

TOWN OF KIAWAH ISLAND

ORDINANCE 2025-02

**AN ORDINANCE TO AMEND CHAPTER 12 - LAND USE PLANNING AND ZONING
ORDINANCE SECTION 12-129. – TREE PRESERVATION AND LANDSCAPING
STANDARDS TO ESTABLISH MINIMUM LANDSCAPE STANDARDS.**

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 minimum landscape standards; and

WHEREAS, the Town of Kiawah Island desires to provide tree preservation and landscaping standards in order to consistently preserve and enhance Kiawah’s natural environment and to assure the continuance of significant trees and forests for present and future generations; 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 December 4, 2024, at which time a presentation was made by staff, and an opportunity was given for the public to comment on the text amendment request; and

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

WHEREAS, the Town Council held a Public Hearing on January 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 minimum landscape standards for the Town of Kiawah Island.

Section 2 Ordinance

- (1) The Town hereby amends Section 12-129. Tree Preservation and Landscaping Standards as shown in the attached **“Exhibit A.”**

- (2) The Town hereby amends Section 12-128. Access, parking, and loading regulations as shown in the attached **“Exhibit B.”**
- (3) The Town hereby amends Section 12-374. Definitions as shown in the attached **“Exhibit C.”**

Section 3 Severability

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

Section 4 Effective Date and Duration

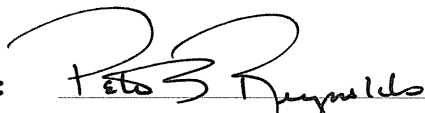
This Ordinance shall be effective from its enactment by the Town Council for the Town of Kiawah Island; however, applications need not be made or reviewed until 1) the Town Council has appointed a quorum of members of the Landscape and Tree Preservation Board and 2) the Landscape and Tree Preservation Board has adopted rules of organizational procedure.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS 4TH DAY OF MARCH 2025.



Bradley D. Belt, Mayor

ATTEST:

By: 

Petra Reynolds, Town Clerk

1st Reading: February 4, 2025

2nd Reading: March 4, 2025

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 4I. 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 4I. 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 chainlink 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 4I. Tree Survey, Preservation and Landscape Plan Submittal Requirements*. Details of what must be included can be found in Landscape Standards (2).
- d. *Table 4I. Tree Survey, Preservation and Landscape Plan Submittal Requirements* in subsection (3) of this section shows the minimum requirements for submittal of various plans.

| Table 4I. 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. | | | |
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(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.*

- b. 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</i> <i>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 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 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 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 |

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|---|---|---|---|
| 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. | Tree Preservation Board has discretion to modify required mitigation standards subject to the preservation and mitigation standard criteria listed in this table. 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. |
| <p>Preservation and Mitigation Standard Criteria: The following shall be considered in evaluation of any modified required mitigation standards.</p> <p>(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.</p> <p>(2) Mitigation for Specimen Trees shall only be required for grade quality Grade A and Grade B trees as determined by a certified arborist.</p> <p>(3) Edge of marsh, ponds shall be defined as the area within three feet of a marsh, pond line.</p> <p>(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</p> | | | |

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) *Landscape and Tree Preservation Board.*

- a. The 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 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 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 Landscape and Tree Preservation Board. The applicant should make their appeal case to the Landscape and Tree Preservation 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 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).

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

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 1-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% native species for trees and shrubs and 50% 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 10 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 twenty trees per acre or 160 inches per acre, whichever is greater.
Each lot after development must contain a minimum of 70% 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% 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 10 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 10% 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 10' 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. 10' 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 at 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" 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 ' from the intersecting lines.

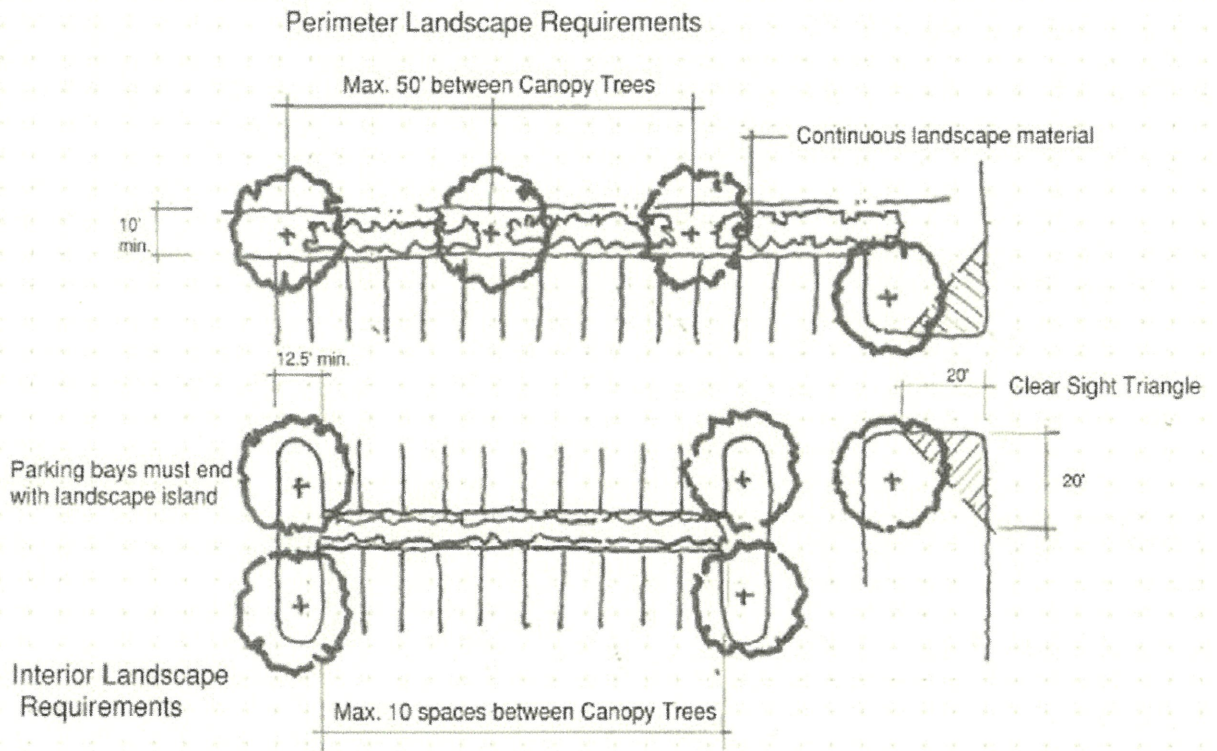
ii. Interior areas landscape requirements.

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 10 parking spaces within an off-street parking area. Required landscape

islands shall have a minimum of 450 square feet and 12'-6" 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 10 parking spaces within the off-street parking area. Double-loaded interior parking landscape islands are to be no less than 10' 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' 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% native variety of trees and understory planting which will mature to create an opaque buffer yard within five years of planting.

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

The following regulations are intended to aid in the design and location of proper access, parking, and loading areas in order to maintain safe and efficient traffic flow.

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

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

- a. No driveway shall be permitted providing access to an arterial street if the property has access to a collector or minor street.
 - b. On minor streets, no driveway should be permitted within 60 feet of an intersection, except when relief is needed due to an existing tree, unusual lot configuration, wetlands or other topographical or geographic feature of the lot.
 - c. When channelized right turn lanes are used, the Planning Director shall determine the minimum spacing between the driveways and intersections based on AASHTO standards as modified by site-specific conditions.
- (3) *Parking and loading.* This section specifies the minimum parking and loading standards for the Town. Where strict interpretation of these standards creates a unique hardship, an individual may seek a variance pursuant to section 12-163.
 - a. *Minimum parking requirements.* Each use shall provide the number of parking spaces specified in table 4F in subsection (3)c of this section and comply with the following:

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

b. *Accessible parking for physically disabled persons.* Handicapped spaces shall be provided as required by the Americans with Disabilities Act (ADA) standards shown in the following table 4E:

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

c. *Minimum dimensions.* All parking spaces reserved for persons with disabilities shall comply with the parking space dimension standards of this section, provided that access aisles shall be provided immediately abutting such spaces, as follows:

1. *Car accessible spaces.* Car accessible spaces shall have at least a five-foot-wide access aisle located abutting the designated parking space.
2. *Van accessible spaces.* Van accessible spaces shall have at least an eight-foot-wide access aisle located abutting the designated parking space.
3. *Proximity to main entrance.* All accessible spaces shall be in close proximity to the main entrance of the facility being served.

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

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

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

1. All off-street parking shall be located outside of required landscape buffer areas and behind front building lines.
2. Parking facilities constructed, or reconstructed greater than 50 percent of their original size, subsequent to the effective date of the ordinance from which this article is derived shall conform to these design standards.
3. All required parking facilities shall be maintained for the duration of the use requiring such facilities. Parking facilities shall be used exclusively for the temporary parking of passenger automobiles, motor vehicles or light trucks not exceeding one ton in capacity, and shall not be used for the sale, display or storage of merchandise, or for the storage or repair of vehicles or equipment.
4. All required parking facilities shall be located on the same site as the use for which such facilities are required.
5. On street head-in parking is prohibited.
6. Angled parking is prohibited.
7. Required parking for residential uses shall be provided within an enclosed garage.
8. Each standard parking space shall consist of an independently accessible rectangular or trapezoidal area.
9. Each parking space shall have a vertical clearance of at least 7.5 feet.
10. Each parking and loading area shall have adequate drives, aisles, and turning and maneuvering areas for access and usability, and shall at all times have access to a street or alley.
11. The minimum parking facility design standards are listed in table 4G in this subsection.
12. Where applicable, the Planning Director may require overflow parking spaces in addition to those required in table 4F in subsection (3)c of this section. All overflow parking spaces shall be of a pervious surface.
13. Required parking spaces shall not have direct access to a street or highway. Access to required parking spaces shall be provided by on-site driveways. Off-street parking spaces shall be accessible without backing into or otherwise reentering a public right-of-way.

Table 4G. Minimum Parking Facility Design Standards

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

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

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

- g. Parking, loading and vehicular use area landscaping – see Section 12-129 Tree Preservation & Landscaping Standards.
- h. *Paving and drainage.*
 - 1. For all uses except single-family dwellings, parking and loading facilities shall be surfaced and maintained with asphaltic concrete or other permanent hard surfacing material

sufficient to prevent mud, dust, loose material and other nuisances. Pervious materials may be allowed as approved by the Planning Director.

2. All parking and loading facilities shall be designed, graded and provided with permanent storm drainage facilities that prevent standing water on any parking area, and do not increase the flow of water onto adjacent properties, streets or alleys.

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

Sec. 12-374. Definitions.

Canopy tree means a tree, with a diameter of at least 3 inches (as measured six inches above grade) at the time of planting, which will grow to a minimum height of 50 feet at maturity.

Green infrastructure and Low Impact Development Practices – decentralized strategies that use physical, chemical and biological principles to improve urban stormwater runoff quality and quantity. The goal is to develop land and manage stormwater in a manner that imitates the natural hydrology.

Understory tree means a tree, 8' feet tall at the time of planting, which will grow to a minimum height of 20 feet at maturity.