the provisions of this section may be granted by the Board of Zoning Appeals where strict application would result in undue hardship, provided such relief does not compromise the public interest or the purposes of this section.

DRAFT

Legend

- Beachfront Overlay
- Buffer Zone A
- Buffer Zone B
- Town of Kiawah Island
- 2018 Beachfront Baseline
- 2018 Beachfront Setback
- Ocean
- Marsh



Town of Kiawah Island Beachfront Overlay

Effective Date: 9/12/2025
Town of Kiawah Island Planning and Zoning Department
File: TOKI_Beachfront_Overlay_Exhibit
User: dvincent

