MAYOR:
Bradley D. Belt

TOWN ADMINISTRATOR:
Stephanie Tillerson

TOWN ATTORNEY:
Stafford J. McQuillin III

TOWN OF
Kiawah Island
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1988

MAYOR PRO TEMPORE:
Russell A. Berner

COUNCIL MEMBERS:
E. Luke Farrell
Madeleine Kaye
Lance Spencer

TOWN COUNCIL

Municipal Center Council Chambers
October 14, 2025, 1:00 pm

AGENDA

I. **Call to Order:**

II. **Pledge of Allegiance**

III. **Roll Call:**

IV. **Approval of Minutes:**

A. Minutes of the Town Council Meeting of September 9, 2025 **[Tab 1]**

V. **Citizens' Comments (Agenda Items Only):**

VI. **Updates:**

A. Mayor
B. Council Members
C. Administrator

VII. **Old Business:**

A. To Consider Approval of ***Ordinance 2025-10*** - An Ordinance to Amend Chapter 12 – Land Use Planning and Zoning Ordinance Article II. - Zoning, Division 3 - Use Regulations and Section 12-374- Definitions to refine and regulate uses which are compatible with the purpose of that district, with or without conditions, or to restrict uses – ***Second and Final Reading*** **[Tab 2]**

B. To Consider Approval of ***Ordinance 2025-19*** - An Ordinance To Amend Chapter 12 - Land Use Planning And Zoning Ordinance Article II. - Zoning, Division 2 - Zoning Map/Districts to Modify Base Zoning Standards, including but not Limited to Lot Coverage, Height, and Setbacks Within Several Zoning Districts – ***Second and Final Reading*** **[Tab 3]**

VIII. **New Business:**

A. To Consider Approval of ***Ordinance 2025-25*** - An Ordinance for the Town of Kiawah Island to Amend Article 4 - Finance and Taxation. Chapter 3. Municipal Business License. Section 4-317. Consent, Franchise, or License Required for Use of Streets and To Consider Approval of ***Ordinance 2025-26*** - An Ordinance for the Town of Kiawah Island to Amend Article 10 - Public Utilities - ***First Reading*** **[Tab 4]**

B. Consideration of Civic and Cultural Center Addition Committee Recommendation to Approve Caplea Coe/H3 as Architect of Record and Authorize Mayor to Negotiate a Contract **[Tab 5]**

C. Discussion and Acceptance of Road Conveyance: Betsy Kerrison Parkway from SCDOT and from Charleston County from the roundabout to Resurrection Rd, Approx. 0.365 Miles

*Each speaker shall be limited to five minutes. No more than 30 minutes shall be allowed for citizen presentations, comments, and/or questions, and the time shall be divided equally among those requesting to speak.

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

D. To Consider Approval of ***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 - ***First Reading*** **[Tab 6]**

E. To Consider Approval of ***Ordinance 2025-22*** - An Ordinance to Establish a Town of Kiawah Island Design Review Board and Process for Architectural Design Review.- ***Public Hearing and First Reading*** **[Tab 7]**

F. To Consider Approval of ***Ordinance 2025-23*** - An Ordinance To Amend the Town of Kiawah Island Land Use Planning and Zoning Ordinance Article II. - Zoning, Division 4 – Supplemental Regulations, Sec. 12-128. - Access, Parking, and Loading Regulations. To Modify Minimum Parking Standards - ***Public Hearing and First Reading*** **[Tab 8]**

G. To Consider Approval of ***Ordinance 2025-24*** - An Ordinance To Amend The Town Of Kiawah Island Land Use Planning And Zoning Ordinance To Clarify Memberships Of Planning And Zoning Boards - ***Public Hearing and First Reading*** **[Tab 9]**

IX. Citizens' Comments:

X. Executive Session:

A. Pursuant to S.C. Code Ann. § 30-4-70(a)(2), to Receive Legal Advice Protected by the Attorney-Client Privilege Concerning the Settlement Status of Captain Sams Spit Litigation.

Upon Returning to Open Session, the Council May Take Action on Matters Discussed in Executive Session.

XI. Council Member Comments:

XII. Adjournment:

*Each speaker shall be limited to five minutes. No more than 30 minutes shall be allowed for citizen presentations, comments, and/or questions, and the time shall be divided equally among those requesting to speak.

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.

TAB 1

TOWN COUNCIL

Agenda Item

TOWN COUNCIL

Municipal Center Council Chambers
September 9, 2025, 1:00 pm

Minutes

I. Call to Order: ***Mayor Belt called the meeting to order at 1:00 pm.***

II. Pledge of Allegiance

III. Roll Call:

Present at the Meeting:	Bradley Belt, *Mayor* Russell Berner, *Mayor Pro Tem* Luke Farrell, *Council Member* Lance Spencer, *Council Member*
Present Via Zoom:	Madeleine Kaye, *Council Member*
Also Present:	Mac McQuillin, Town Attorney Stephanie Monroe Tillerson, *Town Administrator* Jim Jordan, *Director of Wildlife and Natural Resources* John Taylor, Jr., *Planning Director*

IV. Approval of Minutes:

A. Minutes of the Town Council Meeting of August 5, 2025

Mayor Belt stated that the minutes from the August 5, 2025, meeting had been circulated in advance for review by Council Members. He asked if there were any changes or comments regarding the minutes. Mayor Pro Tem Berner and Council Member Spencer indicated that they had previously submitted comments to the Town Clerk.

With those comments incorporated, the minutes were deemed approved.

V. Citizens' Comments (Agenda Items Only):

No citizens provided comments on agenda items.

Before the presentations, Mayor Belt first acknowledged Jim Jordan, the Town's Wildlife Biologist and Director of Wildlife and Natural Resources, who is celebrating his 25th year with the Town of Kiawah Island this week. Mayor Belt praised Mr. Jordan as representing "the best in public service" based on his experience in both local and federal public sectors and congratulated him.

VI. Presentations:

A. American Red Cross - Meaghan Silsby, Executive Director

Meaghan Silsby, Executive Director of the American Red Cross Lowcountry Chapter, accompanied by Board Chair Ambassador Tom Carter, presented on the Red Cross's services in the region. Ms. Silsby explained that the Red Cross mission is "to prevent and alleviate human suffering in the face of emergencies by mobilizing the power of our volunteers and the generosity of our donors."

She highlighted that while the Red Cross is known for its large-scale disaster response, it serves the local community every day. In 2024 alone, they responded to over 300 local disasters, primarily home fires, partnering with local fire departments to provide support to victims at no cost. Home fires claim nearly seven lives daily in the United States, but working smoke alarms cut that risk nearly in half. Since 2014, the Red Cross has installed over 1,000 free smoke alarms in the Lowcountry, saving the lives of more than 140 South Carolinians in 2024.

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Ms. Silsby reported that in 2024, they provided shelter, food, emotional support, and financial assistance to more than 1,000 people across the Lowcountry. The Red Cross is the largest blood supplier in the United States, providing over 40% of the nation's blood supply. In the Lowcountry, they hosted over 1,200 blood drives and collected more than 24,000 units of lifesaving blood last year. She specifically noted that Kiawah Island participated through the Kiawah Island Resort, collecting over 71 units of blood in 2024, with an upcoming blood drive scheduled for October 8th at the Resort's West Beach Conference Room.

Ms. Silsby noted that the Red Cross also provides preparedness training, with over 4,000 people learning CPR, First Aid, and AED use last year, and reaching over 200 students through disaster preparedness programming. They support military members and families through the Hero Care Network, providing emergency communications, financial assistance, and behavioral health support to over 1,900 cases in the Lowcountry in 2024. Ms. Silsby stated that the Red Cross is a trusted local partner and an integral part of the community's safety net. She emphasized that the 696 dedicated volunteers make this work possible.

Mayor Pro Tem Berner noted that he and Director Harris had recently met with Ms. Silsby, and the Red Cross will start participating with the Community Emergency Response Team he leads, attending their October meeting. Mayor Belt inquired about the geographic area of the Lowcountry chapter, to which Ms. Silsby responded that it covers nine counties, from Georgetown County and Williamsburg down to the Georgia border.

B. Go Green Subcommittee Report Regarding Gas-Powered and Electric Leaf Blowers

Fran Williams, Chair of the Go Green Subcommittee, presented research on electric versus gas leaf blowers as requested by the Council following the discussion on the noise ordinance at the last meeting. The Subcommittee, which includes representatives from all major Kiawah entities, examined two-cycle, four-cycle, and electric blowers.

Ms. Williams presented comparative data showing that while electric blowers are generally quieter (averaging 62 dB compared to 70 dB for two-cycle and 68 dB for four-cycle), the numbers for four-cycle blowers have a wide range. She noted regulatory trends across the country, with some jurisdictions, such as Montgomery County, providing $1,500 rebates to landscapers transitioning to electric. At the same time, the District of Columbia has banned gas blowers and incentivizes neighbor reporting.

Advances in technology have made electric blowers more powerful and quieter, but entry costs remain high, especially for landscape contractors. Ms. Williams highlighted that homeowners find maintenance difficult on electric blowers. The Resort's experience shows that when they break, they typically must be replaced entirely. Battery logistics remain problematic, particularly for contractors who require multiple batteries or solar-powered chargers for their trucks.

Progress on Kiawah includes the Town's all-electric landscape contractor, KICA's one-crew pilot project with electric blowers focused on noise reduction, and the Resort's conversion of 20% of their landscaping equipment to electric, while moving toward four-cycle leaf blowers due to durability challenges.

The Subcommittee's recommendations include having the Town's landscape contractor present to the Go Green Subcommittee to share experiences, share lessons learned, stay current with new technologies, and develop a Kiawah-wide strategy that includes individual homeowners and landscape contractors.

Mayor Pro Tem Berner asked if the Subcommittee had spoken with contractors using electric machines. Ms. Williams responded that they had not, but noted her own landscape contractor shows no interest in converting due to cost and battery concerns. Mayor Belt suggested that a Kiawah-wide solution would address the issue of competitive disadvantage.

Council Member Spencer pointed out that the discussion should include all gas-powered equipment, like weed eaters and saws, not just blowers. Ms. Williams agreed that solutions for leaf blowers would likely apply to other equipment.

Mayor Belt noted that communities like Washington, DC, have banned two-cycle gas blowers primarily due to noise issues, particularly the low-frequency noise that penetrates walls, as well as environmental and health concerns for operators. He believed the Town should consider banning two-cycle gas-powered leaf blowers due to their noise pollution and inefficiency, whereas four-cycle models pose fewer issues. Consideration could be given to using a carrot versus stick approach, with a phased prohibition over six months to a year, while providing financial incentives.

Mayor Pro Tem Berner mentioned his electric plug-in blower works well without battery issues. Council Member Spencer suggested gathering data from communities that have transitioned to understand real-world experiences beyond subjective resistance to change.

Council Member Farrell inquired if any landscape contractors had been sought out to serve on the Subcommittee. Ms. Williams stated that they had not, because the Go Green Subcommittee is broader than just leaf blowers. If the Council agrees and wants to go forward, they would absolutely have to be included in developing that strategy. He also emphasized that every manufacturer frequently changes batteries, creating disposal concerns. Ms. Williams agreed that staying current with technology is challenging, noting that the Resort's four-cycle blower had just been discontinued.

Council Member Kaye noted that this was an ad hoc response to a request made to the Go Green Subcommittee, which had led to several issues. If the Council is going to ask them to conduct additional research, they need to have some fairly clear direction about what is to be included in that research. The Subcommittee is working on numerous initiatives.

VII. Updates:

A. Mayor

Mayor Belt then addressed the recent water damage at Town Hall. A valve in the ceiling burst, flooding the administrative offices with 2-3 inches of water that had penetrated the walls. The incident necessitated the replacement of carpet, baseboards, and other materials. Mayor Belt commended Mr. Gottschalk and Mr. Nardelli, the Town's Public Works Department, who worked around the clock, as well as Mayor Pro Tem Berner, who took the lead in identifying the likely cause as galvanic corrosion. This phenomenon occurs when two dissimilar metals are improperly combined. Testing revealed at least one other problem area that was precariously close to bursting, which was replaced. Mayor Pro Tem Berner expressed concern about what might be behind walls that cannot be cost-effectively inspected. The Mayor noted staff is exploring water meter sensors and automatic shut-offs to prevent future incidents.

Development updates included:

- Seafields is remaining on track for a temporary certificate of occupancy in mid-October, with the goal of beginning material movement and full occupancy expected by late November. Work continues on a retaining wall to address flooding and runoff issues.
- The MUSC facility is planning a mid-December ribbon-cutting ceremony and is expected to be open by the end of the year. The Mayor hopes to have Dr. Patrick Cawley, CEO of MUSC Charleston, present at an upcoming meeting to discuss the services to be provided.
- Night Heron Park's new Activity Center is expected to open by year's end, possibly in November, with bowling leagues already forming.

Mayor Belt commended KICA for their weekly updates, which have been providing a good summary of some of the off-island developments: the South Market across from Ace Hardware, the status of the Orange Hill Development, the Kiawah Island Clubs' new facility, as well as the flyover at Savannah Highway and Main Road, and even the Trident freestanding medical facility on Maybank.

Mayor Belt stated that the Architectural Design Competition for the proposed Civic and Cultural Center received three detailed submissions by the deadline. The Selection Committee, which includes himself, Mayor Pro Tem Berner, Mark Permar, and other community members, will meet with each of the firms. Mayor Belt announced that a community viewing opportunity is scheduled for Wednesday, September

17th, from 3:00 to 5:00 pm in the Council Chambers, allowing the public to review submissions, provide input, and ask questions of the architectural teams.

Mayor Belt provided updates on issues from KICA's Board meeting, including their speed enforcement on community association roads and their draft gate access policy. He noted that issues regarding access for members and guests, including the terms of that access and whether any fees were associated with it, are uniquely KICA's. Still, the congestion and location of the gate are issues that impact the broader community, and both the Town and KICA, as well as other stakeholders, have to address them collectively. He expressed concern about language suggesting KICA could control access of government officials, noting that South Carolina law gives code enforcement, law enforcement, and emergency personnel the right to carry out responsibilities on both public and private property. He emphasized the need for clarity in the hierarchy of federal law, state law, local law, and then restrictive covenants.

The Mayor discussed the draft Memorandum of Understanding (MOU) for managing beach trash. Currently, the Town pays approximately $84,000 annually for Trident to collect beach trash daily during the peak season; however, most receptacles are located on KICA property without formal permission or liability agreements in place. The MOU aimed to clarify responsibilities for managing trash on the beach and to require cooperation in relocating receptacles before storms. KICA's Board reaction has "not been particularly favorable." The Board raised the issue that the Town should assume this obligation because it receives all the revenues associated with beach franchise agreements. While the franchise revenue covers the beach trash management, the Town spends substantially more on Beach Patrol and other services, which will require continuing conversations.

Mayor Belt stated that the Town's Communications and Public Affairs team has been working on expanding offerings for the community, engaging in conversations with various cultural and artistic organizations in Charleston to establish relationships and/or partnerships. The idea is to dedicate an evening to Kiawah Island residents at various institutions. The first "Kiawah Night" event will take place at the Charleston Museum on October 21st from 6:00 PM to 7:30 PM, with the Town providing transportation for 44 people on a first-come, first-served basis.

Mayor Belt stated that the next quarterly community Town Hall will take place on Wednesday, October 8th, at 10:00 am, with KICA Board Chair Kevin Donlin joining the meeting. Residents are welcome to come and ask questions of interest, and we will do our best to provide a response.

B. Council Members

Mayor Pro Tem Berner focused his update on his extensive involvement with the Town Hall flood response, emphasizing his concern about preventing mold and avoiding repeat incidents. He expressed excitement about the Civic and Cultural Center Design Competition submissions, calling it "a spectacular facility." He also mentioned meeting with the Red Cross alongside Director Harris, with the Red Cross planning to attend the next CERT meeting.

Council Member Kaye reported on the following committees and subcommittees:

- The Go Green Subcommittee, under the leadership of Fran Williams, has made significant progress on several initiatives, including recently recording a podcast on composting.
- The Resiliency Committee is working on putting together a massive amount of information and educational materials that will eventually be built into a "Resiliency Library."
- The Environmental Committee has been working on the death of a juvenile bobcat that was reported last month.

Council Member Kaye provided extensive detail on the death of a juvenile bobcat, with necropsy results showing very high levels of second-generation anticoagulants (SGAs). The bobcat was less than a year old and likely spent its entire life on Kiawah, accumulating dangerous SGA levels in just 10 months. While SGAs weren't the direct cause of death (the bobcat was hit by a car), they likely weakened the bobcat and slowed its response time. The South Carolina Department of Pesticide Regulation has taken no

action despite being informed of the issue. She emphasized that SGAs are dangerous rodenticides, noting, "I've heard people say that they would rather have no bobcats than rats. Here's the thing, it's not an either-or proposition." She explained that there are safe, effective pest control methods, starting with rat-proofing houses. The bobcat population had been rebuilding until three years ago, when community interest in protection waned, leading to the bobcats' suffering.

Council Member Kaye stated that a new subcommittee, including Cindy Perry, Pam Wilson, Linda Loeffler, and Jim Jordan, is working on bobcat protection, but emphasized that community support is crucial to reversing the trending decline. Kicking off this renewed push to preserve and protect our bobcats is the "Bobcats and Bluegrass," scheduled for November 7th, featuring music, food, drinks, and merchandise.

Council Member Farrell provided a financial update for the fiscal year-end 2025. Revenues were down approximately $1 million, primarily due to one special building permit that is expected to be reissued this year. Expenses were up, requiring focus on expense management from now on. Despite this, the Town remains "very healthy," setting aside about $2.5 million in savings for long-term projects, such as the Civic and Cultural Center. The first month of the new fiscal year shows revenues at 9% of the budgeted amount and expenses at 7% of the budgeted amount.

Council Member Farrell reported that, with the closing of the financials on June 30th, the fiscal audit for Fiscal Year 2024-2025 has commenced, along with the financial controls audit assessment, which was discussed throughout the year. Initial indications show very healthy financial controls. In response to Mr. Hennessy's question, Council Member Farrell stated that KICA is also considering a financial controls assessment.

Regarding the Civic and Cultural Center, Council Member Farrell emphasized that the primary focus will be on cost control. He will conduct a thorough review of all expenditures and ensure they are spent appropriately. He also noted that the Town is not going to spend all the savings generated over the past years; the Accommodation Tax revenue can fund the project.

Mayor Belt stated that the Town would actually have the wherewithal to draw down on its accumulated surplus, which is currently around mid-$40 million, to cover the anticipated cost of the design for the Civic and Cultural Center in its entirety. However, the expectation is that, since the Town can utilize State Accommodation Tax dollars and associated finances, the addition itself would not require any drawdown from the accumulated surplus. Council Member Farrell added that research is being conducted on ways to finance the cost over time, potentially making it more cost-effective.

Council Member Spencer raised one item: encouraging the Town to explore strategic land purchases in Kiawah's vicinity that could reduce traffic, improve aesthetics, or benefit the environment. He suggested setting up a program similar to state and county land bank programs, where applications could be considered for approval.

Mayor Belt stated that it doesn't preclude pursuing opportunistic purchases as they arise, a practice that has been done in the past and will continue. He also noted that Council Member Spencer's suggestion had substantial merit, and the Town should look forward to moving forward with a task force or a similar initiative. He suggested that this type of recommendation might be embedded in the Comprehensive Plan. Council Member Spencer emphasized urgency, noting "every time I drive down Bohicket Road, I'm seeing a new sign for a parcel for sale."

C. Administrator

Ms. Tillerson provided the Public Safety Report for August on behalf of Director Harris, who was absent due to a family medical issue.

- The top Beach Enforcement issues were dog leash violations, critical habitat violations, and the use of glass containers, resulting in 211 citations and warnings issued.
- General enforcement focused on short-term rentals, beach gear storage permits, and rental inspections.

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- The Sheriff's Office made 59 stops, resulting in 46 citations and 13 warnings, as well as one domestic disturbance. Notable incidents involved intoxicated individuals who either lost their way or fell asleep in vehicles.
- The St. Johns Fire Department responded to 39 rescue/medical incidents, as well as 34 fire/false alarm responses.
- Charleston County EMS responded to 33 medical calls, with 22 transports.

Regarding the debris site, Ms. Tillerson explained that the Town lost its DHEC-approved site, off Kiawah Island Parkway, due to zoning issues the Resort is having with the County. The site is not located in the Town boundaries. The Town is working on an Intergovernmental Agreement with Charleston County to use their debris sites on Johns Islnad. The agreement would allow the County to handle debris pickup after storms, or the Town could do its own pickup with five days' written notice. In the long term, the Town continues to explore purchasing or leasing a 3-5 acre site on Johns Island. Council Member Farrell inquired about the size, with staff confirming that they had previously used about five acres, although FEMA requires a minimum of three acres.

Ms. Tillerson encouraged signing up for the Johns Island Advocate newsletter, highlighting upcoming County Council consideration of Cane Slash Road upzoning on September 11th and transportation sales tax program discussions.

VIII. Old Business:

A. To Consider Approval of ***Ordinance 2025-16*** - An Ordinance to Amend Chapter 12 – Land Use Planning And Zoning, Article II. - Zoning, Division 3. - Use Regulations, Sec. 12-103. – Conditions of Use, to Modify Standards Regarding Communication Tower Infrastructure to Enhance Public Safety and Quality of Life Issues Regarding Cellular Coverage – ***Second and Final Reading***

Mr. Taylor presented Ordinance 2025-16 addressing communications towers for second reading. He indicated that a few comments were received from Council Members and the Mayor regarding potential tweaks, recommending approval with minor changes that would not require returning to the Planning Commission, while identifying more substantial changes for future consideration.

Council Member Farrell inquired as to the purpose of the recommendation. Mayor Belt indicated there was a community-wide desire to upgrade the communications infrastructure. To avoid inordinately delaying the process, Mr. Taylor proposes incorporating some formatting and minor changes as an amendment, along with more substantive issues to be considered at a subsequent meeting.

Minor recommended changes included:

- Adding "natural grade" after "tower" in the height measurement provision to ensure consistent measurement from ground level.

Mayor Pro Tem Berner questioned the natural grade measurement, wondering if industry-standard measures were used from the slab to the ground. The discussion included Jonathan Yates from Crown Castle, who confirmed they were comfortable with natural grade measurement.

- Reorganizing sections to separate submittal requirements from minimum standards.

Council Member discussion included the minimum tower height requirement, fall Zone, and aesthetic setbacks. Mr. Yates explained that this was necessary because existing equipment must remain operational while new towers are constructed, which creates siting challenges. The maintenance and inspection requirements were also discussed, with Mayor Belt particularly noting the need for aesthetic maintenance provisions for painted towers.

- Keeping stricken, the aesthetic visual impact criteria that the Planning Commission had removed.

Mr. Taylor indicated that the more substantial issues identified for future amendments included specific maintenance requirements, the retention of expert assistance procedures, and consistency in approval criteria. He also highlighted the drop-in swap provision, noting that the language was too broad, and recommended including a waiver request in the ordinance to allow some flexibility for a drop-in swap.

The Council Members discussed adding drop-in swap waiver provisions to allow existing towers to be replaced at the same location, with some flexibility on setbacks. They also expressed concern about adding new language that's not part of what was approved on the first reading. Mr. McQuillin confirmed that the Planning Commission had reviewed the drop-in swap language, so adding it would not require resubmitting the ordinance. The Council agreed to include the drop-in swap waiver provisions, deleting problematic language regarding "land use policy considerations."

Mayor Belt moved to approve Ordinance 2025-16 on second reading as presented. Council Member Spencer seconded the motion.

Mayor Belt moved to approve amending Ordinance 2025-16 with the organizational changes, the addition of natural grade language, and the drop-in swap waiver provision as edited. Council Member Farrell seconded the motion, and it was unanimously approved.

The underlying motion to approve Ordinance 2025-16 on second reading, as amended, was unanimously approved.

New Business:

A. To Consider Approval of ***Ordinance 2025-18*** - An Ordinance for the Town of Kiawah Island to Amend the Town of Kiawah Island's Comprehensive Plan - ***Public Hearing and First Reading***

Mr. Taylor and Planning Commission Chair Joanne Hennessy presented Kiawah Next, the Town's new Comprehensive Plan. Mr. Taylor stated that the process to reach this point was very involved and acknowledged all the people who participated from beginning to end. He also noted that the plan was simplified so that anyone should be able to understand the goals and objectives of the Town's direction.

Mr. Taylor highlighted three critical factors shaping the future:

- Success relies on collaboration among major stakeholders, adding a new "governance" element as the 11th element beyond state requirements.
- Managing growth as Kiawah reaches buildout and enters a redevelopment stage, requiring focus on preserving existing neighborhoods while looking beyond the front gates.
- Maintaining commitment to nature, transitioning from "designing with nature" to "living with nature."
- The Kiawah by the Number section highlights trends and the top impacts that are expected. It provides a snapshot of some of the statistics associated with the next 10-plus years.

Ms. Hennessy stated that a major redo was done in the past months, acknowledging the efforts of Ms. Tillerson and Mr. Taylor, as well as new Planning Commission members Sandy Devine and Maribeth Schmersal, for helping redirect the plan's focus on conservation, limiting density, and planning for resiliency, climate change, and stormwater management.

Mayor Belt acknowledged Ms. Hennessy for her leadership and patience in dealing not only with Planning Commissioners and staff but also with the Mayor's edits and suggestions. Council Members praised the plan's quality and readability. Council Member Kaye called it "nothing short of terrific" with excellent emphasis on resiliency. Council Member Spencer suggested that the next step involves parsing action items with the responsible parties and setting timeframes.

Mayor Pro Tem Berner made a motion to move into the Public Hearing. Council Member Farrell seconded the motion, and it was unanimously approved.

Mr. Taylor asked that the public comments received before the meeting be entered into the record.

During the Public Hearing, Mark Permar praised it as "by far the best document of its kind since the town incorporated," highlighting the Kiawah Island Alliance and redevelopment task force initiatives. He suggested adding updated land use regulations as a specific element and clarifying the difference between possible and probable unit counts, given that major undeveloped areas allow both residential and non-residential uses.

Mayor Belt agreed on the need to clarify the numbers, noting that the current infrastructure is already stressed due to the existing dwelling units. He emphasized that adding 300 units over the past 4-5 years

had caused noticeable congestion, and future additions of hotel rooms, short-term rentals, and potentially 20% more dwelling units would further strain the infrastructure.

Mayor Belt made a motion to move back into Regular Session. Mayor Pro Tem Berner seconded the motion, and it was unanimously approved.

Council Member Farrell made a motion to approve the first reading of Ordinance 2025-18, which amends the Town's Comprehensive Plan. Mayor Pro Tem Berner seconded the motion.

Council Members engaged in an in-depth discussion of the purpose and how the Town would perform a stress test of the transportation infrastructure capacity under normal and emergency conditions. They also discussed future conversations on strategies and methods for stress tests, as well as the need to begin preparing for the worst-case scenario. Mayor Belt suggested that the next step could be to send it back to the Planning Commission for their assessment of the action items and determination of who should be responsible.

Council members were invited to submit any changes, comments, or questions within two weeks.

Following the discussion, the motion was unanimously approved.

B. To Consider Approval of ***Ordinance 2025-19*** – An Ordinance To Amend Chapter 12 - Land Use Planning And Zoning Ordinance Article II. - Zoning, Division 2 – Zoning Map/Districts to Modify Base Zoning Standards, including but not Limited to Lot Coverage, Height, and Setbacks Within Several Zoning Districts - ***Public Hearing and First Reading***

Mr. Taylor presented the Planning Commission recommendations to reduce density by modifying lot coverage, height, and setback standards in several zoning districts. Key changes included:

- R-3 Residential: Reducing maximum lot coverage for multifamily and townhomes from 60% to 40%.
- RST-1 (Resort 1 - Sanctuary/East Beach area): Reducing lot coverage from 70% to 50%, maximum height from 4 stories/70 feet to 4 stories/55 feet, with tiered oceanfront setbacks.
- RST-2 (Resort 2 - West Beach): Reducing lot coverage from 70% to 50%, eliminating the 4-story option to a maximum of three stories/55 feet.
- No changes are being recommended to the community support zoning districts.
- Parks and Recreation: Reducing lot coverage from 70% to 60%.
- Included in the materials were comments from Mr. Permar that were provided to the Planning Commission.

Council Member Farrell made a motion to move into the Public Hearing. Mayor Pro Tem Berner seconded the motion, and it was unanimously approved.

During the Public Hearing, **Mark Permar,** representing himself, Kiawah Partners, and KIGR, strongly opposed the changes. He argued the Town should comprehensively rewrite Chapter 12 rather than make piecemeal amendments. He noted that 607 days remain on the existing Development Agreement with KIGR, suggesting that this time be used for a comprehensive revision.

Mr. Permar explained the RST zones were specifically selected 50 years ago for intense development as "villages," with the Sanctuary designed for an additional 175-room wing and West Beach improvements sized for a 150-room hotel completion. He warned that the changes would make the Sanctuary non-conforming and conflicting with hundreds of millions of dollars in resort investments.

Dave DeStefano raised concerns about potential spot zoning affecting primarily one property owner (the Resort) and possibly constituting a taking.

Mayor Belt responded that previous development agreements themselves involved spot zoning, and the community today shouldn't be bound by decisions made decades ago by developers rather than elected officials. He supported the Planning Commission's systematic approach while awaiting a comprehensive rewrite of Chapter 12.

Council Members expressed a need for more time to consider the implications. Council Member Spencer noted that this appeared to emerge suddenly compared to Captain Sams rezoning. Mayor Pro Tem Berner sought the opinion of legal counsel on spot zoning concerns before voting.

With the request for more time, Mayor Belt noted that many Planning Commission recommendations would be coming to the Council, so there was a need to pay closer attention to their discussions to avoid delaying approvals. Ms. Hennessy agreed with Mayor Belt's suggestion to approve this as a first reading and hold an executive session before the next Council meeting.

Mayor Pro Tem Berner made a motion to move back into Regular Session. Council Member Farrell seconded the motion, and it was unanimously approved.

Mayor Belt made a motion to approve the amended Ordinance 2025-19 on its first reading. Council Member Farrell seconded the motion.

Council Members again expressed a need for more time to consider the recommendations further and requested a legal opinion on spot zoning. Mr. McQullian indicated that he would not give a legal opinion in open session, but had no issue with the approval of the first reading.

Following further discussion, the motion passed 4-1, with Council Mayor Pro Tem Berner abstaining.

C. To Consider Approval of Boat Purchase

Council Member Farrell reported that the Ways and Means Committee unanimously approved purchasing a 2024 Robalo 21-foot center console boat for multiple Town uses, including marsh management, bridge inspections, and Code Enforcement. The boat features a low freeboard for marsh access, but it also boasts a deep-V hull, making it suitable for moderate ocean conditions when needed. The $70,000 purchase includes a boat, motor, and trailer, funded by budgeted general funds.

Council Member Kaye noted she could think of five scenarios in recent months where this boat would have been useful for exploring environmental issues, including SGAs in marine life.

Mayor Belt moved to accept the Ways and Means recommendation to approve the boat purchase. Council Member Kaye seconded the motion, which was unanimously approved.

IX. Citizens' Comments:

No citizens offered additional comments.

X. Council Member Comments:

Council Member Farrell thanked Ms. Tillerson for her email regarding hurricane preparedness and evacuation procedures.

Mayor Belt thanked everyone for the thoughtful discussion and input from staff and the community.

Other council members had no additional comments.

XI. Adjournment:

Mayor Belt adjourned the meeting at 4:12 pm.

Submitted by,

_____

Petra S. Reynolds, Town Clerk

_____

Date

DRAFT

TAB 2

TOWN COUNCIL

Agenda Item

Town of Kiawah Island Zoning Ordinance Amendment Request
Case AZO25-000004 Case History

Planning Commission Meeting: June 4, 2025
Public Hearing and First Reading: July 1, 2025
Planning Commission: August 6, 2025
Planning Commission: September 10, 2025
Town Council Workshop: September 23, 2025
Second Reading: October 14, 2025

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* Division 3. – Use Regulations and Sec. 12-374. Definitions. to refine and regulate uses which are compatible with the purpose of that district, with or without conditions or to restrict uses.

Key Factors of the Proposed Ordinance:

The proposed amendment:

- Eliminates several commercial retail uses as a by-right or conditional use from several zoning districts.
- Removes residential uses from the CS-2, Community Support zoning district.
- Modifies the PR-OC Zoning District to incorporate conditional use reference based on current conditions of the zoning district pertaining to dwelling units and the integration of residential and nonresidential buildings.
- Qualifies parking areas which are not specifically associated with a proposed development. These include parking facilities as the principal use. Establishes conditions consistent with those of landscaping and parking standards for visual and aesthetic value for such facilities.
- Modifies accessory structure standards pertaining to fences, pools and sports courts.

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 changes to the use regulations are consistent with the land use patterns with the Town of Kiawah Island.

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

PLANNING COMMISSION MEETING JUNE 4, 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 reviewed and recommended approval of the proposed ordinance with minor changes by a vote of 6 to 0.

TOWN COUNCIL MEETING PUBLIC HEARING AND FIRST READING JULY 1, 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 voted (4-0) to amend the ordinance on first reading and request the Planning Commission review accessory structures and to specifically provide a recommendation regarding private tennis (sports) courts.

Key amendments to the proposed amendment include:

- Clarifying the modifying and clarifying the number of fuel bays for fuel stations.
- Incorporating the prohibition of chain linked fencing except for temporary construction perimeter fencing.
- Adding site restoration to pre-existing condition for special events

PLANNING COMMISSION MEETING AUGUST 6, 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.

Two people provided public comments regarding this proposed ordinance regarding padel courts and parking use within the Community Support zoning district.

Planning Commission voted (6-0) to table action for further study on a recommendation regarding private tennis (sports) courts to address potential adverse impacts.

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 discussed potential adverse impacts of sports courts and recommended focusing on how to mitigate those potential impacts.

Highlighted changes:

- The maximum height of the fencing and wall modified to accommodate a regulation padel court.
- Planning staff provided clarifying language and additional standards regarding screening and buffering from adjacent properties that should incorporate landscaping.
- Community Support Zoning Districts were included within conditional or special exceptional uses for parking lots.

Planning Commission reviewed and recommended approval of the proposed ordinance with minor changes by a vote of 6 to 0.

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, highlighting concerns regarding sports courts. Planning staff noted the potential amendments for further discussion and approval at the next Town Council meeting.

TOWN COUNCIL MEETING SECOND READING 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.

Highlighted changes:

- Sports courts definition incorporated along with conditions of approval including special exception by the Board of Zoning Appeals.

TOWN OF KIAWAH ISLAND

ORDINANCE 2025-10

An Ordinance to Amend Chapter 12 – Land Use Planning and Zoning Ordinance Article II. Zoning, Division 3. - Use Regulations and Section 12-374. - Definitions to Refine and Regulate Uses Which are Compatible With the Purpose of That District, With or Without Conditions, or to Restrict Uses.

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 refine and regulate land uses to ensure compatibility with the various zoning districts and land use patterns; 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 June 4, 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 the Town Council that the proposed amendment be approved; and

WHEREAS, the Town Council held a Public Hearing on July 1, 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, refine and regulate uses which are compatible with the purpose of that district, with or without conditions, or to restrict uses.

Section 2 Ordinance

(1) The Town hereby amends Division 3. - Use Regulations and Section 12-374. - Definitions, as shown in the attached **"Exhibit A,"** which is hereby incorporated herein by reference.

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 the Town Council for the Town of Kiawah Island.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS 14TH DAY OF OCTOBER, 2025.

Bradley D. Belt, Mayor

ATTEST:

By: _____

Petra Reynolds, Town Clerk

1st Reading: July 1, 2025

2nd Reading: October 14, 2025

DIVISION 3. USE REGULATIONS

DRAFT

DRAFT

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

(a) Purpose and intent. Principal uses are the uses permitted in each zoning district. These are shown in table 3A in subsection (c) of this section, authorized uses in zoning districts. The intent is to allow and regulate uses which are deemed compatible with the purpose of that district, with or without conditions; or to restrict uses.

(b) Use regulations are conditions of use. These conditions are requirements which must be met to comply with this article.

(c) The following ~~three~~ classifications of use are permitted, conditional and special exception as defined in this subsection and as listed in table 3A in this subsection ~~(where no classification of use is shown (blank cell), that use is prohibited in the zoning district)~~:

(1.) *Permitted use (P).* Permitted use is the principal use allowed in a zoning district. It is a use of right. By way of example, single-family detached dwelling units are permitted in all residential zoning districts, R-1, R-2 and R-3. However, multifamily residential units are only permitted in the R-3 zoning district. The letter P indicates that a use type is a permitted use.

(2.) *Conditional use (C).* Conditional uses are uses that are permitted within a zoning district only when the identified conditions for that particular use have been met and the zoning permit application approved by the Planning Director. Conditions for each use are specified in section 12-103, conditions of use. The letter C indicates that a use type is a conditional use.

(3.) *Special exception (S).* Special exceptions may only be granted by the Board of Zoning Appeals. These are uses which are generally compatible with the permitted land uses in a zoning district, but which require specific review of the location of the site and the design, configuration and operation of the proposed use, as well as the possibility of imposition of conditions in order to ensure the compatibility of the use at a particular location within the zoning district. Section 12-161 provides a complete description and requirements for special exceptions. The letter S indicates that a use type requires a special exception.

~~(3.)~~

(4.) *Prohibited Use*. A blank cell indicates that the use type is prohibited within the zoning district.

(5.) A cell containing multiple classifications as (C/S) indicates a conditional use or a special exception use as specified in the conditional use reference. Refer to Section 12-103, conditions of use.

(d)

Planned Development. Planned Developments shall follow the Planned Development provisions contained in sections 12-73 and 12-159, and the code text and zoning district map amendments provisions contained in section 12-158.

Table 3A. Authorized Uses in Zoning Districts

P=Permitted Use | **C=Conditional Use** | **S=Special Exception** | **Blank Cell=Prohibited Use**

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

	R-1	R-2	R-3	C	RST-1	RST-2	CS	CS-2	PR	PR-OC	~~PD~~	KC		Conditional Use Reference
Postal service														
United States Postal Service				P							~~C~~			(e)
Recreation and entertainment														
Community recreation, including sports activities, playgrounds and athletic areas or swimming areas (beaches and pools)				C	C	C		P	C	C				(f)
Golf courses or country clubs									C	C				(f)
Private sports courts	S	S	S							S				
Parks	P	P	P	P	C	C	C	P	P	P	~~C~~	P		(f)
Motion picture and live theaters				C	C	C								(f)
Recreation or vacation camps				C					C	C				(f)
Recreational equipment storage				C	C	C	C	C	C	C				(f)
Religious, civic, professional and similar organizations														
Business and professional organizations				P				P						
Social or civic organizations, including youth organizations, sororities or fraternities				P				P						
Church, synagogue, temple or religious assembly				P	P		~~P~~	~~P~~						
Utilities and waste-related uses														
Utility service, major														
Electric substation				S	S	S	S		C					(~~ag~~)
Electrical or telephone switching facilities							C							(g)
Electricity or water maintenance facilities							P							
Sewage pumping control stations	S	S	S	C	C	C	P		C	C	~~C~~			(g)
Sewage sludge drying beds							P							
Water pressure control stations				C	C	C	P		C					(g)
Water or sewage treatment facilities							P							
Water storage tanks							P				~~C~~			(~~a~~)g

	R-1	R-2	R-3	C	RST-1	RST-2	CS	CS-2	PR	PR-OC	~~PD~~	KC		Conditional Use Reference
Utility service, minor														
Electric or gas power distribution	C	C	C	C	C	C	P		C	C	~~C~~			(g)
Sewage collection service lines	C	C	C	C	C	C	P		C	C	~~C~~			(g)
Commercial accommodations														
Hotels or inns					C/S	C/S								(h)
Financial services														
Banks				C										(i)
Financial services, including loan or lending services, savings and loan institutions or stock and bond brokers				C										(i)
Food and beverage services														
Bar or lounge (alcoholic beverages), including taverns, cocktail lounges or member exclusive bars or lounges				S	S	S								
Catering services				C	C	C								(j)
Restaurant, general, including cafeterias, diners, delicatessens, or full-service restaurants or accessory uses to a golf course, clubhouse or recreational area (without alcoholic beverages)				P	C	C		C	~~S~~C		~~C~~			(j)
Restaurant, general, including cafeterias, diners, delicatessens, full-service restaurants or accessory uses to a golf course, club house, or recreational area (with alcoholic beverages)				C	C	C		C	C/S	S	~~C~~			(j)
Information industries														
Advertising services (not including advertising signs)				C						C/S				(k)
News syndicate services				~~P~~										
Radio and television broadcasting studios (only)				C	C	C								(k)
Data processing services				~~P~~										

	R-1	R-2	R-3	C	RST-1	RST-2	CS	CS-2	PR	PR-OC	~~PD~~	KC		Conditional Use Reference
Offices														
Real estate sales and services				P	P	P					~~C~~			(a)
Administrative or business office, including bookkeeping services, couriers, insurance offices, personnel offices, real estate services, secretarial services or travel arrangement or ticketing services				P				P						
Government offices				P			C	C			~~C~~			(a)
Legal and other professional services, including accounting, tax preparation, architectural or engineering				P										
Other nonresidential development														
Communications towers				C			C	C	C	C	~~C~~			(m)
Convention center, visitors bureaus or conference center				C		P	C/S	P						(n)
Parking														
Parking Lot				C/S	C/S	C/S	C/S	C/S	C/S	C/S				(v)
Repair and maintenance services														
Repair service, consumer, including appliance, shoe, watch, furniture, jewelry or musical instrument repair shops				C										(o)
Vehicle service, limited, including automotive oil change or lubrication shops or carwashes (enclosed area only)				~~C~~			~~C~~							(o)
Retail sales														
~~Nonstore retailers~~														
~~Direct selling establishments~~				~~C~~										~~(p)~~
~~Electronic shopping or mail order houses~~				~~C~~										~~(p)~~
Building materials or garden equipment and supplies retailers														
Hardware stores				~~C~~										(p)
Home improvement centers				~~C~~				.						

			R-1	**R-2**	**R-3**	**C**	**RST-1**	**RST-2**	**CS**	**CS-2**	**PR**	**PR-OC**	**~~PD~~**	**KC**		**Conditional Use Reference**
		Garden supplies centers or nursery and greenhouse retail centers				~~C~~										(p)
		Paint, varnish, glass or wallpaper stores				~~C~~										(p)
	Food sales, including grocery stores, meat markets or butchers, retail bakeries or candy shops					C					C					(p)
	Liquor, beer, or wine sales					C	C	C			C					(p)
	Retail sales or services, general									.						
		Antique stores				C										(p)
		~~Department store or limited price variety stores~~				C										(p)
		Art, hobby, musical instrument, toy, or related products stores				C	C	C								(p)
		Sporting goods or bicycle retail and rental				C	C	C								(p)
		Book, stationary, newspaper, or magazine retail				C	C	C								(p)
		Cameras or photographic supplies stores				C	C	C								(p)
		Clothing, piece goods, shoes, jewelry, luggage, leather goods or related products stores, florists				C	C	C			C					(p)
		Convenience stores (less than 5,000 square feet gross floor area per establishment)				C	C	C								(p)
		Drug stores or pharmacies (less than 5,000 square feet gross floor area per establishment)				C	C	C								(p)
		Electronics, appliance, electrical supplies or related products stores				~~C~~										(p)
		Furniture, cabinet, home furnishings, or related products stores				C										(p)
		Gifts, novelties and souvenir stores				C	C	C								(p)
		Optical goods				C										(p)
		Private postal or mailing services				C										(p)

	R-1	R-2	R-3	C	RST-1	RST-2	CS	CS-2	PR	PR-OC	~~PD~~	KC		Conditional Use Reference
Tobacconists				C	C	C								(p)
Service stations, gasoline (with or without convenience stores)				C										(p)
Retail or personal services														
Consumer convenience services														
Locksmiths				C										(p)
Tailors or seamstresses				C	C	C								(p)
Hair, nail, or skin care services, including barbershops or beauty salons				C	C	C								(p)
Personal improvement services, including health or physical fitness studios, reducing studios and spas				C	C	C								(p)
Photographic services~~, including one-hour photofinishing~~				C	C	C								(p)
Construction services														
Construction services							C							(q)
Warehouse and storage facilities														
Warehouse and storage facilities							C							(r)
Vehicle storage														
Vehicle storage, including boat or RV storage							C							(s)
Recycling services														
Recycling collection, dropoff							C	C						(t)
Transportation														
Taxistands / Limousine / Rideshare				C	C		C							(u)
Bus passenger stands				C	C	C								(u)

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

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

Sec. 12-103. Conditions of use.

(a) ~~(a)~~ Dwelling units in the PR-OC Zoning District may be attached to and integrated with non-residential buildings, but shall be no more than four dwelling units in any building for this district.

~~(a) *Planned Development.* Planned Developments shall follow the Planned Development provisions contained in sections 12-73 and 12-159, and the code text and zoning district map amendments provisions contained in section 12-158.~~

(b) ~~(b)~~ *Educational services.* Educational services are those services offered for the exclusive use of residents, on island employees and guests of Kiawah Island for instruction and care of their dependent children. The following conditions must be met for an educational services use:

(1) Proof of application for the facilities license from the South Carolina Department of Social Services where appropriate;

(2) Play areas within 50 feet of a residential zoning district shall be buffered pursuant to section 12-127;

(3) Off-street parking requirements contained within this article are met and are buffered in accordance with section 12-128;

(4) Site plans for ingress/egress, loading/unloading and the location of the parking areas are approved by the Planning Director; and

(5) Proposed outdoor lighting of the facility does not negatively impact neighboring properties or the beachfront.

(c) *Health care services.* These services include medical clinics with outpatient services, physicians' and dentist's offices. Outpatient clinics, including offices for physicians or dentists, shall be limited to 2,000 square feet of floor area and shall not provide a base for emergency medical vehicles or service unless approved as a special exception pursuant to special exception provisions contained in this article.

(d) *Museums, historical sites and similar institutions.*

(1) Historical sites within residential areas shall be restricted to the hours between 7:00 a.m. and 8:00 p.m.

(2) Historical sites, libraries, archives, museums and/or art galleries shall be completely housed within the principal use.

(3) Nature exhibitions.

a. Where nature exhibitions are of public ownership or listed in the National Registry of Natural Landmarks or registered as a Heritage Site with the South Carolina Heritage Trust in accordance with the provisions of Act No. 600 of the 1976 Acts and Joint Resolutions, either in public or private ownership, accessory uses to acquire maintenance revenue are permitted.

b. Accessory uses are limited to the retail sale of gifts, novelties, souvenirs, and food services. Accessory structures so used shall not exceed ten percent in size of the principal structures when the nature exhibit is housed, or 1,200 square feet for each acre when the nature exhibit is not enclosed.

c. Parking requirements for each accessory use, in addition to the parking requirements for the principal use, shall comply with the parking requirements of section 12-128.

d. Signs advertising accessory uses shall be located on the premises and not visible from a public road.

(4) Botanical gardens and/or arboretums shall be housed completely on the grounds of the principal use.

(e) *Postal Service of the United States.* Any postal service facility shall have a maximum floor area of 5,000 square feet or less.

(f) *Recreation and entertainment.* The following standards shall apply to approval of a site plan for community recreation, including, but not limited to, sports activities, playgrounds, athletic areas or swimming areas and recreation or vacation day camps:

(1) All parks with soccer, baseball and similar playfields shall meet all off street parking requirements of section 12-128. The Planning Director shall determine the need for additional spaces based on available parking studies for similar uses in similar communities;

(2) All parking areas and recreational equipment storage areas shall meet the buffering requirements of section 12-127 and be screened from view from any adjacent residential use. Screening shall be opaque and shall be at least four feet in height. Screening may be masonry or natural materials if approved by the Planning Director;

(3) Small passive parks of one acre or less within residential neighborhoods shall have no parking requirements;

(4) Be designed so that light sources are shielded from adjacent single-family residential properties and the beachfront.

(g) *Utilities and waste-related uses.*

(1) Aboveground water storage tanks, sewage pumping stations, telephone relay towers, electric regulating substations and similar utility/communications structures shall comply with the following standards:

a. Facilities shall be located at least 50 feet from any residential property line;

b. Facilities shall be secured by a fence located at least 25 feet from any residential property line;

c. Facilities shall be surrounded by a buffer pursuant to section 12-127;

d. Telephone exchange stations and communications towers shall be limited to unmanned facilities, and shall provide at least two parking spaces for service vehicles; and

e. Radio transmitting stations and towers shall be set back from zoning district boundaries a distance equal to their height.

(2) Communications, utility distribution lines and water transmission lines shall be located underground in all districts.

(3) The equipment set forth in this subsection is permitted in all zoning districts. Aboveground equipment (e.g., pad-mounted transformers) shall be screened from public view:

a. Electrical pedestals.

b. Electrical pad-mounted transformers.

c. Electrical switch gear cabinets.

d. Electrical service meters.

e. Telephone equipment cabinets.

f. Telephone pedestals.

g. Irrigation controllers.

h. Backflow preventors.

i. Cable television amplifiers.

j. Other such similar equipment, typically installed above ground.

(4) *Utility cabinets, utility structures.* For utility cabinets which measure approximately nine feet in length by six feet in width, and once installed, stand approximately five feet above grade, and for any other utility structures which the zoning administrator determines are similar in size and impact on the community shall be treated as accessory structures and the following standards shall apply:

a. Structure shall not be located on property zoned for residential use and must be located a minimum of ten feet from any residential property line.

b. Structure shall be surrounded by a landscaped buffer, pursuant to section 12-127.

(h) *Commercial accommodations.* Hotels or inns providing more than 50 guestrooms shall comply with the special exception provisions of this article or shall be a part of a development agreement.

(i) *Financial services.*

(1) Automated teller machines (ATM), stand-alone.

(2) ATMs shall be walk-up style and shall be permitted as accessory uses.

(j) *Food and beverage services.*

(1) *Bars, cocktail lounges, taverns.*

a. Bars or lounges, including taverns, cocktail lounges or member exclusive bars or lounges serving alcoholic beverages are only permitted in restaurants, private clubs, hotels, inns, or country clubs.

b. Where applicable, these uses shall comply with the special exception provisions of this article.

(2) *Catering services.* Catering service facilities shall only prepare and store food in permitted restaurants, private clubs, hotels, inns, or country clubs.

(3) *Restaurant, general.* All general restaurants not a part of a hotel, inn, golf course clubhouse, private club or country club and occupying over 2,000 square feet of floor area shall comply with the special exception provisions of this article.

(4) Café, coffee shop or snack bar may be permitted in the PR zoning district as an accessory use to the building's primary function.

(~~4~~5) Restaurant, café, coffee shop or snack bar is only permitted in the CS-2 as an ancillary use to the building's primary function as office and meeting space.

(~~5~~6) Be designed so that light sources are shielded from adjacent single-family residential properties, and property zoned R-2.

(k) *Information industries.*

(1) *Advertising services.* All advertising associated with this use shall be contained within the structure and not visible, except for any permitted sign, on the exterior of the structure.

(2) *Radio and television broadcasting studios.* All radio or television broadcast studios shall be located within a structure. No mobile radio or television broadcast stations are permitted as a permanent use. Temporary use permits may be granted if applicant complies with temporary use permit requirements.

(l) *Government offices.* Government offices shall:

(1) Meet the buffer requirements of section 12-127;

(2) Provide off-street parking as required in section 12-128; and

(3) Be designed so that light sources are shielded from adjacent single-family residential properties.

(m) *Communications towers.*

(1) *Purpose and legislative intent.* The Federal Telecommunications Act of 1996 affirmed the Town of Kiawah Island's authority concerning the placement, construction and modification of wireless telecommunications facilities. The regulations of this section are designed to site communications towers on Kiawah Island. It is the intent of this article to allow for the harmonious co-existence of communications towers and other land uses. It is also the intent of this article to reduce the overall negative impact of communications towers by:

a. Reducing the number of towers needed through a policy of encouraging collocation; and

b. Encouraging the following, if collocation is not feasible:

1. The use of stealth tower design, as defined in subsection (m)(3) of this section;

2. The clustering of towers (tower farms);

3. The placement of towers away from roadways;

4. The provision of effective screening; and

5. The location of communications equipment on existing structures.

(2) *Collocation exemption.* Proposed communications equipment collocating on existing towers and structures without adding to their height shall require only a zoning permit and shall not be subject to the requirements of this section.

(3) *Stealth tower provision.*

a. For the purposes of this section, the term "stealth tower" means a communications tower not exceeding 120 feet in height designed to unobtrusively blend into its existing surroundings so as not to have the appearance of a communications tower and is designed to hide, obscure, or conceal the presence of the towers and antennas. Examples of stealth towers include, but are not limited to, antenna tower alternative structures, architecturally roof-mounted antennas, building-mounted antennas painted to match the existing or proposed trees and landscaping, antenna structures designed to look like light poles or electrical utility poles, artificial trees, clock towers, flagpoles, steeples, water towers or water tanks.

b. All proposed stealth tower designs must be approved by the Planning Director.

c. A complete zoning permit application for a stealth tower that meets all requirements of this article shall be approved.

(4) *Preapplication meeting.* Prior to submitting a formal application for a zoning permit for a communications tower the applicant is required to attend one or more preapplication meetings. The purpose of the preapplication meeting is to address key issues which will help to expedite the review and permitting process. The Planning Director may conduct a site visit at the preapplication meeting.

(5) *Zoning permit submittal requirements.* Prior to zoning permit approval, all applications for communications towers shall complete the site plan review process as provided in section 12-162. In addition to any site plan review requirements, the application must contain the following items:

a. A site plan, drawn to engineer's scale, showing the location of the tower guy anchors (if any), existing or proposed buildings and structures or improvements, including parking, driveways or access roads, fences and protected Grand Trees affected by the proposed construction. If there are no Grand Trees affected, a surveyor's statement on the site plan must be shown. Adjacent land uses shall also be noted on the site plan, with precise measurements noted between the proposed tower and any residential structures on surrounding properties.

b. The site plan must show a vegetated buffer, either existing or installed, that provides an effective screen from public rights-of-way and adjacent property owners and across view corridors. If a buffer is to be installed, its placement on the site will vary in order to provide the most effective screening from public view. Required materials will be based on installation of a 25-foot buffer around the fenced area.

c. The height and typical design of the tower, typical materials to be used, color, and lighting shall be shown on elevation drawings. The applicant shall submit documentation justifying the total height of any communications towers, facility and/or antenna and the basis therefor.

d. Additionally, color and material samples shall be provided. The tower must be located no closer to a residential structure than a distance equal to 1.5 feet for each foot in height of the proposed tower plus 50 feet as measured from the center of the proposed tower. At a minimum, there must be a 150-foot distance between the proposed tower and a residential structure.

e. A six-foot nonclimbable fence must be placed around the tower and any associated building. Guy wires may be fenced separately.

f. The proposed tower must be located such that adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining properties. The fall zone shall be determined by an engineer certified by the State of South Carolina in a letter which includes the engineer's signature and seal.

g. For the purposes of collocation review and review of efforts at siting a tower on the same lot near an existing tower, the applicant shall submit satisfactory written evidence such as correspondence, agreements, contracts, etc., that alternative towers, buildings, or other structures are not available or suitable for use within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria, providing a location free of interference from other communication towers, or available at the prevailing market rate (as determined by staff communication with persons doing business within the industry). Additionally, the applicant shall make every effort to build the proposed tower in such a manner as may allow other telecommunication users to collocate.

h. Proposed towers may not be located within 1,000 feet of the center of an existing tower unless the applicant certifies that the existing tower does not meet the applicant's structural specifications and the applicant's technical design requirements, or that a collocation agreement could not be obtained at a reasonable market rate. In the event of the situation set forth in this subsection, the clustering of new towers on the same parcel near existing towers is permitted.

i. The proposed tower shall only be illuminated as required by the Federal Communications Commission or Federal Aviation Administration. Nighttime strobe lighting shall not be incorporated unless required by the Federal Communications Commission or Federal Aviation Administration. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting that shall be as unobtrusive and inoffensive as permissible under state and federal regulations, and an artist's rendering or other visual representation showing the effect of light emanating from the site on neighboring habitable structures within 1,500 feet of all property lines of the parcel on which the communications towers are located.

j. Communications towers shall contain a sign no larger than four square feet to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities. The sign shall contain the names of the owners and operators of the antennas, as well as emergency phone numbers. The sign shall be located so as to be visible from the access point of the site. No other signage, including advertising, shall be permitted on any facilities, antennas, antenna supporting structures or antenna towers, unless required by law.

k. A copy of the tower's search ring.

l. To ensure the removal of towers which do not meet requirements for continued use or proper maintenance, a statement of financial responsibility shall be submitted for each tower and a performance bond for the amount of anticipated removal costs shall be posted. The bond must be renewed as necessary to ensure that it is maintained at all times during the existence of the tower.

m. The applicant shall furnish a visual impact assessment which shall include:

1. A zone visibility map which shall be provided in order to determine locations where the tower may be seen.

2. Pictorial representations of before and after view from key viewpoints both inside and outside the Town including, but not limited to:

(i) Major highways and roads;

(ii) State and local parks;

(iii) Historic districts;

(iv) Preserves and historic sites normally open to the public; and

(v) Any other location where the site is visible to a large number of visitors, travelers or residents.

3. An assessment of the visual impact of the tower base, guy wires and accessory buildings from abutting and adjacent properties and streets

(6) *Retention of expert assistance and reimbursement by the applicant.*

a. The Town may hire any consultant and/or expert necessary to assist the Town in reviewing and evaluating the application, including the construction and modification of the site, once permitted, and any requests for recertification.

b. An applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of the consultant and expert evaluation and consultation to the Town in connection with the review of any application including the construction and modification of the site, once permitted. The initial deposit shall be $8,500.00. The application will not be processed until receipt of this initial deposit. The Town will maintain a separate escrow account for all such funds. The Town's consultants/experts shall invoice the Town for its services in reviewing the application, including the construction and modification of the site, once permitted. If, at any time during the process this escrow account has a balance less than $2,500.00, the applicant shall immediately, upon notification by the Town, replenish said escrow account so that it has a balance of at least $5,000.00. Such additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the application. In the event that the amount held in escrow by the Town is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant. The applicant shall not be entitled to receive any interest earnings on unused funds.

c. The total amount of the funds needed as set forth in subsection (m)(6)b of this section may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

(7) *Surrounding property owner notification.*

a. In order to better inform the public, in the case of a new communications towers, the applicant shall hold a balloon test as follows:

1. Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of three-foot diameter brightly colored balloon at the maximum height of the proposed new tower.
2. The dates, (including a second date, in case of poor visibility on the initial date) shall be provided to the Planning Director ten days after receipt of the complete application notice.
3. The dates shall be set at minimum 15 days prior to the Planning Director making a final decision on the zoning permit.
4. The balloons shall be flown for ten consecutive hours between 8:00 a.m. and 6:00 p.m.

b. Once the application is deemed complete by the Planning Director for a communications tower zoning permit, the Planning Department shall provide parties in interest, personal, posted and newspaper notice in accordance with the requirements of section 12-156. The public notice shall include the dates of the balloon tests as provided by the applicant and the date the Planning Director must make a final decision on the zoning permit.

(8) *Time limit for staff review.* Upon receipt of an application deemed complete by the Planning Director for a communications tower zoning permit, the Planning Director shall have a maximum of 45 days to act on the application. The 45 days begins from the date the applicant is sent written notice of a complete application from the Planning Director. Failure to act on the application within 45 days will result in the applicant being granted a zoning permit.

(9) *Zoning permit approval criteria.*

a. A complete zoning permit application for a stealth tower that meets all requirements of this article shall be approved.

b. Upon review of a complete application, no zoning permit shall be issued for a communications tower, until the Planning Director determines that the proposed tower complies with the following criteria and standards:

1. The location and height of the proposed tower will not substantially impact the character of property listed in or eligible for the National Register of Historic Places, other significant environmental, cultural or historical site officially designated scenic roads or rivers and that the tower is designed to blend into the environment and minimize visual impact.
2. If a completely new tower is necessary, the applicant must provide written proof of attempts at collocation and siting a tower on the same lot near an existing tower were proven not feasible or practical.
3. The applicant has pursued any available publicly owned sites and privately owned sites occupied by a compatible use, and if not utilized, that these sites are unsuitable for operation of the facility under applicable communications regulations and the applicant's technical design requirements.
4. Staff shall review and approve the color and materials to be used for the proposed tower.
5. If the Planning Director finds a proposed communications tower will have a substantially negative impact on a surrounding area or adjoining property, the use shall fall under the special exception (S) provisions of this article.

c. In determining whether the use shall fall under the special exception (S) provisions the Planning Director may consider one or more of the following items:

1. The proposed use will be detrimental to adjacent land uses including historical sites;
2. The proposed use will have a negative aesthetic visual impact;

3. The proposed use will have an adverse affect on the environment (not including radio frequency emissions); and

4. The proposed use is contrary to the public health, safety or welfare.

(10) *Tower abandonment.* A tower that is not used for communication purposes for more than 120 days (with no new application on file for any communication user) is presumed to be out of service and the owner of such tower must notify the staff and remove the tower within 50 days. Towers which are not maintained by the owner according to the Town building code shall be removed by the owner within 60 days. To ensure the removal of towers which do not meet requirements for continued use or proper maintenance, a statement of financial responsibility shall be submitted for each tower and a performance bond for the amount of anticipated removal costs shall be posted. Removal costs shall be charged to the tower owner. The bond must be renewed as necessary to ensure that it is maintained at all times during the existence of the tower.

(n) *Convention center or visitors bureau.* The convention center or visitors bureau using over a total of 10,000 square feet must comply with the special exception provisions of this article.

(o) *Repair and maintenance services.*

(1) *Consumer repair services.* Consumer repair services, including repair and servicing of appliances, shoes, watches, furniture, jewelry, musical instruments or similar items, may only occur within an enclosed structure. No noise or other emissions from the structure are permitted.

(2) *Vehicle service.* Limited vehicle service, including automotive oil change or lubrication operations and shall be conducted within an enclosed building. Vehicle storage shall be located in an enclosed building or in an opaquely screened yard.

(p) *Retail sales and retail or personal services.* Retail sales, display and storage of goods are permitted only within a designated building for that particular use.

(1) Personal improvement services shall be included as a permitted use as within the PR category as accessory to golf clubhouses, or other private club amenities within a designated building for such uses.

(2) Fuel stations shall have no more than ~~six~~four fuel pumps servicing eight fuel bays and shall be buffered and screened from any right of way with landscaping and architecturally integrated fencing approved by the Planning Director.

(3) Liquor, beer, or wine sales may be permitted as an accessory use to resort or golf clubhouses.

(q) *Construction services.* Contract construction services operations (e.g., contractor's shops, plumbing shops, heating and air conditioning shops, etc.) excluding construction sites for authorized development activities, shall be conducted within an enclosed building. Authorized development activities, for the purpose of this section, include the permitted installation, construction of buildings, structures or utilities at the site on which they will be used. Vehicle, equipment and materials storage at construction services offices shall be located in an enclosed building or in an opaquely screened yard.

(r) *Warehouse and storage facilities.* Warehouse and storage facilities shall be designed so that all stored items are located within a completely enclosed building, or are completely screened from view from adjacent property lines. Portable storage units shall not be allowed to remain on any property for more than 72 hours within a week.

(s) *Vehicle storage, including boat or recreational vehicle storage.*

(1) Storage of boats, campers and other major recreational equipment, if provided, must be contained within completely enclosed buildings or opaquely screened storage areas on an approved lot. No such equipment shall be used for living, sleeping or housekeeping purposes.

(2) Canoes and kayaks may be stored in a semi-enclosed storage rack which is suitably landscaped.

(t) *Recycling services; recycling collection, dropoff.* Recycling collection and dropoff structures are limited to the following:

(1) Maximum dimensions: Nine feet in length by six feet in width, and once installed, stands no more than five feet above grade.

(2) Structure shall not be located on property zoned for residential use and must be located a minimum of ten feet from any residential property line.

(3) Structure shall be surrounded by a landscaped buffer, as determined by the Planning Director pursuant to section 12-127.

(u) *Transportation; bus passenger stands and rideshare zones.* The design and location of bus passenger stands and rideshare zones shall only be approved after completing the site plan review procedures contained within section 12-162.

(v) Parking Facilities. All parking facilities shall comply with Sec. 128 Access, parking and loading regulations and standards of Sec. 12-127. Compatibility Buffering. Parking facilities not associated with minimum parking requirements for a proposed development and including more than 10 spaces shall be approved as a special exception pursuant to special exception provisions contained in this article.

(Code 1993, § 12A-302; Ord. No. 2005-08, § 12A-302, 10-12-2005; Ord. No. 2006-08, § 2.1(12A-302), 11-7-2006; Ord. No. 2016-04, § 1, 9-6-2016; Ord. No. 2023-22, § 2(Exh. A), 11-28-2023)

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

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

(1) *Definition and applicability.*

a. The terms "permitted uses" and "approved special exception uses" include accessory uses and structures that are necessarily associated with, and appropriate, incidental and subordinate to, the allowed principal use. Accessory uses and structures shall be subject to the same regulations that apply to principal uses and structures in each zoning district, unless otherwise expressly stated.

b. Permits for accessory uses and structures shall be issued by the Town of Kiawah Island Planning Director.

c. In a residential zoning district, an accessory building or structure is a subordinate or incidental structure, attached to or detached from the principal building, which is not used for commercial purposes and which is not rented.

d. In nonresidential zoning districts, an accessory building or structure is a subordinate building or structure, the use of which is secondary to and supportive of the principal building.

e. Accessory buildings or structures shall not be permitted without a principal building or primary use being in existence.

f. Accessory uses include any use that is authorized in the district which is secondary or subordinate to the primary use.

(2) *Standards for detached accessory dwelling units in residential districts.* An accessory dwelling unit to be occupied by family members or caretakers may be allowed as an accessory use to the principal dwelling unit under the following conditions:

a. No detached accessory dwelling unit may be constructed on a lot less than 15,000 square feet;

b. The detached accessory dwelling unit may not be sold separately from the sale of the entire property, including the principal dwelling unit, and shall not be leased or sublet;

c. The detached accessory dwelling unit shall comply with all required building setbacks for the principal residential use and shall be located in the buildable area of the lot;

d. The overall height of a detached accessory dwelling shall be limited to one story, provided that an accessory dwelling may be located over a garage;

e. When the accessory dwelling is directly attached to the principal dwelling with a roof connection of a minimum of four feet in width, or a wall connection of a minimum of four feet in height, it shall be considered an integral part of the main building; and

f. Detached accessory dwellings shall not exceed 1,500 square feet of heated area.

(3) *Standards for accessory dwelling units in existing structures and nonresidential districts.*

a. Accessory dwellings for nonresidential structures shall be solely for use by fulltime caretakers of the structure. Such dwellings shall have at least one access through the business that employs the caretaker.

b. The overall height of an accessory dwelling shall be limited to one story, provided that a garage apartment or nonresidential caretaker's quarters may be located over a garage.

(4) *Standards for accessory buildings in residential districts.* Accessory buildings may be allowed in residential zoning districts pursuant to the following conditions:

a. No accessory building may be constructed on a lot less than 15,000 square feet;

b. Detached accessory buildings shall be prohibited from being placed in front of the principal building and shall be placed in the rear yard. Except that a detached accessory use may be constructed in front of the principal residence where the residence backs up to a beach, golf course, lagoon or marsh and is only permitted after approval as a special exception. Accessory buildings will be located within the buildable area of the lot as delineated by the setback requirements;

c. Subleasing or renting an accessory building separately from the primary use shall constitute a violation of this article.

(5) *Standards for accessory structures in residential districts.* Accessory structures may be allowed in residential districts under the following conditions:

a. Private swimming pools, along with incidental installations such as pumps and filters, may not be located in the front yard. Any pool equipment shall be properly screened. A pool including vanishing edges and associated discharge troughs or catch basins shall be set back a distance of not less than ten (10) feet from all lot lines, except that a pool adjacent to a BCM Critical Line shall be set back a distance of not less than fifteen (15) feet from a critical line. A pool including vanishing edges and associated discharge troughs or catch basins that is elevated more than four feet above the average natural ground level at the nearest property line shall comply with required building setbacks. All swimming pools shall be gated ~~and~~or enclosed by a fence, wall, building, or other enclosure~~and fenced~~. The fence or other enclosure height shall be ~~five~~ a minimum of four feet.

b. Private ~~tennis, padel, pickleball or other~~ sports courts ~~shall~~may be approved as a special exception by the Boad of Zoning Appeals pursuant to the approval criteria set forth in Sec. 12-161. Special Exception (6)(a) in addition to the following conditions:

1. The sports court is constructed no less than 30 feet from any adjoining property;

~~1. Sports court fences or walls do not exceed 13 feet 6 inches in height;~~

2. No lights for the sports court shall be permitted; and

3. The sports court is adequately screened and buffered on all sides from adjacent properties or streets using landscaping.

~~not be constructed within 20 feet of any adjoining property under other ownership. Tennis Sports court fences or walls shall not exceed 12 feet in height, and no lights for the tennis sports court shall be permitted.~~

c. Fences shall be limited to landscaped hedgerows of dense plant material and/or wooden, masonry or ~~wrought iron~~metal material, all of which are required to be architecturally integrated with development of the lot or parcel. Chain linked fencing shall be prohibited, with the exception for temporary construction perimeter fencing, which shall be accompanied by a screen. Fences shall not exceed five feet in height from grade for residential development; provided, however, that this five-foot height restriction shall not apply to the hedgerow portion of any fence or to a fence consisting completely of a hedgerow. This five-foot height restriction shall apply to any gate or gates in any fence of any kind. Solid wood fences shall not be permitted in front yards. Fences (excluding the use of plant material) shall not be permitted within five feet of a side or rear property line. Fences taller than three feet from pavement shall not be located within a sight triangle. Fence heights and setback restrictions shall not apply to the patio wall of patio homes. In measuring the height of a fence to determine whether it complies with the height restrictions, the measurement shall be made to the uppermost portion of the fence, and, if there is anything affixed to or regularly placed or resting thereon, including, without limitation, decorative or ornamental elements or features, all of which shall be considered a part of the fence for the purposes of this section, then the height measurement shall be to the top of any such thing, element or feature.

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

Sec. 12-105. Home occupations.

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

(1) All home occupations must comply with the following conditions:

a. The use of the dwelling unit in connection with an occupation shall be deemed to be clearly incidental and subordinate to its use for residential purposes if the home occupation occupies no more than 25 percent of the heated and cooled square footage of the residence, and no more than 25 percent of the garage or other enclosed areas which may be utilized to store supplies or materials associated with the home occupation.

b. No employees other than persons residing on the premises shall be engaged in the activities of the home occupation.

c. There shall be no exterior displays, no exterior storage of equipment, including unlicensed equipment and materials, vehicles with business logos, and no exterior indication of the home occupation which may change the outside appearance of the principal residence or change the residential character of the building.

d. No on-premises advertising for the home occupation shall be allowed, nor shall advertisement of the address of the property to attract customers, clients or the public to the premises allowed. Window areas must not purposely or intentionally be used as display areas or offer merchandise for sale.

e. Home occupations shall not require internal or external structural alterations of the principal residence or require the installation of equipment or machinery creating utility demand, noise, fumes or other impacts in excess of equipment or machinery that is customary in a residential area.

f. The home occupation shall take place entirely within the residential dwelling.

g. No open lot storage shall be permitted in connection with a home occupation.

h. No pedestrian or vehicular traffic shall be generated by the home occupation.

i. No home occupation requiring any equipment or processing which creates noise, vibration, glare, fumes, odors, smoke or dust which disturb neighbors and/or alters the residential character of the premises shall be permitted.

j. No electric devices may be used in any home occupation which may cause electrical interference or create visual and audible interference in any radio or TV receivers causing fluctuations in the line voltage off the premises.

k. Delivery trucks shall not operate out of a residential area as a function of a home occupation.

l. Offices for professional or business activities may be permitted; provided, however, that they adhere to the provisions of this article and that they do not violate any condition prescribed herein.

(2) The following occupations, professions, and business activities and those of a similar nature are some of, but not intended to be a complete list of prohibited home occupations:

a. Clinics, hospitals;

b. Funeral homes, mortuaries;

c. Animal/veterinary clinics;

d. Restaurants;

e. Large scale repair services;

f. Construction activities;

g. Ambulance services;

h. Taxi services;

i. Beauty salons, barbershops; and

j. Vehicle sales or parts sales.

(3) This section does not permit the establishment of unlisted home occupations unless they comply with all other standards and conditions of this article.

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

Sec. 12-106. Temporary uses.

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

(1) Temporary zoning permits are obtained from the Town of Kiawah Island Planning Director.

(2) *Temporary buildings and temporary building material storage areas*.

a. Temporary buildings and temporary building material storage areas may be used for construction purposes on a site which is not yet occupied. Temporary buildings and temporary material storage areas for construction purposes located on the project site shall be approved as part of the site plan review. For any temporary buildings or material storage areas situated off-site, a separate permit is required. This separate permit must be approved independently of the site plan review process.

b. The site may not be permanently altered in any manner, by e.g., removal of "trees" (as defined in section 12-374, Definitions) or vegetation. However, trees of two DBH inches or less or minor vegetation for proposed temporary uses, which do not require grading or land disturbance activities that alter existing site conditions, may be removed as determined by the Planning Director, if such trees are replaced with a similar/like kind planting of the same DBH inches of trees removed. Replacement trees shall be approved by the Planning Director prior to removal.

c. Such buildings shall be permitted for a specific period of time in accordance with a permit issued by the Planning Director, subject to periodic renewal for cause shown.

d. Temporary permits shall be issued only if adequate parking and sanitation facilities are provided to serve the proposed use or activity.

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

(3) *Special events*.

a. A temporary zoning permit shall be issued for public assembly use and for events of public interest. Temporary zoning permits shall be issued for a specific period of time in accordance with a permit issued by the Planning Director, subject to periodic renewal for cause shown. Such permit may be extended by the Planning Director. Examples of special events include: Concerts, religious and/or cultural events, sports tournaments or competitions, and parking for special events.

b. Temporary buildings associated with special events may be used on the site which the event is to take place.

c. Such buildings shall be permitted for a specific period of time in accordance with a permit issued by the Planning Director, subject to periodic renewal for cause shown.

d. Temporary permits shall be issued only if adequate parking and sanitation facilities are provided to serve the proposed use or activity.

e. Upon completion or abandonment of the special event or expiration of the permit, such temporary buildings and associated equipment shall be removed and the site shall be restored to its pre-existing condition to the satisfaction of the Planning Director.

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

Secs. 12-107—12-125. Reserved.

Sec. 12-374. - Definitions.

Text: Existing Text
Text: New text

Fuel bay means a designated vehicular fueling position, located adjacent to a fuel pump, where a single motor vehicle may be temporarily stationed for the purpose of receiving fuel. Each side of a dual-sided fuel pump shall be counted as one (1) fuel bay. Fuel bays are not considered parking spaces.

Fuel pump means a mechanical dispensing unit designed and constructed to deliver motor vehicle fuels, including but not limited to gasoline, diesel, ethanol blends, or alternative fuels. A single fuel pump may include one or more dispensing nozzles and is typically capable of serving one or more fueling bays simultaneously.

Sports court means a dedicated hard surface area constructed of modular material, concrete, asphalt or other impervious surface, designated for use as a playing area for any recreational or competitive sports activities such as tennis, basketball, shuffleboard, volleyball or similar sports. A residential driveway or paved parking area occasionally used for such activities is not considered to be a sports court. Grass areas used for playing sports with temporary striping and no additional fences, and temporary nets to be removed at the end of play not to exceed 24 hours, shall not be classified as sports courts.

Gasoline service station.

(1)The term "gasoline service station" means any premises used primarily for the retail sale of fuel for automobiles, light and medium trucks, motorcycles, recreational vehicles, and other consumer motor vehicles. The term "gasoline service stations" may include light maintenance such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning, but shall not include heavy vehicle maintenance activities such as engine overhauls, automobile painting, and body fender work. The term "gasoline service station" may also include the sale of motor vehicle accessories or used tires taken in trade on the premises.

(2)The term "gasoline service station" does not include vehicle, moving truck, or trailer sales or rental.

TAB 3

TOWN COUNCIL

Agenda Item

Town of Kiawah Island Zoning Ordinance Amendment Request
Case AZO25-000008 Case History

Planning Commission Meeting: August 6, 2025
Public Hearing and First Reading: September 9, 2025
Second Reading: October 14, 2025

CASE INFORMATION

Applicant: Town of Kiawah Island

Application: 1) #AZO25-000008 | Modified Zoning District Standards
An Ordinance to Amend Chapter 12 - Land Use Planning and Zoning Ordinance Article II. - Zoning, Division 2 – Zoning Map/Districts to modify zoning standards including but not limited to lot coverage, height, and setbacks within several residential, resort, commercial, community support, and parks and recreation zoning districts.

Key Factors of the Proposed Ordinance:

The proposed amendment begins assessment and review of several base zoning districts subsequently to the comprehensive plan update process. The proposed amendment considers reduction of maximum building heights, lot coverage and modification of setbacks.

The proposed amendments establish consistency between the RST-1 and RST-2 Zoning Districts with regards to setbacks. The proposed amendments would result in several nonconforming structures across several zoning districts.

RST-2 generally applies to properties within the West Beach area, owned by Kiawah Island Golf Resort. (Conference Center, Old Inn Site)

RST-1 Zoning District generally applies to properties within East Beach, owned by the Kiawah Island Golf Resort. (The Sanctuary)

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 Planning Commission considered recommendation of the Comprehensive Plan at its August meeting in which the plan highlights pressures and strain on existing infrastructure and amenities. The Town should take some action to consider amended standards which impact remaining development opportunity and redevelopment. The proposed changes reduce overall lot coverage and building heights for zoning districts of greater density.

Planning staff recommends a comprehensive review of the base zoning standards to ensure redevelopment is taken into consideration with proposed changes.

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

PLANNING COMMISSION MEETING AUGUST 6, 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.

The Planning Commission recommended approval of the proposed zoning text amendments by a vote of 5 to 1.

TOWN COUNCIL PUBLIC HEARING AND FIRST READING SEPTEMBER 9, 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 voted 4-0 with one abstention (Mr. Berner) to approve the ordinance on first reading, with the understanding that there would be opportunity in the future for members of Council to receive legal advice or further information regarding the proposed ordinance with regard to various discussion points before of second reading.

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, highlighting potential implications of lot coverage, building heights and parking. Planning staff noted the potential amendments for further discussion and approval at the next Town Council meeting.

TOWN COUNCIL MEETING SECOND READING 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 2025-19

AN ORDINANCE TO AMEND CHAPTER 12 - LAND USE PLANNING AND ZONING ORDINANCE ARTICLE II. - ZONING, DIVISION 2 – ZONING MAP/DISTRICTS TO MODIFY BASE ZONING STANDARDS, INCLUDING BUT NOT LIMITED TO LOT COVERAGE, HEIGHT, AND SETBACKS WITHIN SEVERAL ZONING DISTRICTS.

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 modify base zoning standards; 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 August 6, 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 on August 6, 2025, to recommend to Town Council that the proposed amendment be approved; and

WHEREAS, the Town Council held a Public Hearing on September 9, 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 modify development standards within several base zoning districts.

Section 2 **Ordinance**

(1) The Town hereby amends Chapter 12 - Land Use Planning and Zoning Ordinance Article II. - Zoning, Division 2 – Zoning Map/Districts as shown in the attached **"Exhibit A,"** which is hereby incorporated herein by reference.

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 the Town Council of the Town of Kiawah Island.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS 14TH DAY OF OCTOBER 2025.

Bradley D. Belt, Mayor

ATTEST:

By: _____
Petra Reynolds, Town Clerk

1st Reading: September 9, 2025

2nd Reading: October 14, 2025

Sec. 12-65. R-1, Residential District.

(a) *Purpose and intent.* The purpose of the R-1 zoning district is to promote stable residential neighborhoods consisting of low density, detached, single-family dwellings and surrounding parks, golf courses, and open spaces. Activities and endeavors which might serve to mitigate against this purpose shall be prohibited or strictly regulated.

(b) *District regulations.* The following apply to all dwelling units in the R-1 zoning district:

(1) The maximum density for this district is three dwelling units per acre;

(2) All required parking shall be enclosed;

(3) Open storage is prohibited;

(4) Lot standards (setbacks, lot coverage, etc.) for single-family detached dwellings on existing platted lots that are included in article VII of this chapter, the Kiawah Island Property Setback Requirements Appendix, dated 7-10-2007, incorporated herein by reference and adopted hereto as said article VII shall apply in lieu of the setback requirements in table 2B following subsection (b)(6) of this section;

(5) Lot standards (setbacks, lot coverage, etc.) for single-family detached dwellings not covered by subsection (b)(4) of this section are listed in table 2B following subsection (b)(6) of this section and table 2C following section 12-66(b)(8);

(6) Authorized uses are listed in table 3A in section 12-102(c).

Table 2B. Lot Standards for R-1 Single-Family Detached Dwellings

Lot Size (square feet)	Maximum Lot Coverage	Depth (feet)	Width (feet)[1]	Minimum Yard Setbacks (feet)			Maximum Height	
				Front[2]	Side[3][5]	Rear[4]	(stories)	(feet)
8,000—11,999	40 percent	100	60	25	10	25	2.5	40
12,000+	33 percent	100	75	25	20	25	2.5	40

[1] For lots on cul-de-sacs or similar circumstances, the minimum width shall apply at the front yard setback line. Cul-de-sac lots shall have a minimum width of 25 feet at the street line. The minimum width of any flag lot may be reduced to 20 feet, provided that the minimum width specified in the table is provided at the front building setback line.

[2] On corner and double-frontage lots, front setback standards will apply to each lot line that borders a street right-of-way. The rear yard setback shall apply to the opposite side of the principal structure's front main entrance. The side yard setback shall apply to the remaining sides.

[3] A minimum of 15 feet must be provided between structures.

[4] The minimum yard requirements shall be increased to 30 feet from any lot or parcel boundary which abuts a golf course.

[5] Minimum setbacks in side yard for lots currently in existence and reflected on the current zoning map and fronting on Eugenia Avenue the side yard setback shall be ten feet.

(Code 1993, § 12A-205; Ord. No. 2005-08, § 12A-205, 10-12-2005; Ord. No. 2006-10, § 2, 2-6-2007; Ord. No. 2007-05, § 2(12A-205), 7-10-2007)

Sec. 12-66. R-2, Residential District.

(a) *Purpose and intent.* The purpose of the R-2 zoning district is to promote stable residential neighborhoods consisting of medium density residences surrounded by parks, golf courses and open spaces. The district is intended for a variety of dwelling unit types. Activities and endeavors which might serve to mitigate against this purpose shall be prohibited or strictly regulated.

(b) *District regulations.* The following apply to the R-2 zoning district:

(1) The maximum density for this district is six dwelling units per acre;

(2) All required parking shall be enclosed;

(3) Open storage is prohibited;

(4) There shall be no more than four dwelling units in any building within this district;

(5) Lot standards (setbacks, lot coverage, etc.) for single-family detached dwellings on existing platted lots that are included in article VII of this chapter, the Kiawah Island Property Setback Requirements Appendix, dated 7-10-2007, incorporated herein by reference and adopted hereto as said article VII shall apply in lieu of the setback requirements in table 2C following subsection (b)(8) of this section;

(6) Lot standards (setbacks, lot coverage, etc.) for patio homes, on existing platted lots that are included in article VII of this chapter, the Kiawah Island Property Setback Requirements Appendix, dated 7-10-2007, incorporated herein by reference and adopted hereto as said article VII shall apply in lieu of the setback requirements in table 2D following subsection (b)(8) of this section;

(7) Lot standards (setbacks, lot coverage, etc.) for patio homes not covered by subsection (b)(6) of this section are listed in table 2D following subsection (b)(8) of this section;

(8) Authorized uses are listed in table 3A in section 12-102(c).

Table 2C. Lot Standards for R-2 Single-Family Detached Dwellings

Lot Size (square feet)	Maximum Lot Coverage	Depth (feet)	Width (Feet)[1]	Minimum Yard Setbacks[2] (feet)			Maximum Height	
				Front[2]	Side[3]	Rear[4]	(stories)	(feet)
6,000—7,999	50 percent	85	55	20	7	20	2.5	40
8,000—11,999	40 percent	100	60	25	15	25	2.5	40
12,000+	33 percent	100	75	25	20	25	2.5	40

[1] For lots on cul-de-sacs or similar circumstances, the minimum width shall apply at the front yard setback line. Cul-de-sac lots shall have a minimum width of 25 feet at the street line. The minimum width of any flag lot may be reduced to 20 feet, provided that the minimum width specified in the table is provided at the front building setback line.

[2] On corner and double-frontage lots, front setback standards will apply to each lot line that borders a street right-of-way. The rear yard setback shall apply to the opposite side of the principal structure's front main entrance. The side yard setback shall apply to the remaining sides.

[3] A minimum of 15 feet must be provided between structures.

[4] The minimum yard requirements shall be increased to 30 feet from any lot or parcel boundary which abuts a golf course.

Table 2D. Lot Standards for R-2 (Patio Homes, Duplexes and Townhouses)

Housing Type	Minimum Lot Size (sq. ft.)	Minimum Yard Setbacks (feet)			Maximum Height		Maximum Lot Coverage
		Front	Side[1]	Rear	(stories)	(feet)	
Patio homes, zero lot line homes	4,000	20	0/10[2]	20	2.5	35	50 percent
Duplex	6,500	15	7	20	2.5	40	40 percent
Townhouse	2,000	10	See note[3]	20	2.5	40	60 percent
[1] On corner and double-frontage lots, front setback standards will apply to each lot line that borders a street right-of-way. The rear yard setback shall apply to the opposite side of the principal structure's front main entrance. The side yard setback shall apply to the remaining sides.							
[2] A total distance of 15 feet is required between buildings with ten feet minimum setback being required on one side of each lot.							
[3] Where the front, interior side and rear setbacks of the underlying zoning district reduces the buildable width of a lot to less than 40 feet, the Planning Director shall be authorized to reduce the required setbacks as much as necessary. However, no setback reduction granted by the Planning Department shall be for more than 15 feet.							

(Code 1993, § 12A-206; Ord. No. 2005-08, § 12A-206, 10-12-2005; Ord. No. 2007-05, § 2(12A-206), 7-10-2007)

Sec. 12-67. R-3, Residential District.

(a) *Purpose and intent.* The purpose of the R-3 zoning district is to provide for neighborhoods consisting of higher density, residential development for Kiawah Island's residents and guests, surrounded by parks, golf courses, and open spaces. It accommodates multifamily dwellings and other higher density single-family alternatives, such as duplexes or townhouses. Activities and endeavors which might serve to mitigate against this purpose shall be prohibited or strictly regulated.

(b) *District regulations.* The following apply to the R-3 zoning district:

(1) The maximum density for this district is 12 dwelling units per acre;

(2) Open storage is prohibited;

(3) There shall be no more than four dwelling units in any building within this district;

(4) Lot standards (setbacks, lot coverage, etc.) for single-family detached dwellings are listed in table 2F in this subsection;

(5) Lot standards (setbacks, lot coverage, etc.) for patio homes, duplexes, townhouses and multifamily are listed in table 2G in this subsection (b);

(6) Authorized uses are listed in table 3A in section 12-102(c).

Table 2F. Lot Standards for R-3 Single-family Detached Dwellings

Lot Size (square feet)	Maximum Lot Coverage	Depth (feet)	Width (feet)[1]	Minimum Setbacks (feet)			Maximum Height	
				Front[2]	Side[3]	Rear[4]	(stories)	(feet)
2,000—3,999	60 percent	65	20	10	3	10	2.5	40
4,000—5,999	50 percent	75	30	15	7	15	2.5	40
6,000—7,999	50 percent	85	55	20	7	20	2.5	40
8,000—11,999	40 percent	100	60	25	10	25	2.5	40
12,000+	33 percent	100	75	25	20	25	2.5	40

[1] For lots on cul-de-sacs or similar circumstances, the minimum width shall apply at the front yard setback line. Cul-de-sac lots shall have a minimum width of 25 feet at the street line. The minimum width of any flag lot may be reduced to 20 feet, provided that the minimum width specified in the table is provided at the front building setback line.

[2] On corner and double-frontage lots, front setback standards will apply to each lot line that borders a street right-of-way. The rear yard setback shall apply to the opposite side of the principal structure's front main entrance. The side yard setback shall apply to the remaining sides.

[3] A minimum of 15 feet must be provided between structures.

[4] The minimum yard requirements shall be increased to 30 feet from any lot or parcel boundary which abuts a golf course.

Table 2G. Lot Standards for R-3 (Patio Homes, Duplexes, Townhouses and Multifamily)

Housing Type	Minimum Lot Size (square feet)	Minimum Setbacks (feet)			Maximum Height		Maximum Lot Coverage (percent)
		Front	Side[1]	Rear	(stories)	(feet)	
Patio homes, zero lot line homes	4,000	20	0/10[2]	20	2.5	35	50
Duplex	6,500	15	7	20	2.5	40	40

Townhouse	2,000	10	See note[3]	20	2.5	40	~~60~~ 40
Multifamily	10,000	25	See note[3]	20	2	40	~~60~~ 40
[1] On corner and double-frontage lots, front setback standards will apply to each lot line that borders a street right-of-way. The rear yard setback shall apply to the opposite side of the principal structure's front main entrance. The side yard setback shall apply to the remaining sides.							
[2] A total distance of 15 feet is required between buildings with ten feet minimum setback being required on one side of each lot.							
[3] Where the front, interior side and rear setbacks of the underlying zoning district reduces the buildable width of a lot to less than 40 feet, the Planning Director shall be authorized to reduce the required setbacks as much as necessary. However, no setback reduction granted by the Planning Department shall be for more than 15 feet.							

(Code 1993, § 12A-207; Ord. No. 2005-08, § 12A-207, 10-12-2005)

Sec. 12-68. C, Commercial District.

(a) *Purpose and intent.* The purpose of the Commercial District is to provide for high quality, low-rise commercial development to meet the needs of the Island's residents and guests. Because of the limited population served by the Town's commercial facilities, uses permitted in this district generally are smaller in scale than typical in a regional commercial district.

(b) *District regulations.* The following apply to the C zoning district:

(1) The maximum floor area ratio for this district is 0.2;

(2) Open storage is prohibited;

(3) Lot standards (setbacks, lot coverage, etc.) are listed in table 2H in this subsection;

(4) Authorized uses are listed below in table 3A in section 12-102(c);

(5) Parking standards are given in section 12-128.

Table 2H. Lot Standards for the C, Commercial Zoning District		
Minimum area (square feet)[(1)]		20,000
Minimum lot depth (feet)		120
Minimum width (feet)		150
Maximum floor area ratio		0.2
Maximum lot coverage		70 percent
Maximum height		
	Stories[(2)]	2.5
	Feet[(6)]	35
Minimum setbacks (feet)[(3)]		
	Front	25
	Side[(4)]	20
	Rear[(5)]	25
[(1)] Smaller nonresidential lots may be permitted by the Town Council as part of a planned development.		
[(2)] Buildings shall not exceed the permitted number of stories or height.		
[(3)] Canopies connected to the main building shall be set back a minimum of 20 feet from any property line.		
[(4)] No interior side yard will be required on contiguous lots.		
[(5)] Accessory structures shall be located a minimum of 20 feet from rear property lines.		
[(6)] Height in the C zoning district applies to all nonresidential commercial and general office uses, including restaurants, shops, real estate offices, etc., not associated with a hotel.		

(Code 1993, § 12A-208; Ord. No. 2005-08, § 12A-208, 10-12-2005)

Sec. 12-69. RST-1, Resort District.

(a) *Purpose and intent.* The purpose of the RST-1 zoning district is to provide for development of high quality resorts and associated uses providing a wide range of activities for guests of Kiawah Island.

(b) *District regulations.* The following apply to the RST-1 zoning district:

(1) The density of guestrooms shall be limited to eight rooms per acre;

(2) Hotels, and Inns shall provide the following resort facilities:

a. Ten square feet of swimming pool and contiguous pool deck area per guestroom;

b. Ten square feet of dining/lounge area per guestroom;

c. One seat of meeting room capacity per guestroom;

d. Shuttles to transport guests to Kiawah Island golf courses, tennis centers, and other amenities;

e. Exercise facilities;

f. Direct beach access;

g. One tennis court per 50 rooms, which may be waived for hotels located within 1,000 feet of existing courts that may be used by hotel guests;

(3) Lot standards (setbacks, lot coverage, etc.) are listed in table 2I in this subsection;

(4) Authorized uses are listed in table 3A in section 12-102(c);

(5) Parking standards are given in section 12-128.

Table 2I. Lot Standards for the RST-1, Resort Zoning District						
Maximum number of guestrooms (per acre)		8				
Minimum area (square feet)[(1)]		20,000				
Minimum lot depth (feet)		120				
Minimum width (feet)		150				
Maximum floor area ratio		0.2				
Maximum lot coverage		~~70~~ 50 percent				
Maximum height[(2)]~~(6)~~						
	Stories	4	3	2	1	0
	Feet	~~70~~ 55	55	45	35	10
Minimum setbacks (feet)[(3)]						
	Front	100	100	100	100	100
	Side[(4)]	100	100	100	100	100
	Rear[(5)]	~~150~~				
	Oceanfront	150	150	100	60	40
	Non oceanfront	50	40	30	30	20
~~(1) Smaller nonresidential lots may be permitted by the Town Council as part of a planned development.~~						
(2) Buildings shall not exceed the permitted number of stories or height in feet.						
(3) Canopies connected to the main building shall be set back a minimum of 20 feet from any property line.						
(4) No interior side yard will be required on contiguous lots.						
(5) Accessory structures shall be located a minimum of 20 feet from rear property lines.						
~~(6) Height in the RST-1 zoning district applies to hotels and associated activities, such as a conference or convention center, meeting rooms, gift shops or restaurants associated with a hotel.~~						

(Code 1993, § 12A-209; Ord. No. 2005-08, § 12A-209, 10-12-2005)

Sec. 12-70. RST-2, Resort District.

(a) *Purpose and intent.* The purpose of the RST-2 zoning district is to provide for development of high quality resorts and associated uses providing a wide range of activities for guests of Kiawah Island.

(b) *District regulations.* The following apply to the RST-2 zoning district:

(1) The density of guestrooms shall be limited to nine rooms per acre;

(2) Hotels and inns shall provide the following resort facilities:

a. Ten square feet of swimming pool and contiguous pool deck area per guestroom;

b. Ten square feet of dining/lounge area per guestroom;

c. One seat of meeting room capacity per guestroom;

d. Shuttles to transport guests to Kiawah Island golf courses, tennis centers, and other amenities;

e. Exercise facilities;

f. Direct beach access;

g. One tennis court per 50 rooms, which may be waived for hotels located within 1,000 feet of existing courts that may be used by hotel guests;

(3) Lot standards (setbacks, lot coverage, etc.) are listed in table 2J in this subsection;

Notation: Accessory uses include pools, changing rooms, restrooms, gazebos, shade structures, food and beverage services, poolside-beachside retail sales, meeting facilities, fitness and other similar uses related to hotel guest services.

(4) Authorized uses are listed in table 3A in section 12-102(c);

(5) Parking standards are given in section 12-128.

Table 2J. Lot Standards for the RST-2, Resort Zoning District						
Maximum number of guestrooms (per acre)		9~~(10)~~				
Minimum area (square feet)(1)		20,000				
Minimum lot depth (feet)		120				
Minimum width (feet)		150				
Maximum floor area ratio		0.2				
Maximum lot coverage		~~70~~ 50 percent				
Maximum height(2)~~(6)~~						
	Stories	~~4~~	3	2	1	0(7)
	Feet	~~55~~	55	45	35	10
Minimum setbacks (feet)(3)						
	Front	~~50~~	50(8)	50(8)	50(8)	25
	Side(4)	~~50~~	40(8)	30(8)	25	25
	Rear(5)					
	Oceanfront(9)	~~120~~	120	~~60~~ 100	~~40~~ 60	~~20~~ 40
	~~Lagoon—Wooded~~Non oceanfront	~~50~~	40	25	25	20

(1) Smaller nonresidential lots may be permitted by the Town Council as part of a planned development.
(2) Buildings shall not exceed the permitted number of stories or height in feet.
(3) Canopies connected to the main building shall be set back a minimum of 20 feet from any property line.
(4) No interior side yard will be required on contiguous lots.
(5) Accessory structures shall be located a minimum of 20 feet from rear property lines.
~~(6) Height in the RST-2 zoning district applies to hotels and associated activities, such as a conference or convention center, meeting rooms, gift shops or restaurants associated with a hotel.~~
(7) Grade level structures such as pools, decking, parking and other site improvements that minimize vertical massing
(8) Building setback may be reduced to 25 feet for structures adjacent to local or minor streets. Section 12.64(2) (formerly section 12A-204) "Setbacks on corner and double frontage lots" does not apply where one of the two streets is a minor (or local) street.
(9) Hotel rooms and meeting rooms shall not be closer to rear oceanfront property line than 120 feet regardless of height.
~~(10) With respect to a parcel under a development agreement comprised of more than one tax map parcel, the maximum number of rooms per acre shall not be determined based upon individual tax map basis, but instead on the total acreage of the entire parcel under the development agreement.~~

(Code 1993, § 12A-210; Ord. No. 2005-08, § 12A-210, 10-12-2005; Ord. No. 2017-14, § 1(Exh. A), 7-11-2017)

Sec. 12-71. CS, Community Support District.

(a) *Purpose and intent.* The purpose of the CS, Community Support District is to provide for supporting community facilities and services including, but not limited to, utilities, street maintenance facilities and other necessary uses that may not otherwise be compatible with uses permitted in other districts in the Town of Kiawah Island.

(b) *District regulations.* The following apply to the CS zoning district:

(1) The maximum floor area ratio for this district is 0.25;

(2) Lot standards (setbacks, lot coverage, etc.) are listed in table 2K in this subsection;

(3) Authorized uses are listed in table 3A in section 12-102(c);

(4) Parking standards are given in section 12-128.

Table 2K. Lot Standards for the CS, Community Support Zoning District		
Minimum area (square feet)[(1)]		20,000
Minimum lot depth (feet)		120
Minimum width(feet)		150
Maximum floor area ratio		0.25
Maximum lot coverage		70 percent
Maximum height[(2)(6)]		
	Stories	2.5
	Feet	40
Minimum setbacks (feet)[(3)]		
	Front	25
	Side[(4)]	25
	Rear[(5)]	25
[(1)] Smaller nonresidential lots may be permitted by the Town Council as part of a planned development.		
[(2)] Buildings shall not exceed the permitted number of stories or height.		
[(3)] Canopies connected to the main building shall be set back a minimum of 20 feet from any property line.		
[(4)] No interior side yard will be required on contiguous lots.		
[(5)] Accessory structures shall be located a minimum of 20 feet from rear property lines.		
[(6)] Height in the CS zoning district applies to uses which will not fit within the categories in this table. Example: clubhouses or other recreation-oriented structures, public buildings, churches, etc.		

(Code 1993, § 12A-211; Ord. No. 2005-08, § 12A-211, 10-12-2005)

Sec. 12-71.1. CS-2, Community Support District.

(a) *Purpose and intent.* The purpose of the CS-2, Community Support District is to provide for supporting community facilities and services including, but not limited to, residential use, office, recreational and other necessary uses that may not otherwise be compatible with uses permitted in other districts in the Town of Kiawah Island.

(b) *District regulations.* The following apply to the CS-2 zoning district:

(1) The maximum floor area ratio for this district is 0.25;

(2) Lot standards (setbacks, lot coverage, etc.) are listed in table 2K in this subsection;

(3) Authorized uses are listed in table 3A in section 12-102(c);

(4) Parking standards are given in section 12-128.

(5) Residential uses standards are given in section 12-67.

(6) Parks and recreation standards are given in section 12-72.

Table 2K.1. Lot Standards for the CS-2, Community Support Zoning District		
Minimum area (square feet)[(1)]		20,000
Minimum lot depth (feet)		120
Minimum width(feet)		150
Maximum floor area ratio		0.25
Maximum lot coverage		70 percent
Maximum height[(2)(6)]		
	Stories	2.5
	Feet	40
Minimum setbacks (feet)[(3)]		
	Front	25
	Side[(4)]	25
	Rear[(5)]	25
[(1)] Smaller nonresidential lots may be permitted by the Town Council as part of a planned development.		
[(2)] Buildings shall not exceed the permitted number of stories or height.		
[(3)] Canopies connected to the main building shall be set back a minimum of 20 feet from any property line.		
[(4)] No interior side yard will be required on contiguous lots.		
[(5)] Accessory structures shall be located a minimum of 20 feet from rear property lines.		
[(6)] Height in the CS-2 zoning district applies to uses which will not fit within the categories in this table. Example: clubhouses or other recreation-oriented structures, public buildings, churches, etc.		

(Ord. No. 2016-04, § 1, 9-6-2016)

Sec. 12-72. PR, Parks and Recreation District.

(a) *Purpose and intent.* The purpose of the PR, Parks and Recreation District is to provide community parks and recreation facilities, including parks, open spaces, golf courses and tennis courts. This district provides for both active and passive use of land. Accessory structures which support or compliment the parks/recreation use may be permitted as conditional or special exception uses.

(b) *District regulations.* The following apply to the PR zoning district:

(1) Lot standards (setbacks, lot coverage, etc.) for accessory structures in this district are listed in table 2L in this subsection (b);

(2) Authorized uses for this district are listed in table 3A in section 12-102(c);

(3) Parking standards are given in section 12-128.

Table 2L. Lot Standards for Accessory Structures in the PR, Parks and Recreation Zoning District		
Minimum area (square feet)[(1)]		20,000
Minimum lot depth (feet)		120
Minimum width (feet)		150
Maximum floor area ratio		0.2
Maximum lot coverage		~~70~~ 60 percent
Maximum height		
	Stories	2
	Feet	35
Minimum setbacks (feet)[(2)]		
	Front	25
	Side	25
	Rear	25
[(1)] Smaller lots for accessory structures may be permitted by the Town Council as part of a planned development.		
[(2)] Canopies connected to the main building shall be set back a minimum of 20 feet from any property line.		

(Code 1993, § 12A-212; Ord. No. 2005-08, § 12A-212, 10-12-2005)

Sec. 12-72.1. PR, Parks and Recreation—Ocean Course District.

(a) *Purpose and intent.* The purpose of the PR, Parks and Recreation District is to provide community parks and recreation facilities, including parks, open spaces, golf courses, tennis courts and limited residential associated with the golf course operation. This district provides for both active and passive use of land. Accessory structures which support or compliment the parks/recreation use may be permitted as conditional or special exception uses.

(b) *District regulations.* The following apply to the PR zoning district:

(1) Lot standards (setbacks, lot coverage, etc.) for accessory structures in this district are listed in table 2L in this subsection (b);

(2) Authorized uses for this district are listed in table 3A in subsection 12-102(c);

(3) Parking standards are given in section 12-128.

(4) Maximum dwelling units for this district shall be no greater than 26 dwelling units total, of which no more than six may be single-family attached, duplexes or multi-family.

(5) Maximum residential density shall be no more than one dwelling unit per 1.1 acres.

(6) Up to six dwelling units may be attached to and integrated with non-residential buildings, but there shall be no more than four dwelling units in any building within this district.

Table 2L. Lot Standards for Accessory Structures in the PR, Parks and Recreation Zoning District, and PR-OC Zoning District		
Minimum area (square feet)[(1)]		20,000
Minimum lot depth (feet)		120
Minimum width (feet)		150
Maximum floor area ratio		0.2
Maximum lot coverage		~~70~~ 60percent
Maximum height		
	Stories	2
	Feet	35
Minimum setbacks (feet)[(2)]		
	Front	25
	Side	25
	Rear	25
[(1)] Smaller lots for accessory structures may be permitted by the Town Council as part of a planned development.		
[(2)] Canopies connected to the main building shall be set back a minimum of 20 feet from any property line.		

(Ord. No. 2018-05, § 1(att. A), 5-1-2018)

Sec. 12-80. R-2-O, Residential Overlay Zoning District.

(a) *Definition.* For purposes of this section, the term "major renovations" means costs of repair or restoration that exceed 50 percent of the appraised value of the structure at the time of zoning and building permit application. Refer to sections 12-192 and 12-193.

(b) *Purpose and intent.* The purpose and intent of the R-2-O Residential Overlay Zoning District is to promote stable residential neighborhoods consisting of medium density single-family detached residences and patio homes surrounded by parks, golf courses and open spaces. Additionally the purpose and intent is to ensure that new dwelling units and major renovations to existing dwelling units are compatible with the character of existing neighborhoods located within the overlay by permitting consistent dwelling types through the implementation of the R-2-O development standards. Activities and endeavors which might serve to mitigate against this purpose and intent shall be prohibited or strictly regulated.

(c) *Effect of overlay zoning district.* The R-2-O, Residential Overlay Zoning District regulations of this section apply in addition to the underlying (base) zoning district regulations to impose different development rules for properties within the R-2-O district. In case of conflict between the regulations of this section and other regulations in this article, the regulations of this section shall control.

(d) *Applicability.* The R-2-O, Residential Overlay Zoning District is illustrated on the attached map. The standards of this section shall apply to all development within the R-2-O district.

(e) *Development standards.* The following apply to the R-2-O, Residential Overlay Zoning District:

(1) The maximum density for this district is six dwelling units per acre;

(2) All required parking shall be enclosed;

(3) Open storage is prohibited;

(4) Lot standards (setbacks, lot coverage, etc.) for single-family detached dwellings on existing platted lots that are included in article VI of this chapter, the Kiawah Island Property Setback Requirements Appendix dated July 10, 2007, incorporated herein by reference and adopted hereto as article VI of this chapter shall apply in lieu of the setback requirements in table 2C, section 12-66;

(5) Lot standards (setbacks, lot coverage, etc.) for patio homes, on existing platted lots that are included in the Kiawah Island Property Setback Requirements Appendix dated July 10, 2007, incorporated herein by reference and adopted hereto as article VI of this chapter shall apply in lieu of the setback requirements in table 2D, section 12-66;

(6) Lot standards (setbacks, lot coverage, etc.) for patio homes not covered by subsection (e)(5) of this section are listed in table 2D, section 12-66, excluding duplexes and townhouses;

(7) Authorized uses are listed in table 3A in section 12-102(c) except that townhouses and duplexes shall not be permitted uses in the R-2-O, Residential Overlay Zoning District;

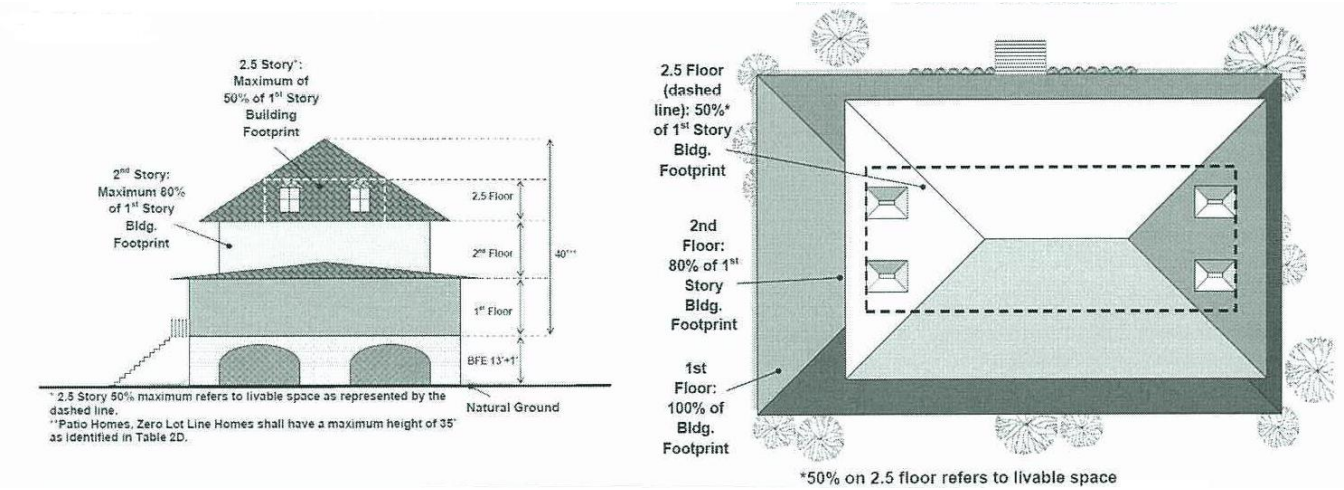
(8) Nonconforming structures and nonconforming uses that were lawfully erected within this overlay district prior to adoption of the R-2-O, Residential Overlay Zoning District, shall comply with sections 12-192 and 12-193; and

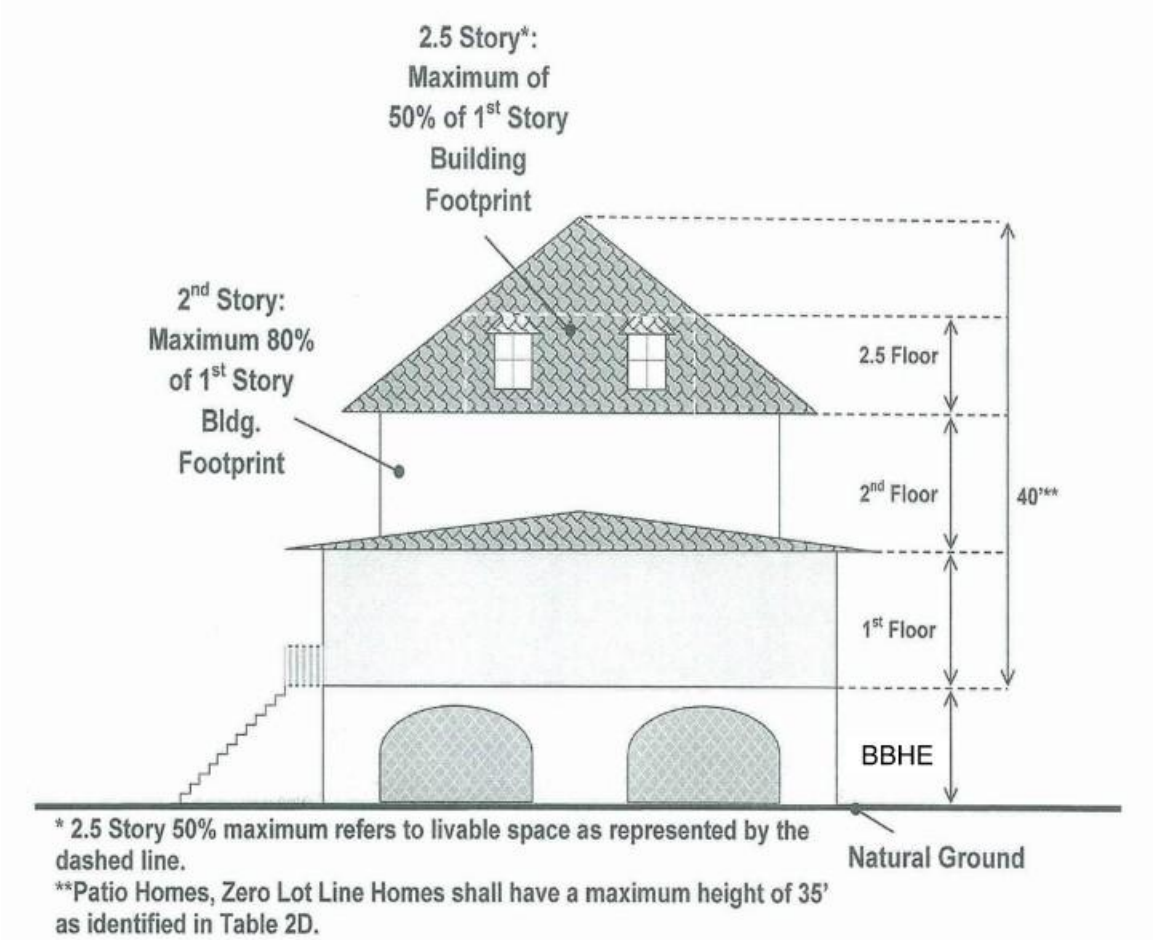
(9) The term "height" means the elevation from ground floor level as measured in feet and stories to the highest point of the roof. The term "building height" does not include chimneys, antennas or ventilation pipes. Height in stories is the number of habitable floors (stories) exclusive of the area below the first finished floor. One-half story is a habitable floor which has heated square footage that is no greater than one-half the heated square footage of the largest story;

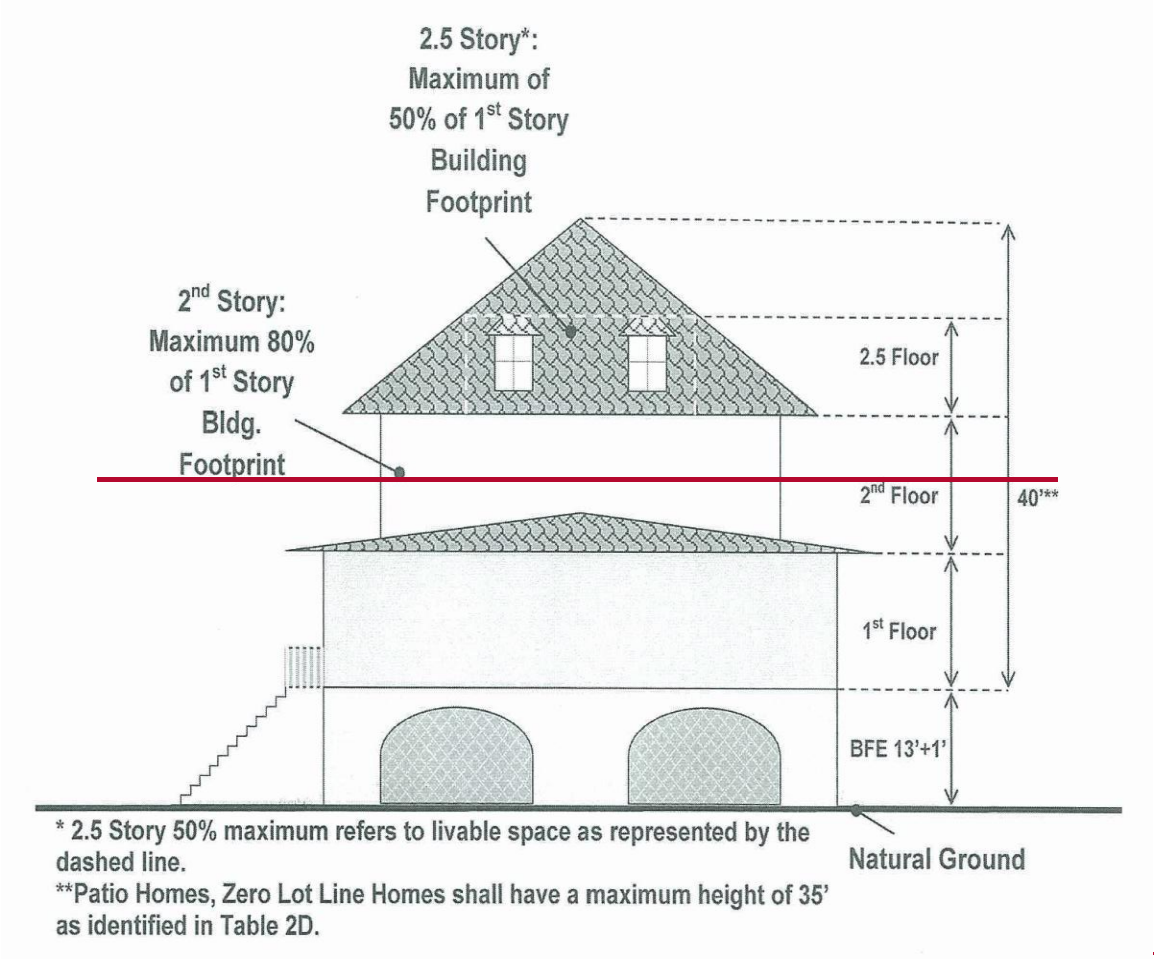
(10) The second story floor area shall not exceed 80 percent of the first story building footprint area. If there is a half story above the second story, it shall not exceed 50 percent of the first story floor area. Graphic 2A and graphic 2B set forth in this subsection illustrate the maximum floor area percentages for single-family detached dwellings.

Graphic 2A, elevation and graphic 2B, plan view: single-family detached maximum height in stories/feet: ;frax;2.5;40;, illustrating 80 percent maximum second story floor area and 50 percent maximum 2½ story floor area.

(1) Note. Patio homes, zero lot line homes shall have a maximum height of 35 feet as identified in table 2D.




2.5 Story*:
Maximum of
50% of 1st Story
Building
Footprint
2nd Story:
Maximum 80%
of 1st Story
Bldg.
Footprint
2.5 Floor
2nd Floor
40'**
1st Floor
BBHE
Natural Ground
* 2.5 Story 50% maximum refers to livable space as represented by the dashed line.
**Patio Homes, Zero Lot Line Homes shall have a maximum height of 35' as identified in Table 2D.



(Ord. No. 2011-06, § 2(12A-221), 10-4-2011)

TAB 4

TOWN COUNCIL

Agenda Item

TOWN OF KIAWAH ISLAND

ORDINANCE 2025-25

AN ORDINANCE TO AMEND ARTICLE IV. – FINANCE AND TAXATION CHAPTER 3. MUNICIPAL BUSINESS LICENSES ZONING, SEC. 4-317. CONSENT, FRANCHISE, OR LICENSE REQUIRED FOR USE OF STREETS

WHEREAS, the *Town of Kiawah Island Municipal Code* currently contains *Chapter 3 – Municipal Business Licenses Zoning, Sec. 4-317 – Consent, Franchise, or License Required for Use of Streets*; 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 Ordinances* for efficiency and consolidation of utility regulations, thereby promoting public safety and welfare through a more coherent regulatory framework; and

WHEREAS, the Town Council held a Public Hearing on October 14, 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 the Code of Ordinances by relocating Section 4-317 from the Finance and Taxation Article to the Public Utilities Article, Article X. This relocation is intended to streamline the management of utility services by consolidating related regulations under the Public Utilities Article. By doing so, the ordinance aims to enhance regulatory clarity, ensuring that all utility operations within public rights of way are governed by appropriate agreements. This consolidation is crucial for protecting public safety and welfare, as it provides a more coherent framework for the oversight of utility services.

Section 2 Ordinance

(1) The Town hereby removes Section 4-317 from Article IV, Chapter 3 as shown in the attached "Exhibit A," which is hereby incorporated herein by reference.

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.

DRAFT

Section 4 **Effective Date and Duration**

This Ordinance shall be effective upon its enactment by the Town Council of the Town of Kiawah Island.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS ___ DAY OF ____, 2025.

_____

Brad Belt, Mayor

ATTEST:

By: _____

Petra Reynolds, Town Clerk

1st Reading: October 14, 2025

2nd Reading:

DRAFT

CHAPTER 3. MUNICIPAL BUSINESS LICENSES[1]

Sec. 4-301. License required.

Every person engaged or intending to engage in any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, in whole or in part within the limits of the Town of Kiawah Island, South Carolina, is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

(Ord. No. 2021-14, §§ 1, 2, 12-7-2021)

Sec. 4-302. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meaning ascribed herein. Defined terms are not capitalized when used in this chapter unless the context otherwise requires.

Business means any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, either directly or indirectly.

Charitable organization means an organization that is determined by the Internal Revenue Service to be exempt from Federal income taxes under 26 U.S.C. Section 501(c)(3), (4), (6), (7), (8), (10) or (19).

Charitable purpose means a benevolent, philanthropic, patriotic, or eleemosynary purpose that does not result in personal gain to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization.

Classification means that division of businesses by NAICS codes subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by the council.

Council means the Town Council of the Town of Kiawah Island.

Domicile means a principal place from which the trade or business of a licensee is conducted, directed, or managed. For purposes of this chapter, a licensee may be deemed to have more than one domicile.

Gross income means the gross receipts or gross revenue of a business, received or accrued, for one calendar or fiscal year collected or to be collected from business done within the municipality. If the licensee has a domicile within the municipality, business done within the municipality shall include all gross receipts or revenue received or accrued by such licensee. If the licensee does not have a domicile within the municipality, business done within

[1]Editor's note(s)—Ord. No. 2021-14, §§ 1, 2, adopted Dec. 7, 2021, repealed the former Ch. 3, §§ 4-301—4-325, and enacted a new Ch. 3 as set out herein. The former Ch. 3 pertained to similar subject matter and derived from Code 1993, §§ 4-301—4-325; Ord. No. 2001-6, adopted July 1, 2001; Ord. No. 2002-1, adopted April 17, 2002; Ord. No. 2003-11, adopted Jan. 13, 2004; Ord. No. 2004-6, adopted Oct. 12, 2004; Ord. No. 2004-7, adopted Dec. 2, 2004; Ord. No. 2009-11, § 2, adopted Jan. 5, 2010; Ord. No. 2011-08, §§ 2a., 2b., adopted Jan. 10, 2012; Ord. No. 2012-7, §§ 1—4, adopted Dec. 4, 2012; Ord. No. 2015-01, §§ 2.3, 2.4, adopted Feb. 10, 2015; Ord. No. 2017-01, § 1, adopted April 4, 2017; Ord. No. 2017-02, § 1, adopted April 4, 2017; and Ord. No. 2017-01, § 1, adopted April 4, 2017.

the municipality shall include only gross receipts or revenue received or accrued within the municipality. In all cases, if the licensee pays a business license tax to another county or municipality, then the licensee's gross income for the purpose of computing the tax within the municipality must be reduced by the amount of revenues or receipts taxed in the other county or municipality and fully reported to the municipality. Gross income for business license tax purposes shall not include taxes collected for a governmental entity, escrow funds, or funds that are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross receipts or gross revenues for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Department of Insurance, or other government agencies. In calculating gross income for certain businesses, the following rules shall apply:

(1) Gross income for agents shall be calculated on gross commissions received or retained, unless otherwise specified. If commissions are divided with other brokers or agents, then only the amount retained by the broker or agent is considered gross income.

(2) Except as specifically required by S.C. Code § 38-7-20, gross income for insurance companies shall be calculated on gross premiums written.

(3) Gross income for manufacturers of goods or materials with a location in the Municipality shall be calculated on the lesser of (i) gross revenues or receipts received or accrued from business done at the location, (ii) the amount of income allocated and apportioned to that location by the business for purposes of the business's state income tax return, or (iii) the amount of expenses attributable to the location as a cost center of the business. Licensees reporting gross income under this provision shall have the burden to establish the amount and method of calculation by satisfactory records and proof. Manufacturers include those taxpayers reporting a manufacturing principal business activity code on their federal income tax returns.

License official means a person designated to administer this chapter. Notwithstanding the designation of a primary license official, the municipality may designate one or more alternate license officials to administer particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under S.C. Code title 58, chapter 9, art. 20, and title 38, chapters 7 and 45.

Licensee means the business, the person applying for the license on behalf of the business, an agent or legal representative of the business, a person who receives any part of the net profit of the business, or a person who owns or exercises control of the business.

Municipality means the Town of Kiawah Island, South Carolina.

NAICS means the North American Industry Classification System for the United States published under the auspices of the Federal Office of Management and Budget.

Person means any individual, firm, partnership, limited liability partnership, limited liability company, cooperative non-profit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principal.

(Ord. No. 2021-14, §§ 1, 2, 12-7-2021)

Sec. 4-303. Purpose and duration.

The business license required by this chapter is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. The licenses year ending on April 30,2022, shall commence on January 1, 2021 and shall run for a 16(-month) period. Thereafter, the licenses periods shall be established as follows. Except as set forth below for

business licenses issued to contractors with respect to specific construction projects, each yearly license shall be issued for the 12-month period of May 1 to April 30. A business license issued for a construction contract may, at the request of the licensee, be stated to expire at the completion of the construction project; provided, any such business license may require that the licensee file, by each April 30 during the continuation of the construction project, a statement of compliance, including, but not limited to, a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for which the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount. The provisions of this chapter and the rates herein shall remain in effect from year to year as amended by the council.

(Ord. No. 2021-14, §§ 1, 2, 12-7-2021)

Sec. 4-304. Business license tax, refund.

(a) The required business license tax shall be paid for each business subject hereto according to the applicable rate classification on or before the due date of the 30th day of April in each year, except for those businesses in Rate Class 8 for which a different due date is specified. Late payments shall be subject to penalties as set forth in Section 12 hereof, except that admitted insurance companies may pay before June 1 without penalty.

(b) A separate license shall be required for each place of business and for each classification or business conducted at one place. If gross income cannot be separated for classifications at one location, the business license tax shall be computed on the combined gross income for the classification requiring the highest rate. The business license tax must be computed based on the licensee's gross income for the calendar year preceding the due date, for the licensee's 12-month fiscal year preceding the due date, or on a 12-month projected income based on the monthly average for a business in operation for less than one year. The business license tax for a new business must be computed on the estimated probable gross income for the balance of the license year. A business license related to construction contract projects may be issued on a per-project basis, at the option of the taxpayer. No refund shall be made for a business that is discontinued.

(c) A licensee that submits a payment greater than the amount owed may request a refund. To be considered, a refund request must be submitted in writing to the municipality before the June 1 immediately following the April 30 on which the payment was due and must be supported by adequate documentation supporting the refund request. The municipality shall approve or deny the refund request, and if approved shall issue the refund to the business, within 30 days after receipt of the request.

(Ord. No. 2021-14, §§ 1, 2, 12-7-2021)

Sec. 4-305. Registration required.

(a) The owner, agent, or legal representative of every business subject to this chapter, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year; *provided*, a new business shall be required to have a business license prior to operation within the municipality, and an annexed business shall be required to have a business license within 30 days of the annexation. A license for a bar (NAICS 722410) must be issued in the name of the individual who has been issued the corresponding state alcohol, beer, or wine permit or license and will have actual control and management of the business.

(b) Application shall be on the then-current standard business license application as established and provided by the Director of the South Carolina Revenue and Fiscal Affairs Office and shall be accompanied by all information about the applicant, the licensee, and the business deemed appropriate to carry out the purpose of this chapter by the license official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross receipts and gross revenue figures.

(c) The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported (or estimated for a new business) without any unauthorized deductions, and that all assessments, personal property taxes on business property, and other monies due and payable to the municipality have been paid.

(d) The municipality shall allow application, reporting, calculation, and payment of business license taxes through the business license tax portal hosted and managed by the South Carolina Revenue and Fiscal Affairs Office, subject to the availability and capability thereof. Any limitations in portal availability or capability do not relieve the applicant or licensee from existing business license or business license tax obligations.

(Ord. No. 2021-14, §§ 1, 2, 12-7-2021)

Sec. 4-306. Deductions, exemptions, and charitable organizations.

(a) No deductions from gross income shall be made except income earned outside of the municipality on which a license tax is paid by the business to some other municipality or county and fully reported to the municipality, taxes collected for a governmental entity, or income which cannot be included for computation of the tax pursuant to state or federal law. Properly apportioned income from business in interstate commerce shall be included in the calculation of gross income and is not exempted. The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof.

(b) No person shall be exempt from the requirements of the chapter by reason of the lack of an established place of business within the municipality, unless exempted by state or federal law. The license official shall determine the appropriate classification for each business in accordance with the latest issue of NAICS. No person shall be exempt from this chapter by reason of the payment of any other tax, unless exempted by state law, and no person shall be relieved of liability for payment of any other tax or fee by reason of application of this chapter.

(c) Wholesalers are exempt from business license taxes unless they maintain warehouses or distribution establishments within the municipality. A wholesale transaction involves a sale to an individual who will resell the goods and includes delivery of the goods to the reseller. It does not include a sale of goods to a user or consumer.

(d) A charitable organization shall be exempt from the business license tax on its gross income unless it is deemed a business subject to a business license tax on all or part of its gross income as provided in this section. A charitable organization, or any affiliate of a charitable organization, that reports income from for-profit activities or unrelated business income for federal income tax purposes to the Internal Revenue Service shall be deemed a business subject to a business license tax on the part of its gross income from such for-profit activities or unrelated business income.

(e) A charitable organization shall be deemed a business subject to a business license tax on its total gross income if (1) any net proceeds of operation, after necessary expenses of operation, inure to the benefit of any individual or any entity that is not itself a charitable organization as defined in this chapter, or (2) any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a charitable purpose as defined in this chapter. Excess benefits or compensation in any form beyond fair market value to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization shall not be deemed a necessary expense of operation.

(Ord. No. 2021-14, §§ 1, 2, 12-7-2021)

Sec. 4-307. False application unlawful.

It shall be unlawful for any person subject to the provisions of this chapter to make a false application for a business license or to give or file, or direct the giving or filing of, any false information with respect to the license or tax required by this chapter.

(Ord. No. 2021-14, §§ 1, 2, 12-7-2021)

Sec. 4-308. Display and transfer.

(a) All persons shall display the license issued to them on the original form provided by the license official in a conspicuous place in the business establishment at the address shown on the license. A transient or nonresident shall carry the license upon his person or in a vehicle used in the business readily available for inspection by any authorized agent of the municipality.

(b) A change of address must be reported to the license official within ten days after removal of the business to a new location and the license will be valid at the new address upon written notification by the license official and compliance with zoning and building codes. Failure to obtain the approval of the license official for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be transferable, and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income.

(Ord. No. 2021-14, §§ 1, 2, 12-7-2021)

Sec. 4-309. Administration of chapter.

The license official shall administer the provisions of this chapter, collect business license taxes, issue licenses, make or initiate investigations and audits to ensure compliance, initiate denial or suspension and revocation procedures, report violations to the municipal attorney, assist in prosecution of violators, produce forms, undertake reasonable procedures relating to the administration of this chapter, and perform such other duties as may be duly assigned.

(Ord. No. 2021-14, §§ 1, 2, 12-7-2021)

Sec. 4-310. Inspection and audits.

(a) For the purpose of enforcing the provisions of this chapter, the license official or other authorized agent of the municipality is empowered to enter upon the premises of any person subject to this chapter to make inspections and to examine and audit books and records. It shall be unlawful for any such person to fail or refuse to make available the necessary books and records. In the event an audit or inspection reveals that the licensee has filed false information, the costs of the audit shall be added to the correct business license tax and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of business license tax shall constitute a separate offense.

(b) The license official shall have the authority to make inspections and conduct audits of businesses to ensure compliance with the chapter. Financial information obtained by inspections and audits shall not be deemed public records, and the license official shall not release the amount of business license taxes paid or the reported gross income of any person by name without written permission of the licensee, except as authorized by this chapter, state or federal law, or proper judicial order. Statistics compiled by classifications are public records.

(Ord. No. 2021-14, §§ 1, 2, 12-7-2021)

Sec. 4-311. Assessments, payment under protest, appeal.

(a) Assessments, payments under protest, and appeals of assessment shall be allowed and conducted by the municipality pursuant to the provisions of S.C. Code § 6-1-410, as amended. In preparing an assessment, the license official may examine such records of the business or any other available records as may be appropriate and conduct such investigations and statistical surveys as the license official may deem appropriate to assess a business license tax and penalties as provided herein.

(b) The license official shall establish a uniform local procedure consistent with S.C. Code § 6-1-410 for hearing an application for adjustment of assessment and issuing a notice of final assessment; provided that for particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under S.C. Code title 58, chapter 9, art. 20, and title 38, chapters 7 and 45, the municipality, by separate ordinance, may establish a different procedure and may delegate one or more rights, duties, and functions hereunder to the Municipal Association of South Carolina.

(Ord. No. 2021-14, §§ 1, 2, 12-7-2021)

Sec. 4-312. Delinquent license taxes, partial payment.

(a) For non-payment of all or any part of the correct business license tax, the license official shall impose and collect a late penalty of five percent of the unpaid tax for each month or portion thereof after the due date until paid. Penalties shall not be waived. If any business license tax remains unpaid for 60 days after its due date, the license official shall report it to the municipal attorney for appropriate legal action.

(b) Partial payment may be accepted by the license official to toll imposition of penalties on the portion paid; provided, however, no business license shall be issued or renewed until the full amount of the tax due, with penalties, has been paid.

(Ord. No. 2021-14, §§ 1, 2, 12-7-2021)

Sec. 4-313. Notices.

The license official may, but shall not be required to, mail written notices that business license taxes are due. If notices are not mailed, there shall be published a notice of the due date in a newspaper of general circulation within the municipality 3 times prior to the due date in each year. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.

(Ord. No. 2021-14, §§ 1, 2, 12-7-2021)

Sec. 4-314. Denial of license.

The license official may deny a license to an applicant when the license official determines:

(1) The application is incomplete or contains a misrepresentation, false or misleading statement, or evasion or suppression of a material fact;

(2) The activity for which a license is sought is unlawful or constitutes a public nuisance *per se* or *per accident*;

(3) The applicant, licensee, prior licensee, or the person in control of the business has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;

(4) The applicant, licensee, prior licensee, or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the municipality or in another jurisdiction;

(5) The applicant, licensee, prior licensee, or the person in control of the business is delinquent in the payment to the municipality of any tax or fee;

(6) A licensee has actual knowledge or notice, or based on the circumstances reasonably should have knowledge or notice, that any person or employee of the licensee has committed a crime of moral turpitude on the business premises, or has permitted any person or employee of the licensee to engage in the unlawful sale of merchandise or prohibited goods on the business premises and has not taken remedial measures necessary to correct such activity; or

(7) The license for the business or for a similar business of the licensee in the municipality or another jurisdiction has been denied, suspended, or revoked in the previous license year.

A decision of the license official shall be subject to appeal as herein provided. Denial shall be written with reasons stated.

(Ord. No. 2021-14, §§ 1, 2, 12-7-2021)

Sec. 4-315. Suspension or revocation of license.

When the license official determines:

(1) A license has been mistakenly or improperly issued or issued contrary to law;

(2) A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this chapter;

(3) A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in the license application;

(4) A licensee has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;

(5) A licensee has engaged in an unlawful activity or nuisance related to the business; or

(6) A licensee is delinquent in the payment to the municipality of any tax or fee,

the license official may give written notice to the licensee or the person in control of the business within the municipality by personal service or mail that the license is suspended pending a single hearing before council or its designee for the purpose of determining whether the suspension should be upheld and the license should be revoked.

The written notice of suspension and proposed revocation shall state the time and place at which the hearing is to be held and shall contain a brief statement of the reasons for the suspension and proposed revocation and a copy of the applicable provisions of this chapter.

(Ord. No. 2021-14, §§ 1, 2, 12-7-2021)

Sec. 4-316. Appeals to council or its designee.

(a) Except with respect to appeals of assessments under section 4-311 hereof, which are governed by S.C. Code § 6-1-410, any person aggrieved by a determination, denial, or suspension and proposed revocation of a business license by the license official may appeal the decision to the council or its designee by written request stating the reasons for appeal, filed with the license official within ten days after service by mail or personal service of the notice of determination, denial, or suspension and proposed revocation.

(b) A hearing on an appeal from a license denial or other determination of the license official and a hearing on a suspension and proposed revocation shall be held by the council or its designee within ten business days after receipt of a request for appeal or service of a notice of suspension and proposed revocation. The hearing shall be held upon written notice at a regular or special meeting of the council, or, if by designee of the council, at a hearing to be scheduled by the designee. The hearing may be continued to another date by agreement of all parties. At the hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by council or its designee shall govern the hearing. Following the hearing, the council by majority vote of its members present, or the designee of council if the hearing is held by the designee, shall render a written decision based on findings of fact and conclusions on application of the standards herein. The written decision shall be served, by personal service or by mail, upon all parties or their representatives and shall constitute the final decision of the municipality.

(c) Timely appeal of a decision of council or its designee does not effectuate a stay of that decision. The decision of the council or its designee shall be binding and enforceable unless overturned by an applicable appellate court after a due and timely appeal.

(d) For business licenses issued to businesses subject to business license taxes under S.C. Code title 58, chapter 9, art. 20, and title 38, chapters 7 and 45, the municipality may establish a different procedure by ordinance.

(Ord. No. 2021-14, §§ 1, 2, 12-7-2021)

~~Sec. 4-317. Consent, franchise, or license required for use of streets.~~

~~(a) It shall be unlawful for any person to construct, install, maintain, or operate in, on, above, or under any street or public place under control of the municipality any line, pipe, cable, pole, structure, or facility for utilities, communications, cablevision, or other purposes without a consent agreement or franchise agreement issued by the council by ordinance that prescribes the term, fees, and conditions for use.~~

~~(b) The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by state law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license taxes unless specifically provided by the franchise or consent agreement.~~

(Ord. No. 2021-14, §§ 1, 2, 12-7-2021)

Sec. 4-318. Confidentiality.

Except in accordance with proper judicial order or as otherwise provided by law, no official or employee of the municipality may divulge or make known in any manner the amount of income or any financial particulars set forth or disclosed in any report or return required under this chapter. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns.

Any license data may be shared with other public officials or employees in the performance of their duties, whether or not those duties relate to enforcement of this chapter.

(Ord. No. 2021-14, §§ 1, 2, 12-7-2021)

Sec. 4-319. Violations.

Any person violating any provision of this chapter shall be deemed guilty of an offense and shall be subject to a fine of up to $500.00 or imprisonment for not more than 30 days or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for in this chapter.

(Ord. No. 2021-14, §§ 1, 2, 12-7-2021)

Sec. 4-320. Severability.

A determination that any portion of this chapter is invalid or unenforceable shall not affect the remaining portions. To the extent of any conflict between the provisions of this chapter and the provisions of the South Carolina Business License Tax Standardization Act, as codified at S.C. Code §§ 6-1-400 et seq., the standardization act shall control.

(Ord. No. 2021-14, §§ 1, 2, 12-7-2021)

Sec. 4-321. Classification and rates.

(a) The business license tax for each class of businesses subject to this chapter shall be computed in accordance with the current business license rate schedule, designated as Appendix A, which may be amended from time to time by the council.

(b) The current business license class schedule is attached hereto as Appendix B. Hereafter, no later than December 31 of each odd year, the municipality shall adopt, by ordinance, the latest standardized business license class schedule as recommended by the Municipal Association of South Carolina and adopted by the Director of the South Carolina Revenue and Fiscal Affairs Office. Upon adoption by the Municipality, the revised business license class schedule shall then be appended to this chapter as a replacement Appendix B.

(c) The classifications included in each rate class are listed with NAICS codes, by sector, sub-sector, group, or industry. The business license class schedule (Appendix B) is a tool for classification and not a limitation on businesses subject to a business license tax. The classification in the most recent version of the business license class schedule adopted by the council that most specifically identifies the subject business shall be applied to the business. The license official shall have the authority to make the determination of the classification most specifically applicable to a subject business.

(d) A copy of the class schedule and rate schedule shall be filed in the office of the municipal clerk.

(Ord. No. 2021-14, §§ 1, 2, 12-7-2021)

APPENDIX A: BUSINESS LICENSE RATE SCHEDULE

RATE CLASS	INCOME: $0—$2,000.00 BASE RATE	INCOME OVER $2,000.00 RATE PER $1,000 OR FRACTION THEREOF
1	$50.00	$1.95
2	$55.00	$2.15

3	$60.00	$2.35
4	$65.00	$2.55
5	$70.00	$2.75
6	$75.00	$2.95
7	$80.00	$3.15
8.1	$70.00	$2.40
8.2	Set by state statute	
8.3	MASC Telecommunications	
8.4	MASC Insurance	
8.51	$12.50 plus $12.50 per machine	
8.52	$12.50 plus $180.00 per machine	
8.6	$5.00 or 12.50 per table plus per $1,000.00, or fraction, over $2,000.00	$2.00
9.8	Promoters of Events	

NONRESIDENT RATES

Unless otherwise specifically provided, all taxes and rates shall be doubled for nonresidents and itinerants having no fixed principal place of business within the county.

DECLINING RATES

Declining rates apply in all classes for gross income in excess of $1,000,000.00, unless otherwise specifically provided for in this chapter.

Gross Income in $ Millions	Percent of Class Rate for each additional $1,000.00
0—1	100%
1—2	90%
2—3	80%
3—4	70%
OVER 4	60%

CLASS 8 RATES

Each NAICS number designates a separate subclassification. The businesses in this section are treated as separate and individual subclasses due to provisions of state law, regulatory requirements, service burdens, tax equalization considerations, and other factors that are deemed sufficient to require individually determined rates. In accordance with state law, the municipality also may provide for reasonable subclassifications for rates, described by an NAICS sector, subsector, or industry, that are based on particularized considerations as needed for economic stimulus or for the enhanced or disproportionate demands on municipal services or infrastructure.

Nonresident rates do not apply except where indicated.

8.1 NAICS 230000—Contractors, Construction, All Types [Nonresident rates apply].

Resident rates, for contractors having a permanent place of business within the county:

Minimum on first $2,000.00$70.00 PLUS

Each additional $1,000.00$2.40

Nonresident rates apply to contractors who do not have a permanent place of business within the county. A trailer at the construction site or structure in which the contractor temporarily resides is not a permanent place of business under this chapter.

No contractor shall be issued a business license until all state and municipal qualification examination and trade license requirements have been met. Each contractor shall post a sign in plain view on each job identifying the contractor with the job.

Subcontractors shall be licensed on the same basis as general or prime contractors for the same job. No deductions shall be made by a general or prime contractor for value of work performed by a subcontractor.

No contractor shall be issued a business license until all performance and indemnity bonds required by the building code have been filed and approved. Zoning permits must be obtained when required by the zoning ordinance.

Each prime contractor shall file with the license official a list of subcontractors furnishing labor or materials for each project.

For licenses issued on a per-job basis, the total tax for the full amount of the contract shall be paid prior to commencement of work and shall entitle the contractor to complete the job without regard to the normal license expiration date. An amended report shall be filed for each new job, and the appropriate additional license fee per $1,000.00 of the contract amount shall be paid prior to commencement of new work. Only one base tax shall be paid in a license year. Licensees holding a per-job license shall file, by April 30, during the continuation of the construction project, a statement of compliance, including, but not limited to, a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for which the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount.

8.2 NAICS 482—Railroad Companies (See S.C. Code of Laws 1976, § 12-23-210).

8.3 NAICS 517311, 517312—Telephone Companies.

With respect to "retail telecommunications services" as defined in S.C. Code of Laws 1976, § 58-9-2200, the municipality participates in a collections program administered by the Municipal Association of South Carolina. The municipality has approved participation in the collections program by a separate ordinance (the "Telecommunications Collections Ordinance"). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to retail telecommunications services are set forth in the Telecommunications Collections Ordinance.

8.4 NAICS 5241—Insurance Companies.

Independent agents, brokers, and their employees are subject to a business license tax based on their natural class. With respect to insurers subject to license fees and taxes under S.C. Code of Laws 1976, title 38, chapter 7 and to brokers under S.C. Code of Laws 1976, title 38, chapter 45, the municipality participates in a collections program administered by the Municipal Association of South Carolina. The municipality has approved participation in the collections program by separate ordinance (the "Insurers and Brokers Collections Ordinance"). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to insurers and brokers are set forth in the Insurers and Brokers Collections Ordinance.

8.51 NAICS 713120—Amusement Machines, coin operated (except gambling).

Music machines, jukeboxes, kiddy rides, video games, pin tables with levers, and other amusement machines with or without free play features licensed by S.C. Department of Revenue pursuant to S.C. Code of Laws 1976, §§ 12-21-2720(A)(1) and (A)(2) [Type I and Type II].

For the operation of all machines (not on gross income), pursuant to S.C. Code of Laws 1976, § 12-21-2746:

Per Machine$12.50 PLUS

Business license$12.50

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to S.C. Code of Laws 1976, § 12-21-2728 are not subject to Subclass 8.51.

8.52 NAICS 713290—Amusement Machines, coin operated, non-payout.

Amusement machines of the non-payout type or in-line pin game licensed by S.C. Department of Revenue pursuant to S.C. Code § 12-21-2720(A)(3) [Type III].

For the operation of all machines (not on gross income), pursuant to S.C. Code § 12-21-2720(B):

Per Machine$180.00 PLUS

Business license$12.50

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to S.C. Code of Laws 1976, § 12-21-2728 are not subject to Subclass 8.52.

8.6 NAICS 713990—Billiard or Pool Rooms, all types.

A business that offers the use of billiard or pool tables shall be subject to business license taxation under its natural class for all gross income of the business, excluding the gross income attributable to the billiard or pool tables. In addition, the billiard or pool tables shall require their own separate business licenses pursuant to S.C. Code of Laws 1976, § 12-21-2746 and shall be subject to a license tax of $5.00 per table measuring less than three and one-half feet wide and seven feet long and $12.50 per table longer than that.

Minimum on first $2,000.00$5.00 or 12.50 per table PLUS

Per $1,000.00, or fraction, over $2,000.00$2.00

9.8 NAICS 711320—Promoters of Performing Arts, Sports, and Similar Events.

Promoters of large events with over 15 attendees within the corporate limits of the Town of Kiawah Island shall be responsible for obtaining a special event permit for a set fee based upon the estimated and actual total attendance at the event. The special event permit will include licensing of the subcontractors and/or vendors who provide products and services for profit associated with the event.

Promoters of large not-for-profit events with over 15 attendees within the corporate limits of the Town of Kiawah Island are not required to obtain a special event permit; however, each of the subcontractors and/or vendors who provide products and services for profit associated with the event shall be responsible for obtaining a Town of Kiawah Island Business License.

Attendees	Special Event Permit Fee
16—499	$250.00
500—999	$500.00
1,000—2,499	$1,000.00
2,500—4,999	$2,500.00
5,000—9,999	$5,000.00
10,000—19,999	$10,000.00
20,000 and over	$20,000.00

(Ord. No. 2021-14, §§ 1, 2, 12-7-2021; Ord. No. 2023-24, § 2, 12-19-2023; Ord. No. 2024-22, § 2(Exh. A), 9-10-2024)

Appendix B: Business License Class Schedule by NAICS Code

NAICS Sector/Subsector	Industry Sector	Class
11	Agriculture, forestry, hunting and fishing	1

21	Mining	2
22	Utilities	1
31—33	Manufacturing	3
42	Wholesale trade	1
44—45	Retail trade	1
48—49	Transportation and warehousing	1
51	Information	4
52	Finance and insurance	7
53	Real estate and rental and leasing	7
54	Professional, scientific, and technical services	5
55	Management of companies	7
56	Administrative and support and waste management and remediation services	3
61	Educational services	3
62	Health care and social assistance	4
71	Arts, entertainment, and recreation	3
721	Accommodation	1
722	Food services and drinking places	2
81	Other services	4
Class 8	Subclasses	
23	Construction	8.1
482	Rail Transportation	8.2
517111	Wired Telecommunications Carriers	8.3
517112	Wireless Telecommunications Carriers (except Satellite)	8.3
517122	Agents for Wireless Telecommunications Services	8.3
5241	Insurance Carriers	8.4
5242	Insurance Brokers for non-admitted Insurance Carriers	8.4
713120	Amusement Parks and Arcades	8.51
713290	Nonpayout Amusement Machines	8.52
713990	All Other Amusement and Recreational Industries (pool tables)	8.6

Note: 2023 Class Schedule is based on a three-year average (2017—2019) of IRS statistical data.

(Ord. No. 2021-14, §§ 1, 2, 12-7-2021; Ord. No. 2023-24, § 2, 12-19-2023)

Ord. No. 2023-24, § 2, adopted Dec. 19, 2023 also set out provisions stating "Class 9 in Appendix B to the Current Business License Ordinance, the "Business License Class Schedule," shall remain in full force and effect as set forth in the Current Business License Ordinance.

The NAICS codes corresponding to Classes 9.41 and 9.42 have been eliminated. Businesses that were previously classified into 9.41 or 9.42 shall be required to apply and pay for a business license in their natural class."

TOWN OF KIAWAH ISLAND

ORDINANCE 2025-26

AN ORDINANCE TO AMEND ARTICLE X, PUBLIC UTILITIES

WHEREAS, the Town of Kiawah Island Municipal Code currently contains *Chapter 10 - Public Utilities;* and

WHEREAS, the Town of Kiawah Island has determined that it is in the public interest to amend the *Public Utilities Ordinance* to incorporate certain provisions previously located in other sections of *the Town of Kiawah Code of Ordinances*; and

WHEREAS, this text amendment aligns with the objectives of safeguarding the public health, safety, and welfare of the citizens of the Town of Kiawah Island; and

WHEREAS, the Town Council held a Public Hearing on October 14, 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 the Code of Ordinances by adding Sections 10-101 and 10-201 into Article X. This amendment ensures that all utility services operating within the public rights of way are subject to a franchise agreement approved by the Town Council. The ordinance aims to regulate the construction, installation, maintenance, and operation of utility services, including electricity, natural gas, water and wastewater, broadband connectivity, cable television, telephone, and other telecommunications services. By requiring a franchise agreement, the Town seeks to establish clear terms, fees, and conditions for the provision of these services, thereby safeguarding the public health, safety, and welfare of its residents. Additionally, this ordinance mandates that existing utility service providers obtain the necessary franchise agreements within a specified timeframe, ensuring compliance with municipal regulations and state law.

Section 2 Ordinance

(1) The Town hereby establishes Sections 10-101 and 10-201 as shown in the attached **"Exhibit A,"** which is hereby incorporated herein by reference.

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

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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 the Town Council of the Town of Kiawah Island.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS ___ DAY OF ____, 2025.

_____

Brad Belt, Mayor

ATTEST:

By: _____

Petra Reynolds, Town Clerk

1st Reading: October 14, 2025

2nd Reading:

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Article 10 ~~PUBLIC~~ UTILITIES[1]

CHAPTER 1. ~~USE OF SEWERS REQUIRED~~Consent, Franchise or Operating Agreement Requirements

Sec. 10-101. Consent or Franchise Agreement Required for Use of Public Rights of Way

(a) It shall be unlawful for any person to construct, install, maintain, or operate in, on, above, or under any road or public place under control of the municipality any line, pipe, cable, pole, structure or facility for utility services, including electricity, natural gas, water and wastewater, broadband connectivity, cable television, telephone and other telecommunications services or other purpose, without a franchise agreement approved by the Council by ordinance that prescribes the term, fees, and conditions pertaining to the provision of services.

(b) Any person providing utility services prior to the date of enactment of this section shall be required to apply for and be granted a franchise for the services provided in the same manner as a new franchise applicant with [X] days of enactment of this section.

(c) The fees authorized by the franchise agreement shall be set by the ordinance approving such agreement and shall be consistent with the limits set by state law. Such fees shall not be in lieu of or be credited against business license taxes unless specifically provided for in the franchise or consent agreement.

CHAPTER 2. Utility Services Operating Agreement

Sec. 10-201. It shall be unlawful for any person to provide utility services, including electricity, natural gas, water and wastewater, broadband connectivity, cable television, telephone and other telecommunications services, to any resident or property owner within the municipal boundaries of the Town without an operating agreement approved by the Council by ordinance that prescribes the terms and conditions pertaining to the provision of services necessary to protect the health, safety and welfare of such residents or property owner.

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[1] ~~State law reference(s)—Municipal utilities generally. S.C. Code of Laws 1976, § 5-31-610; municipality may purchase or construct utility systems and plants, S.C. Code of Laws 1976, § 6-21-50; authority to establish municipal sewerage system, S.C. Code of Laws 1976, § 5-31-810; authority to enact relevant ordinances concerning sewerage system, S.C. Code of Laws 1976, § 5-31-900; general pretreatment regulations for existing and new sources of pollution, S.C. Code Reg. 61-9.403; enumerated municipal powers regarding schedule of sewer service and connection fees, S.C. Code of Laws 1976, § 5-31-2030; maximum contaminant levels in drinking water S.C. Code Reg. 61-58.5; municipality may hold landlords of certain multi-unit buildings responsible for utility charges billed to tenant, if building served by master meter or single connection, S.C. Code of Laws 1976, § 27-33-50(C).~~

Sec. 10-~~101~~202. ~~Requirements.~~Sewerage

(a) Use of Sewers Required.

It shall be unlawful for any person to place, deposit or permit to be deposited in any ~~Kiawah Island~~ Utility ~~Company~~ sewer facilities, any human or animal excrement, garbage, or other objectionable waste in an unauthorized or unsanitary manner.

~~(b)~~ It shall be unlawful to discharge into any natural outlet within the town, any sewage or other polluted waters except to appropriate utility treatment facilities ~~provided by the Kiawah Island Utility Company~~.

~~(c)~~ It shall be unlawful to construct or maintain any privy, privy fault, septic tank, cesspool, or other facility intended or used for disposal of sewage, unless such privy, privy fault, septic tank, cesspool, or other facility is in, and remains in, full compliance with all DHEC and other state and federal regulations governing the same.

~~(d)~~ At such time as a public sewer gravity line is constructed within 600 feet of a residence or other facility intended for use for the generation of sewage, a service connection shall be made by the property owner to the public sewer in compliance with this chapter. Provided, however, if there exists at the time public sewer is available a septic system meeting state standards and receiving waste water, the property owner shall have 15 years from the date of availability in which to connect the dwelling to the public sewer; unless one or more of the following conditions occur:

(1) The property is sold;

(2) Property is inherited, except for joint tenancy; and/or

(3) The septic system requires replacement.

~~(e)~~(b) Sewer or Wastewater Services Requirement. Any person providing sewer or wastewater services within the Town shall, upon written request, provide such services to any resident or property owner within the Town's municipal boundaries so long as such resident or property owner pays the commercially reasonable costs for connecting to and receiving such services.

(c) No statement contained in this section shall be construed to nullify any additional or other requirements that may be imposed by the appropriate state or local health officer.

(Code 1993, § 10-201)

~~Sec. 10-102.~~CHAPTER 3. Penalties.

Failure to comply with any provisions of this chapter shall subject the violator to the ordinance violation penalties set forth elsewhere in this Code. Additionally, the violator may be subject to additional federal penalties as set forth in 33 USC 1150 et seq.

(Code 1993, § 10-202; Ord. No. 2015-01, § 2.14, 2-10-2015)

TAB 5

TOWN COUNCIL

Agenda Item

REQUEST FOR TOWN COUNCIL ACTION

TO: **Mayor and Town Council Members**

FROM: **Stephanie Monroe Tillerson, AICP, Town Administrator**

SUBJECT: **Recommendation for Architect of Record – Civic and Cultural Center Addition**

DATE: **14 October 2025**

BACKGROUND:

In May 2025, the Town of Kiawah Island released a Request for Qualifications (RFQ) for an Architect Design Competition for the proposed Civic and Cultural Center Addition to the existing Town Hall building. This expansion project will create a dedicated space featuring an acoustically engineered 250-300-seat auditorium/recital hall, flexible community meeting rooms, and supporting facilities to serve the cultural and civic needs of our community.

The Civic and Cultural Center Addition Committee was formed to oversee the selection process. Committee members include Mayor Bradley Belt, Mayor Pro Tem Russell Berner, Marc Camens, Tom Hund, Mark Parmar, David Wohl, and staff members Brian Gottshalk, John Taylor, and me.

The selection process was conducted in two phases:

Phase 1 - Initial Selection: The Town received qualifications from eleven (11) architectural firms interested in the project. Through a thorough review process that included evaluation of firm experience, staff qualifications, past project examples, and interviews, the Committee narrowed the field to six firms—Caplea Coe/H3, David M. Schwarz Architects, Ewing Cole, Hord Coplan Macht, LS3P, and McMillan Pazdan Smith—and subsequently selected three finalists to participate in the Conceptual Design Competition.

Phase 2 - Design Competition: The three finalist firms—Caplea Coe/H3, Ewing Cole, and Hord Coplan Macht—were each awarded a $20,000 stipend to prepare comprehensive Conceptual Designs over six weeks. Each finalist submitted detailed design packages including site and floor plans, building elevations, renderings, cost estimates, and design narratives. On September 17, 2025, residents had the opportunity to view all three conceptual designs and speak directly with representatives from each firm during a well-attended community drop-in event.

Following evaluation of the three conceptual designs, the Civic and Cultural Center Addition Committee voted unanimously during a public meeting on October 6, 2025, to recommend Caplea Coe/H3 to the Town Council as the architect of record for the project.

The Committee found that Caplea Coe/H3's design best met the programmatic requirements while demonstrating exceptional integration with the existing Town Hall facility, attention to the site's natural features, including views of the marsh and Kiawah River/Haulover Creek, and innovative solutions for

acoustics and functionality. Their experience with similar performance venues and municipal projects, combined with the qualifications of their proposed team, positioned them as the strongest candidate to complete this important community project successfully.

ACTION REQUESTED:

Approval of the Committee's recommendation to select Caplea Coe/H3 as the architect of record for the Civic and Cultural Center Addition and authorization for the Mayor to negotiate a contract with the firm. Upon approval, Caplea Coe/H3 will be contracted to complete the preparation of detailed schematic designs, construction documents, and provide construction administration services necessary to complete the project.

BUDGET & FINANCIAL DATA:

Authorization is requested for the Mayor to negotiate a contract with Caplea Coe/H3 for architectural services, including schematic design, construction documents, bidding support, and construction administration. The negotiated contract will be presented to the Town Council for final approval. Council may establish a not-to-exceed amount for negotiations.


CAPLEA|COE
ARCHITECTS
H3
TOWN OF KIAWAH ISLAND
CIVIC AND CULTURAL CENTER ADDITION

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PROJECT STATEMENT

The Town of Kiawah Island Civic and Cultural Center Addition will be a vital expansion of the existing Town Hall, conceived as a multifunctional space for cultural events, performing arts, and civic gatherings. At approximately 12,000 sq ft, the new wing will include a 250–300 seat acoustically engineered auditorium with fixed seating, flexible community meeting rooms, a foyer and gathering space for art displays and pre-event functions, and supporting backstage and service areas. Site improvements will include parking, service access, and a loading dock that supports efficient operations.

Unlike existing island facilities, which are primarily banquet-style venues not designed for performance, this project will provide a purpose-built auditorium and supporting spaces to accommodate programs that are currently underserved. The design will achieve seamless architectural integration with the existing Town Hall while emphasizing acoustical excellence, sustainable materials, energy efficiency, and coastal resilience. The building will be oriented to maximize views of Kiawah's grand oaks and scenic views of the marsh, reinforcing the Town's commitment to natural beauty and environmental stewardship.

The project will be delivered through the collaboration of Caplea Coe Architects, a Charleston-based local firm with deep experience in the Lowcountry; H3, a nationally recognized leader in civic and cultural facilities; and a team of local consulting engineers. This partnership combines national design expertise with intimate knowledge of Kiawah's environmental conditions, regulatory requirements, and cultural heritage, ensuring that the facility is both technically advanced and contextually appropriate.

To strengthen community ownership and embed local identity into the facility, we recommend that the Town establish a Cultural Task Force in collaboration with the Kiawah Art Guild. Working alongside the design team, this group would guide the integration of the island's history and culture into the architectural expression through elements such as historic maps, sculptural installations, and interpretive displays.

Upon completion, the Civic and Cultural Center will provide a permanent, high-quality venue for the arts, reduce reliance on temporary facilities, and offer affordable community gathering spaces. It will augment existing island venues by offering a true performance facility that banquet-style spaces cannot provide. It will stand as a symbol of civic pride, environmental stewardship, and cultural continuity, where residents and visitors come together in shared purpose and community.

“WHAT WE’VE HEARD”

- Staffing: Kiawah does not plan to hire additional staff to operate the new venue.
- Concurrent Use: The design should allow meetings to occur in both the existing council chamber and the new multipurpose room at the same time.
- Performance Space: The performance area does not need to serve all possible funcitons, since other venues on the island can accommodate alternative uses.
- Event Flexibility: Based on comparable venues, incorporating flexibilty for uses in the Multipurpose Room would be beneficial.
- Preservation: Existing office windows in the current building should not be altered or obstructed.

REFERENCE BUILDINGS AROUND KIAWAH







REFERENCE BUILDINGS AROUND KIAWAH









WEST BEACH CONFERENCE CENTER









THE SANCTUARY AT KIAWAH ISLAND

REFERENCE BUILDINGS AROUND KIAWAH






TURTLE POINT CLUBHOUSE






RIVER COURSE CLUBHOUSE

EXISTING TOWN HALL













AERIAL VIEW - TOWN HALL AND FRESHFIELDS VILLAGE


1


2

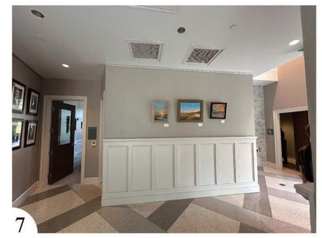

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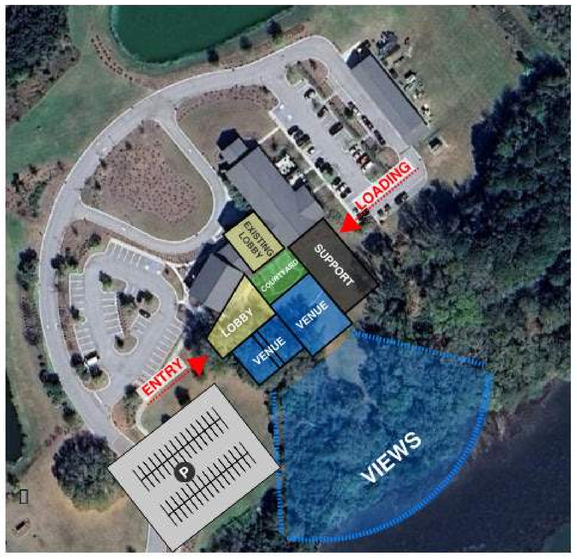

10

TOWN HALL AERIAL VIEW - WITH SITE PHOTOS

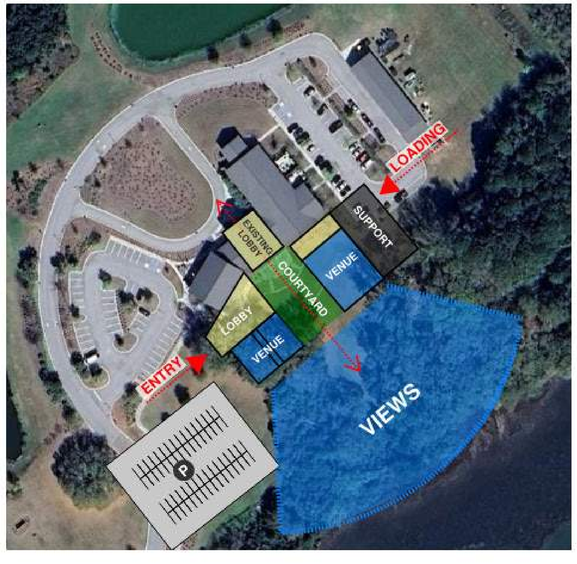
INITIAL PLANNING SCHEMES

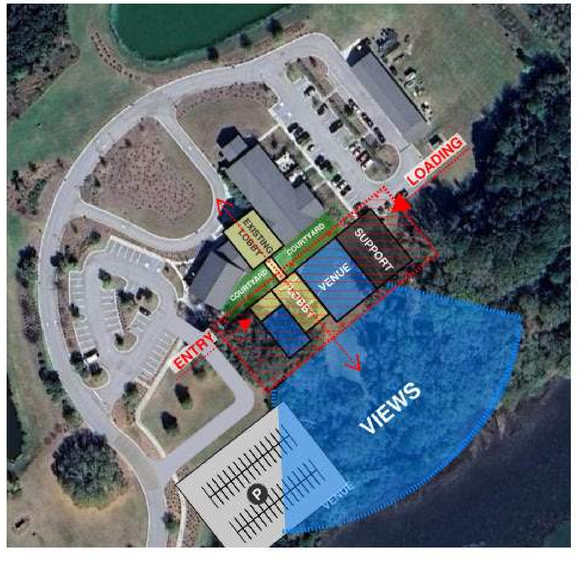


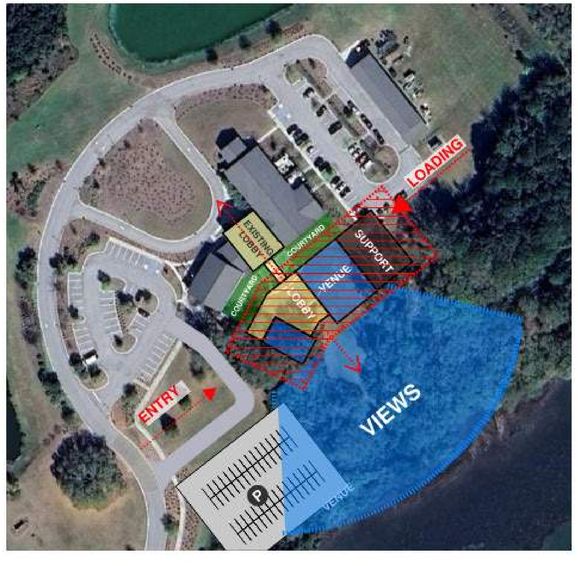




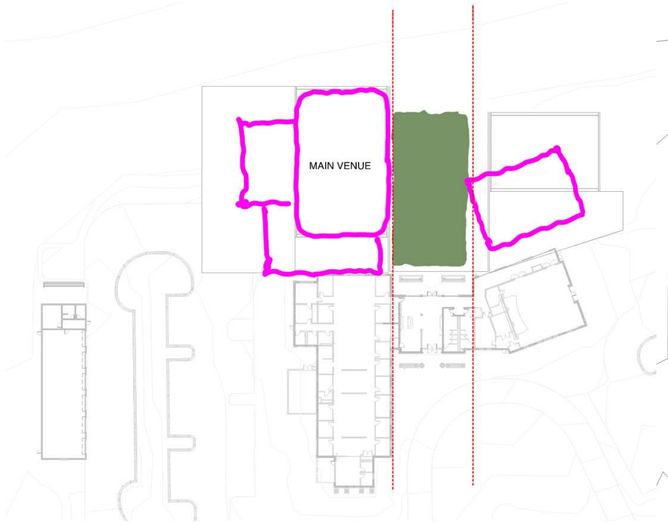


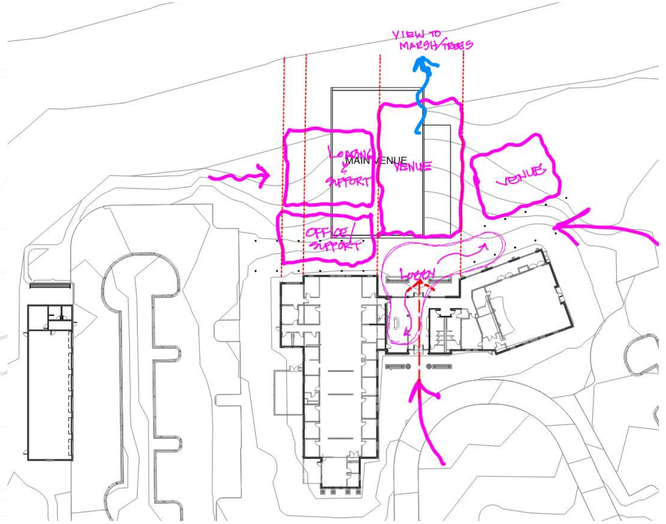






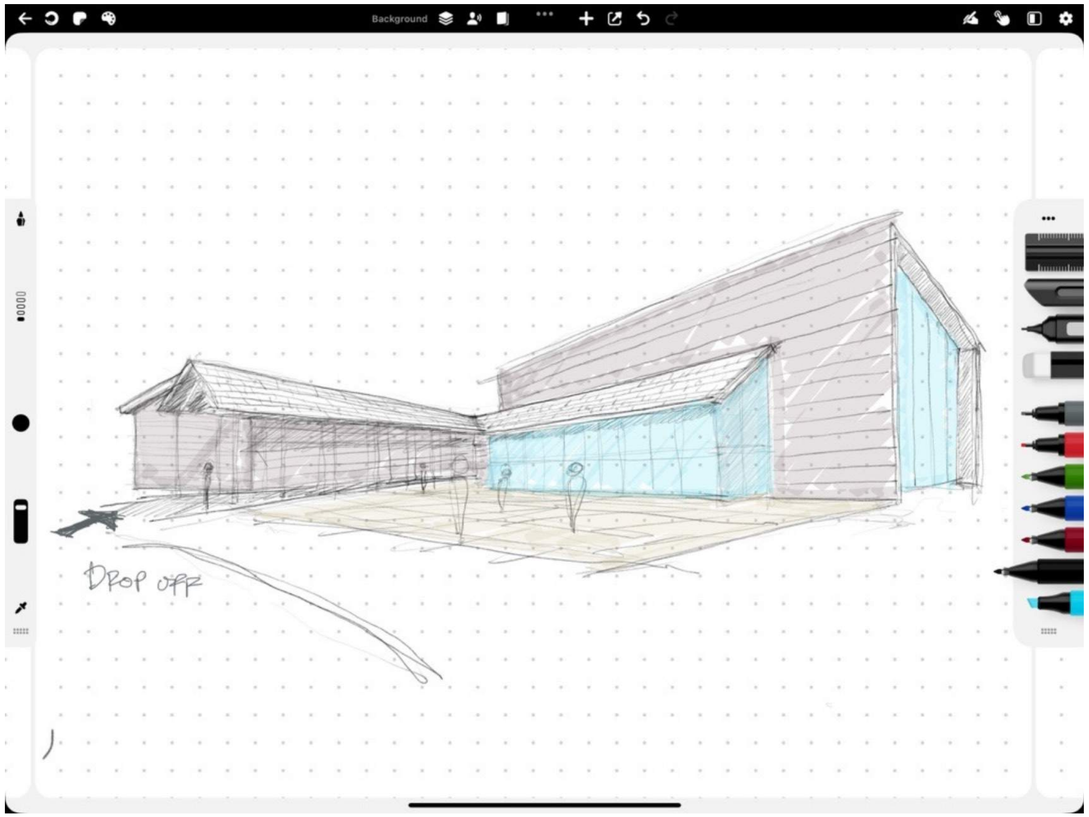



MAIN VENUE


VIEW TO MARSH/TREES
LOADING & SUPPORT
MAIN VENUE
VENUE
OFFICE / SUPPORT
LAWN




Background
PM _ Fri Aug 1
Search here
84°
73 AQI
Kiawah Island Town Hall
Recently Viewed
Blink Charging Station
ENTRY
PUBLIC
CONNECT LOADING OFFICES
OFFICES LEVEL 2
LOAD
VENUE
SUPPORT
ROOF
MECH ON LEVEL 2
CANOPY
PLAZA
VENUE
VIEW
DROP OFF

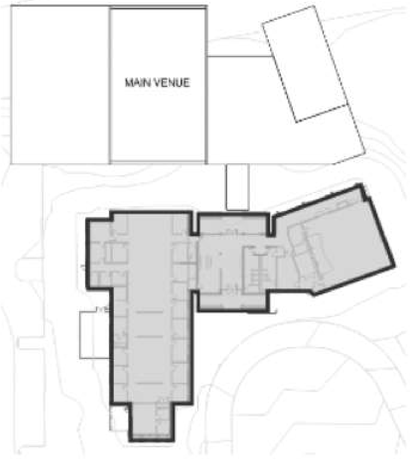

Background
DROP OFF

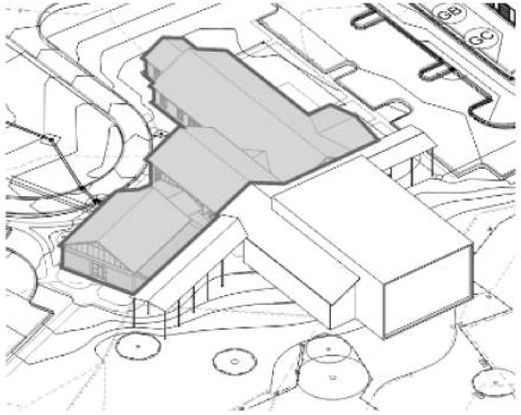
MASSING STUDIES

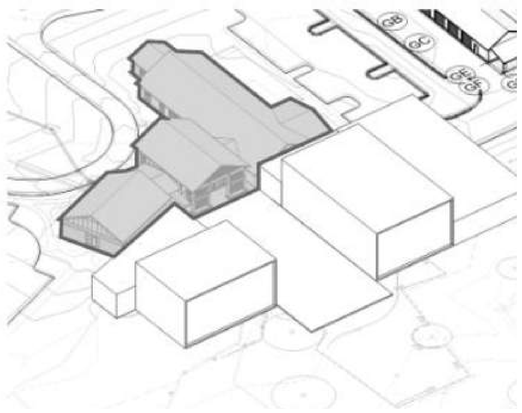


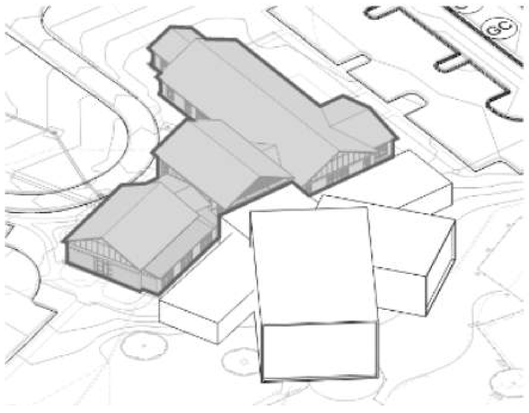


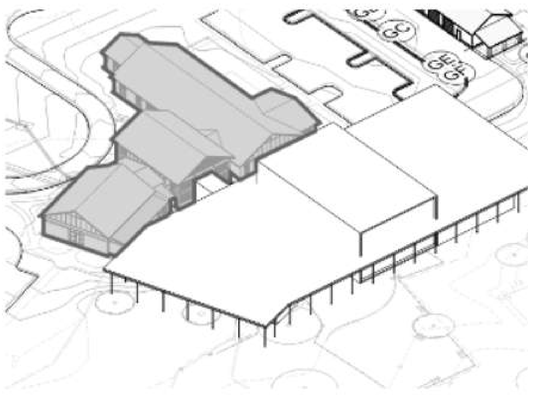




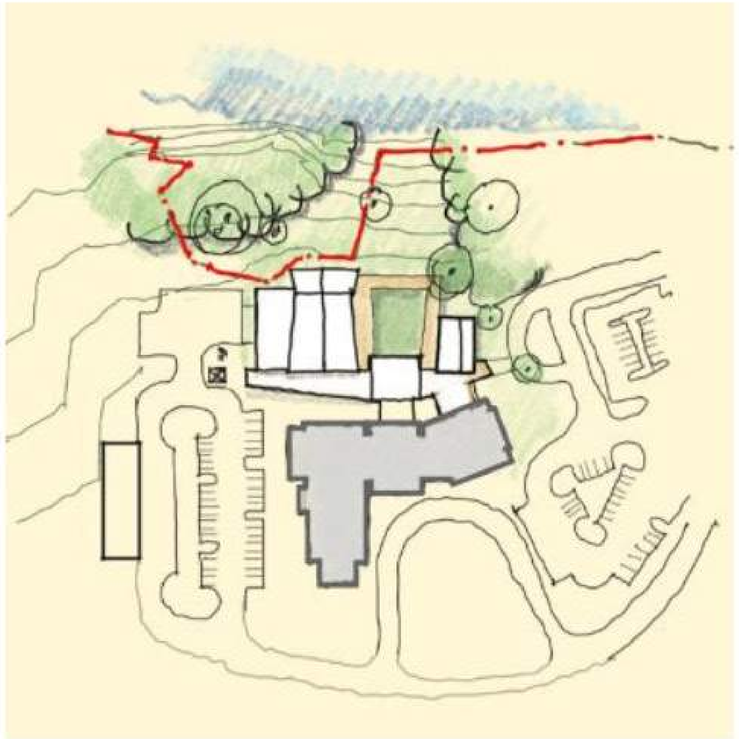




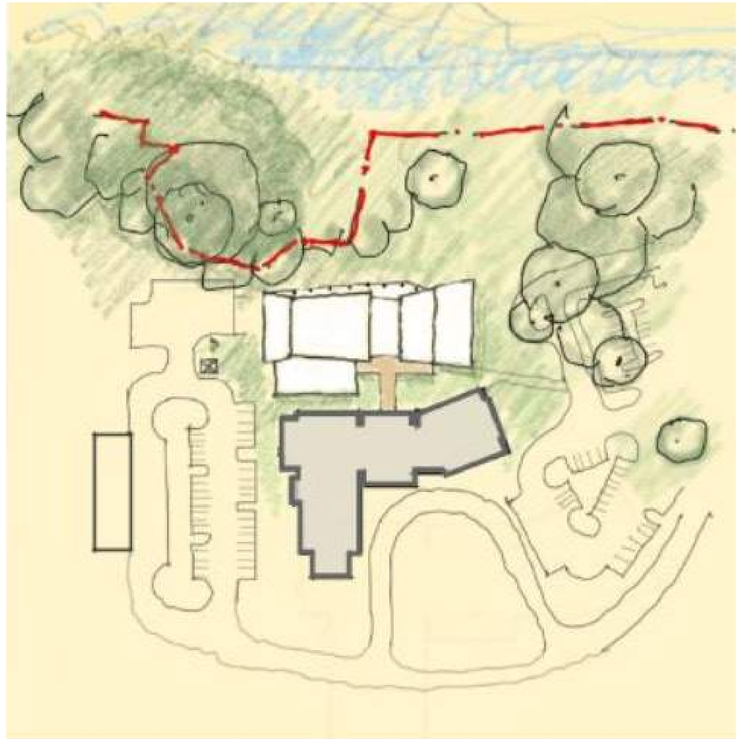




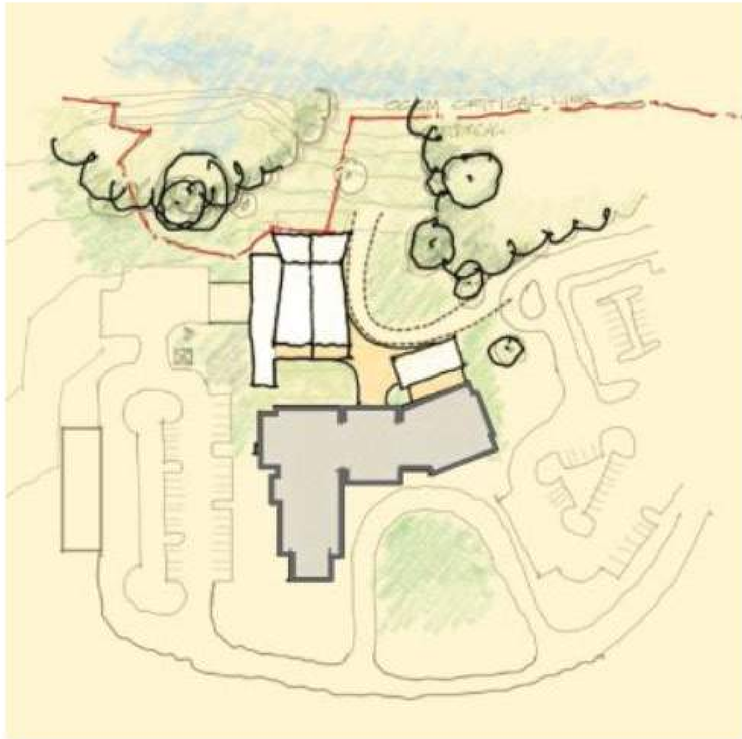
EXPLORATIONS



THE CLOISTER

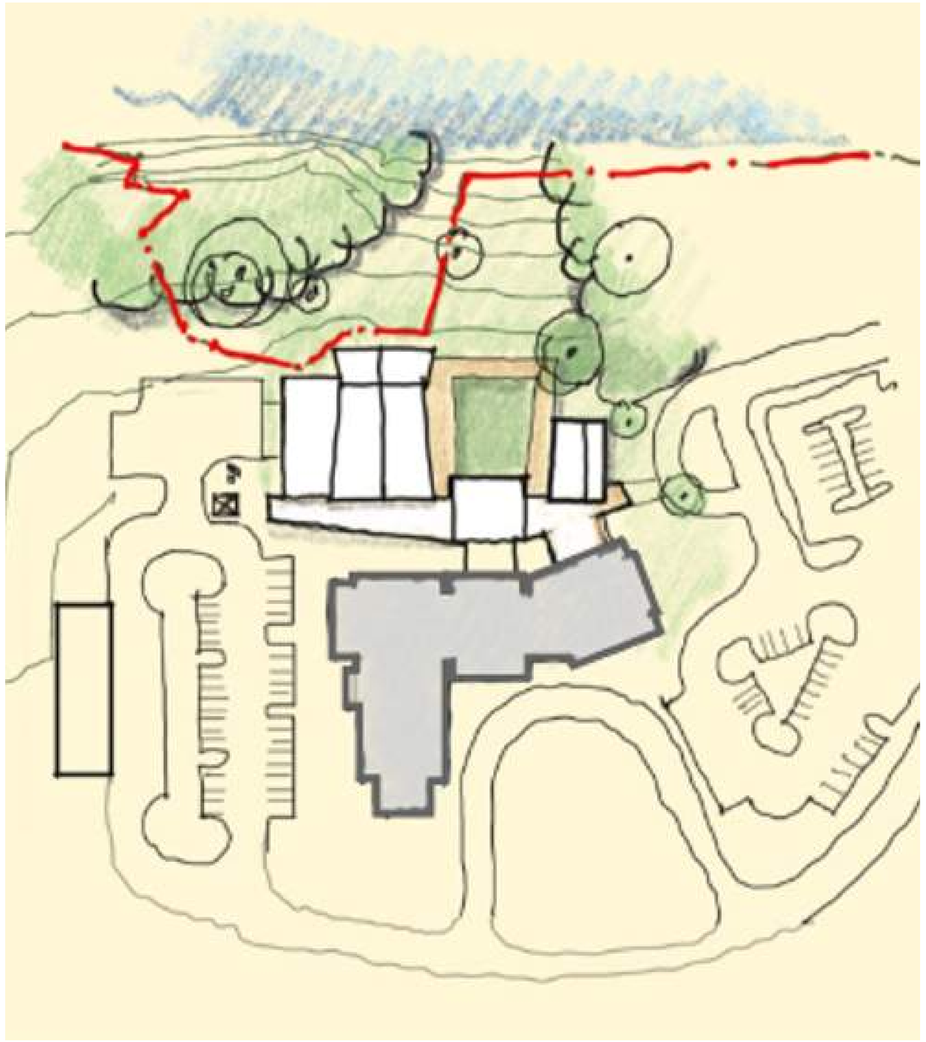


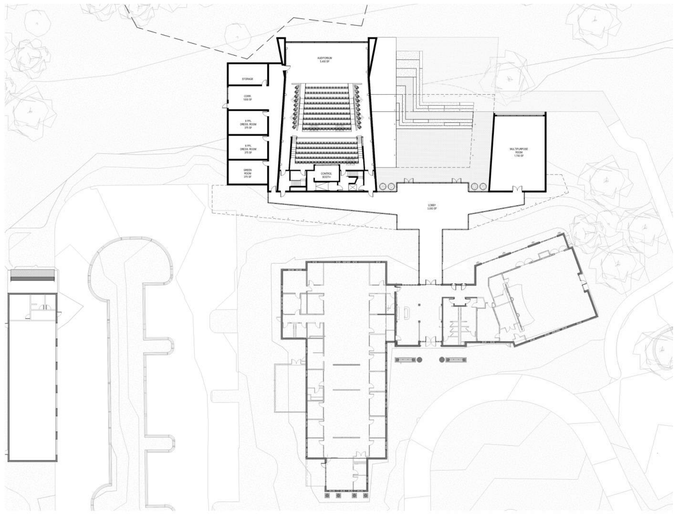
THE PORCH



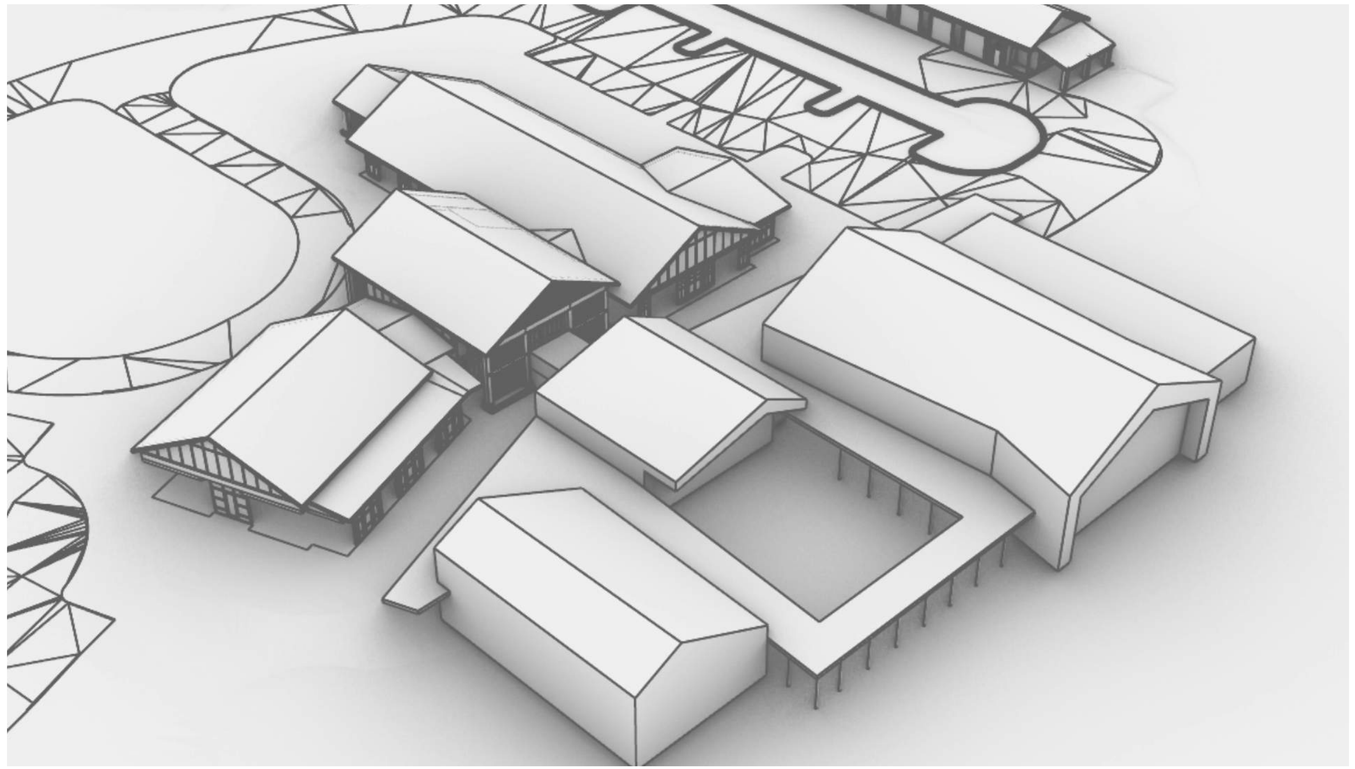
THE PLAZA

INITIAL PLANNING SCHEME
THE CLOISTER

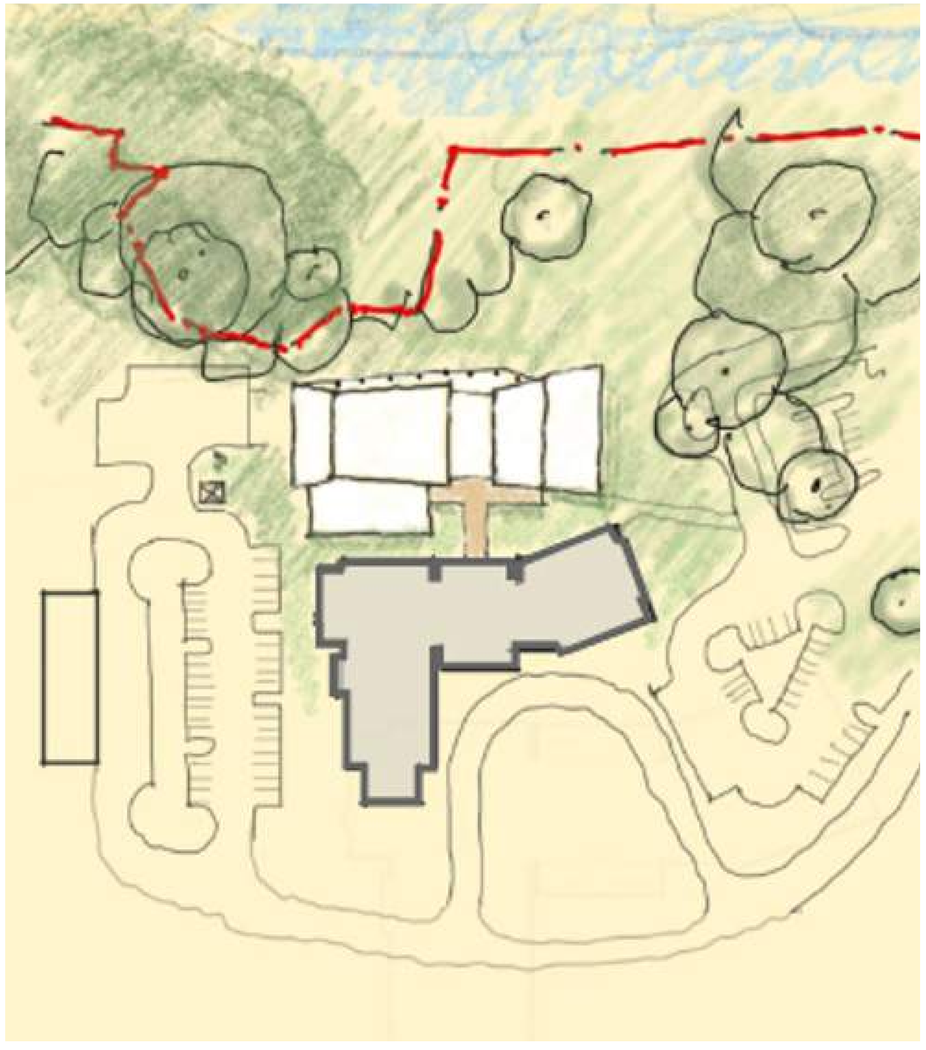


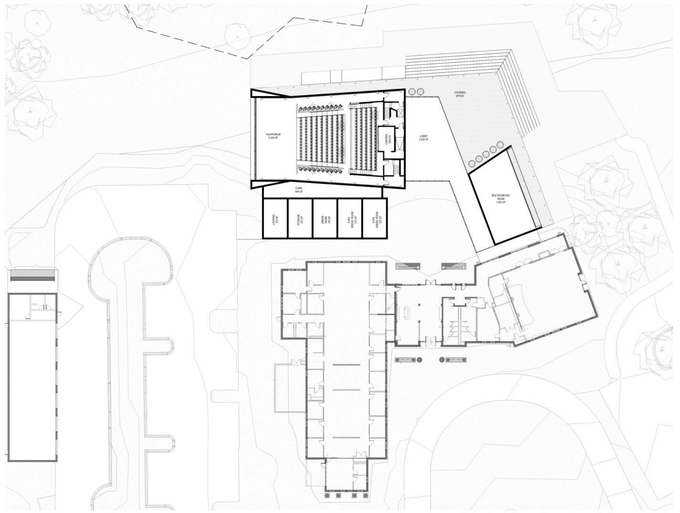




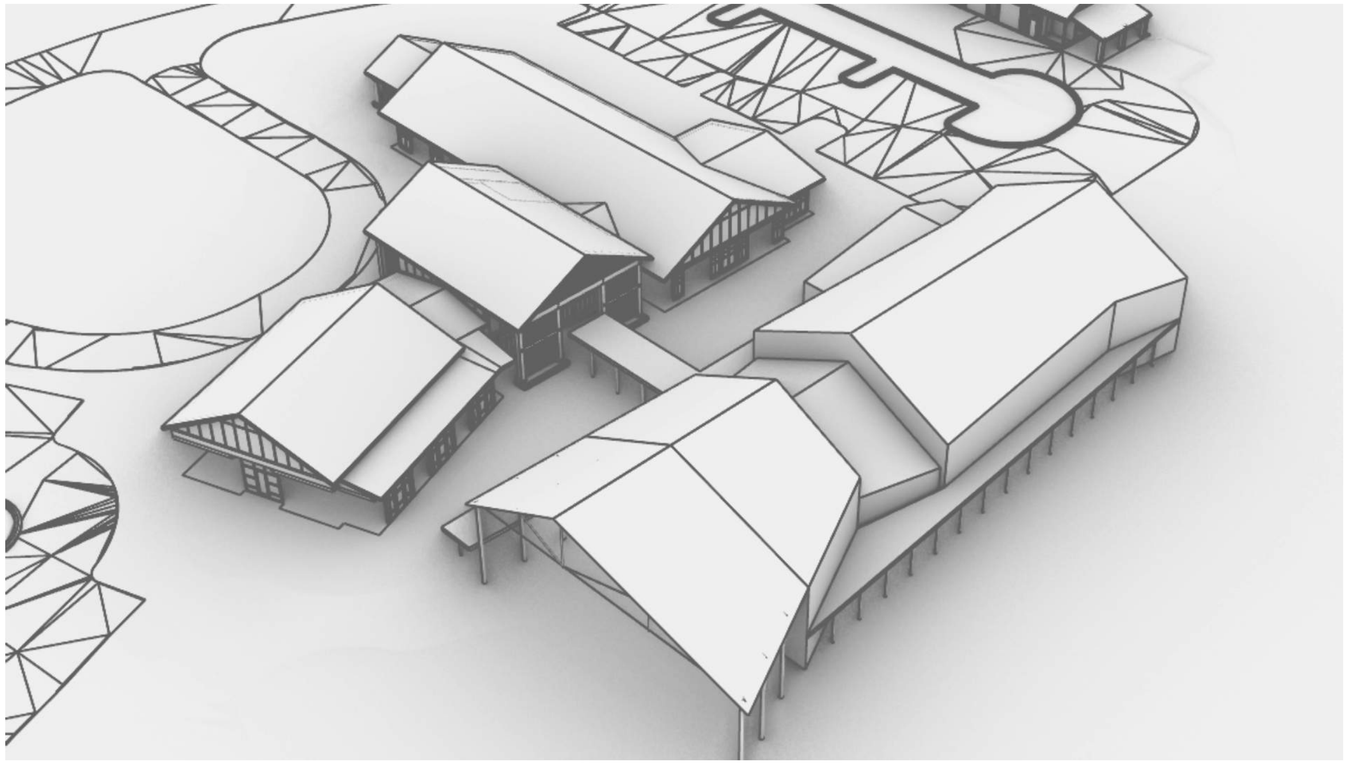


INITIAL PLANNING SCHEME
THE PORCH

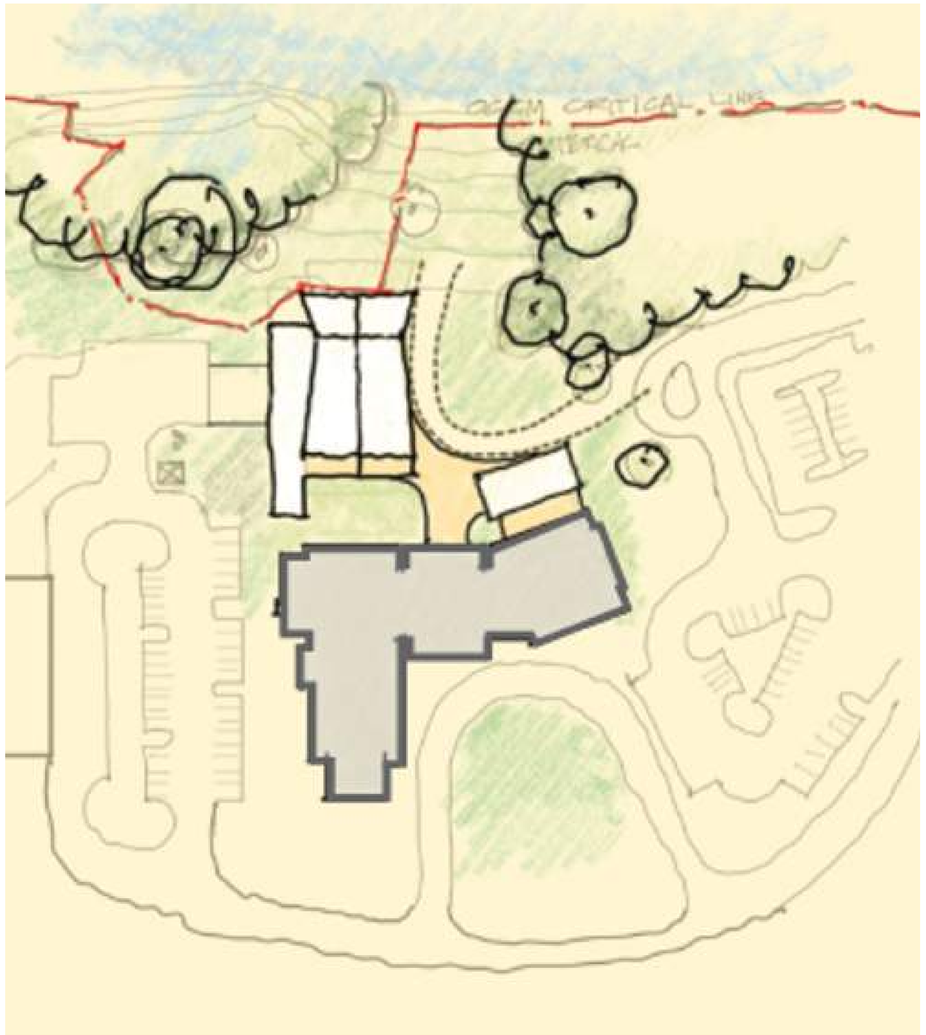


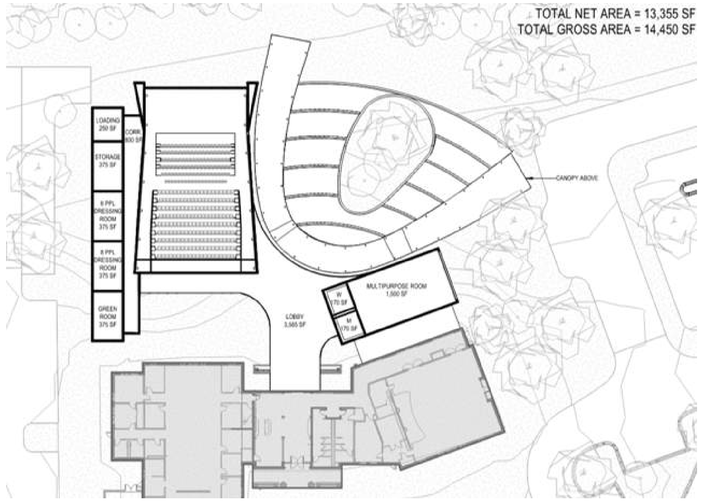




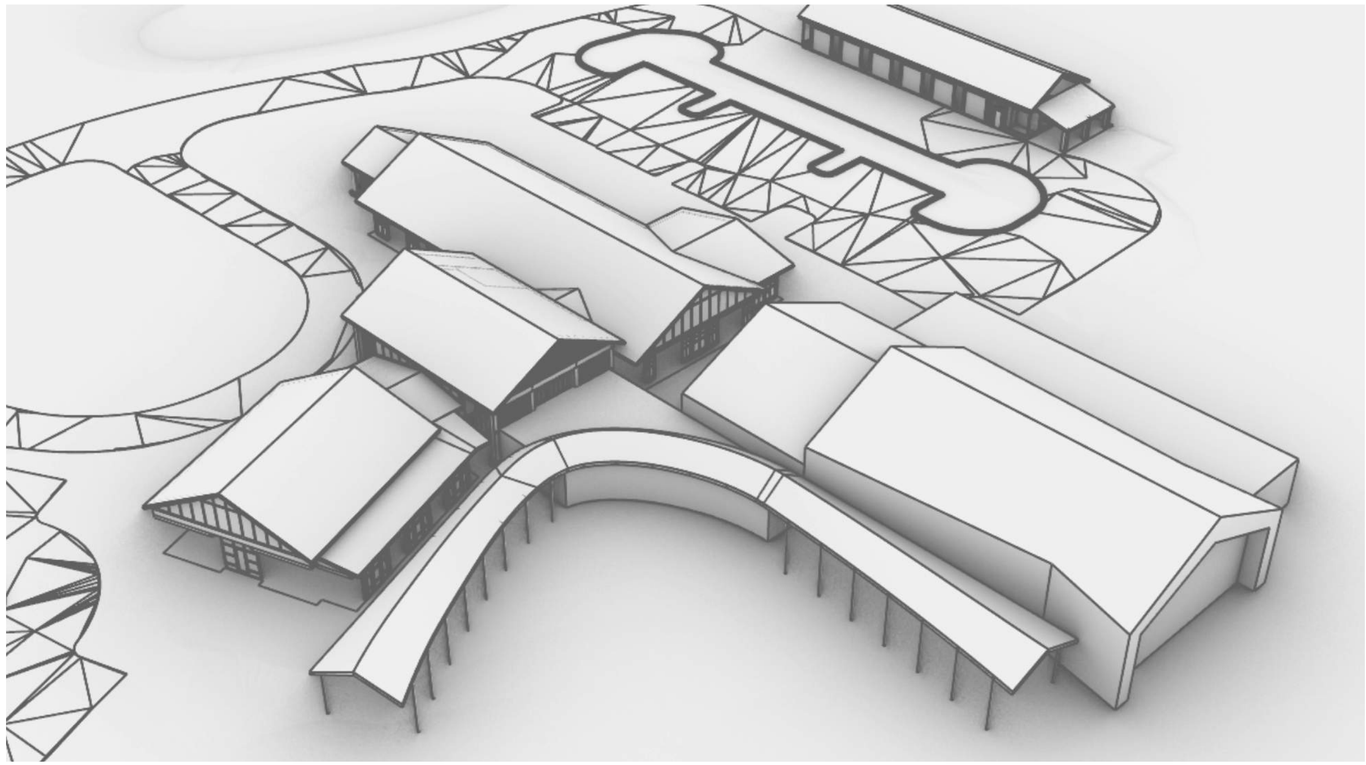


INITIAL PLANNING SCHEME
THE PLAZA

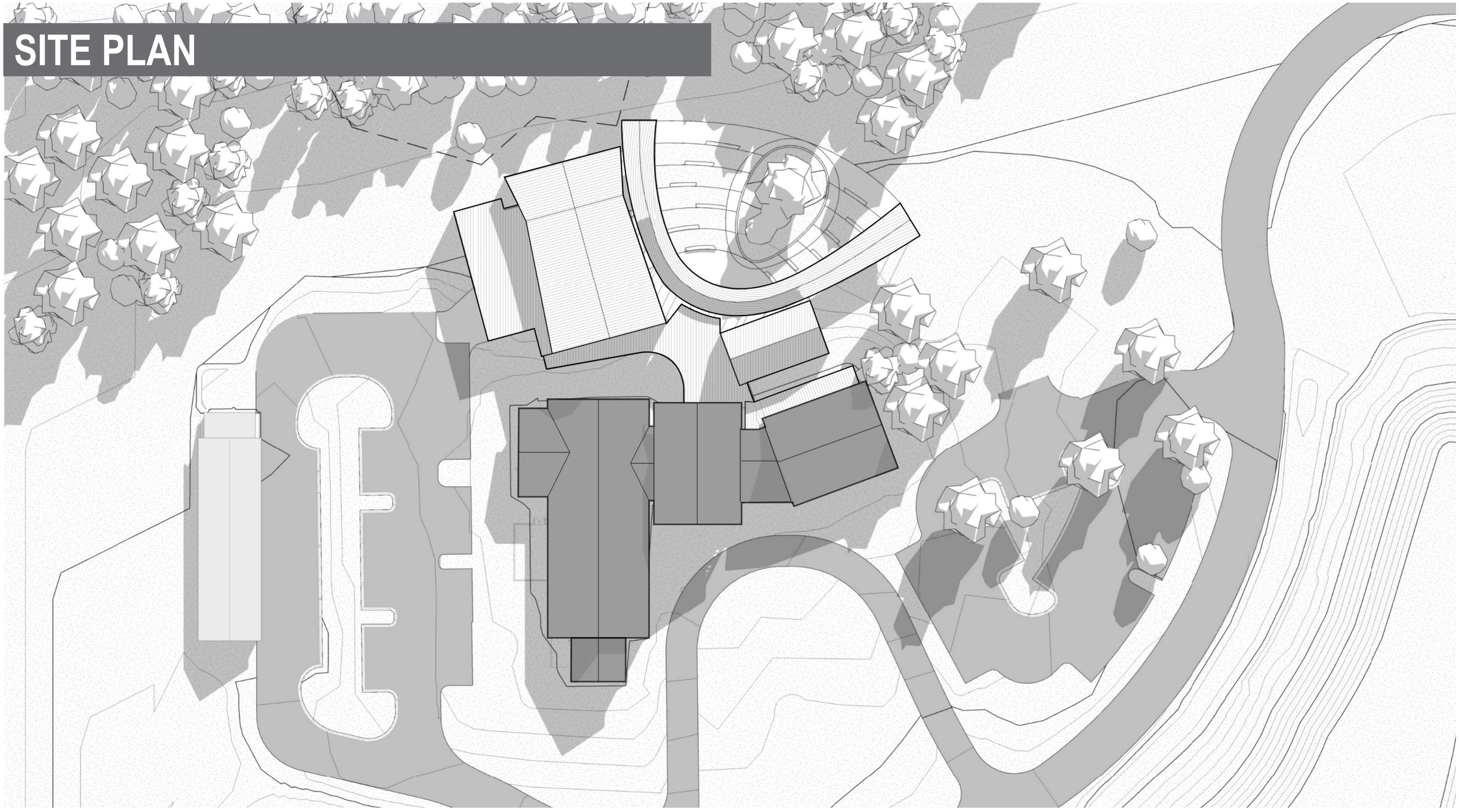


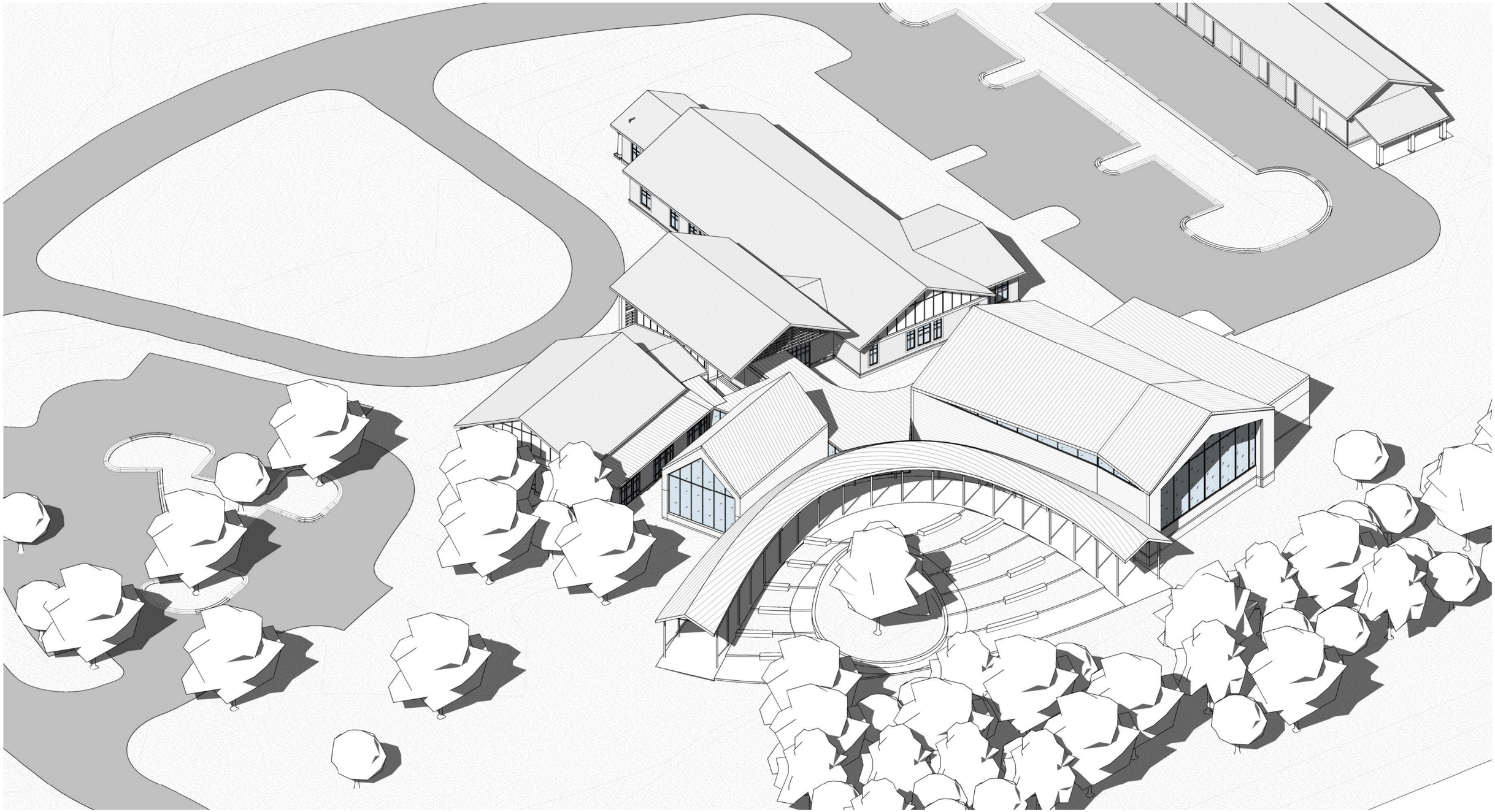




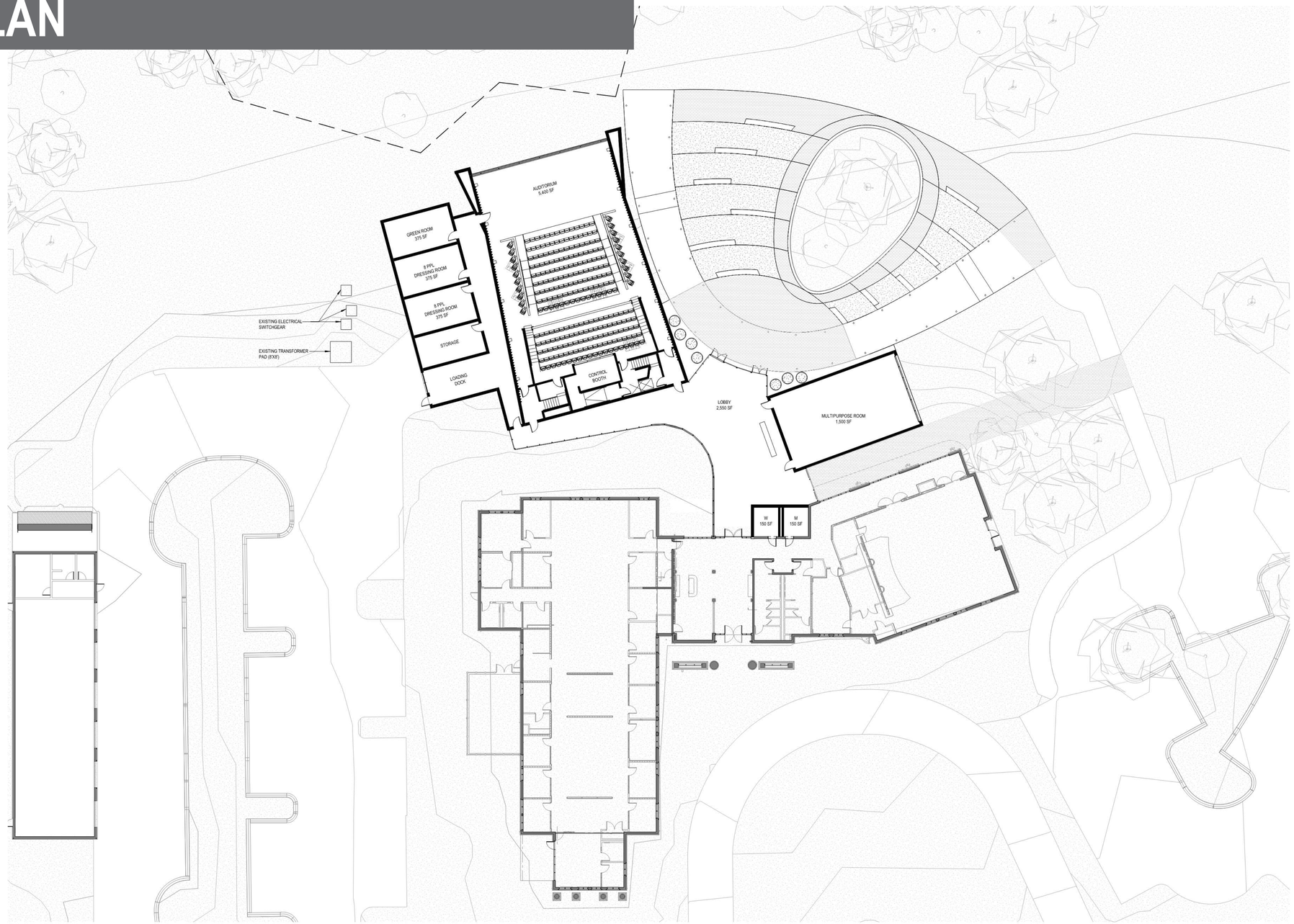


SITE PLAN





FLOOR PLAN



1 A-26 FIRST FLOOR PLAN - OPTION PLAZA
SCALE: 1/16" = 1'-0"

CAPLEA|COE ARCHITECTS

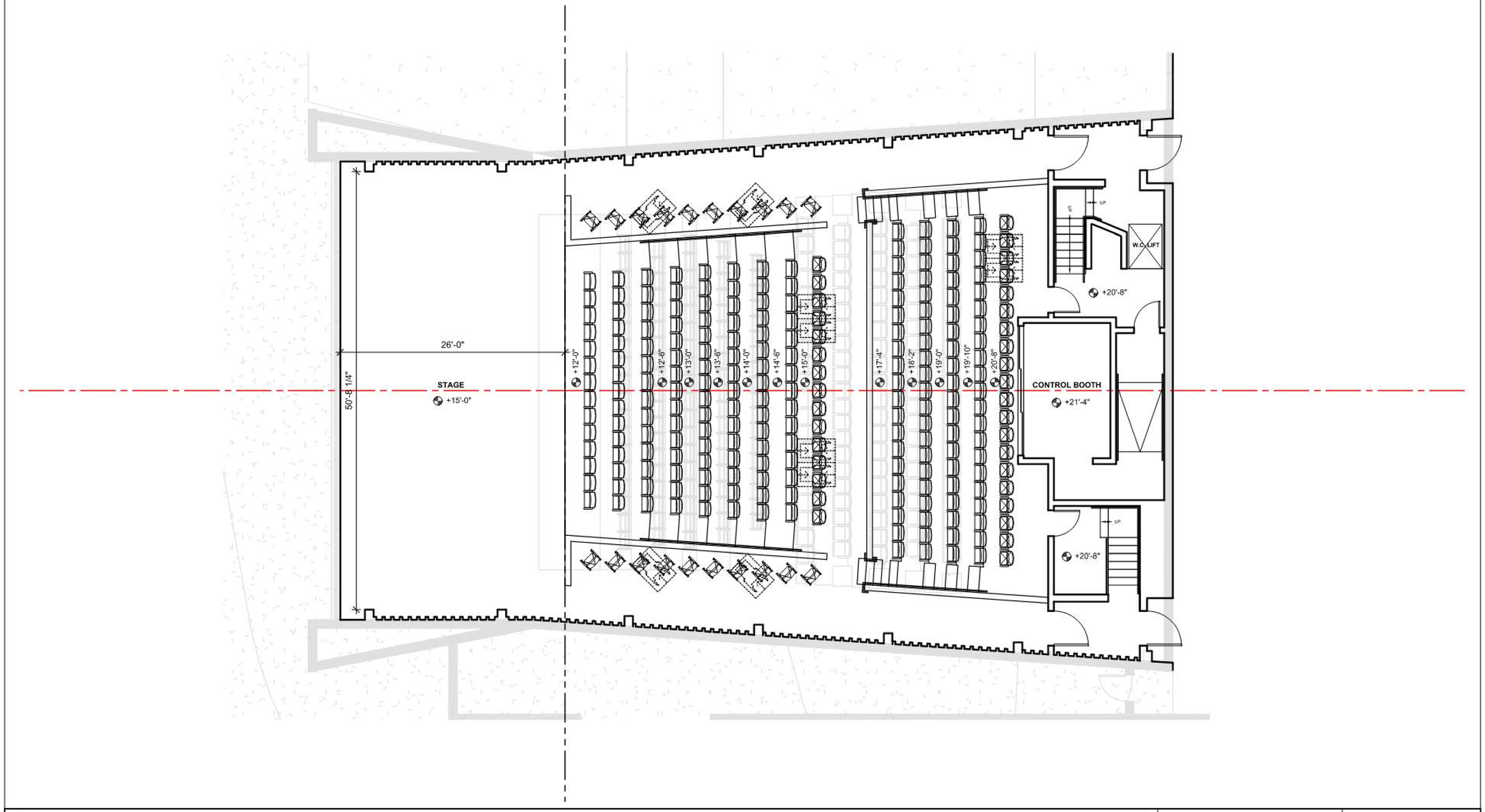
H3

TOWN OF KIAWAH ISLAND
CIVIC AND CULTURAL CENTER ADDITION

SEPTEMBER 8, 2025

A-20

250 SEAT MAIN LEVEL AUDITORIUM PLAN V3



PRELIMINARY AUDITORIUM DIAGRAMS KIAWAH CIVIC & CULTURAL CENTER Kiawah Island, SC Theatre Consultants Collaborative	Date:	04 SEPT 2025	Dwg:
	Scale:	3/32"=1'-0"	
	Project:	Kiawah-25	TCCkw
	Reference:		SK-07

BUILDING ELEVATIONS



SOUTHEAST ELEVATION

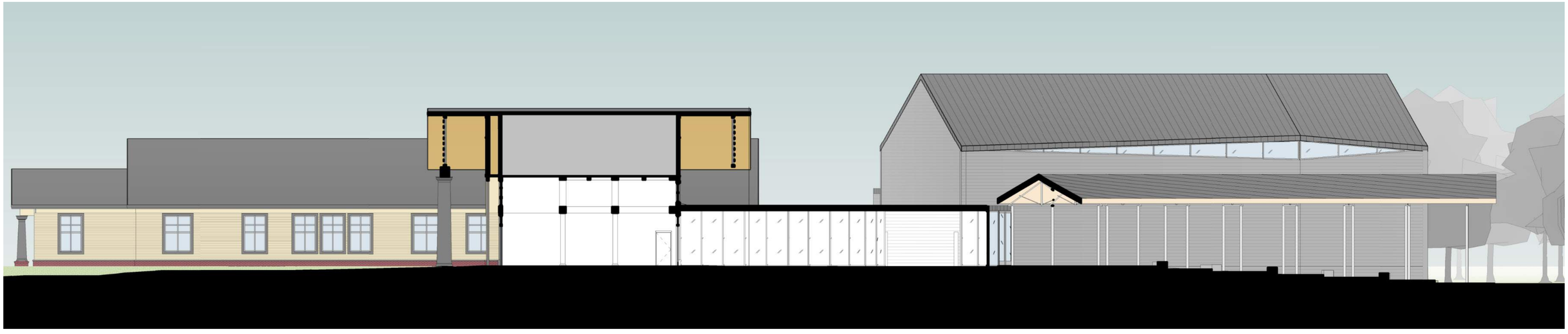


SOUTHWEST ELEVATION

BUILDING SECTIONS

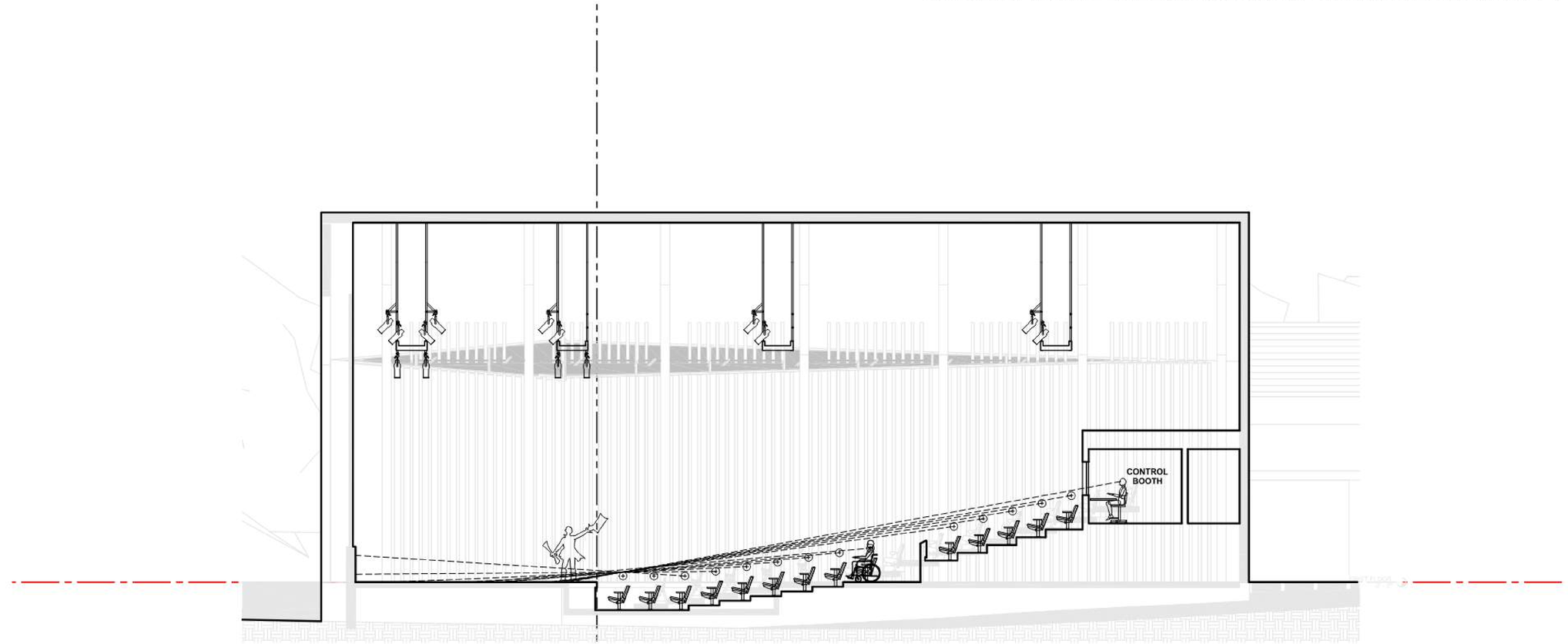


SECTION THRU AUDITORIUM



SECTION THRU LOBBY

250 SEAT MAIN LEVEL AUDITORIUM SIGHTLINE SECTION V3



PRELIMINARY AUDITORIUM DIAGRAMS	Date:	04 SEPT 2025	Dwg:
KIAWAH CIVIC & CULTURAL CENTER	Scale:	3/32"=1'-0"	
Kiawah Island, SC	Project:	Kiawah-25	TCCkw
Theatre Consultants Collaborative	Reference:		SK-08

RENDERINGS



AERIAL SITE VIEW



PLAZA VIEW



VIEW OF ENTRY AND MULTIPURPOSE ROOM



VIEW OF PLAZA AND AUDITORIUM



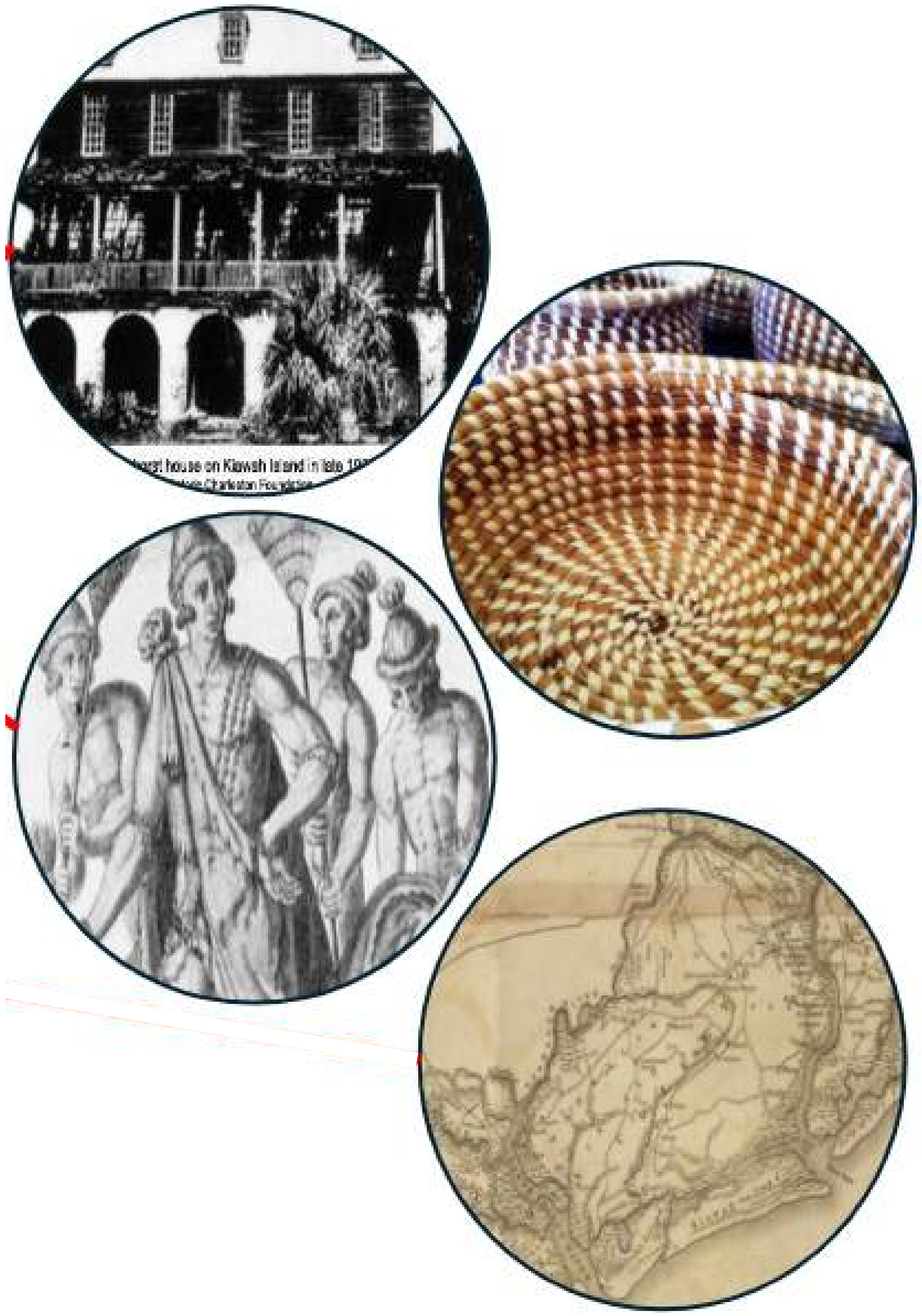
VIEW OF LOBBY



VIEW OF AUDITORIUM INTERIOR

OPPORTUNITIES FOR COLLABORATION WITH LOCAL ARTS GUILD





Kiawah Conservancy
NATURALLY KIAWAH

Kiawah Art Guild

PLAN TO PROGRAM COMPARISON

Auditorium

- Approximately 250-300 seats (with raked elevation if site conditions allow).
- Comfortable seating is a priority.
- Fixed seating is assumed, although retractable seating can be considered.
- Excellent acoustics suitable for spoken-word events, acoustic instruments, as well as amplified performances.
- Ability to “tune” the room.
- Minimal interference from outside noise.
- Built-in microphone inputs, speakers, mixer and sound equipment.
- Noise reduction HVAC.
- Lighting grid and equipment with easy access for hanging and focusing.
- Film/video projection capabilities. High-quality projector and screen for front projection.
- Storage for 7’ grand piano.
- Backstage dressing rooms with bathroom(s) for performers.
- Storage capabilities (sound, extra lighting, cables, small sets, props, costumes, rolled up dance floor).

Multipurpose Community Room

- Community meeting room(s), ideally one dividable space, should be able to accommodate 40-60 seated in a larger combined space and 16-20 in a hollow square format in a smaller divided space.
- A/V capability
- Outdoor access.
- Catering staging area.
- Moveable chairs and tables with storage room.

Foyer/Lobby Area

- Open lobby area sized to hold patrons before, during and after performances or as separately used gathering space.
- Suitable for art installations and educational/historic information.
- Restrooms for auditorium capacity (additional restrooms accessible in the Town Hall).
- Volunteer/staff storage room (coats, purses, etc.).
- Space for mobile bar and catered food purchase (including storage).

Loading Dock

- Loading dock with ability to load directly onto the stage. Include parking for bus/truck.

Utilities

- All utilities (plumbing, mechanical, electrical, fire, security)
- Facility currently on septic and capacity needs to be assessed although it is anticipated that the facility will be connected to public water and wastewater system.

Parking

- Parking plan should incorporate existing municipal center parking spaces and add parking as needed to meet auditorium size requirements. Additional parking should be pervious surface to extent possible. Field areas could be used for overflow parking.

Landscape

- Landscape and site considerations. Non-specimen and low-graded specimen trees can be removed as necessary to accommodate building placement, added parking, building access, and create viewscapes.
- Facility resiliency, particularly to address potential site flooding risks, will need to be addressed.
- The project is wholly within the Town’s boundaries. Permitting will include state environment reviews as may be necessary.

PLAZA SCHEME PROPOSED FLOOR AREA			Gross Area (gsf)
NEW BUILDING			
Auditorium			5,940
Auditorium support			1,313
Multipurpose Room			1,650
Lobby/Publ Circulation			2,365
Public Restrooms			442
BOH Circulation			880
Other Support Spaces			688
Subtotal New Building			**13,277**
ADDITIONAL TRADE COSTS - New			
Siteworks:			
- stepped and retained landscape			
- canopy			1,180
- balance of site			
Performance Eqpt/Seating and Audio/Visual			
Stairs			
Elevators			
GRAND TOTAL (GSF)			**14,457**

DESIGN NARRATIVE

The Town of Kiawah Island's new Civic and Cultural Addition to Town Hall will provide a state-of-the-art performance and meeting complex that will allow the Town to realize artistic and civic programming in purpose-built facilities. It will offer multiple spaces adaptable to different uses while providing excellent sightlines and intimate acoustics for patrons. The technically flexible stage spaces will allow for a range of professional and non-professional uses. The new Civic and Cultural Addition will enable the Town to expand its programming and educational opportunities, to grow its devoted audience for the arts, and to enrich the cultural life of the region.

The Addition's Lobby extends the existing Town Hall Lobby and is raised above the flood plain to ensure long-term safety and resiliency. The Lobby extends to two wings – one provides access to the Performance Space and the other connects to the Multipurpose Room as well as providing separate evening access to the adjacent drop off and parking lot. The Lobby features large glass storefront windows overlooking internal gardens. The internal gardens provide daylight access to the Existing Town Hall offices and Council Chamber as well as providing landscape buffers and planting to receive roof stormwater.

The Lobby's axis ends at a sloped garden plaza surrounding an existing specimen tree. The plaza is shaded by a continuous canopy that steps down between the Lobby and the adjacent topography, extending out towards the treeline and marsh beyond. The garden plaza will have extensive planting and its terraced steps can be used for outdoor performances and public events. On the southeast side of the building, back-of-house and loading spaces will be organized to utilize existing truck access to the Town's maintenance building.

The Addition will contain a 300-seat Performance Space and a 60-seat flexible Multipurpose Room. Both venues feature large acoustically isolated glass windows at one end to offer directed views to the exterior. The Performance Space's roof structure is composed of glue-laminated timber beams and acoustic wood tambour reflectors. The walls of the Performance Space continue the wood theme while providing clerestory windows at the roof intersection and custom fabric acoustic wall panels. The seating will be arranged in tiers, with a common parterre providing access to upper and lower seating banks leading to egress circulation paths.

The connecting Lobby space will complement the main venues in terms of interior finish as well as serve as a pre-event space for meetings and receptions. A free-standing bar counter will display drinks and snacks during preshow and intermission times and can function as an information desk during daytime hours. We are proposing one of the Lobby walls be dedicated to an exhibit and display of Kiawah history. Additional restrooms will be provided off the Lobby to meet code-mandated requirements for restroom access.

Due to light control requirements of the performance spaces, fenestration is limited at portions of the exterior façade. The design wraps these opaque surfaces with traditional wood siding. The canopy will be constructed of wood framing and timbers with steel tie beams and structural supports. Exterior mechanical equipment will be located above the service portion of the building to isolate sound and to shield rooftop mechanical units from view.

The site plan calls for additional patron parking to be located in a surface lot south of the existing parking lot. A separate patron dropoff for the performance spaces will be located here, leading to the canopy surrounding the Plaza. Stormwater management and water quality has been prioritized, with bioretention swales and landscaping incorporated into the site plan providing as much permeable surface as possible.

BUILDING SYSTEM DESCRIPTIONS

STRUCTURAL NARRATIVE

Foundation

The foundation is expected to be shallow. Strip footings below perimeter, bearing, and masonry walls. Isolated column foundations braced in two orthogonal directions with tie beams. Assumed 2,000-psf bearing pressure. Earthquake drains anticipated unless piles are required. If piles are used, recommended 12” prestressed concrete piles with grade beams and pile caps.

Slab on Grade

4” slab on grade, cast on a 4” capillary barrier with 15 mil class A vapor retarder.

Wall Framing

Combination of metal stud, wood stud, and masonry. Integrated with mass timber/glulam frames.

Roof Framing

Main event space roof: mass timber/glulam frames with wood purlins and CLT decking. Secondary roofs: wood trusses/stick framing with plywood decking. Steel beams and columns as needed.

Theatre/Stage

Roof framing with long-span bar joists or steel wide-section rafters at 5’-0” o/c. 1½” to 3” metal decking. Steel rafters supported by structural steel framing and columns, intended to carry theatre rigging, light bars, and motors.

Lateral Force Resisting System

System may include shearwalls, braced frames, and moment frames, working integrally with gravity framing to transfer lateral loads to foundation.

Design Criteria

Codes: IBC 2021, ASCE 7-16, IEBC 2021.

Dead Loads: Material self weights.

Live Loads: Lobby 100 PSF, Restrooms 100 PSF, Stage 150 PSF, Storage 150 PSF, Roof 20 PSF, Seating 100 PSF, Office 50 PSF, Theatre Rigging 300 PSF.

Seismic: Ss=1.271, S1=0.394, Sds=0.847, Risk Category III.

Wind: 156 MPH, Exposure D, Risk Category III.

Snow: 5 PSF.

MECHANICAL NARRATIVE

Mechanical (HVAC)

- Cooling/heating loads by option: Plaza 60T/465 MBH, Courtyard 70T/535 MBH, Porch 55T/430 MBH.
- Systems: Two DX VRF systems + packaged DX rooftop unit (RTU) for auditorium.
- Outside air: Dedicated DOAU for ventilation, dehumidification, and pressurization.
- Auditorium: RTU 12,000 CFM, 30% OA.
- Exhaust: Fans for green rooms, dressing, multipurpose and public restrooms.
- Telecom: Mini-split AC.
- Controls: BAS with DDC, integrated to existing BAS. Energy efficiency features: economizers, CO□2 demand control, optimized start/stop, humidistats, metering.
- Distribution: Galvanized steel ductwork, copper piping, insulation per IECC/ASHRAE
- Acoustic Controls (Best Practices): Sound masking in non-performance areas, automated noise monitoring tied to BAS, vibration isolation for mechanical equipment, variable fan speed control to limit noise spikes, and coordination with architectural finishes for optimal sound absorption.

Electrical

- Codes: IBC 2021, NEC 2020, IECC 2009.
- Service: 800A, 120/208V, 3Φ, 4W from existing transformer.
- Load summary: ~241 kW connected, ~234 kW demand.
- Distribution: LED lighting w/ sensors, dimming in multipurpose/auditorium. Panels for lighting, receptacles, HVAC.
- Emergency battery backup lighting.
- Fire Alarm: Addressable, tied to existing system, NFPA 72 compliant.
- Special Systems: Raceway/power for technology, access control, AV.

Plumbing

- Domestic Water: 3” main at 65 gpm, 50 psi; RPZ; possible booster.
- Hot Water: Two 50-gal electric heaters, recirculation at 130°F return.
- Sanitary: 4” gravity drain to site sewer, cleanouts per IPC.
- Venting: At least one 4” vent thru roof.

Fire Protection

- Fully sprinkled, NFPA 13.
- 4” fire service, separate from domestic. Riser room with alarm valve/detectors.
- Wet system in conditioned areas; dry system (nitrogen-based) in unheated/exterior.
- No fire pump assumed pending flow test.

CIVIL NARRATIVE

- The biggest low-impact strategy is to reduce land disturbance and impervious area – it is critical to “right-size” parking and consider off-site and shuttle options for “bigger” events. There is a high cost to providing paved parking spaces (pervious pavement etc.) for spaces that are unused 95% of the time.
- Show all parking as pervious. Keep any high traffic driveways that might see truck traffic as standard pavement.
- Show/indicate bioswales/bioretention in parking areas, but unfortunately this will reduce parking capacity,

BUILDING SYSTEM DESCRIPTIONS

but that is the trade-off. You can break up parking bays with a 15-20'wide bioretention area that runs the length of the parking bay. Along driveways and roads, use flush curbs and shallow roadside swales instead of curbs and gutters.

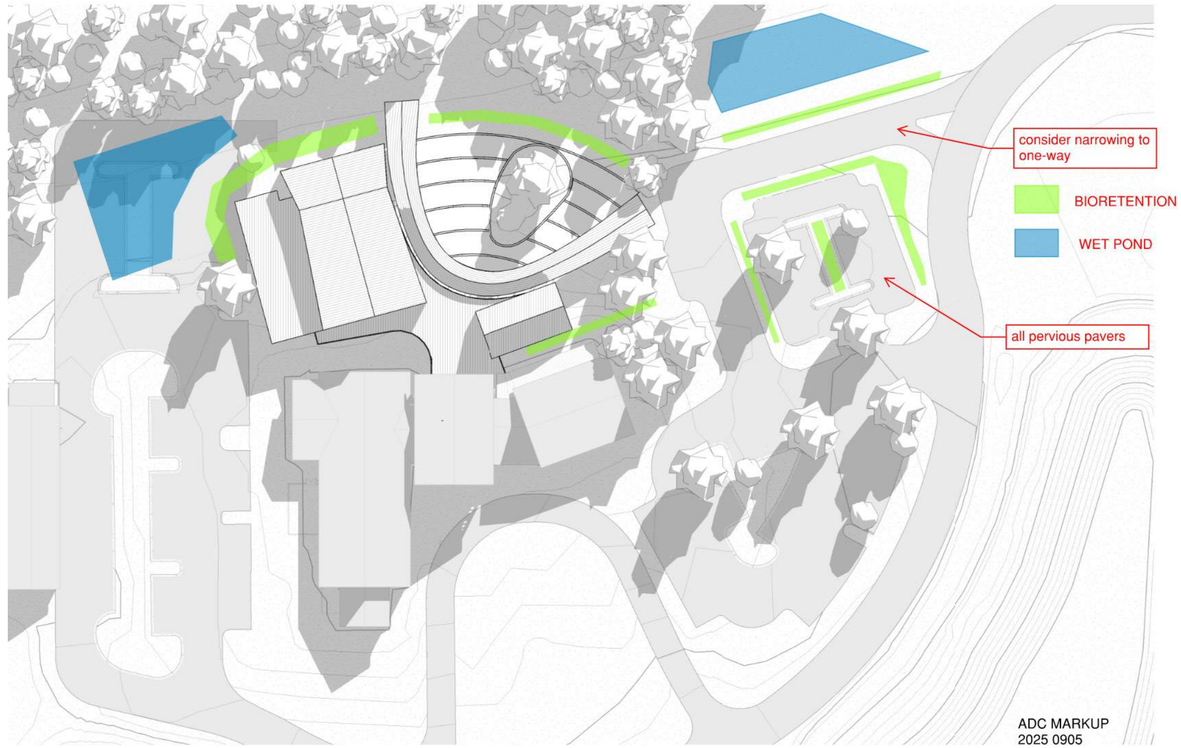
- Ideally we want to discharge stormwater water to the marsh to south. We may only have to worry about water quality treatment. The existing developed sites and ponds discharge to the Betsy Kerrison Parkway (DOT) so they likely had to meet predeveloped quantity.
- Roof drainage needs to discharge to grade wherever possible so we can take to shallow bioretention areas between roof and critical line.
- The critical line "setback" is 50' by TOKI ordinance, but grading is allowed up to a 35' critical line buffer. The critical line will likely move with a new delineation that needs to be done. We will use the old critical line for conceptual purposes.

LANDSCAPE NARRATIVE

The proposed landscape designs for the Civic and Cultural Addition will meet or exceed environmental and sustainability standards established by the Town of Kiawah Island. This will be achieved through the selection of native and adaptive plant species that can withstand the environmental conditions of this coastal site. Species that can tolerate sun and wind exposure, rainwater and storm conditions, as well as infrequent inundation by brackish water will be prioritized in a planting design that will also seek to create an aesthetically pleasing green complement to the new public space addition, while incorporating design fetaures that provide shade, habitat, and screening.

SUSTAINABLE AND RESILIENT DESIGN FEATURES

Sustainability and resiliency are primary objectives for the planting design for the Civic and Cultural Addition. Native plants will be favored in the design, but adaptive species may also be considered. Depending on the approved planting approach, multi-layered planting of trees, shrubs, low forbs and grasses (including vines and groundcovers) will be installed throughout the site. Selected plants will be able to withstand drought, inundation by brackish water, rain and storm conditions and full sun. The selected plants, after a period of establishment, will not require regular irrigation and will contribute to the absorption of stormwater inundation in the watershed. Finally, planting will be selected that will, in time, provide a layer of shade over the proposed and surrounding environs thereby helping to mitigate effects of the urban heat island phenomenon.



STORMWATER AND BIORETENTION STRATEGY



TRUCK LOADING AUTOTURN DIAGRAM

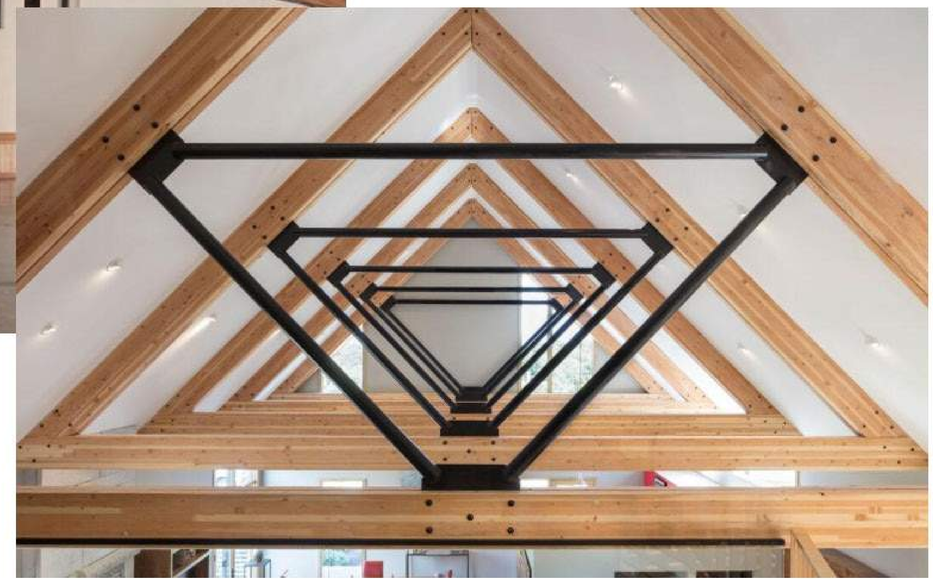
STRUCTURAL FRAMING EXAMPLES











WOOD FINISH EXAMPLES













ESTIMATED COST OF CONSTRUCTION

Estimate Class and Purpose:

Class 5 per AACE recommended practices for conceptual screening. Intended for order-of-magnitude budgeting, option screening, and funding envelopes.

Executive Summary

Basis: 14,450 SF new addition in Kiawah Island, SC. Performance hall with loading dock, multipurpose room, and high-finish lobby. Shallow footings with earthquake drains. Site changes include 35 new parking spaces (majority pervious concrete), mixed pervious/asphalt drive aisles, bioswales for stormwater.

Construction Summary

Direct Construction	$9,537,978
GC OH&P (8%)	$763,038
Design Contingency (25% of Direct+GC)	$2,575,254
Escalation (5% to midpoint)	$643,814
Construction Total	$13,520,084
Soft Costs	
A/E Basic Services @ 6.8% of (Direct + GC OH&P)	$700,469
Supplemental: Theater Consultant	$150,000
Supplemental: Acoustician	$120,000
Supplemental: Landscape Architect	$90,000
Design Reimbursables @ 2% of (Basic + Supplemental)	$21,209
ALTA/Topo Survey	$35,000
Geotechnical Investigation	$45,000
Commissioning Agent	$80,000
Utility Tap/Impact Fees (allow.)	$60,000
IBC Chapter 1 Plan Review (Owner)	$15,000
IBC Chapter 17 Special Inspections & Materials Testing (Owner)	$110,000
IT/Low-Voltage End Devices (beyond backbone)	$75,000
Legal/Procurement/Owner's Rep	$25,000
FF&E (owner-procured loose furnishings)	$300,000
Soft Costs Total	$1,826,678
Project Total (Construction + Soft Costs)	$15,346,762

Expected Accuracy

Typical for Class 5: approximately -50% to +100% depending on project and market conditions. Actual accuracy is project-specific and will tighten as definition improves.

Basis of Estimate and Methodology

Scope Definition level: Class 5 conceptual.

Drawings used: latest plan set with A-22 Site Plan and A-23 First Floor Plan. No final specifications. Functional program and performance assumptions set from user brief.

Method

Parametric/analogous pricing by CSI division calibrated to recent civic and performing arts work in coastal Carolinas. Quantities at concept level. Sitework uses unit allowances for pervious concrete, asphalt, lighting, storm, and bioswales.

Pricing Basis

Currency: USD in 2025 dollars. Market: open-shop GC. Location: Kiawah Island, SC coastal wind and flood zone. Markups: GC OH&P at 8%. Contingency: 25% for Class 5. Escalation: 5% to midpoint of construction.

Allowances

- Earthquake drains across the building footprint
- Pervious concrete stalls and aisles; asphalt at loading-dock side
- Bioswales with underdrains and outlet controls
- Stage rigging, drapery, orchestra shell
- Theatrical lighting and dimming; AV/PA backbone
- Bonds, insurance, Builder s Risk, and building permit in Div 01

Exclusions

- Off-site utilities beyond 5'
- Hazardous-materials abatement
- Generators unless required by code or program
- Premium phasing and overtime
- Public art and specialty exhibits
- EV chargers (not included unless added by owner)

Soft Costs Scope

Basic A/E services at 6.8% of cost of construction; supplemental services for theater, acoustics, and landscape; reimbursables at 2% of A/E fees; surveys, geotech, commissioning, utility impact fees; IBC Chapter 1 plan review and Chapter 17 special inspections by Owner; FF&E allowance for loose furnishings.

Risk, Sensitivity, and Next Steps

Key Risks / Cost Drivers

- Acoustic finishes and theater systems scope growth
- Coastal wind/flood detailing and code interpretation
- Subsurface conditions affecting earthquake drains and subgrade prep
- Market volatility for electrical and specialty wood finishes
- Pervious concrete constructability and maintenance details

Sensitivity (ROM)

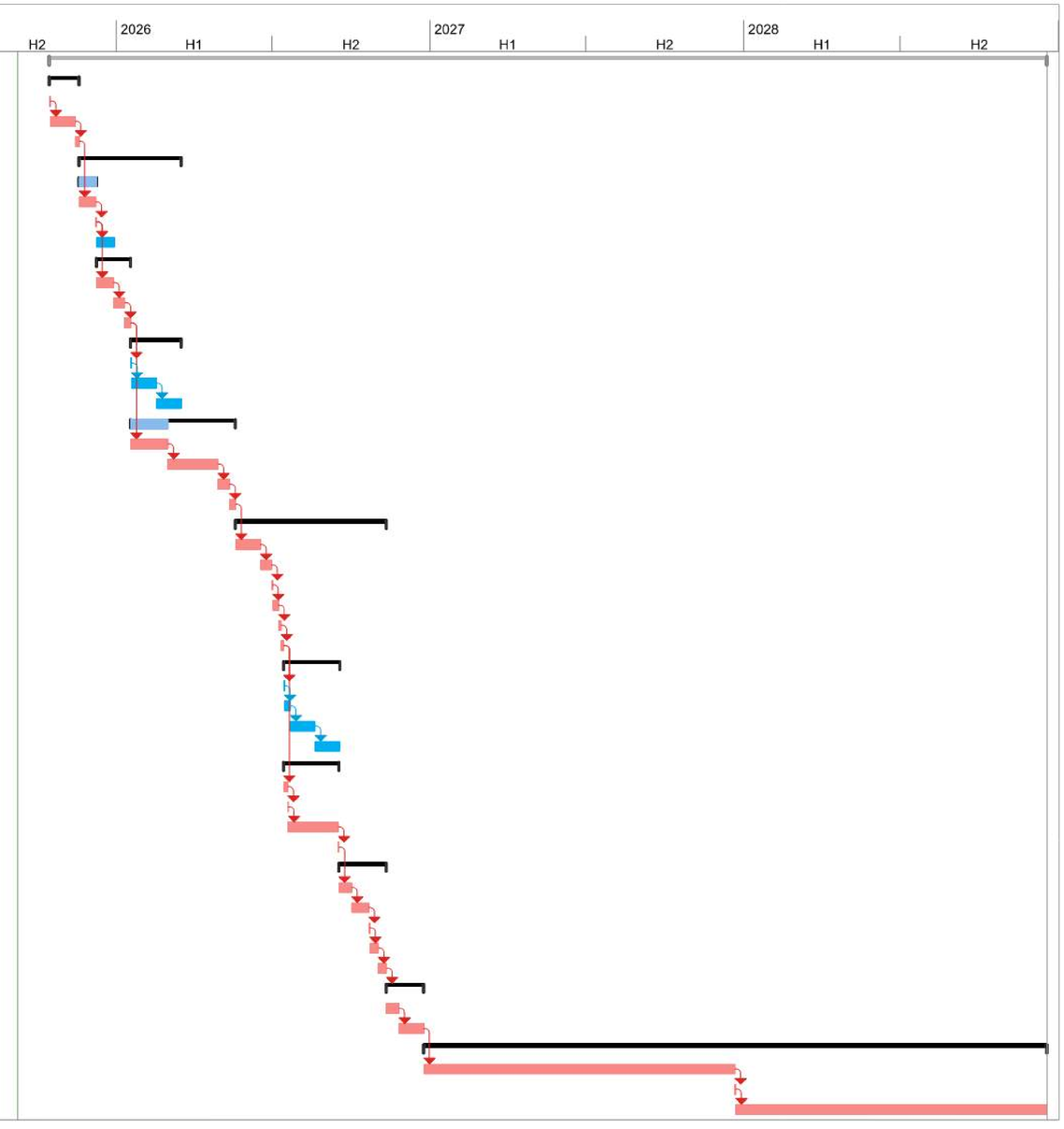
±10% change in Direct Construction approximately ±$953,798 on Construction Total

Class 5 Expected Accuracy

AACE guidance: Class 5 estimates typically have a wide accuracy range on the order of -50% to +100%. This estimate should be refined to Class 3 or better after schematic design, geotechnical results, and system selections.

CONSTRUCTION DURATION

ID	Task Name	Duration	Start	Finish	Predecessors
0	Project Schedule	1202 days	Wed 10/15/25	Mon 12/18/28	
1	**Initiation**	**36 days**	**Wed 10/15/25**	**Tue 11/18/25**	
2	Kickoff Meeting	1 day	Wed 10/15/25	Wed 10/15/25	
3	Contract Development	30 days	Thu 10/16/25	Thu 11/13/25	2
4	NTP to SD Phase	5 days	Fri 11/14/25	Tue 11/18/25	3
5	**Schematic Design Phase**	**123 days**	**Tue 11/18/25**	**Tue 3/17/26**	
6	**SD 30% Confirmation**	**21 days**	**Tue 11/18/25**	**Mon 12/8/25**	
7	SD 30% Submission	20 days	Tue 11/18/25	Sun 12/7/25	4
8	Sustainable Design Workshop	1 day	Mon 12/8/25	Mon 12/8/25	7
9	**CM @ Risk Shortlist Interview and Selection**	**21 days**	**Tue 12/9/25**	**Mon 12/29/25**	**8**
10	**SD 100% Selected Design**	**41 days**	**Tue 12/9/25**	**Sat 1/17/26**	
11	SD 100% Submission	20 days	Tue 12/9/25	Sun 12/28/25	8
12	Cost Estimate	14 days	Sun 12/28/25	Sat 1/10/26	11
13	TOKI Review	7 days	Sat 1/10/26	Sat 1/17/26	12
14	**Prelminary Regulatory Approvals**	**61 days**	**Sat 1/17/26**	**Tue 3/17/26**	
15	Draft Agency Submission	1 day	Sat 1/17/26	Sun 1/18/26	13
16	Initial Community Presentation	30 days	Sun 1/18/26	Mon 2/16/26	15
17	Agency Hearing	30 days	Mon 2/16/26	Tue 3/17/26	16
18	**Design Development Phase**	**126 days**	**Sat 1/17/26**	**Tue 5/19/26**	
19	50% DD Checkset	45 days	Sat 1/17/26	Sun 3/1/26	13
20	100% DD Package Submission	60 days	Mon 3/2/26	Tue 4/28/26	19
21	Cost Estimate	14 days	Wed 4/29/26	Tue 5/12/26	20
22	TOKI Review	7 days	Tue 5/12/26	Tue 5/19/26	21
23	**Construction Documents Phase**	**182 days**	**Tue 5/19/26**	**Tue 11/10/26**	
24	50% CD Submission	30 days	Tue 5/19/26	Wed 6/17/26	22
25	Cost Estimate	14 days	Wed 6/17/26	Tue 6/30/26	24
26	50% CD Submission	1 day	Tue 6/30/26	Wed 7/1/26	25
27	TOKI Review	7 days	Wed 7/1/26	Wed 7/8/26	26
28	Reconciliation Meeting - Architecture	3 days	Wed 7/8/26	Sat 7/11/26	27
29	Reconcilation Meeting - MEPFP	3 days	Sat 7/11/26	Tue 7/14/26	28
30	**Final Regulatory Approvals**	**68 days**	**Tue 7/14/26**	**Thu 9/17/26**	
31	Final Agency Submission	1 day	Tue 7/14/26	Wed 7/15/26	29
32	Review by TOKI	7 days	Wed 7/15/26	Tue 7/21/26	31
33	Final Community Presentation	30 days	Wed 7/22/26	Wed 8/19/26	32
34	Agency Hearing	30 days	Thu 8/20/26	Thu 9/17/26	33
35	**DOB Filings**	**67 days**	**Tue 7/14/26**	**Wed 9/16/26**	
36	Prefiling Submission	5 days	Tue 7/14/26	Sun 7/19/26	29
37	Submission	1 day	Sun 7/19/26	Sun 7/19/26	36
38	DOB Review	60 days	Mon 7/20/26	Tue 9/15/26	37
39	DOB Objections	1 day	Wed 9/16/26	Wed 9/16/26	38
40	**100% CD Submission**	**57 days**	**Thu 9/17/26**	**Tue 11/10/26**	
41	Revise per comments	15 days	Thu 9/17/26	Thu 10/1/26	39
42	- Cost Estimate	21 days	Thu 10/1/26	Wed 10/21/26	41
43	100% CD Submission	1 day	Wed 10/21/26	Thu 10/22/26	42
44	TOKI Review	10 days	Thu 10/22/26	Sun 11/1/26	43
45	Design Review Comments Response	10 days	Sun 11/1/26	Tue 11/10/26	44
46	**CM @ Risk Final GMP Development**	**45 days**	**Wed 11/11/26**	**Thu 12/24/26**	**45**
47	TOKI Review	15 days	Wed 11/11/26	Wed 11/25/26	
48	Award, Registration and Mobilization	30 days	Wed 11/25/26	Thu 12/24/26	47
49	**Construction**	**751 days**	**Thu 12/24/26**	**Mon 12/18/28**	
50	Construction Start	375 days	Thu 12/24/26	Tue 12/21/27	48
51	Construction Midpoint	1 day	Tue 12/21/27	Wed 12/22/27	50
52	Construction End	375 days	Wed 12/22/27	Mon 12/18/28	51



TAB 6

TOWN COUNCIL

Agenda Item

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 reenforcing 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.

*Proposed for illustrative purposes

Beachfront Overlay Exhibit

PROPOSED BUFFER ZONES

BUFFER ZONE A
A 50' buffer zone measured landward from the 2018 South Carolina Beachfront Jurisdictional Baseline

BUFFER ZONE B
A 50' buffer zone measured from the landward edge of Buffer Zone A to a distance of 100' from the 2018 South Carolina Beachfront Jurisdictional Baseline

Legend

- Beachfront Overlay
- Buffer Zone A
- Buffer Zone B
- 2018 Beachfront Baseline
- 2018 Beachfront Setback
- Parcel Boundaries
- Ocean

0 50 100 150 Feet

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:

DRAFT

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.

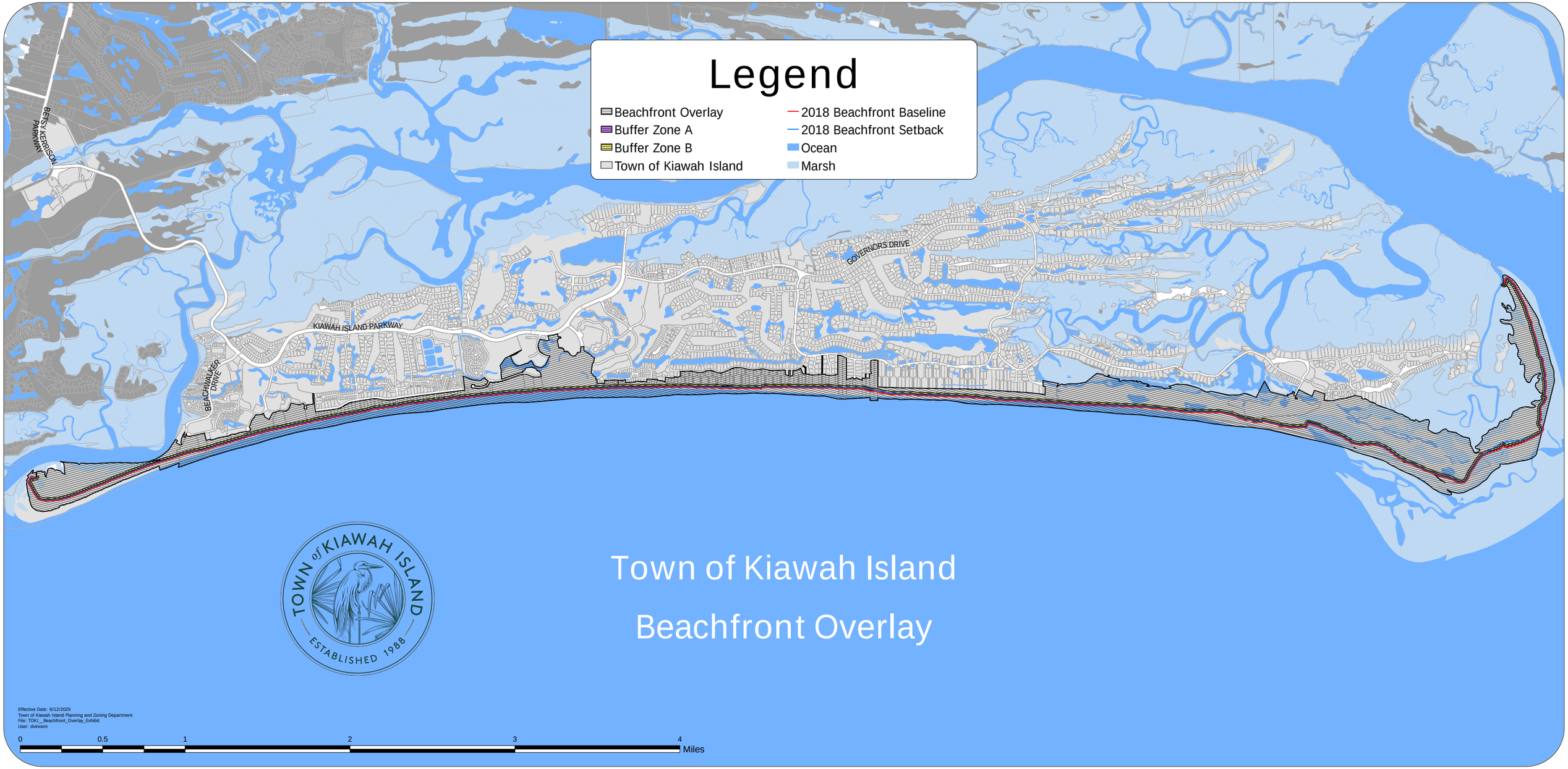
(i) Lighting. All lighting within the BOD shall comply with the standards of the Town of Kiawah Island Municipal Code Article 16 Beach Management.

(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
BETSY KERRISON PARKWAY
KIAWAH ISLAND PARKWAY
BEACHWALKER DRIVE
GOVERNORS DRIVE
TOWN of KIAWAH ISLAND
ESTABLISHED 1988
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
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TAB 7

TOWN COUNCIL

Agenda Item

Town of Kiawah Island Zoning Ordinance Amendment Request
Case AZO25-000004 Case History

Planning Commission Meeting: September 10, 2025
Public Hearing and First Reading: October 14, 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 establish a review body to provide a clear and transparent process for the architectural 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 proposed ordinance establishes two new sections as referenced:
- Section 12-24.2. Design Review Board
- Section 12-130. Design Standards.

Background: In 2023, The Town of Kiawah Island and the Kiawah Island Community Association formed the Architectural Review Board Joint Workgroup with the goal of collaborating on the formation of a new, community-led architectural control function. This workgroup initially focused on identifying concerns around the cost, consistency and transparency of the existing architectural control processes on Kiawah. The goal of this transition was to permanently place responsibility for the architectural integrity of Kiawah Island into the hands of property owners. With the efforts, considerations and actions of this transition process to date, there is uncertainty of the comprehensive timeline and future architectural controls for development on Kiawah. With the uncertainty of architectural controls for development in the future for Kiawah Island, the Town of Kiawah Island now finds that it is in the public interest to amend the Town of Kiawah Island Land Use Planning and Zoning Ordinance to establish a body which makes provisions to protect and improve the unique character of Kiawah Island. The Town of Kiawah's proposed design review board will operate and function independently of any existing architectural review controls.

Legal Framework: The proposed DRB would be established under the authority of South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (Title 6, Chapter 29, SC Code) (S.C. Code 1976, §§ 6-29-870—6-29-910)

The proposed ordinance establishes a Design Review Board and administration of architectural design controls via an established *Town of Kiawah Island Architectural Design Principles and Guidelines*.

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 next stage of this process in establishing architectural review controls for the Town, is to formulate principles, standards, and or guidelines. Planning staff has incorporated design review frame and recommends refined design principles be established to guide decisions of the proposed design review board. These principles consider the following elements:

- Site Orientation and Building Layout
- Massing and Scale
- Building and Structure Heights
- Fenestration
- Environmental Stewardship

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

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 next stages to refine "Town of Kiawah Island Town of Kiawah Island Design Review Principles and Guidelines"

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 compensation of board members and the standards and guidelines of review for the board. 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 2025-22

AN ORDINANCE TO ESTABLISH A TOWN OF KIAWAH ISLAND DESIGN REVIEW BOARD AND PROCESS FOR ARCHITECTURAL DESIGN REVIEW.

WHEREAS, the Town of Kiawah Island recognizes the need to establish a review body to provide a clear and transparent process for the architectural design review of commercial, mixed-use, civic, and multi-family residential developments within the Town of Kiawah Island; and

WHEREAS, to further protect the public interest, the Town seeks to establish a body which makes provisions to protect and improve the unique character of the Town of Kiawah Island.

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

WHEREAS, the Town Council held a Public Hearing on October 14, 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 Design Review Board.

Section 2 **Ordinance**

(1) The Town hereby amends Division 1. Generally, establishing Sec. 12-24.2 Design Review Board as shown in the attached "Exhibit A," which is hereby incorporated herein by reference.

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(2) The Town hereby amends Division 4. Supplemental Regulations establishing Sec. 12-130. Design Standards as shown in the attached "Exhibit B" which is hereby incorporated herein by reference.

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 the Town Council for the Town of Kiawah Island.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS __DAY OF ___2025.

_____

Bradley D. Belt, Mayor

ATTEST:

By: _____

Petra Reynolds, Town Clerk

1st Reading:

2nd Reading:

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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.

~~(a)~~(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.

~~(b)~~(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. ~~The DRB shall consist of a cross section of compensated design professionals and non-compensated property owners or resident members,~~ all to be appointed by the Mayor and approved by the Town Council. At least ~~four~~ 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 ~~four~~ years from the date of appointment. Any vacancies shall be filled for the unexpired term by the Town Council. ~~Only compensated members are eligible to receive compensation for their service at the discretion of Town Council. All members may also be reimbursed for actual expenses incurred in connection with their official duties, provided the Town Council has approved such expenditures in advance. Compensation shall be set by 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), t~~T~~wo (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 t~~T~~hree (3) yeas, 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.

~~(c) *Administrative office.* The Office of the DRB shall be located in the Town Municipal Center. All applications or requests and other papers to be filed with the DRB are to be filed with the Planning Director or designee of the Kiawah Island Planning Department not less than 30 working days prior to the DRB meeting at which the matter will be heard.~~

(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.

~~(d)~~(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.

~~(e) *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.~~

(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.

~~(2)~~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.

(3) The DRB shall review and render decisions on proposed non-single-family residential developments using standards and guidelines as referenced within the "Town of Kiawah Island Design Review Standards~~Principles~~ and Guidelines".

~~(4) The DRB shall be in place to review and render decisions on proposed non-single-family residential developments pursuant to established architectural standards and guidelines of the Town of Kiawah Island.~~

~~(5)~~(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 Principles and Guidelines".

(1) The DRB may grant relief from established principles 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 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.

(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 is rendered.

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

DRAFT

Sec. 12-24.2. Design Review Board.

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(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) yeas, 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.

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(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.

(3) The DRB shall review and render decisions on proposed non-single-family residential developments using standards and guidelines as referenced within the "Town of Kiawah Island Design Review Standards and Guidelines".

(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 Principles and Guidelines".

(1) The DRB may grant relief from established principles 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 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.

(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 is rendered.

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

Sec. 12-130. ~~Architectural~~ Design Standards.

(1) *Purpose and Intent.* The purpose of these regulations are to provide a clear and transparent process for the ~~architectural~~ 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 combability 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 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~~ is not subject to review or purview of any established architectural review board.

(3) *Design ~~Architectural~~ Standards and Guidelines.* Proposed developments shall be reviewed in accordance the provisions of this article and the "Town of Kiawah Island Design Review Principles 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 Island's 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 Island'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 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 height should reinforce Kiawah's low-rise, nature-focused identity; height should transition thoughtfully to surrounding contexts, especially near sensitive habitats and existing neighborhoods; limit building heights to maintain a harmonious relationship

with surrounding vegetation and structure; step down heights along sensitive edges (adjacent single-family areas, critical area, marsh fronts, or ocean fronts). use roof forms (hipped, gabled, or gently sloped) to blend with the natural canopy line. screen 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.

~~*(3)*~~

(4) Application and~~&~~ *Review Stages.*

a. *Preliminary Review:* Prior to advancing a ~~development~~ project, the applicant shall submit for preliminary review and approval to the Design Review Board. Preliminary Review shall not constitute final approval of ~~architectural~~ 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 one year 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.

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Sec. 12-130. Design Standards.

(1) *Purpose and Intent.* The purpose of these regulations are to provide a clear and transparent process for the 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 combability 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 apply to all real property within the municipal limits of the Town of Kiawah Island, excluding single-family residential, except single family residential which is 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 Principles 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 Island's 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 Island'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 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 height should reinforce Kiawah's low-rise, nature-focused identity; height should transition thoughtfully to surrounding contexts, especially near sensitive habitats and existing neighborhoods; limit building heights to maintain a harmonious relationship with surrounding vegetation and structure; step down heights along sensitive edges (adjacent

single-family areas, critical area, marsh fronts, or ocean fronts). use roof forms (hipped, gabled, or gently sloped) to blend with the natural canopy line. screen 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 one year 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.

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Town of Kiawah Island

Design Review Board – ~~Architectural~~ Design Principles & Guidelines

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Purpose

These design principles and guidelines 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 Island's natural landscape, scale, and community character.

Implementation and Review

- The Design Review Board will apply these guidelines as a framework for review, balancing flexibility with consistency.
- Applicants are encouraged to submit contextual studies, perspective renderings, and material samples demonstrating how projects meet these principles.
- The DRB may require modifications where proposals conflict with the intent of these principles and guidelines.

A. Site Orientation and Layout

Principles

- Respect the Island's natural topography, vegetation, and ecological systems.
- Prioritize site planning that reduces visual and environmental impacts.
- Encourage connections to the pedestrian and open space network.

Guidelines

1. Orient primary building facades to maximize natural light and ventilation while minimizing heat gain.
2. Position buildings to preserve significant trees, wetlands, dunes, and other natural features.

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3. Avoid large expanses of paving; cluster parking areas and screen them with native landscaping.
4. Site buildings to maintain view corridors to natural features (marsh, forest edges, ocean).
5. Incorporate pedestrian pathways, shaded outdoor areas, and connections to nearby amenities.

B. Massing and Scale

Principles

- Ensure buildings complement the ~~Island's~~Town of Kiawah Island's human-scaled, natural character.
- Break down larger developments into visually cohesive but distinct components.
- Use form and rhythm to harmonize with surrounding development and natural setting.

Guidelines

1. Employ varied rooflines, articulated facades, and step-backs to avoid monolithic appearances.
2. Use massing strategies that reflect a hierarchy of forms (primary volume with secondary wings or terraces).
3. Break large buildings into smaller scaled segments to maintain pedestrian-friendly proportions.
4. Design transitions between building elements to reduce perceived bulk at edges or along public frontages.
5. Consider how massing interacts with the skyline and treeline, ensuring natural dominance.

C. Building and Structure Heights

Principles

- Building height should reinforce Kiawah's low-rise, nature-focused identity.

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- Height should transition thoughtfully to surrounding contexts, especially near sensitive habitats and existing neighborhoods.

Guidelines

1. Limit building heights to maintain a harmonious relationship with surrounding vegetation and structures.
2. Step down heights along sensitive edges (adjacent single-family areas, critical area, marsh fronts, or ocean fronts).
3. Use roof forms (hipped, gabled, or gently sloped) to blend with the natural canopy line.
4. Screen rooftop mechanicals and equipment with architectural enclosures integrated into building design.
5. Avoid flat-topped silhouettes that create stark contrasts with the natural environment.

D. Fenestration (Windows, Doors, Openings)

Principles

- 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.

Guidelines

1. Windows and doors should be proportioned and grouped to create balanced compositions.
2. Avoid excessive expanses of unbroken glass; use mullions, bays, or screens to provide rhythm.
3. Orient and shade fenestration to minimize glare and heat gain while maximizing natural light.
4. Employ materials and colors that reduce reflectivity and blend with natural surroundings.

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5. Encourage the use of porches, loggias, screened rooms, and recessed openings to create depth and shadow.
6. Ground-floor fenestration should promote activity and visual connection with the public realm.

E. Environmental Stewardship and Process

Principles

- Protect Kiawah's ecosystems during and after construction.
- Minimize disruption and restore impacted areas.

Guidelines

1. Establish tree/vegetation protection zones before construction.
2. Employ low-impact construction access and staging to development sites.
3. Use native plantings for restoration and landscape.
4. Integration of pervious materials and nature based solutions for stormwater management
5. Encourage sustainable materials and energy-efficient building practices.

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TAB 8

TOWN COUNCIL

Agenda Item

Town of Kiawah Island Zoning Ordinance Amendment Request
Case AZO25-000012 Case History

Planning Commission Meeting: September 10, 2025
Town Council Workshop: September 23, 2025
Public Hearing and First Reading: October 14, 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* Article II. - Zoning, Division 4 – Supplemental Regulations, Sec. 12-128. - Access, parking and loading regulations. to modify minimum parking standards.

Key Factors of the Proposed Ordinance:

The proposed amendment modifies the minimum parking requirements for multifamily and hotel uses.

- Introduces specific bedroom allocations and guest parking factor.
- Clarifies hotel guestroom requirements

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: 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 of 6 to 0.

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, highlighting minimum parking requirements for hotels for further discussion and evaluation. Planning staff noted the potential amendments for further discussion and approval at the next Town Council meeting.

TOWN COUNCIL MEETING SECOND READING 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 2025-23

AN ORDINANCE TO AMEND THE TOWN OF KIAWAH ISLAND LAND USE PLANNING AND ZONING ORDINANCE ARTICLE II. - ZONING, DIVISION 4 – SUPPLEMENTAL REGULATIONS, SEC. 12-128. - ACCESS, PARKING AND LOADING REGULATIONS. TO MODIFY MINIMUM PARKING STANDARDS.

WHEREAS, the Town of Kiawah Island recognizes the need to modify minimum parking standards to aid in the design and location of proper access, parking, and loading areas in order to maintain safe and efficient traffic flow and to ensure adequate parking facilities for developments.

WHEREAS, to further protect the public interest, the Town seeks to establish a body which makes provisions to protect and improve the unique character of the Town of Kiawah Island.

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;

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

WHEREAS, Town Council held a Public Hearing on October 14, 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 Sec. 12-128. - Access, Parking and Loading Regulations.

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Section 2 **Ordinance**

(1) The Town hereby amends Article II. - Zoning, Division 4 – Supplemental Regulations, Sec. 12-128. - Access, Parking and Loading Regulations. as shown in the attached "Exhibit A" which is hereby incorporated herein by reference.

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 the Town Council for the Town of Kiawah Island.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS __DAY OF ___2025.

_____

Bradley D. Belt, Mayor

ATTEST:

By: _____

Petra Reynolds, Town Clerk

1st Reading:

2nd Reading:

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

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

(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~~ Planning Director 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 plus one guest space per unit
Patio homes	2 spaces per ~~2 bedroom per~~ dwelling unit
Townhouses	2~~.5~~ spaces ~~per 3 or more bedroom~~ per dwelling unit plus 0.5 guest spaces per unit
Multi~~ple~~-family	Spaces per bedroom type and as required for associated uses~~1.5 spaces per efficiency or 1 bedroom per dwelling unit~~
Studio or 1 Bedroom	1.5 spaces per unit
2+ Bedroom	2 spaces per unit
Guest Parking	1 space for every four units
Hotels	~~1.25 spaces per room~~ Guestrooms, conference area, employees and as required for associated uses
Guestrooms	1 space per guestroom ~~1 space per 4 persons allowed under maximum occupancy~~
Conference area (part of hotel structure)	1 space per 300 square feet of Gross Floor Area for public meeting, assembly and or banquet rooms plus 1 space per 75 square feet of indoor seating area, plus 1 per 200 square feet of outdoor seating area
Associated Uses	~~50~~ 75 percent of parking required for other uses (restaurants, bar, office, retail, pool, etc.)
Employees	1 space per employee on the largest shift
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~~ 300 square feet of Gross Floor Area~~persons allowed under maximum posted occupancy~~, plus 1 per employee ~~in~~ of the largest 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] Parking requirements for guest or associated uses may be satisfied by enclosed garage or surface parking.		
[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, except that off-site parking may be allowed for employees, resort and recreational uses provided they meet the following standards. If any one of the following applicable standards cannot be met, special exception approval by the Board of Zoning Appeals shall be required pursuant to Sec. 12-161.:

    a. A parking plan illustrating the minimum number of off-street parking spaces requirements between the sites are met.

    b. A maximum of thirty percent (30%) of the required parking spaces may be off-site however; off-site parking may not be used to satisfy the off-street parking minimum requirements for residential uses.

c. Required parking spaces reserved for persons with disabilities shall not be located off site.

d. Shared or off-site parking must be located within 500 feet from the primary entrance of the use served unless a dedicated shuttle bus service is provided to the remote parking area.

e. Shared parking areas must be connected by a continuous network of sidewalks and pedestrian crosswalks.

f. A written agreement between the property owners of record must be submitted to the Planning Director for recording. Recording of the parking agreement with the Register of Deeds must take place before the issuance of a zoning permit, building permit or Certificate of Occupancy for any use to be served by the off-site parking area. An off-site parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with this Article.

~~4.~~

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 or underneath the principal residential structure.
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.

Table 4H. Loading Requirements

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 and 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; Ord. No. 2025-02, § 2(Exh. B), 3-4-2025)

TAB 9

TOWN COUNCIL

Agenda Item

Town of Kiawah Island Zoning Ordinance Amendment Request
Case AZO25-000013 Case History

Planning Commission Meeting: September 10, 2025
Public Hearing and First Reading: October 14, 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 clarify memberships of planning boards.

The proposed ordinance amends the following sections:
- Sec. 12-23. - Planning Commission.
- Sec. 12-24. - Board of Zoning Appeals.
- Sec. 12-24.1. - Landscape and Tree Preservation Board.

Key Factors:
- Clarifies the composition of the various boards.
- Clarifies resident members are located within the municipal boundaries of the Town opposed to on Kiawah Island.
- With the Town pursuing establishing DRB, the proposed amendment clarifies the reference of "Board" for the BZA to distinguish the Board of Zoning Appeals.
- Incorporates a clause for the Landscape and Tree Preservation Board that Town Council may consider the appointment of nonresident or property owner design professionals members where appropriate for a compelling reason.

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 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.

TOWN COUNCIL MEETING PUBLIC HEARING AND FIRST READING 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 2025-24

AN ORDINANCE TO AMEND THE TOWN OF KIAWAH ISLAND LAND USE PLANNING AND ZONING ORDINANCE TO CLARIFY MEMBERSHIPS OF PLANNING AND ZONING BOARDS.

WHEREAS, upon further review, the Town of Kiawah Island recognizes the need to modify the membership criteria of the Planning Commission, Board of Zoning Appeals, and Landscape and Tree Preservation Board; 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 Hearing on October 14, 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 Design Review Board.

Section 2 Ordinance

(1) The Town hereby amends Division 1. Generally, Sec. 12-23. - Planning Commission. ,Sec. 12-24. - Board of Zoning Appeals., and Sec. 12-24.1. - Landscape and Tree Preservation Board as shown in the attached "Exhibit A" which is hereby incorporated herein by reference.

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 the Town Council for the Town of Kiawah Island.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS __DAY OF ___2025.

_____

Bradley D. Belt, Mayor

ATTEST:

By: _____

Petra Reynolds, Town Clerk

1st Reading:

2nd Reading:

DRAFT

Sec. 12-23. Planning Commission.

(a) *Creation.* The Town of Kiawah Island Planning Commission is hereby created as authorized by S.C. Code 1976, §§ 6-29-310—6-29-380.

(b) *Composition; appointment and term of office of members.*

(1) The Planning Commission shall consist of seven Kiawah Island property owners; members to be appointed by the Mayor with the consent of the Town Council. At least five of these property owners shall be resident members. The term "resident member" means a person who resides permanently ~~on~~ within the Town of Kiawah Island municipal boundaries for not less than eight months of each calendar year.

(2) The term of office shall be for four years. Any vacancy shall be filled for the unexpired term by an individual appointed by the Mayor with the consent of the Council. A Secretary and Chairperson shall be elected at the first meeting of each year. 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) Members shall represent a broad cross section of the interests and concerns within the Town of Kiawah Island.

(c) *Organization and procedural rules governing the Planning Commission.*

(1) The Planning Commission shall organize itself electing one of its members as Chairperson and one as Vice-Chairperson whose terms are for one year. The Planning Commission shall appoint a secretary who may be an officer or an employee of the Town or of the Planning Commission. The Planning Commission shall meet at the call of the Chairperson and at such times the Chairperson or Planning Commission may determine.

(2) The Planning Commission 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 Planning Commission 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.

(d) *Functions and powers.* The Planning Commission shall have the functions and powers set forth in S.C. Code 1976, § 6-29-340 of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended. In the discharge of its responsibilities, the Planning Commission has the power and duty to:

(1) Prepare and revise the comprehensive plan and programs for the development and redevelopment for the Town of Kiawah Island.

(2) Prepare and recommend for adoption to Town Council the following to implement plans and programs within the Town:

a. A zoning ordinance that includes zoning district maps and appropriate revisions thereof;

b. Regulations for the subdivision or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that are adopted by Town Council;

c. An official map and appropriate revision of it showing the exact location of existing or proposed public streets, highways, and utility rights-of-way, and public building sites; regulations to control

the erection of buildings or other structures; changes in land use within rights-of-way, building sites, or open spaces within the Town or specified areas within the Town;

d. A landscaping ordinance setting forth required planting, tree preservation, and other aesthetic considerations for land and structures;

e. A capital improvements program setting forth projects required to implement plans which have been prepared and adopted, including an annual listing of priority projects for consideration by the Town Council or other governmental bodies responsible for implementation prior to preparation of their capital budget; and

f. Policies or procedures to facilitate implementation of planning elements.

(3) Hear appeals of administrative decisions (by staff) related to subdivision regulations (S.C. Code 1976, § 6-29-1150(C)).

a. Staff action, if authorized, to approve or disapprove a land development plan may be appealed to the Planning Commission by a party in interest.

b. The Planning Commission shall act on the appeal within 60 days and the action of the Planning Commission is final.

c. An appeal from the decision of the Planning Commission may be taken to circuit court within 30 days after actual notice of the decision.

(4) Review site plans pursuant to section 12-162, Site Plan Review.

(5) Approve street names (S.C. Code 1976, § 6-29-1200).

a. The Planning Commission shall, by proper certificate, approve and authorize the name of a street or road laid out within the territory over which the Commission has jurisdiction. It is unlawful for a person in laying out a new street or road to name the street or road on a plat, by a marking or in a deed or instrument without first getting the approval of the Planning Commission. Any person violating this provision is guilty of a misdemeanor and, upon conviction must be punished in the discretion of the court.

b. The Planning Commission may, after reasonable notice through a newspaper having general circulation in which the Commission is created and exists, change the name of a street or road within the boundary of its territorial jurisdiction:

1. When there is duplication of names or other conditions which tend to confuse the traveling public or the delivery of mail, orders, or messages;

2. When it is found that a change may simplify marking or giving of directions to persons seeking to locate addresses; or

3. Upon any other good and just reason that may appear to the Commission.

c. On the name being changed, after reasonable opportunity for a public hearing, the Planning Commission shall issue its certificate designating the change, which must be recorded in the Office of the Register of Mesne Conveyances or Clerk of Court, and the name changed and certified is the legal name of the street or road.

(Code 1993, § 12A-105; Ord. No. 94-12, § 2(12A-104.2), 9-26-1994; Ord. No. 2005-08, § 12A-105, 10-12-2005; Ord. No. 2006-14, § 2.A.1, 1-9-2007; Ord. No. 2024-05, § 2(Exh. A), 4-2-2024; Ord. No. 2024-07, § 2(Exh. B), 5-7-2024)

Sec. 12-24. Board of Zoning Appeals.

(a) *Creation.* The Town of Kiawah Island Board of Zoning Appeals (~~Board~~BZA) has been created and is authorized to act pursuant to S.C. Code 1976, §§ 6-29-780—6-29-860.

(b) *Composition and appointment of term of office of members.*

(1) The Board of Zoning Appeals shall consist of seven members ~~Kiawah Island property owner resident members,~~ each to be appointed by the Mayor with the consent of the Town Council. At least five of these members shall be resident members. The term "resident member" means a person who resides permanently ~~on~~ within the Town of Kiawah Island municipal boundaries 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 Mayor with the consent of the Town Council. A Secretary and Chairperson shall be elected at the first meeting of each year. 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) Members shall represent a broad cross section of the interests and concerns within the Town of Kiawah Island.

(c) *Organizational and procedural rules governing the Board of Zoning Appeals.* The Board of Zoning Appeals has adopted the following rules and regulations:

(1) *Administrative office.* The Office of the Board of Zoning Appeals shall be located in the Town Hall Office, and the meetings of the ~~Board~~ BZA shall be held in the adjacent conference room unless otherwise designated by the Chairperson. All notices of appeal and other papers to be filed with the ~~Board~~ BZA are to be filed with the Planning Director of the Kiawah Island Planning Department not less than 30 working days prior to the ~~Board~~ BZA meeting at which the matter will be heard. The Planning Director shall prepare the documentation of the variance requested and the associated exhibits and forward these to the ~~Board~~ BZA members no fewer than ten working days prior to the next ~~Board~~ BZA meeting.

(2) *Officers.* The Board of Zoning Appeals shall elect one of its members as Chairperson and one as Vice-Chairperson whose terms are for one year. The Planning Director shall serve as Secretary of the ~~Board~~BZA. Meetings of the ~~Board~~ BZA shall be at the call of the Chairperson and at such other times as the Board may determine. All meetings of the ~~Board~~ BZA shall be open to the public. The ~~Board~~ BZA 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~~ BZA and shall be a public record.

(3) *Rules of procedures and records.* The Board of Zoning Appeals 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 of Zoning Appeals 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.

(d) *Functions and powers.* The Board of Zoning Appeals shall have the following powers, pursuant to S.C. Code 1976, § 6-29-800:

(1) *Administrative review.* To hear and decide appeals, subject to the procedure and standards set forth in this article, when it is alleged by the appellant that any administrative official has made an error in any order, requirement, decision, or determination. This requirement shall not apply to advisory or recommendatory actions of any such administrative official or agency.

(2) *Variances.* To hear and decide applications for variance from zoning standard requirements of this article, subject to the procedure and standards set forth in section 12-163.

(3) *Special exceptions.* To permit uses by special exception subject to the terms and conditions for those uses as identified in this article (section 12-161).

(4) *Filing of appeals to the Board of Zoning Appeals.*

a. Appeals from the acts of officials pursuant to the authority granted by this article shall be taken to the Board of Zoning Appeals by any person aggrieved or by any officer, department, board or bureau of the Town, as well as by any person having a substantial interest in any decision of an administrative officer to enforce this article. An appeal shall be evidenced by filing with the Planning Director within five working days of the action appealed from, a written notice of appeal specifying the grounds thereof and the modifications being sought.

b. All appeals, applications and matters brought before the Board of Zoning Appeals shall be heard in the order of filing at the regular meeting of the Board of Zoning Appeal; provided, however, that the Board of Zoning Appeals shall set its meeting agenda and determine the number of applications it will hear. The Chairperson may call a special meeting of the Board of Zoning Appeals.

c. Appeals to consider any such appeal, application or matter. 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 Board of Zoning Appeals will be heard and considered at such special meeting.

d. Published notice for appeals shall be provided in accordance the notice provisions of this article.

(5) *Effect of appeal.* An appeal to the Board of Zoning Appeals stays all proceedings in furtherance of the action appealed. An exception is when the officer from whom the appeal is taken certifies to the Board after the notice of appeal has been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, and notice to the officer from whom the appeal is taken, and on due cause shown.

(6) *Hearing on appeal.*

a. Hearings on appeals shall be completed within 60 calendar days of the appeal, however, failure to render a decision on an appeal within such time period shall not be deemed an approval of such appeal. At the hearing of an appeal, the parties thereto may offer affidavits, testimony, or other evidence in support of their claims; and the Board of Zoning Appeals, on its own motion, may call before it other witnesses. All persons giving any testimony or evidence whatsoever at a Board of Zoning Appeals meeting must be sworn in. To save time, the oath will be recited as a group prior to the review of cases to be presented. However, anyone not present or not participating in the group swearing in will be required to be separately sworn in prior to giving evidence or testimony.

b. At the hearing and consideration of appeals, reasonable time and opportunity shall be allowed to interested parties to introduce testimony and other evidence. Hearings may be continued from time to time by the Board of Zoning Appeals, in its discretion, upon good cause shown. Oral

arguments before the Board of Zoning Appeals shall not exceed 15 minutes to a side, unless upon application before the commencement of arguments, the time shall be enlarged by the Board of Zoning Appeals.

c. Parties filing appeals may, after the application has been advertised as part of a meeting's agenda, request the application be deferred. A request for deferral must be in writing, signed by the applicant or agent, set forth the reason for requesting deferral, and set a forthcoming meeting date for the matter to be heard. Without an extraordinary and compelling reason, only one deferral will be permitted. Applicants filing petitions for rehearings where the Board of Zoning Appeals is being asked to reconsider a decision, order, requirement or determination shall not be permitted to request deferrals. Cases presented before the Board of Zoning Appeals may be deferred for a period of time specified by the Board of Zoning Appeals, provided that this time does not exceed a period of 30 working days.

d. In passing upon an appeal, the Board of Zoning Appeals shall not consider prospective financial loss or gain to the appellant, nor shall the Board of Zoning Appeals, by variance, permit to be established or carried on in any district an activity, business, or operation which is not otherwise allowed in such district by a specific provision of this article.

(7) *Order of the Board of Zoning Appeals.*

a. The Board of Zoning Appeals shall decide each appeal within 60 calendar days. In exercising its powers relating to appeals, the Board of Zoning Appeals may, in conformity with the provisions of this article, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made within the spirit and intent of this article.

b. When it shall appear to the Secretary of the Board of Zoning Appeals that an appeal presents substantially the same grounds which have been decided by the Board of Zoning Appeals within the previous one year, the Secretary shall notify the Board of Zoning Appeals thereof, but shall not advertise the appeal or give notice to interested parties until the Board of Zoning Appeals shall determine that an amendment of this article or other changed conditions requires reopening the issue.

(8) *Minutes of the Board of Zoning Appeals.* The decisions of the Board of Zoning Appeals shall be in writing and signed by the Chairperson. The minutes of the Board of Zoning Appeals 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 Board of Zoning Appeals shall be filed in the offices of the Board of Zoning Appeals 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.

(9) *Appeals from Board of Zoning Appeals decisions.* Any person who may have a substantial interest in any decision of the Board of Zoning Appeals or any officer, board, or bureau of the Town may appeal from any decision of the Board of Zoning Appeals 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 Board of Zoning Appeals is rendered.

(Code 1993, § 12A-106; Ord. No. 94-12, § 2(12A-104.3), 9-26-1994; Ord. No. 2005-08, § 12A-106, 10-12-2005; Ord. No. 2006-14, § 2.A.3, 1-9-2007; Ord. No. 2024-05, § 2(Exh. B), 4-2-2024)

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~~ within the Town of Kiawah Island municipal boundaries for not less than eight months of each calendar year. Town Council may consider the appointment of nonresident or property owner design professionals members where appropriate for a compelling reason.

(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)