

MAYOR:
John Labriola

TOWN ADMINISTRATOR:
Stephanie Monroe Tillerson

TOWN ATTORNEY:
Joseph Wilson



TOWN COUNCIL MEMBERS:
John Moffitt
Bradley D. Belt
Michael Heidingsfelder
Russell A. Berner

TOWN COUNCIL
Municipal Center Council Chambers
October 3, 2023; 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 August 9, 2023 [Tab 1]
 - B. Minutes of the Special Call Town Council Hearing of September 5, 2023 [Tab 2]
 - C. Minutes of the Town Council Meeting of September 5, 2023 [Tab 3]
- V. **Public Hearing:**
 - A. **Ordinance 2023-17** – An Ordinance to Amend the Town of Kiawah Island Comprehensive Plan – Land Use Element – Future Land Use Categories and Comprehensive Plan Map Ix.2, Future Land Use; to Change the Future Land Use Designation for the Subject Properties (TMS# 207-00-00-040; 265-16-00-159; 265-16-00-160) from “Medium Density Residential” to “Active Recreation and Open Space.”- **Public Hearing and First Reading** [Tab 4]
 - B. **Ordinance 2023-18** – An Ordinance to Amend Chapter 12 - Land Use Planning and Zoning, Article II. - Zoning, Division 2. - Zoning Map/Districts, Section 12-62. – Zoning Map by Rezoning the Properties (TMS# 207-00-00-040; 265-16-00-159; 265-16-00-160) from “R-2 Residential” to “Parks and Recreation - **Public Hearing and First Reading** [Tab 5]
- VI. **Updates:**
 - A. Mayor
 - B. Council Members
 - C. Administrator
- VII. **Citizens’ Comments (Agenda Items Only):**
- VIII. **Old Business:**
 - A. To Consider Approval of **Ordinance 2023-15** - An Ordinance to Amend the Town of Kiawah Island Municipal Code Article 14 - General Regulations, Chapter 1 - Flood Damage Prevention, Chapter 5 - Rental Applications and Regulations, Section 14-503 – Permit and Operating Requirements - **Second and Final Reading** [Tab 6]
 - B. To Consider Approval of **Ordinance 2023-16** - An Ordinance to Amend the Town of Kiawah Island Article 2 – General Government and Administration, Chapter 5 – Offices and Departments, Section 2-505 - Town Treasurer – **Second and Final Reading** [Tab 7]
- IX. **Consent:**
 - A. To Consider Approval of the Creation of a Wildlife Technician Position within the Wildlife and Environmental Department [Tab 8]
 - B. To Consider Approval of the Purchase of Recycling and Solid Waste Educational Cart Stickers [Tab 9]

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.

X. New Business:

- A.** To Consider Approval of **Ordinance 2023-19** - An Ordinance to Amend the Town of Kiawah Island Article 2, General Government and Administration, Chapter 2 – Municipal Council, Section 2-205 - Mayor Pro Tempore – **First Reading** [Tab 10]
- B.** To Consider Approval of **Resolution 2023-05** - A Resolution in Support of the Urban Growth Boundary [Tab 11]
- C.** To Consider Approval of the Kimley-Horn Proposal for the Removal of the Westbound Right -Turn Lane [Tab 12]
- D.** 2023 Kiawah Island Parkway Traffic Counts Summary [Tab 13]
- E.** To Consider Approval of **Resolution 2023-04** - A Resolution Approving Settlement of David J. Branson v. The Town of Kiawah Island and Payment of \$25,000 Retention to Insurer Western World [Tab 14]
- F.** **Possible Executive Session** to Receive Legal Advice Regarding Settlement Pursuant to South Carolina Code Section 30-4-70(a)(2) - **If Necessary**
- G.** To Consider Approval of the Amendment to the Town Attorney Contract Services Agreement with Joseph Wilson
- H.** To Consider Approval of the Amendment to the Employment Agreement with Stephanie Tillerson

XI. Council Member Comments:

XII. Citizens' Comments:

XIII. Adjournment:



TAB 1

TOWN COUNCIL

Agenda Item

TOWN COUNCIL
Municipal Center Council Chambers
August 1, 2023; 1:00 pm

Minutes

- I. Call to Order:** *Mayor Labriola called the meeting to order at 1:00 pm.*
- II. Pledge of Allegiance**
- III. Roll Call:**

Present at the Meeting: John D. Labriola, *Mayor*
John Moffitt, *Mayor Pro Tem*
Russell Berner, *Councilmember*
Brad Belt, *Councilmember*

Present Via Zoom: Michael Heidingsfelder, *Councilmember*

Also Present: Stephanie Tillerson, *Town Administrator*
Joe Wilson, *Town Attorney*
Craig Harris, *Director of Public Safety*
Jim Jordan, *Wildlife Biologist*
John Skerchek, *Developer, Health and Wellness Village*
Richard Ackerman, *CEO – Big Rock Partners*
Dillon Turner, *Kimley Horn*

- IV. Approval of Minutes:**
 - A.** Minutes of the Town Council Meeting of June 6, 2023.

Councilmember Berner motioned to approve the minutes of the Special Call Town Council Meeting of June 6, 2023. Mayor Pro Tem Moffitt seconded the motion, and it was unanimously approved.

- B.** Minutes of the Town Council Meeting of July 11, 2023.

Councilmember Berner made a motion to approve the minutes of the Town Council Meeting of July 11, 2023. Mayor Pro Tem Moffitt seconded the motion, and it was unanimously approved.

- C.** Minutes of the Town Council Public Hearing of July 11, 2023.

Councilmember Berner made a motion to approve the minutes of the Town Council Public Hearing of July 11, 2023. Mayor Pro Tem Moffitt seconded the motion, and it was unanimously approved.

- V. Updates:**
 - A.** Mayor
None

- B.** Council Members

Mayor Pro Tem Moffitt stated that the final extension of the Captain Sam's Spit preliminary plat approved in 2022 expired in July 2023 as anticipated.

Mayor Pro Tem Moffitt indicated that there had been discussion of MUSC having to work with Seabrook on their project, pointing out the settlement agreement reached between Seafields and Seabrook had to do with construction traffic and access points, not for ongoing use once the building is completed. For MUSC to use that same entry point into the property they want to build on, they know they will also have to work with Seabrook to get an agreement for the items, but they have not had those discussions yet.

Councilmember Heidingsfelder provided updates on the following:

- Traffic mitigation at the first gate
 - Recommendation for the community to study and engage in discussion of the proposal presented at the July Council meeting, which included two plans:
 - Two add additional blackout dates to not allow new construction and major renovation projects around major holidays and peak seasons on the island
 - Limit the number of building licenses issued by the Town
 - consider hiring a permanent staff member to help guide traffic coming onto the island in the morning hours
- Leisure trail safety improvements:
 - Town and KICA (Kiawah Island Community Association) staff had completed detailed plans for the intersection of Beachwalker Drive and Kiawah Island Parkway and the intersection of Oyster Rake and Kiawah Beach Drive.
 - Plans will be submitted to the ARB (Architectural Review Board) for acknowledgment.
 - Order for signs and warning lights to be placed soon, followed by installation and explanation by the communication departments.
- Reduction in the speed limit to 25 mph when leaving the island between the Oyster Rake intersection and the end of the Mingo Point curve to take place August 18th.
- Andell West Project
 - A letter of support will be sent to Riverstone Properties and Charleston County Council in advance of the vote on the planned development district (PDD) that was submitted.
- iKiawah corrections
 - Recent emails on iKiawah from PreserveKiawah and the SC Environmental Law Project have stated the expiration of the Captain Sam's Spit preliminary subdivision plat was linked to their legal dispute efforts. Clarification was made that the plat **expired** after twelve months on July 5th, independent from lawsuits and engagements.
 - Recent emails on iKiawah have incorrectly suggested that the Town recommended the Mingo Point dock be moved to the south. While considering the application at the BZA (Board of Zoning Appeals) in January, a board member **questioned** whether moving the dock to the south would be better. No recommendation has been made by Town staff or representatives.

Councilmember Berner stated he participated in a hurricane training event held on July 21st in Council Chambers. Attending were representatives of all the island entities and first responders who participated in a mock Category 3 hurricane that included different events, scenarios, and emergency call-ins.

Councilmember Belt commended the following:

- MUSC
 - The settlement agreement requirements are extensive, dealing primarily with traffic management, but also include provisions for payment of damages related to moving and restoration of bike lanes and tree mitigation.
- Andell West
 - Charleston County Planning Commission will meet on August 14th to consider the revised PDD proposal application.
- Bohicket Marina
 - The Seabrook Council will consider the proposed annexation into the Town of Seabrook Island on August 22nd. Despite more than 500 comments being made to the Seabrook Planning Commission in objection and 30 in favor, the Seabrook Planning Commission passed the annexation by a four-to-one vote.
- ARB Taskforce
 - It entered the second phase following comments and the public meeting.

- Three subgroups:
 - Working on benchmarking what other similar communities have done regarding architectural review when transitioning from a developer to homeowner control and the Town's role
 - Working on interim changes dealing with cost fees and deposit issues, the scope of review (routine repairs and maintenance)
 - Working on long-term structural changes
- KICA Board Litigation Committee discussions with Kiawah Partners with regard to the future of the ARB. [are you sure Brad said this? I do not think KICA has a "litigation committee."]
- Mingo Point
 - Property Owners expressed concerns when notice of a pending application was not received from the Town but rather from DHEC (Department of Health and Environmental Control). Recent applications have revealed a potentially significant issue with regard to appropriate notice to the community/property owners about development applications and administrative review.
- Other Issues that need to be addressed or resolved
 - The process the town is required to follow pursuant to its ordinances with regard to the authority to enter into contracts, the authority to obligate funds, and the authority to expend funds
 - A lawsuit filed by a homeowner alleging the Town failed to comply with a FOIA request in which the request for a memorandum prepared by the Town Attorney was denied. Councilmember Belt stated that a request for the memorandum he prepared following the May Council meeting was also denied and, in his opinion, was inappropriately withheld.

C. Administrator

Ms. Tillerson stated that by the end of the week, Council and Public Safety Committee members will receive the RFP (Request for Proposals) for Policing Services for their comments and feedback.

Ms. Tillerson reported that the new website was scheduled to be released today, but some edits were still needed. The goal is for a soft release in the next two weeks.

D. Attorney

VI. Citizens' Comments (Agenda Items Only):

Maura McIlvain – 146 Blue Heron Pond Road

Ms. McIlvain commented on item 10B - Rules for Procedure for Citizens Comments. She noted that the current ordinance limits citizens to five minutes, with the proposed ordinance reducing the limit to three minutes. She did not understand why there was a limit on the public's concerns and comments and asked to reconsider the limitation.

Alex Fernandez – 418 Snowy Egret

Mr. Fernandez commented on the Professional Services and the right of the Mayor or his designee to come to a decision on a sole source for services provided to the Town. He requested the addition of a clause that references disclosure of the participating companies along with the quoted rates.

Mr. Fernandez commented on the Beachwalker Drive and Kiawah Island Parkway alternatives, asking if the Town has received any independent appraisals of the Kiawah Island Real Estate Property. If so, they have not been made public.

Ms. Tillerson indicated that two independent appraisals had been obtained and were not released due to ongoing negotiations.

Mr. Fernandez expressed his concern that, to date, he had not seen a tree protection ordinance. He also noted the length of time taken on what the Council considered a top priority.

Ms. Tillerson stated that the Planning Commission is currently working on a tree protection ordinance.

VII. Presentation:

A. Health & Wellness Village (Betsy Kerrison Parkway) - Presenter: John Skerchek, Developer

Mr. Skerchek introduced himself and his partner, stating that as island residents, they have long witnessed the lack of day-to-day Health Care Services and sought to help bring about a solution for the residents of Kiawah, Seabrook, and everyone on John's Island.

Following the introduction of the development team members in attendance to answer any questions, Mr. Skerchek reviewed the presentation on the Island Park Place Medical Health and Wellness Village. The presentation included the health village vision, a detailed proposed site plan, project benefits, and development philosophy.

Ms. Kirk, Director of Strategic Planning with Thompson Turner Construction, provided information on the background, qualifications, and experience specifically in the company's health care.

Mr. Worst, with LS3P, provided renderings of the inspirational design and architectural images used in trying to create a timeless architecture grounded in southern comfort. Also presented were concepts of the medical and commercial buildings.

Mr. Williams, one of the project attorneys, provided an overview of the project timeline. He indicated that the County Planning Commission has reviewed drafts of the PDD for their feedback and recommendations, and the formal PDD would be submitted to the County Planning Commission in the coming months.

In response to a question from Councilmember, Mr. Dermody, certified in managed care, indicated that most providers will take Medicare and Medicaid for the most part. Still, some Specialists will choose not to and may be outside of those services qualified for under the state plan. Mr. Skerchek reviewed the approximate percentages designated to the permitted uses and current entitlements.

Mr. Ackerman, CEO of Big Rock Partners, announced that last Thursday, we issued a 215-million-dollar Municipal Bond offering for the construction and permanent financing of the Seafields projects. The notice to proceed was signed so the construction process will start in the coming weeks, with completion anticipated in about 24 months. Currently, 70 of the 90 units are reserved and expected to be sold out within the first six months of construction.

VIII. Old Business:

A. To Consider Approval of the Proposal from Elko Consulting to Conduct a Feasibility Study for Improvements to the Kiawah River Public Access

Mayor Pro Tem Moffitt stated the Ways and Means Committee discussed the approval of the feasibility study by Elko Consulting and recommended that the Council approve the contract with the provision that the initial assessment is authorized to be executed with a stop to evaluate before continuing.

Mayor Pro Tem Moffitt made a motion to approve the proposal from Elko Consulting to Conduct a Feasibility Study for Improvements to the Kiawah River Public Access with the provision that only the initial assessment is authorized with a stop at that point to assess further. Committee Member Berner seconded the motion, and it was unanimously approved.

Councilmember Belt raised a question that regardless of what happens with regard to this feasibility study, whether or not we should prohibit kayak use at the bridge. For two reasons:

1. Kayaking is not an expressly permitted use under the Town's Greenbelt funding agreement, although apparently, the County Administrator of the Greenbelt Funds has stated it is permissible.

2. The consensus view of Mr. Jordan and others is that most damage occurs from dragging kayaks through the marsh. Restricting the public access to passive activities, walking, hiking, fishing, and crabbing, might start to make some interim progress on restoring the health of the marsh.

Mayor Pro Tem Moffitt indicated there had been a discussion of preparing something for the next Town Council meeting for consideration and a vote.

IX. Consent:

- A. To Consider Approval of **Ordinance 2023-08** - An Ordinance To Amend The Town of Kiawah Island Municipal Code Article 14 - General Regulations, Chapter 1 – Flood Damage Prevention, Division 3 – Provisions For Flood Hazard Reduction, Section 14-173 - Special Standards – **Second and Final Reading**
- B. To Consider Approval of **Ordinance 2023-09** - An Ordinance To Amend The Town of Kiawah Island Municipal Code Article 14 - General Regulations, Chapter 1 – Flood Damage Prevention, Division 3 – Provisions For Flood Hazard Reduction, Section 14-178 – Elevated Buildings – **Second and Final Reading**
- C. To Consider Approval of **Ordinance 2023-10** - An Ordinance to Amend the Town of Kiawah Island Comprehensive Plan Map IX.2, Future Land Use; to Change the Future Land Use Designation for the Subject Property (209-06-00-344) From “Commercial” to “Active Recreation and Open Space - **Second and Final Reading.**
- D. To Consider Approval of **Ordinance 2023-11** - An Ordinance to Amend Chapter 12 – Land Use Planning and Zoning, Article II. - Zoning, Division 2. - Zoning Map/Districts, Section 12-62. – Zoning Map by Rezoning the Property (209-06-00-344) From the “Commercial” (C) Zoning District to the “Parks and Recreation” (PR) Zoning District of the Zoning Ordinance of the Town of Kiawah Island, South Carolina - **Second and Final Reading**

Councilmember Belt motioned for consent approval of the second and final reading of items A, B, C, and D. Mayor Pro Tem seconded the motion, and it was unanimously approved.

X. New Business:

- A. To Consider Approval of **Resolution 2023-02** - A Resolution to Adopt the Town of Kiawah Island Volunteer Policy

Ms. Tillerson stated that the Volunteer Policy put together by Councilmember Heidingsfelder was reviewed by the Town Attorney and the Town’s Labor Attorney.

Councilmember Heidingsfelder explained that the discussions at the February Council Retreat included clarifying the requirements and responsibilities for volunteers serving on the Town’s commissions, committees, and boards. Along with requirements, the guideline also outlines the process for how volunteers are recruited, selected, and appointed. The detailed rules and mission statement of each commission, committee, and board are left to the committee chairman. The draft of the policy was thoroughly reviewed by Ms. Tillerson, Mr. Wilson, and the Town’s Labor Attorney.

Councilmember Heidingsfelder motioned to approve Resolution 2023-02 adopting the Town of Kiawah Island Volunteer Policy. Councilmember Belt seconded the motion.

Councilmember Belt noted that the policy did not include the circumstances in which removal may be warranted. He raised the question of whether there should be a circumstance or situation in which the Council, the commission, the committee, the board itself, and/or the Chairman could seek the removal of a member in those instances in which a member is not attending the meetings. Ms. Tillerson stated that she believed that the removal of a member is addressed in the Charter for each individual commission, committee, and board and its chairman.

Councilmember Belt proposed an amendment to the policy to strike the second sentence in the second paragraph of General requirements that states there is no enforceable obligation and striking the however in the third sentence. Councilmembers agreed to the proposed amendments. Councilmember Heidingsfelder added that appropriate term limits would also be left up to the Chairman to define.

Following the discussion, Councilmember Belt motioned to approve Resolution 2023-02, adopting the Town of Kiawah Island Volunteer Policy as amended. May Pro Tem Moffitt seconded the motion, and it was unanimously approved.

B. To Consider Approval of Ordinance 2023-12 - An Ordinance to Amend The Town of Kiawah Island Municipal Code Article 2. - General Government and Administration, Chapter 3. – Meetings of Council and Rules of Procedure; Ordinances and Resolutions, Section 2-308. – Appearance of Citizens – First Reading

Mayor Pro Tem Moffitt reviewed the changes proposed in the ordinance amendment that would remove the overall time limit and create a three-minute time limit per speaker to have a semblance of control. Councilmembers discussed;

- the concerns raised during the Citizens’ Comments and
- a proposed amendment to remove the three-minute per-speaker time limit.
- a proposed amendment to create a five-minute per-speaker time limit, with the Council having the discretion to extend the time.

Mayor Pro Tem Moffitt made a motion to strike “B(2)(b)” removing the time limits. Councilmember Belt seconded the motion, and it was unanimously approved.

Councilmembers discussed Councilmember Belt’s proposal to strike “C”.

Councilmember Belt made a motion to strike “C.” Mayor Pro Tem Moffitt seconded the motion, and it was unanimously approved.

Following further discussion, Mayor Pro Tem Moffitt the motion to approve the first reading of Ordinance 2023-12 - to amend the Town of Kiawah Island Municipal Code Article 2. - General Government and Administration, Chapter 3. – Meetings of Council and Rules of Procedure; Ordinances and Resolutions, Section 2-308. – Appearance of Citizens as amended. Councilmember Berner seconded the motion, and it was unanimously approved.

C. To Consider Approval of Ordinance 2023-13 - An Ordinance to Amend the Town of Kiawah Island Municipal Code Article 4 – Finance and Taxation, Chapter 4. – Purchasing, Sections 4-412. – Sole source Procurement and 4-415. – Professional Services – First Reading

Mayor Pro Tem Moffitt reviewed the changes proposed in the ordinance amendment that would replace the Mayor with the Mayor or his designee. Additional language was suggested by Councilmember Belt to be added to Section 4-412.

- (a) A contract may be awarded for a supply, service, or construction item without competition if the Mayor and the Town’s purchasing officer determine in writing that there is only one source for the required supply, service, or construction item. Except for contracts with a total potential value of [\$20,000] or less, public notice of the intent to award without competition shall be posted on the Town’s website at least five business days prior to awarding a contract.
- (b) Written documentation must include the determination and reasonably detailed basis for the proposed sole source procurement.

Mayor Pro Tem Moffitt motioned to adopt the revised Ordinance 2023-13 with the amendment to Section 4-412 as stated. Councilmember Belt seconded the motion.

Following further discussion, the motion was unanimously approved.

Mayor Pro Tem Moffitt made a motion to approve the first reading of Ordinance 2023-13 - An Ordinance to Amend The Town of Kiawah Island Municipal Code Article 4 – Finance and Taxation, Chapter 4. – Purchasing, Sections 4-412. – Sole source Procurement and 4-415. – Professional Services as amended. Councilmember Berner seconded the motion, and it was unanimously approved.

D. To Consider Approval of the Engagement Agreement with McCullough Khan Appel

Mayor Pro Tem Moffitt stated that the letter of engagement agreement was reviewed by the Ways and Means Committee and recommended for approval with some changes, additions, or clarification.

- Billing of travel time
- Conflict of interest test
- “our firm’s point of contact can **only** be the Town’s Mayor, the Town Administrator, and the Town Attorney.”
- “our firm’s point of contact can **only** be the Town’s Mayor, the Town Administrator, and the Town Attorney **with regard to the matters which he is advising the Town pursuant to this engagement.**”

Mayor Pro Tem Moffitt motioned to accept the Ways and Means recommendations and authorize the mayor to sign the Engagement Agreement with McCullough Khan Appel, provided the four stated items are addressed. Councilmember Berner seconded the motion.

Councilmember Heidingsfelder motioned to accept the four Ways and Means Committee recommended amendments to the Engagement Agreement with McCullough Khan Appel. Mayor Pro Tem Moffitt seconded the motion, and it was unanimously approved.

Councilmember Berner motioned to approve the Engagement Agreement with McCullough Khan Appel as amended. Mayor Pro Tem Moffitt seconded the motion, and it was unanimously approved.

E. To Consider Approval of the Proposal for Municipal Center Janitorial Services

Mayor Labriola stated that the Ways and Means Committee recommended Blink Facility Solutions as the contractor for janitorial services.

Mayor Labriola motioned to recommend to the Town Council the approval of the proposal from Blink Facility Solutions for Municipal Center Janitorial Services. Committee Member Berner seconded the motion.

Following further discussion, the motion was unanimously approved.

F. Discussion and Approval of the Proposed Kiawah Island Parkway Roundabout Concept in Relation to the Andell West Project

Ms. Tillerson stated the previous Council discussed a traffic signal versus a roundabout at the Andell West project. The public did not support Kimley-Horn’s comprehensive traffic recommendation for a traffic signal, so Kimley-Horn was asked to see if a roundabout was feasible at the project site. The previous Council agreed to the concept of a roundabout with Riverstone properties doing the design, working with Kimley-Horn to make sure it met all requirements outlined in an infrastructure agreement, and that would be presented to the Council for review and approval.

Mr. Turner provided a presentation of the roundabout at the access of the Andell West development to the Kiawah Island Parkway. The presentation outlined the history of the studies done by the developer and reviewed by Kimley-Horn, determinations made, and proposed layouts for either a signal or a roundabout with no firm stance taken on either. In 2023, Kimley-Horn did an update of the corridor study, resulting in the recommendation that in the short-term, a roundabout worked well, but in the longer term, if the development that was projected in the study came true, a single-lane roundabout could fail, and a traffic signal gave more flexibility for the site. At that time, the Council voted that a traffic signal was not

a preferred alternative on the Parkway and moved forward with a roundabout with turn lanes for future development.

Councilmembers discussed who would pay for the construction of a roundabout, the draft infrastructure agreement already shared with Riverstone, and the proposed roundabout layout designed with the turn-offs for future development.

G. Discussion of the Benefits/Costs Analysis Alternatives on Kiawah Island Parkway & Beachwalker Drive Intersection Improvements and the Next Steps - Dillon Turner

Mr. Turner provided a benefit-cost analysis comparison of the alternatives at the Kiawah Island Parkway and Beachwalker Drive intersection. The presentation included examples of the benefits associated with safety improvements, travel time savings, and emissions reduction and examples of costs associated with preliminary design, engineering, right-of-way, and construction costs.

Mr. Turner presented the conceptual design and levels of service of the three alternatives, with Councilmembers engaging in an in-depth discussion of each. The overall cost results included the OPPC (Opinion of Probable Construction Costs) for each.

- Alternative 1 – Left turn improvement - \$800,000
- Alternative 2 – Roundabout - \$3.2 million
- Alternative 3 – Additional roundabout - \$4 million

Councilmembers discussed the integration of a permanent resource of a professional traffic control officer to Alternative one, further discussing the purchase of the real estate building and property, the viability of Alternative one, and moving forward with a proposal to proceed with that alternative.

XI. Council Member Comments:

Councilmember Heidingsfelder stated that he felt the Andell Bohicket Marina project, which includes annexation and a significant zoning change for the property, does not create any benefit for the Sea Island community. The project would only increase traffic, destroy the Maritime Forest, and is outside the Urban Growth Boundary. He encouraged the Council to take a position and let the Seabrook Town Council know that the Kiawah Town Council does not support the project.

Councilmembers discussed the potential issues of the project and that Seabrook Council would be considering the annexation in two weeks. The council's consensus is to prepare a letter shifting the focus from the project's merits to concerns with the expansion of the urban growth boundary.

XII. Citizens' Comments:

Maura McIlvain – 146 Blue Heron Pond Road

Ms. McIlvain thanked the Council for listening to her comments and modifying the revised ordinance's text. She also commented on the traffic issue, questioning if KICA could switch the lanes coming into the gate, moving the RFIDs to the left lane.

Alex Fernandez – 418 Snowy Egret

Mr. Fernandez stated that over last year, the number of cars coming through the gate increased 12% in the second quarter of this year and increased almost 30% over the Fourth of July holiday. He noted that many things can be done, but with traffic increasing, something needs to be done to relieve the situation.

Dave DeStefano – 31 Burroughs Hall

Mr. DeStefano thanked the Council for supporting the roundabout at the Andell West project. He commented on the gate traffic issues, stating that vehicles without passes were not the main issue, but people do not know the lane designation.

Mark Premar – Kiawah Partners

Mr. Premar commented on the comprehensive approach to the traffic issues at the main gate. He provided an update on the Upper Beachwalker project by stating that meetings had taken place with three of the four homeowner's association (HOA) boards, and a meeting with the fourth HOA is still being scheduled. He noted that good input was received from the meetings, with the main concerns expressed with traffic, density, and short-term rentals.

Mr. Premar stated that assuming there is a pathway to consolidation that may be considered, he had begun drafting planned development documents with a goal to informally submit a draft in the middle of this month representing a template that could be considered if a comprehensive approach could be worked out. He further discussed the submission of site plans for parcel one and the church parcel that are still being assessed.

John Clifford – 4 Little Rabbit

Mr. Clifford indicated that he intended to discuss the Mingo Point dock application which was discussed. He stated he had submitted a letter to the Town but felt that the Town looks at how applications are noticed and the public is informed.

Mr. Clifford also commented on:

- The practice of Councilmembers or Planning Commissioners querying people offering comments.
- There is no problem with sending a general sense of the council instead of an outright position to Seabrook or anyone else.
- When considering traffic mitigation, be mindful that there's another Community right at the front gate.
- Consider looking at the bigger picture when looking at where the bicycles and the roadway interface.
- With the available opportunities to purchase gas, the town may want to consider the purchase of the gas station property outside the gate.
- An advocate for consideration of putting a bridge at the backside of the island.

XIII. Adjournment:

Councilmember Berner motioned to adjourn the meeting at 4:22 pm. Mayor Pro Tem Moffitt seconded the motion, and it was unanimously approved.

Submitted by,

Petra S. Reynolds, Town Clerk

Approved by,

John D. Labriola, Mayor

Date



TAB 2

TOWN COUNCIL

Agenda Item

**TOWN COUNCIL
SPECIAL CALL HEARING
Municipal Center Council Chambers
September 5, 2023; 10:30 am**

Minutes

I. Call to Order: *Mayor Labriola called the meeting to order at 10:30 am.*

Present at the Meeting: John D. Labriola, *Mayor*
John Moffitt, *Mayor Pro Tem*
Brad Belt, *Council Member*
Russell Berner, *Council Member*

Present Via Zoom: Michael Heidingsfelder, *Council Member*

Also Present: Stephanie Tillerson, *Town Administrator*
Joe Wilson, *Town Attorney*
Michael Sosnowski, - *Short-Term Rental Code Enforcement*
Jan Fox – *Short-Term Rental Compliance Clerk*
Marcel LeHardy, *Property Owner, 406 Vetch Court*
Matt McChesney, *Vacasa South Carolina, LLC*

II. New Business:

Mayor Labriola requested that Mr. Wilson provide the three new Council Members with a basic understanding of their role and responsibilities relating to issues with short-term rentals.

Mr. Wilson explained that there is a somewhat standardized procedure when dealing with any business license. He gave an overview of the Town's ordinance in which three violations in the 12-month period could result in the revocation of the business license, the process initiated by staff to issue a revocation, and the options of an owner after the revocation is issued.

Mr. Wilson stated that the Town Council would consider any revocation appeal, providing owners notice and a right to be heard before removing their right to operate a business. He discussed the procedure of the appeal hearing and reviewed the resolution options available to the Council after hearing the evidence presented.

A. Business License Revocation Hearing for 460 Vetch Court

Mr. Sosnowski presented the rental information on the property and, as evidence, a list of the violations over the past 12 months, a summary of the violations, email exchanges generated with each violation photographs, and citations issued for violations of the Town's Short-Term Rental (STR) Ordinance. He stressed that the goal is compliance, noting that violations or warnings are sent to the property management authorized agent to allow the violation to be corrected. Citations or tickets are sent to the homeowner and the agent.

Mr. Sosnowski stated that thirteen recorded citations were issued at 406 Vetch Court. One violation of 15-801 - Noise disturbance; Five violations of 14-506(d) - Parking and driveways; and Seven violations of 14-506(f) - Bicycles and beach gear shall not be visible from the street side or adjoining properties from dusk to dawn. He reviewed, in detail, a timeline of each incident since October 15, 2022.

Mr. Marcel LeHardy spoke on behalf of the LeHardy family trust, the property owners, and Mr. Matt McChesney represented Vacasa SC, the property management company.

Mr. LeHardy read the appeal in response to the revocation notice he received focusing on the parking violations. He reviewed his concerns with violations and the actions taken by owners and the property manager to mitigate further parking violations and requested the business license be reinstated.

Council Members questioned Mr. LeHardy and Mr. McChesney on the course of action that would be taken in the event of future violations and engaged in an in-depth discussion of past decisions, the recommendation to park additional vehicles in Freshfields, and the issue of occupancy vs. the number of vehicles allowed, and

Mayor Pro Tem Moffitt motioned to suspend the revocation of the business license for a period of six months. At the end of six months, if no further citations are issued, the license will be reinstated. Council Member Belt seconded the motion.

Council Member Heidingsfelder expressed concern with the approval's effect on the Code Enforcement Officers.

Council Member Heidingsfelder motioned to amend the motion, adding that in the six months, the number of occupants would be reduced to comply with the number of vehicles allowed. The motion failed with no second.

Following the discussion, the motion to suspend the license as stated was passed by a 4 to 1 vote, with Council Member Heidingsfelder voting "No."

B. Business License Revocation Hearing for 3528 Shipwatch Road

Before presenting her case, Ms. Fox noted that one of the processes in issuing a short-term business license is if an owner has a rental management company, the owner must sign an agent agreement giving the rental company permission to advertise, rent, and maintain their properties, and the reason the Town holds the rental company responsible along with the owner.

Ms. Fox of as evidence documentation of the three violations for the property at 3528 Shipwatch Road. She reviewed, in detail, a timeline of each of the incidents.

- **First Offense**

- 5/12/23
- Citation Number: 7319
- Ordinance 14-507(a)(3) Advertise, offer, or otherwise make available a property as being available as a rental without first complying with the requirements of this chapter.

- **Second Offense**

- 5/23/23
- Citation Number: 7330
- Ordinance 14-502(1) An owner or the Authorized Agent on behalf of the owner is required to obtain an annual Class 7 Rental Business License from the Town for each STR Property prior to advertising or renting.

- **Third Offense**

- 6/5/23
- Citation Number: 7341
- Ordinance 14-502(1) An owner or the Authorized Agent on behalf of the owner is required to obtain an annual class 7 Rental Business License from the town for each STR Property prior to advertising or renting.

Ms. Fox stated that on June 5th, after the third citation was issued, Vacasa applied for an inspection, and the business license was issued on June 8th. She also noted that Vacasa paid the fines for the first citation before the court date. They appeared in court for the additional two citations, were found guilty, and paid the fines.

Council Members asked questions clarifying the reasons for the failed inspections, whether there was a previous license, and that both Vacasa and the owner were notified that the property was unlicensed and was being advertised and rented.

Ms. Fox read a letter from Mr. David, who was unable to attend the hearing. He expressed concern with Vacasa's negligence in failing to apply for the necessary business license and that they did not remove the advertisement as he requested. He felt that the Town needed to address this matter in a way that holds Vacasa accountable and prevents such occurrences from affecting property owners in the future. He requested that the Town take swift and effective action to address this issue.

Council Members discussed the concerns expressed by Mr. David, confirming that he had been notified and these were known or intended violations by the owner and property management company.

Mr. McChesney, representing Vacasa, the management company, acknowledged that Vacasa had dropped the ball with respect to their failure to obtain a business license for the property and reviewed actions that would be taken moving forward.

Mayor Pro Tem Moffitt motioned that the revocation remain in place for a period of twelve months. Council Member Heidingsfelder seconded the motion, and it was unanimously approved.

III. Adjournment:

Council Member Berner made a motion to adjourn the meeting at 11:42 am. Council Member Belt seconded the motion, and it was unanimously approved.

Submitted by,

Petra S. Reynolds, Town Clerk

Approved by,

John D. Labriola, Mayor

Date



TAB 3

TOWN COUNCIL

Agenda Item

WORK IN PROGRESS

Materials for Tab 13 are being completed and edited.
They will sent to Council Members electronically and added
to the October Town Council Agenda and Materials.



TAB 4

TOWN COUNCIL

Agenda Item

**Town of Kiawah Island Comprehensive Plan Amendment &
Zoning Map Amendment Request**

Case History: ACP23-000002 & REZ23-000002

Planning Commission Meeting: September 6, 2023

Public Hearing and First Reading: October 3, 2023

Second Reading:

CASE INFORMATION

Applicant: Town of Kiawah Island

Property Owner(s): Ocean Park Home Owners Association; Kiawah Island Community Association

Location: Ocean Park Neighborhood, Town of Kiawah Island

Parcel Identification: 207-00-00-040; 265-16-00-159; 265-16-00-160;

Property Size: 207-00-00-040 (4.99 acres) – Ocean Park Home Owners Association
265-16-00-159 (11.17 acres) – Ocean Park Home Owners Association
265-16-00-160 (2.0 acres) – Kiawah Island Community Association

Application:

The applicant is requesting to rezone the properties located at Ocean Park as identified (TMS# 207-00-00-040); (TMS#265-16-00-160); and (TMS# 265-16-00-159) from Residential District (R-2) Zoning District to the Parks and Recreation (PR) Zoning District.

The subject properties are all located with Ocean Park on the far east end of Kiawah Island. These parcels are a collection of open space parcels conveyed from the developer Kiawah Partners to either Kiawah Island Community Association or the Ocean Park Home Owners Association as outlined within the executed 2013 Amended and Restated Development Agreement (ARDA). With the conveyances of these open spaces or dedicated park space, the zoning map currently reflects the property zoned as R-2, Residential. This zoning map amendment request ensures consistency of the subject parcels with the official zoning map as the 2013 Amended and Restated Development Agreement expires December 4, 2023.

The purpose of the R-2, Residential 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.

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.

Parcel 265-16-00-160:

Parcel 265-16-00-160 has been conveyed by Kiawah Partners to the Kiawah Island Community Association. The subject parcel has been developed as park, contains a lagoon, with a variable width drainage easement. The parcel also contains a footbridge crossing the lagoon, a parking lot and is connected to the greater bike path network.

The 2013 Amended and Restated Development Agreement outlines “*New Park at Ocean Park - The Property Owner shall provide, plan, and develop an active park on Ocean Park , Parcel 43, to consist of at least 2 acres located in the area shown on Exhibit 15.1. The Property Owner shall also provide eight (8) parking spaces of coquina shell or better for the use of this park. This park shall be developed and conveyed*

by quit claim deed for \$1.00 to KICA no later than one year after recording final plat for Ocean Park that includes the proposed park and amenities.”

Plat Book and Page: L15-0565, 0566
Deed Book and Page: 0526-710

Parcel 265-16-00-159:

Parcel 265-16-00-159 has been conveyed by Kiawah Partners to the Ocean Park Home Owners Association. The subject parcel is open space, contains a lagoon, with a variable width drainage easement. The parcel is also connected to the greater bike path network.

Plat Book and Page: L15-0565,0566
Deed Book and Page: 1151-977

Parcel 207-00-00-040:

Parcel 207-00-00-040 has been conveyed by Kiawah Partners to Ocean Park Home Owners Association. The subject parcel is open space, contains a lagoon, with a variable width drainage easement. The parcel is also connected to the greater bike path network.

Plat Book and Page: L22-0425
Deed Book and Page: 1151-977

Adjacent Properties:

The subject properties are zoned R-2, Residential and the Comprehensive Plan designates the Future Land Use Designation of R-2, Medium Density Residential for these properties. The Future Land Use designation for the adjacent properties developed within Ocean Park are also R-2, Medium Density. These parcels are primarily undeveloped or contain single-family residences.

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 the 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 AND APPLICANT’S RESPONSE

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;

APPLICANT'S RESPONSE: *The subject properties are a collection of open space parcels created as Ocean Park neighborhood has been developed. Rezoning of these parcels from R-2, Residential to Parks and Recreation zoning classification will support the goals of Town's Comprehensive Plan "Develop and maintain an environmentally sustainable system of parks and open spaces which...preserve, protect and enhance natural resources." The proposed amendment is consistent with the overall purpose and intent of the Comprehensive Plan.*

B. The proposed amendment is consistent with the purposes and intent of this article;

APPLICANT'S RESPONSE: *The proposed amendment would be consistent with the Land Use Element-IX goal to "Encourage expansion of conservation areas, parks, recreation and open space." The proposed amendment supports the purpose of implementing land use policies that preserve the natural character of Kiawah." The proposed amendment provides zoning consistency with the existing development patterns of Ocean Park.*

C. The purpose of the proposed amendment is to further the general health, safety and welfare of the Town of Kiawah Island;

APPLICANT'S RESPONSE: *The proposed amendment aligns with the intent for open space at the far east end of the island as intended by the executed Development Agreement and land use patterns which benefits the health, safety and welfare of the Town of Kiawah.*

D. The proposed amendment corrects an error or inconsistency or meets the challenge of a changed condition.

APPLICANT'S RESPONSE: *The subject parcels update the zoning and future land use map to formally rezone the properties as they have been developed for the Parks and Recreation zoning classification. These parcels align in character to the proposed zoning district. This amendment request ensures consistency of the subject parcels with the official zoning map as the 2013 Amended and Restated Development Agreement expires.*

PLANNING COMMISSION MEETING SEPTEMBER 6, 2023
PUBLIC HEARING OCTOBER 3, 2023

Notifications: Notice of this meeting has been published and posted in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island.

Sec. 12-66. 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. 12-72. 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 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 TownCouncil 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)

COMPREHENSIVE PLAN AMENDMENT REQUEST

#ACP23-000002

Town of Kiawah Island Comprehensive Plan Amendment Application

Planning Commission Recommendation: Sept. 6, 2023
Public Hearing and First Reading: October 3, 2023
Second Reading: TBD

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.

Application Information

Comprehensive Plan - Future Land Use Map Amendment Application

Case # ACP23-000002:

Request to change the Future Land Use designation for the subject properties located within Ocean Park (TMS# 207-00-00-040; 265-16-00-159; 265-16-00-160) from Medium Density Residential to Active Recreation and Open Space

Comprehensive Plan Amendment Application

Future Land Use is intended to provide guidance for the location and types of proposed future land uses to support the Town of Kiawah Island's Land Use Planning and Zoning Ordinance.

The aspects of the Land Use Element establish a flexible yet predictable method for determining the appropriateness of proposed development to share the future of the Town.

#ACP23-000002 Case Information

Property Owner(s): Ocean Park Home Owners Association; Kiawah Island Community Association

Location: East End of Kiawah Island (Ocean Park)

Parcel Identification: TMS# 207-00-00-040; TMS# 265-16-00-159; TMS# 265-16-00-160

Property Size: 207-00-00-040 (4.99 acres) – Ocean Park Home Owners Association
265-16-00-159 (11.17 acres) – Ocean Park Home Owners Association
265-16-00-160 (2.0 acres) – Kiawah Island Community Association

Future Land Use Designation: Medium Density Residential



Ocean Park Aerial
TMS# 265-16-00-159; -160;
TMS# 207-00-00-040

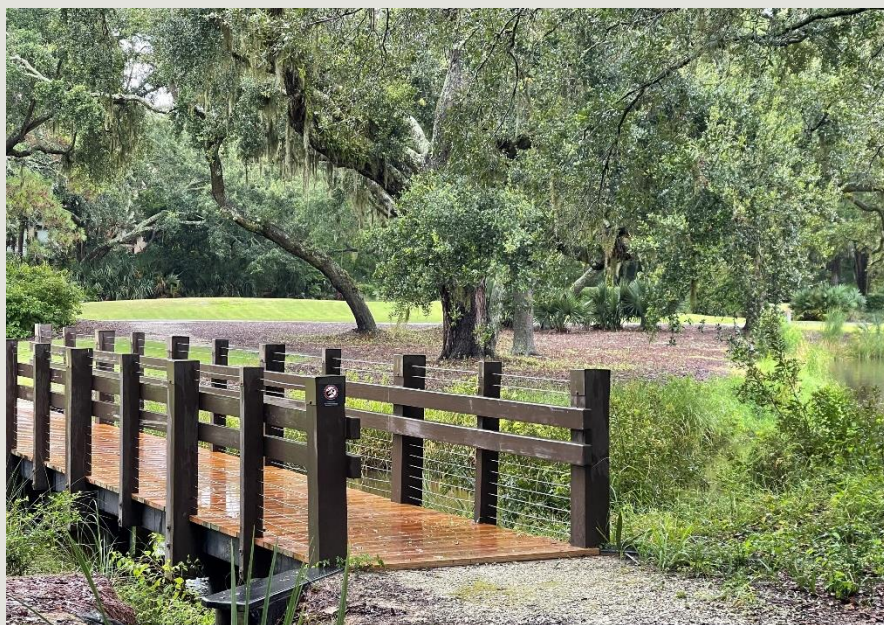




Ocean Park Aerial
TMS# 265-16-00-159; -160;
TMS# 207-00-00-040

TMS#265-16-00-160







Ocean Park Aerial
TMS# 265-16-00-159; -160;
TMS# 207-00-00-040

TMS#265-16-00-159







Ocean Park Aerial
TMS# 265-16-00-159; -160;
TMS# 207-00-00-040



TMS#207-00-00-040



Comprehensive Plan Amendment Application

The Town's Future Land Use Map, designates the subject property as Medium Density Residential.

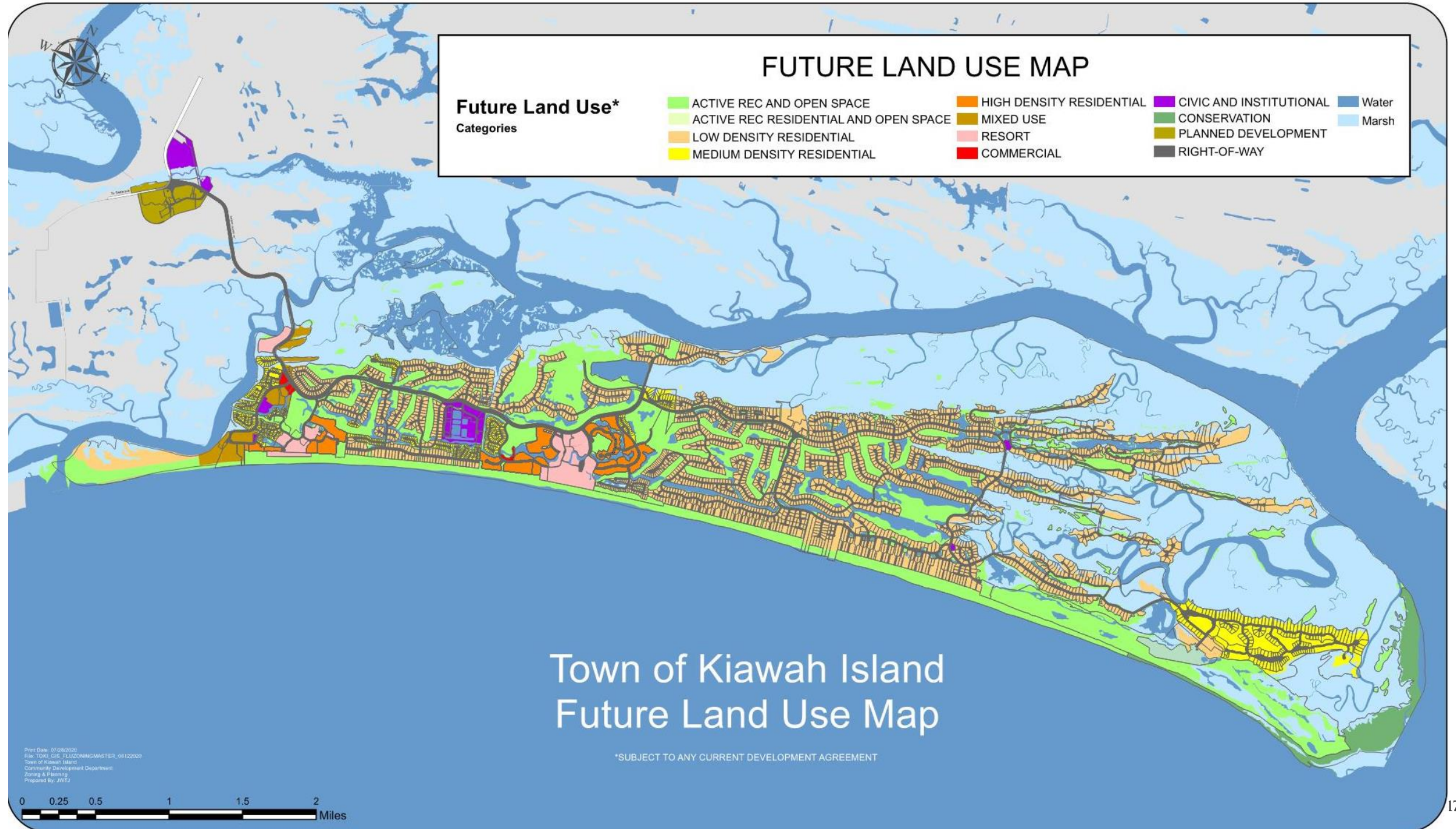
- The Comprehensive Plan defines Medium Density Residential Future Land Use Category as “This category is intended to provide and promote medium density development of single family detached and attached residential areas. In this designation, the maximum density must not exceed six dwelling units per acre. This district can accommodate the development of patio homes and zero lot line homes which would not be found in the Low Density Residential District. A typical area with a medium density residential designation would include Inlet Cove or Night Heron Cottages.”

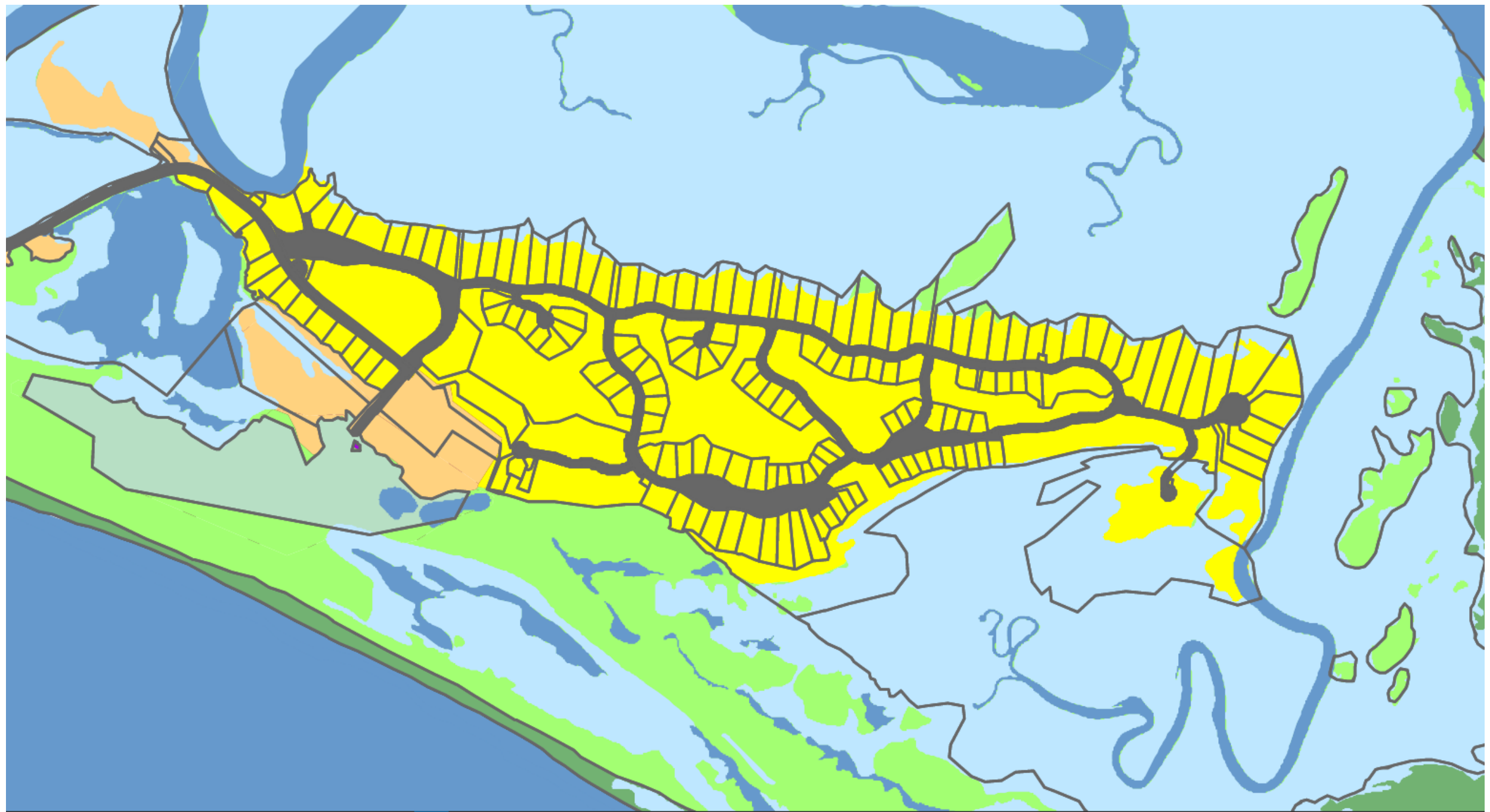
Comprehensive Plan Amendment Application

- The Future Land Use designation for the adjacent properties are also “Medium Density Residential”.

Comprehensive Plan Amendment Application

- The Comprehensive Plan defines Active Recreation and Open Space Future Land Use Category as “This category provides and is intended to promote the development of community parks and recreational facilities including parks, golf courses, and tennis courts. This category also provides for lands that are intended to remain in their natural state; this includes land that have been protected through conservation easements or that are publicly or privately owned.”
- Typical development with an Active Recreation and Open Space designation: Tennis Center, Night Heron Park, and the Property Owners Beach and Recreation Center.





Case # ACP23-000002:

Comprehensive Plan Amendment Applications: Recommendation by the Planning Commission

Pursuant to §12-157 (4) of the *Land Use Planning and Zoning Ordinance* “The Planning Commission shall review the proposed amendment and adopt a resolution recommending **that the Town Council approve, deny or approve with conditions the proposed amendment, based on the approval criteria of subsection (7) of this section.** The Planning Commission may hold a public hearing in accordance with the procedures in section 12-156. **A simple majority vote of Planning Commission members present and voting shall be required to approve the amendment.** Following an unfavorable finding on the application, the Planning Commission shall notify the applicant and report the reasons for the finding.”

Case # ACP23-000002:

Comprehensive Plan Amendment Applications: Decision on Amendment by the Town Council

Pursuant to §12-157(6) of the Land Use Planning and Zoning Ordinance “Following receipt of a copy of the proposed comprehensive plan text or land use diagram amendment from the Planning Commission, along with the Planning Commission's report and recommendation, **the Town Council shall schedule one or more public hearings** in accordance with State Law to decide whether to adopt the amendment. For amendments to the land use diagram, personal and posted notice also shall be given in the manner provided in section 12-156. Any time after the close of the public hearing, **Town Council shall act to approve, approve with conditions, or deny the proposed comprehensive plan amendment, based on the approval criteria of subsection (7) of this section. A simple majority vote of Town Council members present and voting shall be required to approve the amendment.**”

Case # ACP23-000002:

Approval Criteria

Pursuant to §12-157(7) Comprehensive Plan amendments may be approved by the Town Council only if they determine that the proposed amendment is consistent with the overall purpose and intent of the comprehensive plan. Any amendment to the land use diagram and/or other maps shall be consistent with the vision and goals in the text of the comprehensive plan.

Applicant's Response:

“The subject properties are all located with Ocean Park on the far east end of Kiawah Island. These parcels are a collection of open space parcels conveyed from the developer Kiawah Partners to either Kiawah Island Community Association or the Ocean Park Home Owners Association as outlined within the executed 2013 Amended and Restated Development Agreement (ARDA). With the conveyances of these open spaces or dedicated park space, the zoning map currently reflects the property zoned as R-2, Residential. This map amendment request ensures consistency of the subject parcels with the official zoning map as the 2013 Amended and Restated Development Agreement expires December 4, 2023. This application is aligned with the vision of the Town and is consistent with Comprehensive Plan objectives.”

Case # ACP23-000002:

Staff Review Key Factors of the proposed amendment.

The proposed amendment...

- Provides greater zoning consistency with the land use patterns established by the comprehensive plan and the executed 2013 Amended and Restated Development Agreement.
- The proposed zoning and future land use designation aligns the executed dedications of park and open space.

Upon review planning staff finds the proposed amendment consistent with the Comprehensive Plan.

ZONING MAP AMENDMENT REQUEST

#REZ23-000002

Town of Kiawah Island Comprehensive Plan Amendment Application

Planning Commission Recommendation: Sept. 6, 2023
Public Hearing and First Reading: October 3, 2023
Second Reading: TBD

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.

Application Information

Zoning Map Amendment Application

Case # REZ23-000002:

Request to rezone the properties located at Ocean Park as identified (TMS# 207-00-00-040); (TMS#265-16-00-160); and (TMS# 265-16-00-159) from Residential District (R-2) Zoning District to the Parks and Recreation (PR) Zoning District.

#ACP23-000002 Case Information

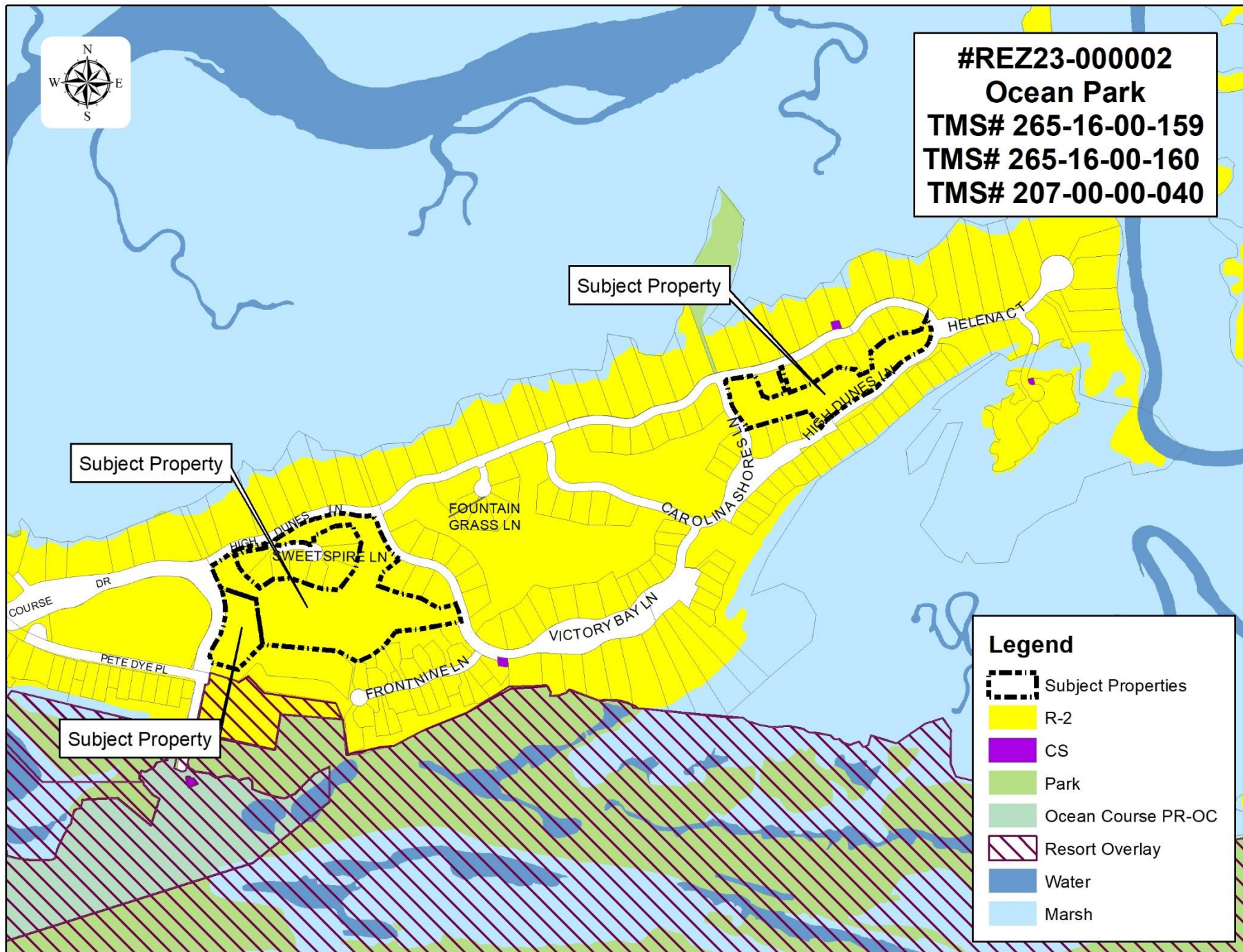
Property Owner(s): Ocean Park Home Owners Association; Kiawah Island Community Association

Location: East End of Kiawah Island (Ocean Park)

Parcel Identification: TMS# 207-00-00-040; TMS# 265-16-00-159; TMS# 265-16-00-160

Property Size: 207-00-00-040 (4.99 acres) – Ocean Park Home Owners Association
265-16-00-159 (11.17 acres) – Ocean Park Home Owners Association
265-16-00-160 (2.0 acres) – Kiawah Island Community Association

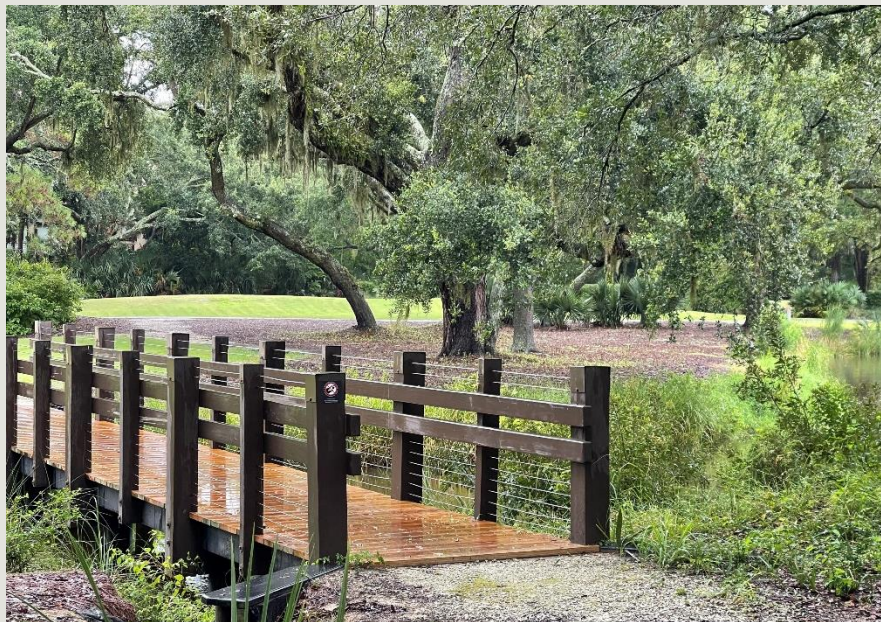
Zoning District: R-2, Residential





Ocean Park Aerial
TMS# 265-16-00-159; -160;
TMS# 207-00-00-040









Case # REZ23-000002:

Section 12-66. R-2, Residential District

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.

| 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. | | | | | | | | |

Case # REZ23-000002:

Section 12-66. R-2, Residential District

| 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. | | | | | | | |

Case # REZ23-000002:

Section 12-72. PR, Parks and Recreation District

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.

| 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 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. | | |

Case # REZ23-000002:

Zoning Ordinance Text & Map Amendment Applications: Recommendation by the Planning Commission

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

Case # REZ23-000002:

Zoning Ordinance Text and Map Amendment Applications: Decision on Amendment by the Town Council

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

Case # REZ23-000002:

Approval Criteria

Pursuant to §12-158(6) 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;**

APPLICANT'S RESPONSE: *The subject properties are a collection of open space parcels created as Ocean Park neighborhood has been developed. Rezoning of these parcels from R-2, Residential to Parks and Recreation zoning classification will support the goals of Town's Comprehensive Plan "Develop and maintain an environmentally sustainable system of parks and open spaces which...preserve, protect and enhance natural resources." The proposed amendment is consistent with the overall purpose and intent of the Comprehensive Plan.*

- b. **The proposed amendment is consistent with the purposes and intent of this article;**

APPLICANT'S RESPONSE: *The proposed amendment would be consistent with the Land Use Element-IX goal to "Encourage expansion of conservation areas, parks, recreation and open space." The proposed amendment supports the purpose of implementing land use policies that preserve the natural character of Kiawah." The proposed amendment provides zoning consistency with the existing development patterns of Ocean Park.*

- c. **The purpose of the proposed amendment is to further the general health, safety and welfare of the Town of Kiawah Island;**

APPLICANT'S RESPONSE: *The proposed amendment aligns with the intent for open space at the far east end of the island as intended by the executed Development Agreement and land use patterns which benefits the health, safety and welfare of the Town of Kiawah.*

- d. **The proposed amendment corrects an error or inconsistency or meets the challenge of a changed condition.**

APPLICANT'S RESPONSE: *The subject parcels update the zoning and future land use map to formally rezone the properties as they have been developed for the Parks and Recreation zoning classification. These parcels align in character to the proposed zoning district. This amendment request ensures consistency of the subject parcels with the official zoning map as the 2013 Amended and Restated Development Agreement expires.*

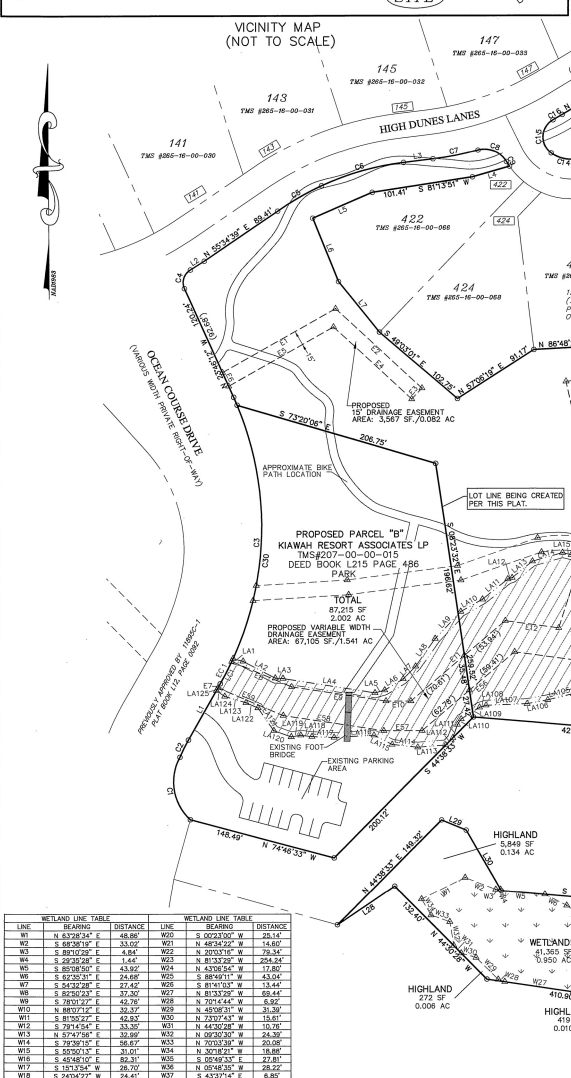
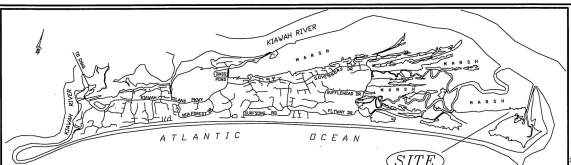
Case # ACP23-000002:

Staff Review Key Factors of the proposed amendment.

The proposed amendment...

- Provides greater zoning consistency with the land use patterns established by the comprehensive plan and the executed 2013 Amended and Restated Development Agreement.
- The proposed zoning and future land use designation aligns the executed dedications of park and open space.

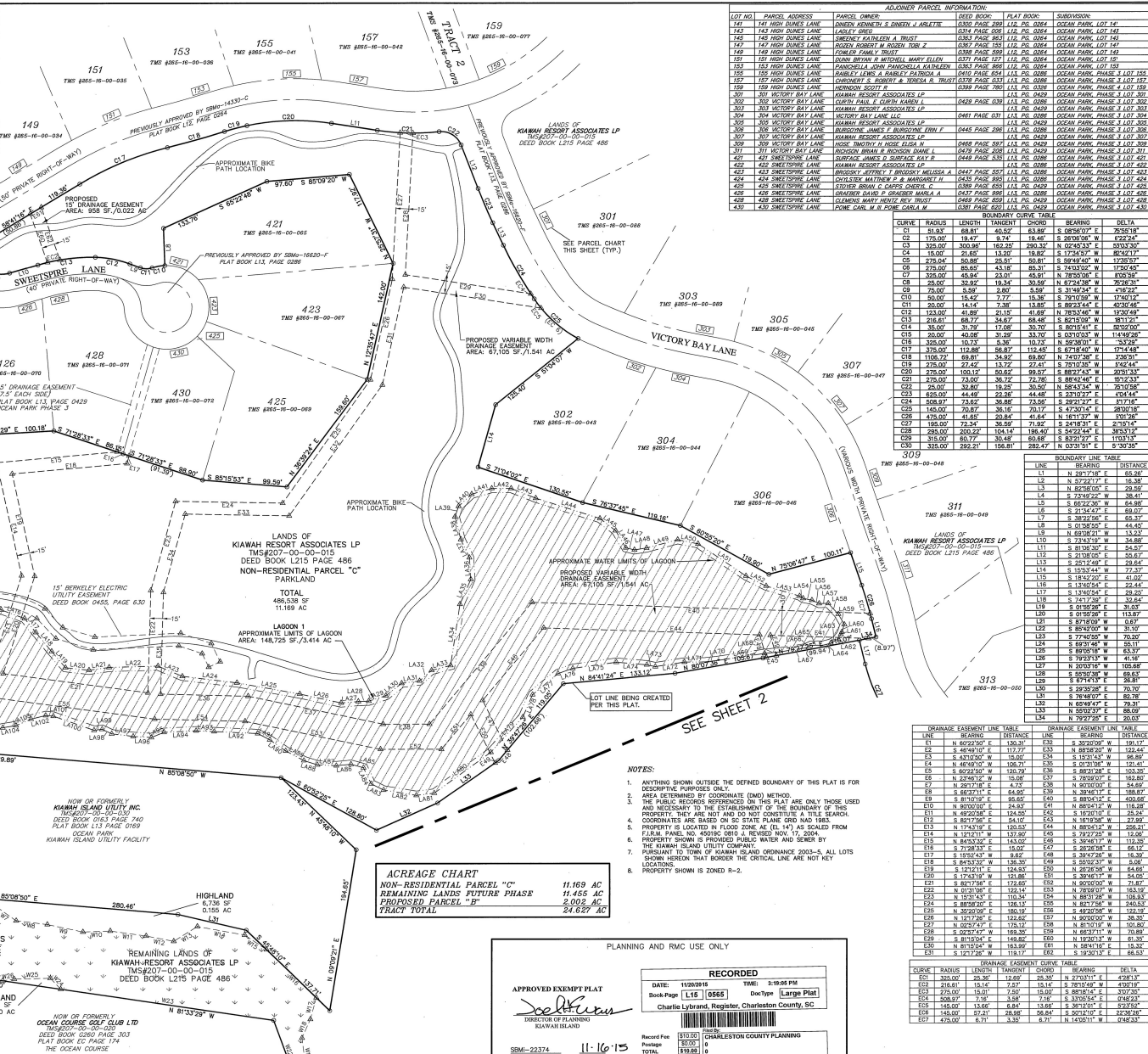
Upon review planning staff finds the proposed amendment consistent with the Comprehensive Plan.



SURVEYORS CERTIFICATION:

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

REGISTERED LAND SURVEYOR
16115
SOUTH CAROLINA
COMMISSION OF AUTOMATIC SURVEYING



ACREAGE CHART

| DESCRIPTION | AREA (AC) |
|------------------------------|-----------|
| PROPOSED PARCEL "A" | 11.65 |
| PROPOSED PARCEL "B" | 2.02 |
| PROPOSED PARCEL "C" | 11.65 |
| REMAINING LANDS FUTURE PHASE | 2.02 |
| TRACT TOTAL | 24.67 |

NOTES:

- ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.
- AREA DETERMINED BY COORDINATE (DM) METHOD.
- THE PUBLIC RECORDS REFERENCE TO THIS PLAT ARE ONLY THOSE USED AND NECESSARY TO THE ESTABLISHMENT OF THE BOUNDARY OF THIS PLAT. ANY OTHER RECORDS ARE NOT TO BE CONSIDERED.
- COORDINATES ARE BASED ON SC STATE PLANE GRID AND HAD 1983.
- PROPERTY IS LOCATED IN FLOOD ZONE 1A AS SHOWN FROM F.I.M. PANEL NO. 45010-010 & REVISED NOV. 17, 2004.
- PROPERTY SHOWN IS PROPOSED FOR THE KIAWAH ISLAND UTILITY COMPANY.
- PROPERTY SHOWN IS PROPOSED FOR THE KIAWAH ISLAND UTILITY COMPANY.
- PROPERTY SHOWN IS ZONED R-2.

PLANNING AND RMC USE ONLY

RECORDED

DATE: 11-16-15 TIME: 3:18 PM
Book Page 116 0555 DocType Large Plat
Charlottesville, Registrar, Charleston County, SC

OWNER OF RECORD:
KIAWAH RESORT ASSOCIATES LP
KIAWAH ISLAND PARK
DEED BOOK L215, PAGE 486

OWNER REFERENCES:
KIAWAH RESORT ASSOCIATES LP
KIAWAH ISLAND PARK
DEED BOOK L215, PAGE 486

PLAT REFERENCES:
PLAT BOOK 0169, PREPARED BY SWA-SURVEYING LLC, DATED APRIL 12, 2013.
PLAT BOOK 102, PREPARED BY SOUTHWEST SURVEYING, DATED OCTOBER 11, 1997.
PLAT BOOK L12, PAGE 0264, PREPARED BY SWA-SURVEYING LLC, DATED AUGUST 02, 2012.
PLAT BOOK L13, PAGE 0286, PREPARED BY SWA-SURVEYING LLC, DATED FEBRUARY 01, 2013.

GRAPHIC SCALE

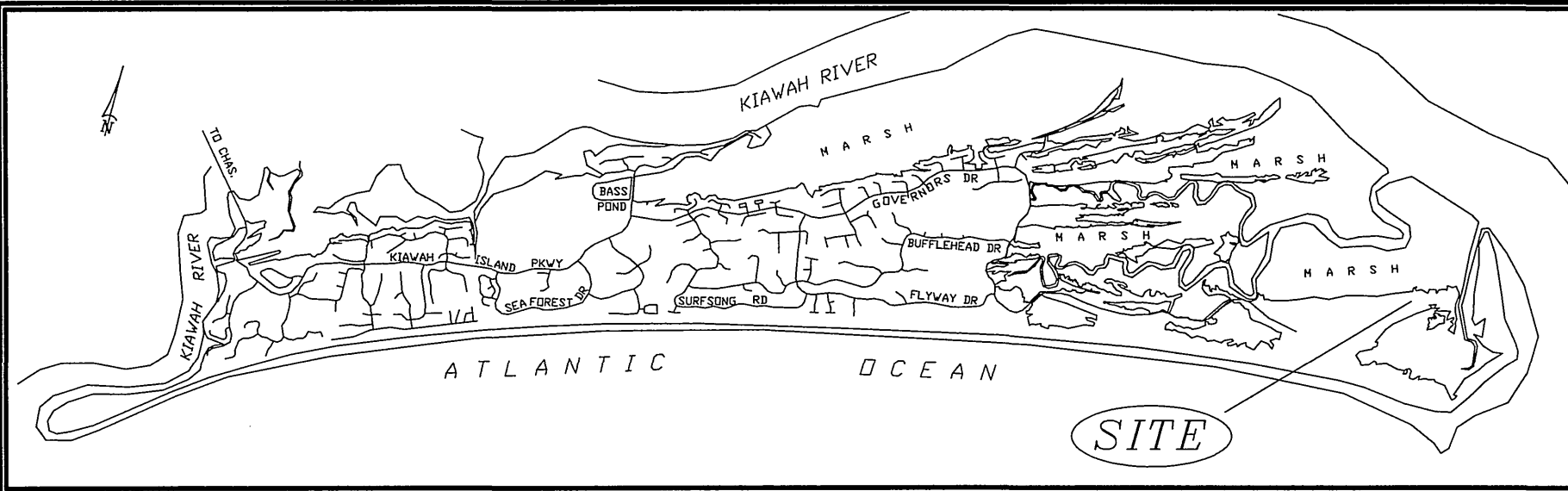
1 inch = 60 ft

1035-B Jenkins Road
Charleston, SC 29407
(843) 795-9330

SWA
surveying

FINAL SUBDIVISION PLAT OF OCEAN PARK PARKLANDS AND RESIDUAL LANDS TMS# 207-00-00-015 OWNED BY KIAWAH RESORT ASSOCIATES LP LOCATED IN THE TOWN OF KIAWAH CHARLESTON COUNTY, SOUTH CAROLINA

DATE: JULY 31, 2015
DRAWN: K.KUZIO
CHECK: JB
CC: JMMY
JOB: 10127
DWS: 10127-PARKLANDS
SHEET: 1 OF 2



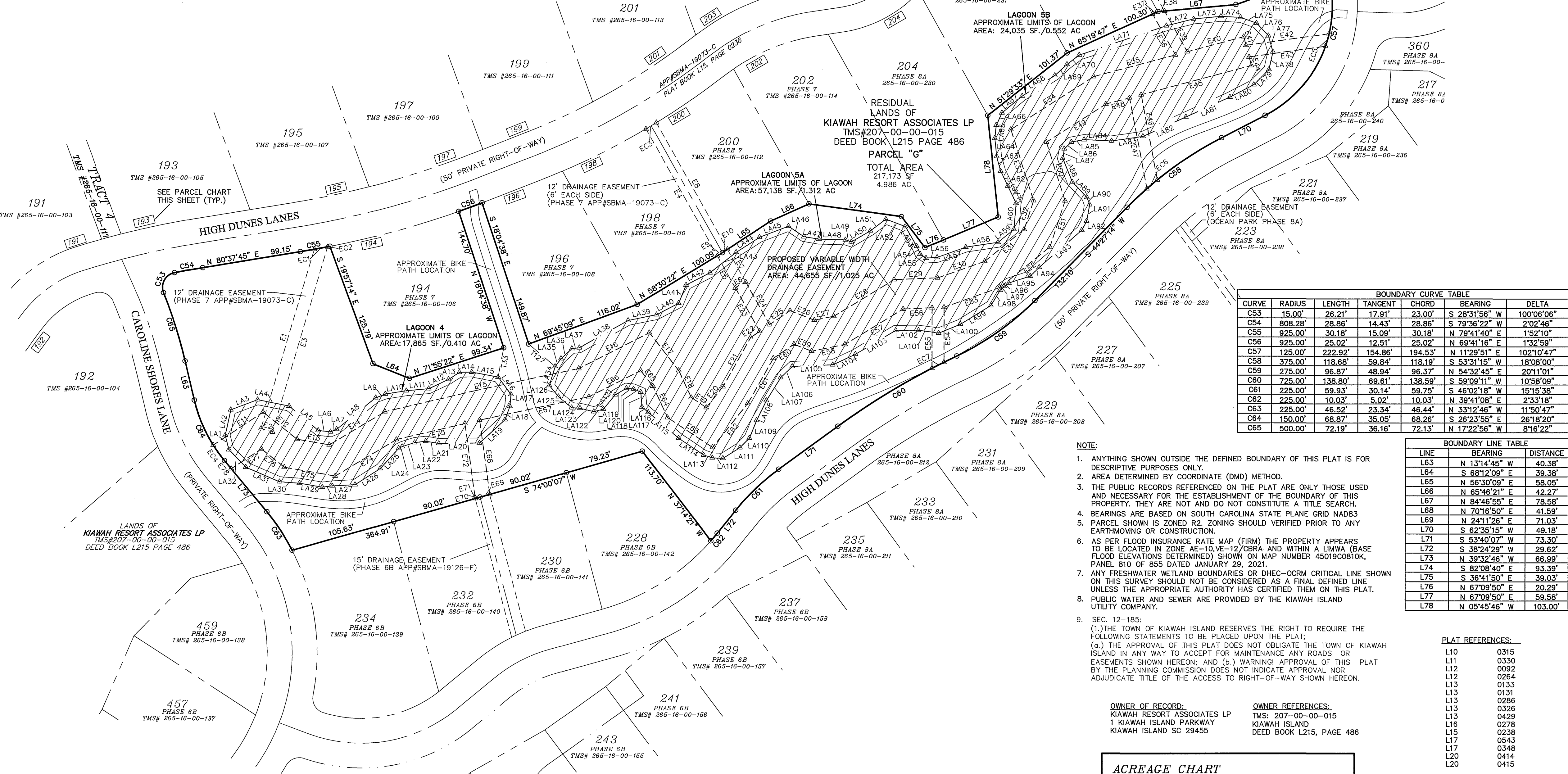
VICINITY MAP
(NOT TO SCALE)

| LAGOON #4, 5A,B LINE TABLE | | | LAGOON #4, 5A,B LINE TABLE | | |
|----------------------------|---------------|----------|----------------------------|---------------|----------|
| LINE | BEARING | DISTANCE | LINE | BEARING | DISTANCE |
| LA1 | N 14°15'14" W | 14.91' | LA65 | N 06°35'09" E | 13.37' |
| LA2 | N 12°10'00" E | 26.50' | LA66 | N 24°37'36" E | 13.66' |
| LA3 | N 69°25'20" E | 28.82' | LA67 | N 50°00'32" E | 26.42' |
| LA4 | S 78°33'27" E | 32.28' | LA68 | N 57°32'32" E | 38.68' |
| LA5 | S 49°47'29" E | 38.14' | LA69 | N 47°17'26" E | 18.63' |
| LA6 | S 83°33'44" E | 12.41' | LA70 | N 52°13'12" E | 15.42' |
| LA7 | N 67°01'25" E | 6.72' | LA71 | N 71°16'50" E | 92.32' |
| LA8 | N 50°33'44" E | 50.45' | LA72 | N 75°56'27" E | 28.30' |
| LA9 | N 68°38'28" E | 10.39' | LA73 | N 84°34'15" E | 27.51' |
| LA10 | N 81°09'22" E | 21.34' | LA74 | S 87°09'46" E | 19.71' |
| LA11 | N 84°33'47" E | 22.45' | LA75 | S 70°16'43" E | 16.95' |
| LA12 | N 64°31'27" E | 22.06' | LA76 | S 43°22'10" E | 17.52' |
| LA13 | N 57°08'22" E | 13.01' | LA77 | S 15°47'47" E | 16.79' |
| LA14 | N 88°39'11" E | 12.33' | LA78 | S 12°27'27" W | 18.19' |
| LA15 | S 79°02'03" E | 26.88' | LA79 | S 44°37'45" W | 21.61' |
| LA16 | S 36°16'09" E | 21.74' | LA80 | S 62°25'33" W | 27.08' |
| LA17 | S 05°11'51" W | 11.96' | LA81 | S 65°32'27" W | 48.54' |
| LA18 | S 17°30'42" W | 14.29' | LA82 | S 65°25'35" W | 47.53' |
| LA19 | S 47°14'27" W | 34.83' | LA83 | S 81°30'39" W | 31.81' |
| LA20 | S 89°16'22" W | 40.86' | LA84 | N 87°17'42" W | 27.61' |
| LA21 | N 80°07'04" W | 13.22' | LA85 | S 79°16'41" W | 12.99' |
| LA22 | S 82°40'12" W | 11.22' | LA86 | S 46°12'55" W | 9.84' |
| LA23 | S 72°13'48" W | 13.13' | LA87 | S 09°24'16" W | 9.71' |
| LA24 | S 62°15'21" W | 3.93' | LA88 | S 21°34'47" E | 25.77' |
| LA25 | S 42°20'50" W | 27.49' | LA89 | S 43°16'33" E | 21.36' |
| LA26 | S 56°14'27" W | 30.01' | LA90 | S 18°50'33" E | 7.82' |
| LA27 | S 86°46'06" W | 22.81' | LA91 | S 10°20'34" W | 16.81' |
| LA28 | S 82°41'55" W | 10.18' | LA92 | S 27°54'42" W | 10.43' |
| LA29 | N 80°05'14" W | 23.19' | LA93 | S 48°41'40" W | 56.85' |
| LA30 | N 85°46'58" W | 20.00' | LA94 | S 45°17'11" W | 12.72' |
| LA31 | N 66°34'40" W | 36.84' | LA95 | S 71°56'59" W | 22.48' |
| LA32 | N 44°07'45" W | 24.80' | LA96 | S 65°55'16" W | 5.95' |
| LA33 | N 16°59'12" E | 20.95' | LA97 | S 45°01'02" W | 5.46' |
| LA34 | S 10°48'24" W | 30.04' | LA98 | S 30°49'35" W | 18.16' |
| LA35 | N 36°19'15" E | 10.08' | LA99 | S 58°17'05" W | 35.77' |
| LA36 | N 47°19'52" E | 14.83' | LA100 | S 67°48'47" W | 23.64' |
| LA37 | N 83°09'40" E | 7.50' | LA101 | N 82°28'50" W | 20.43' |
| LA38 | N 60°46'44" E | 56.06' | LA102 | S 89°47'14" W | 22.76' |
| LA39 | N 78°22'42" E | 28.93' | LA103 | S 59°24'16" W | 46.98' |
| LA40 | N 62°15'52" E | 25.00' | LA104 | S 84°44'33" W | 24.92' |
| LA41 | N 22°12'50" E | 19.82' | LA105 | S 87°36'56" W | 40.61' |
| LA42 | N 62°43'13" E | 26.94' | LA106 | S 46°00'06" W | 16.18' |
| LA43 | N 51°47'25" E | 33.53' | LA107 | S 31°37'08" W | 27.25' |
| LA44 | N 56°50'47" E | 28.04' | LA108 | S 25°57'41" W | 22.22' |
| LA45 | N 69°02'27" E | 31.08' | LA109 | S 22°04'23" W | 19.43' |
| LA46 | S 55°59'25" E | 18.74' | LA110 | S 44°03'27" W | 26.50' |
| LA47 | S 80°21'56" E | 15.23' | LA111 | S 57°30'27" W | 26.27' |
| LA48 | S 88°23'55" E | 26.40' | LA112 | N 87°30'43" W | 10.65' |
| LA49 | S 71°34'32" E | 6.24' | LA113 | N 71°35'47" W | 9.24' |
| LA50 | N 58°40'03" E | 22.09' | LA114 | N 55°52'48" W | 30.31' |
| LA51 | N 52°50'25" E | 19.48' | LA115 | N 49°13'21" W | 39.98' |
| LA52 | S 69°02'39" E | 20.83' | LA116 | N 49°00'29" W | 8.31' |
| LA53 | S 29°41'53" E | 22.96' | LA117 | N 04°46'00" W | 15.11' |
| LA54 | S 28°07'42" E | 8.64' | LA118 | N 68°58'24" W | 7.86' |
| LA55 | S 55°03'56" E | 7.14' | LA119 | N 84°24'58" W | 7.14' |
| LA56 | N 85°48'30" E | 11.21' | LA120 | S 80°05'00" W | 13.14' |
| LA57 | N 70°07'45" E | 30.55' | LA121 | S 38°59'01" W | 18.71' |
| LA58 | N 81°22'21" E | 32.64' | LA122 | S 75°33'51" W | 9.92' |
| LA59 | N 50°40'55" E | 20.61' | LA123 | N 76°11'09" W | 14.18' |
| LA60 | N 04°59'31" E | 26.32' | LA124 | N 85°58'27" W | 8.50' |
| LA61 | N 26°12'40" W | 19.30' | LA125 | N 50°23'22" W | 17.16' |
| LA62 | N 25°28'13" W | 16.62' | LA126 | N 39°05'37" W | 14.59' |
| LA63 | N 15°28'54" W | 15.52' | T127 | S 49°40'58" E | 34.68' |
| LA64 | N 05°40'05" W | 18.33' | | | |

| PROP DRAINAGE EASEMENT LINE TABLE | | | PROP DRAINAGE EASEMENT LINE TABLE | | |
|-----------------------------------|---------------|----------|-----------------------------------|---------------|----------|
| LINE | BEARING | DISTANCE | LINE | BEARING | DISTANCE |
| E11 | N 56°23'43" E | 60.08' | E49 | S 57°09'26" W | 71.06' |
| E12 | S 51°12'19" E | 43.86' | E50 | S 17°31'41" E | 62.11' |
| E13 | S 80°10'21" E | 32.69' | E51 | S 18°10'35" W | 49.02' |
| E14 | N 58°43'59" E | 65.06' | E52 | S 50°48'37" W | 64.95' |
| E15 | N 77°14'58" E | 199.14' | E53 | S 70°26'26" W | 59.22' |
| E16 | N 63°38'11" E | 79.38' | E54 | S 00°11'07" W | 55.45' |
| E17 | S 37°35'09" E | 48.05' | E55 | N 00°11'07" E | 60.92' |
| E18 | S 24°42'58" E | 29.96' | E56 | S 87°34'55" W | 28.98' |
| E19 | S 56°19'35" E | 18.18' | E57 | S 58°33'06" W | 68.40' |
| E20 | N 38°25'28" E | 26.85' | E58 | S 78°34'24" W | 33.82' |
| E21 | N 29°16'49" E | 56.90' | E59 | N 68°29'23" W | 19.02' |
| E22 | N 55°33'21" E | 10.97' | E60 | S 55°33'21" W | 25.09' |
| E23 | N 28°04'42" E | 50.13' | E61 | S 29°16'49" W | 52.50' |
| E24 | S 29°04'42" E | 49.01' | E62 | S 38°25'28" W | 56.86' |
| E25 | N 55°33'21" E | 25.00' | E63 | N 56°19'35" W | 54.28' |
| E26 | S 68°29'23" E | 26.09' | E64 | N 24°42'58" W | 35.07' |
| E27 | N 78°34'24" E | 19.76' | E65 | N 37°35'09" W | 19.80' |
| E28 | N 58°33'06" E | 70.87' | E66 | S 63°06'11" W | 58.35' |
| E29 | N 87°34'58" E | 43.63' | E67 | S 77°39'28" W | 112.08' |
| E30 | N 70°28'26" E | 50.14' | E68 | S 07°48'06" E | 75.78' |
| E31 | N 50°48'37" E | 50.96' | E69 | S 74°00'07" W | 10.00' |
| E32 | N 18°10'35" E | 30.57' | E70 | S 74°00'07" W | 5.00' |
| E33 | N 17°31'41" W | 75.34' | E71 | N 14°44'53" W | 1.24' |
| E34 | N 57°09'26" E | 98.66' | E72 | N 07°46'06" W | 75.25' |
| E35 | N 75°00'17" E | 84.83' | E73 | S 76°45'52" W | 70.60' |
| E36 | N 29°04'42" W | 47.04' | E74 | S 58°43'59" W | 71.54' |
| E37 | N 65°19'47" E | 6.02' | E75 | N 80°10'21" W | 51.88' |
| E38 | N 84°46'55" E | 6.56' | E76 | N 51°12'19" W | 29.66' |
| E39 | S 29°04'42" E | 46.94' | E77 | S 56°23'43" W | 36.27' |
| E40 | N 75°00'17" E | 58.76' | E78 | N 39°32'41" W | 10.59' |
| E41 | S 14°59'43" E | 8.96' | | | |
| E42 | N 81°53'33" E | 84.37' | | | |
| E43 | S 81°53'33" W | 77.52' | | | |
| E44 | S 14°59'43" E | 8.96' | | | |
| E45 | S 74°51'21" W | 110.53' | | | |
| E46 | S 10°47'18" E | 87.47' | | | |
| E47 | N 10°47'18" W | 93.38' | | | |
| E48 | N 75°00'17" W | 24.54' | | | |

| EXISTING DRAINAGE EASEMENT LINE TABLE | | |
|---------------------------------------|---------------|----------|
| LINE | BEARING | DISTANCE |
| E1 | S 16°29'29" W | 188.66' |
| E2 | S 73°30'31" E | 12.00' |
| E3 | N 16°29'29" E | 194.82' |
| E4 | S 29°04'42" E | 148.59' |
| E5 | S 28°04'42" E | 37.02' |
| E6 | N 60°55'18" E | 12.00' |
| E7 | N 29°04'42" W | 37.74' |
| E8 | N 28°04'42" W | 146.32' |
| E9 | N 58°30'22" E | 6.01' |
| E10 | N 56°30'09" E | 6.02' |

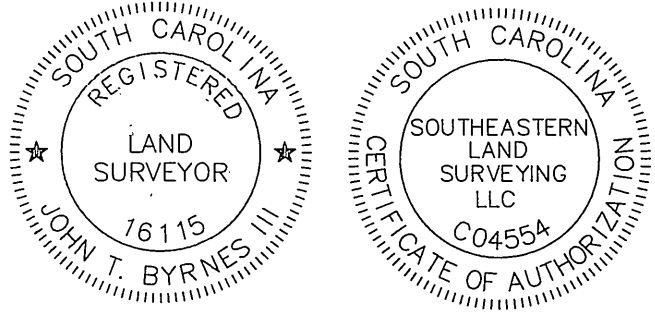
| EXISTING DRAINAGE EASEMENT CURVE TABLE | | | | | |
|--|---------|--------|---------|--------|---------------|
| CURVE | RADIUS | LENGTH | TANGENT | CHORD | BEARING |
| EC1 | 925.00' | 13.49' | 6.74' | 13.49' | N 79°19'34" E |
| EC2 | 925.00' | 2.40' | 1.20' | 2.40' | N 78°50'03" E |
| EC3 | 725.00' | 12.01' | 6.00' | 12.01' | N 58°46'16" E |



| PROP DRAINAGE EASEMENT CURVE TABLE | | | | | |
|------------------------------------|---------|--------|---------|--------|---------------|
| CURVE | RADIUS | LENGTH | TANGENT | CHORD | BEARING |
| EC4 | 150.00' | 19.49' | 9.76' | 19.48' | S 35°49'43" E |
| EC5 | 125.00' | 13.16' | 6.59' | 13.16' | N 16°05'30" E |
| EC6 | 375.00' | 13.79' | 6.90' | 13.79' | S 49°41'47" W |
| EC7 | 725.00' | 13.49' | 6.75' | 13.49' | S 62°58'23" W |

ACREAGE CHART
PARCEL "G" TOTAL 4.986 AC

SURVEYORS CERTIFICATION:
I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.



JOHN T. BYRNES III
S.C.P.L.S. NO. 16115

PLANNING AND ROD USE ONLY

APPROVED EXEMPT PLAT

RECORDED

DATE: 10/10/2022 TIME: 12:24:47 PM

Book-Page L22 | 0425 DocType Large Plat

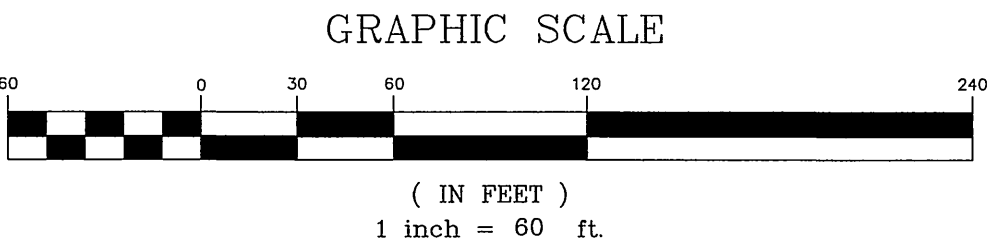
Michael Miller, Register, Charleston County, SC

Record Fee \$25.00
Postage \$2.00
TOTAL \$27.00

TOWN OF KIAWAH
JOHN W. TAYLOR JR.
4475 BETSY HARRISON PKWY
KIAWAH ISLAND SC 29455

Location: HIGH DUNES LANE

SBD22-000010 APPLICATION# DATE 9/15/2022



DATE: JULY 18, 2022
DRAWN: K.KUZIO
CHECK: JB
CC: JIMMY
JOB: 10127
DWG: 10127-PARKLANDS
SHEET: 1 OF 1

SOUTHEASTERN LAND SURVEYING LLC
1035-B JENKINS ROAD
CHARLESTON, SC 29407
(843) 795-9330

PHASE 3 PARK PARCEL (PARCEL G)
TMS# 207-00-00-015
OWNED BY
KIAWAH RESORT ASSOCIATES LP
LOCATED IN THE TOWN OF KIAWAH
CHARLESTON COUNTY, SOUTH CAROLINA

TOWN OF KIAWAH ISLAND

ORDINANCE 2023-17

TO AMEND THE TOWN OF KIAWAH ISLAND COMPREHENSIVE PLAN – LAND USE ELEMENT – FUTURE LAND USE CATEGORIES AND COMPREHENSIVE PLAN MAP IX.2, FUTURE LAND USE; TO CHANGE THE FUTURE LAND USE DESIGNATION FOR THE SUBJECT PROPERTIES (TMS# 207-00-00-040; 265-16-00-159; 265-16-00-160) FROM “MEDIUM DENSITY RESIDENTIAL” TO “ACTIVE RECREATION AND OPEN SPACE”

WHEREAS, the Town of Kiawah Island now finds that, upon further review, it is in the public interest to change the Future Land Use category for the subject properties identified (TMS# 207-00-00-040; 265-16-00-159; 265-16-00-160) from Medium Density Residential to Active Recreation and Open Space; and

WHEREAS, the amendment would allow for the sensitive integration of recreation and open space uses; and

Whereas, this Comprehensive Plan Map amendment is compatible with surrounding land uses and is not detrimental to the public health, safety, and welfare; and

WHEREAS, the Planning Commission held a meeting on September 6, 2023, at which time a presentation was made by staff and the applicant, and an opportunity was given for the public to comment on the amendment request; and

WHEREAS, the Planning Commission, after consideration of the staff report, subsequently voted at that meeting to recommend to the Town Council that the subject request be approved; and

WHEREAS, a properly noticed Public Hearing was held on October 3, 2023, providing the public an opportunity to comment on the proposed amendment; and

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

This Ordinance is adopted to amend the Town of Kiawah Island Comprehensive Plan Future Land Use Element, Future Land Use categories and Comprehensive Plan Map IX.2, Future Land Use; to change the Future Land Use designation for the subject properties (TMS# 207-00-00-040; 265-16-00-159; 265-16-00-160) from “Medium Density Residential” to “Active Recreation and Opens Space”.

SECTION 2 Amendment

That the Town of Kiawah Island Comprehensive Plan Map IX.2 Future Land Use, be, and the same hereby amended as follows in “**Attachment A.**”

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 of property, 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 second reading approval.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND
ON THIS 1ST DAY OF AUGUST, 2023.**

John Labriola, Mayor

Petra Reynolds, Town Clerk

First Reading: October 3, 2023

Second Reading:



Future Land Use Map

Future Land Use Map

Categories

ACTIVE REC AND OPEN SPACE

ACTIVE REC RESIDENTIAL AND OPEN SPACE

CIVIC AND INSTITUTIONAL

COMMERCIAL

CONSERVATION

HIGH DENSITY RESIDENTIAL

LOW DENSITY RESIDENTIAL

MEDIUM DENSITY RESIDENTIAL

MIXED USE

RESORT

RIGHT-OF-WAY

Water

Marsh

Town of Kiawah Island Future Land Use Map

*SUBJECT TO ANY CURRENT DEVELOPMENT AGREEMENT

THIS MAP HAS BEEN PREPARED FROM DEEDS, PLATS, AND OTHER PUBLIC RECORDS AND DATA RECORDED TO DATE. PROPERTY LINES DEPICTED DO NOT NECESSARILY REPRESENT ACTUAL LAND SURVEYS. THIS MAP IS NOT A LEGAL DOCUMENT. GRID IS BASED ON THE SOUTH CAROLINA STATE PLANE COORDINATES.

Print Date: 07/03/2019
File: TOKI_GIS_ZONINGMASTER
Town of Kiawah Island
Community Development Department
Zoning & Planning
Prepared By: JWTJ

Adopted October 5, 2010
As Amended

0 0.03 0.06 0.12 0.18 0.24 Miles



TAB 5

TOWN COUNCIL

Agenda Item

**Town of Kiawah Island Comprehensive Plan Amendment &
Zoning Map Amendment Request**

Case History: ACP23-000002 & REZ23-000002

Planning Commission Meeting: September 6, 2023

Public Hearing and First Reading: October 3, 2023

Second Reading:

CASE INFORMATION

Applicant: Town of Kiawah Island

Property Owner(s): Ocean Park Home Owners Association; Kiawah Island Community Association

Location: Ocean Park Neighborhood, Town of Kiawah Island

Parcel Identification: 207-00-00-040; 265-16-00-159; 265-16-00-160;

Property Size: 207-00-00-040 (4.99 acres) – Ocean Park Home Owners Association
265-16-00-159 (11.17 acres) – Ocean Park Home Owners Association
265-16-00-160 (2.0 acres) – Kiawah Island Community Association

Application:

The applicant is requesting to rezone the properties located at Ocean Park as identified (TMS# 207-00-00-040); (TMS#265-16-00-160); and (TMS# 265-16-00-159) from Residential District (R-2) Zoning District to the Parks and Recreation (PR) Zoning District.

The subject properties are all located with Ocean Park on the far east end of Kiawah Island. These parcels are a collection of open space parcels conveyed from the developer Kiawah Partners to either Kiawah Island Community Association or the Ocean Park Home Owners Association as outlined within the executed 2013 Amended and Restated Development Agreement (ARDA). With the conveyances of these open spaces or dedicated park space, the zoning map currently reflects the property zoned as R-2, Residential. This zoning map amendment request ensures consistency of the subject parcels with the official zoning map as the 2013 Amended and Restated Development Agreement expires December 4, 2023.

The purpose of the R-2, Residential 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.

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.

Parcel 265-16-00-160:

Parcel 265-16-00-160 has been conveyed by Kiawah Partners to the Kiawah Island Community Association. The subject parcel has been developed as park, contains a lagoon, with a variable width drainage easement. The parcel also contains a footbridge crossing the lagoon, a parking lot and is connected to the greater bike path network.

The 2013 Amended and Restated Development Agreement outlines “*New Park at Ocean Park - The Property Owner shall provide, plan, and develop an active park on Ocean Park , Parcel 43, to consist of at least 2 acres located in the area shown on Exhibit 15.1. The Property Owner shall also provide eight (8) parking spaces of coquina shell or better for the use of this park. This park shall be developed and conveyed*

by quit claim deed for \$1.00 to KICA no later than one year after recording final plat for Ocean Park that includes the proposed park and amenities.”

Plat Book and Page: L15-0565, 0566
Deed Book and Page: 0526-710

Parcel 265-16-00-159:

Parcel 265-16-00-159 has been conveyed by Kiawah Partners to the Ocean Park Home Owners Association. The subject parcel is open space, contains a lagoon, with a variable width drainage easement. The parcel is also connected to the greater bike path network.

Plat Book and Page: L15-0565,0566
Deed Book and Page: 1151-977

Parcel 207-00-00-040:

Parcel 207-00-00-040 has been conveyed by Kiawah Partners to Ocean Park Home Owners Association. The subject parcel is open space, contains a lagoon, with a variable width drainage easement. The parcel is also connected to the greater bike path network.

Plat Book and Page: L22-0425
Deed Book and Page: 1151-977

Adjacent Properties:

The subject properties are zoned R-2, Residential and the Comprehensive Plan designates the Future Land Use Designation of R-2, Medium Density Residential for these properties. The Future Land Use designation for the adjacent properties developed within Ocean Park are also R-2, Medium Density. These parcels are primarily undeveloped or contain single-family residences.

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 the 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 AND APPLICANT’S RESPONSE

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;

APPLICANT'S RESPONSE: *The subject properties are a collection of open space parcels created as Ocean Park neighborhood has been developed. Rezoning of these parcels from R-2, Residential to Parks and Recreation zoning classification will support the goals of Town's Comprehensive Plan "Develop and maintain an environmentally sustainable system of parks and open spaces which...preserve, protect and enhance natural resources." The proposed amendment is consistent with the overall purpose and intent of the Comprehensive Plan.*

B. The proposed amendment is consistent with the purposes and intent of this article;

APPLICANT'S RESPONSE: *The proposed amendment would be consistent with the Land Use Element-IX goal to "Encourage expansion of conservation areas, parks, recreation and open space." The proposed amendment supports the purpose of implementing land use policies that preserve the natural character of Kiawah." The proposed amendment provides zoning consistency with the existing development patterns of Ocean Park.*

C. The purpose of the proposed amendment is to further the general health, safety and welfare of the Town of Kiawah Island;

APPLICANT'S RESPONSE: *The proposed amendment aligns with the intent for open space at the far east end of the island as intended by the executed Development Agreement and land use patterns which benefits the health, safety and welfare of the Town of Kiawah.*

D. The proposed amendment corrects an error or inconsistency or meets the challenge of a changed condition.

APPLICANT'S RESPONSE: *The subject parcels update the zoning and future land use map to formally rezone the properties as they have been developed for the Parks and Recreation zoning classification. These parcels align in character to the proposed zoning district. This amendment request ensures consistency of the subject parcels with the official zoning map as the 2013 Amended and Restated Development Agreement expires.*

PLANNING COMMISSION MEETING SEPTEMBER 6, 2023
PUBLIC HEARING OCTOBER 3, 2023

Notifications: Notice of this meeting has been published and posted in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island.

Sec. 12-66. 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. 12-72. 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 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 TownCouncil 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)

ZONING MAP AMENDMENT REQUEST

#REZ23-000002

Town of Kiawah Island Comprehensive Plan Amendment Application

Planning Commission Recommendation: Sept. 6, 2023
Public Hearing and First Reading: October 3, 2023
Second Reading: TBD

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.

Application Information

Zoning Map Amendment Application

Case # REZ23-000002:

Request to rezone the properties located at Ocean Park as identified (TMS# 207-00-00-040); (TMS#265-16-00-160); and (TMS# 265-16-00-159) from Residential District (R-2) Zoning District to the Parks and Recreation (PR) Zoning District.

#ACP23-000002 Case Information

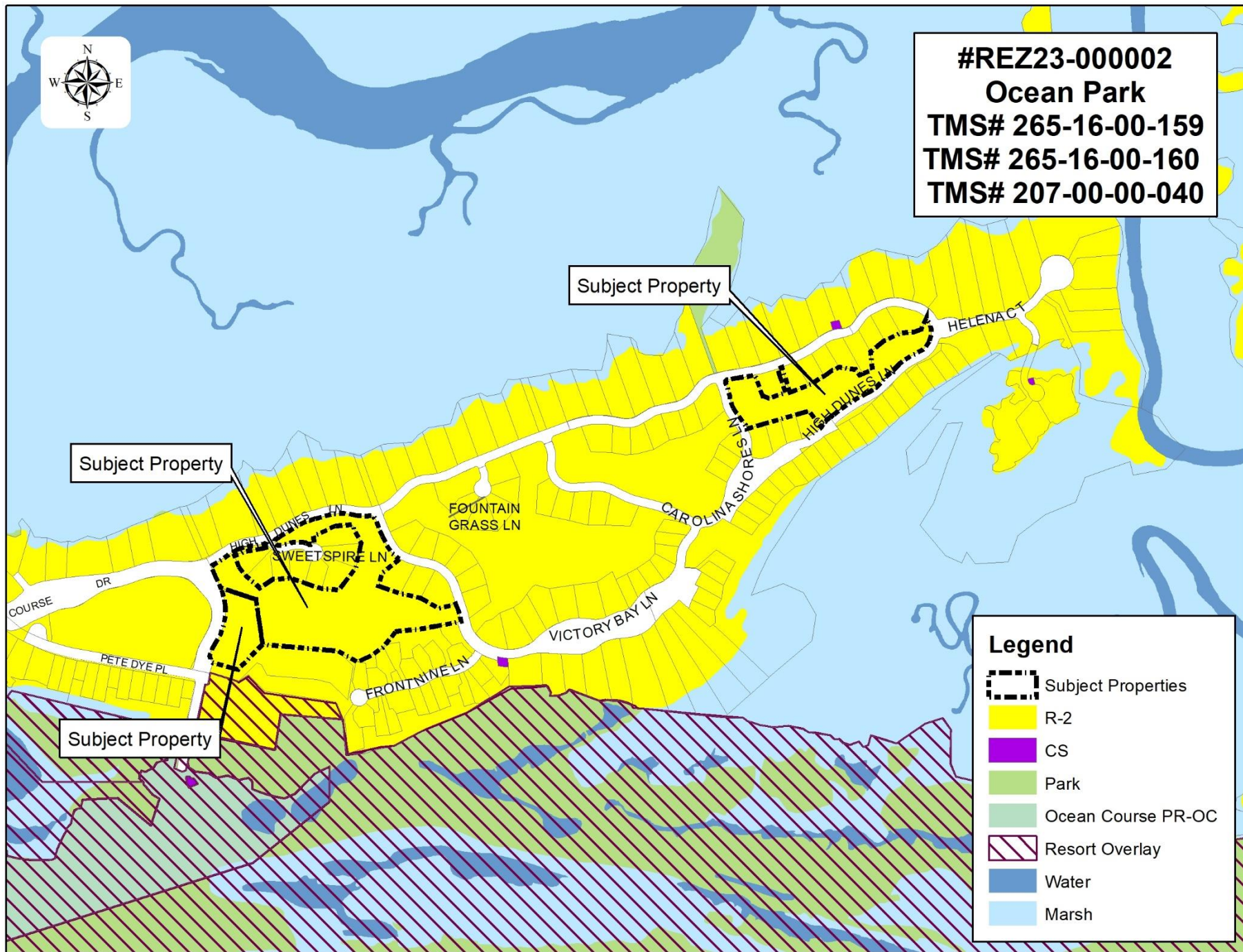
Property Owner(s): Ocean Park Home Owners Association; Kiawah Island Community Association

Location: East End of Kiawah Island (Ocean Park)

Parcel Identification: TMS# 207-00-00-040; TMS# 265-16-00-159; TMS# 265-16-00-160

Property Size: 207-00-00-040 (4.99 acres) – Ocean Park Home Owners Association
265-16-00-159 (11.17 acres) – Ocean Park Home Owners Association
265-16-00-160 (2.0 acres) – Kiawah Island Community Association

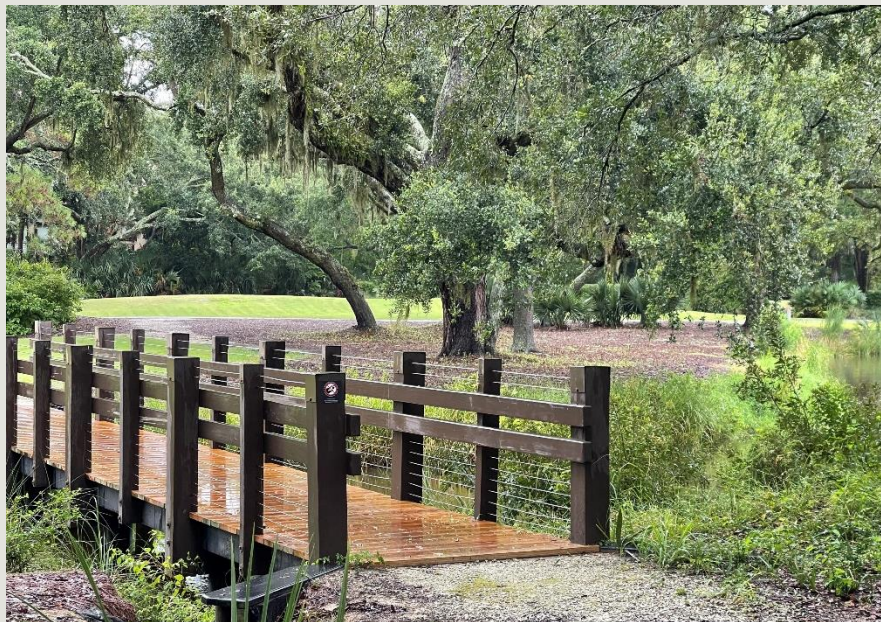
Zoning District: R-2, Residential





Ocean Park Aerial
TMS# 265-16-00-159; -160;
TMS# 207-00-00-040









Case # REZ23-000002:

Section 12-66. R-2, Residential District

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.

| 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. | | | | | | | | |

Case # REZ23-000002:

Section 12-66. R-2, Residential District

| 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. | | | | | | | | |

Case # REZ23-000002:

Section 12-72. PR, Parks and Recreation District

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.

| 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 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. | | |

Case # REZ23-000002:

Zoning Ordinance Text & Map Amendment Applications: Recommendation by the Planning Commission

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

Case # REZ23-000002:

Zoning Ordinance Text and Map Amendment Applications: Decision on Amendment by the Town Council

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

Case # REZ23-000002:

Approval Criteria

Pursuant to §12-158(6) 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;**

APPLICANT'S RESPONSE: *The subject properties are a collection of open space parcels created as Ocean Park neighborhood has been developed. Rezoning of these parcels from R-2, Residential to Parks and Recreation zoning classification will support the goals of Town's Comprehensive Plan "Develop and maintain an environmentally sustainable system of parks and open spaces which...preserve, protect and enhance natural resources." The proposed amendment is consistent with the overall purpose and intent of the Comprehensive Plan.*

- b. **The proposed amendment is consistent with the purposes and intent of this article;**

APPLICANT'S RESPONSE: *The proposed amendment would be consistent with the Land Use Element-IX goal to "Encourage expansion of conservation areas, parks, recreation and open space." The proposed amendment supports the purpose of implementing land use policies that preserve the natural character of Kiawah." The proposed amendment provides zoning consistency with the existing development patterns of Ocean Park.*

- c. **The purpose of the proposed amendment is to further the general health, safety and welfare of the Town of Kiawah Island;**

APPLICANT'S RESPONSE: *The proposed amendment aligns with the intent for open space at the far east end of the island as intended by the executed Development Agreement and land use patterns which benefits the health, safety and welfare of the Town of Kiawah.*

- d. **The proposed amendment corrects an error or inconsistency or meets the challenge of a changed condition.**

APPLICANT'S RESPONSE: *The subject parcels update the zoning and future land use map to formally rezone the properties as they have been developed for the Parks and Recreation zoning classification. These parcels align in character to the proposed zoning district. This amendment request ensures consistency of the subject parcels with the official zoning map as the 2013 Amended and Restated Development Agreement expires.*

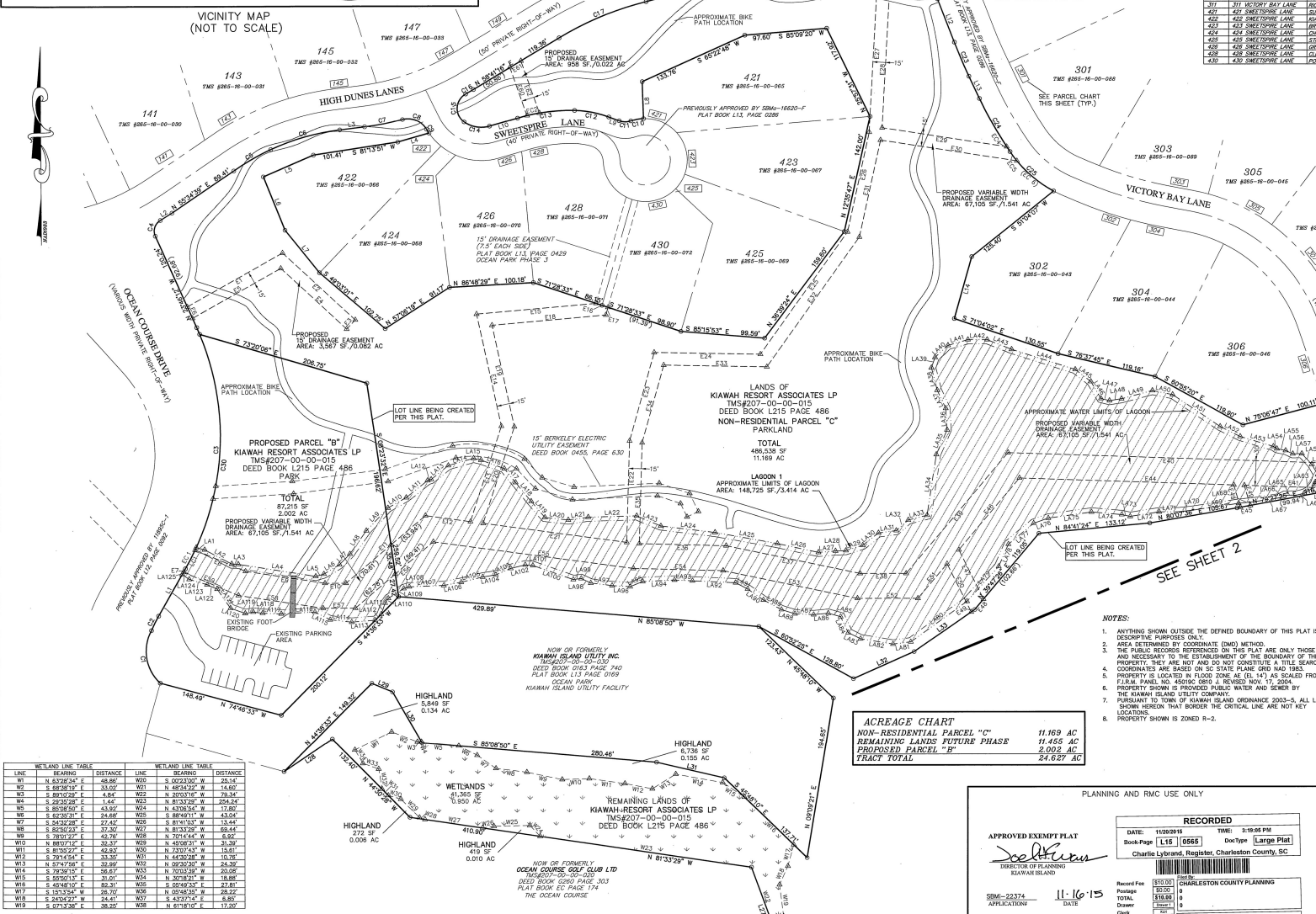
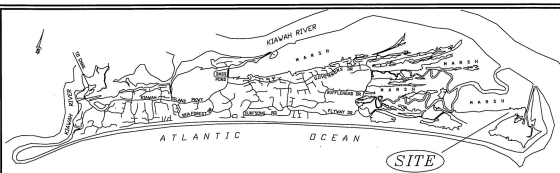
Case # ACP23-000002:

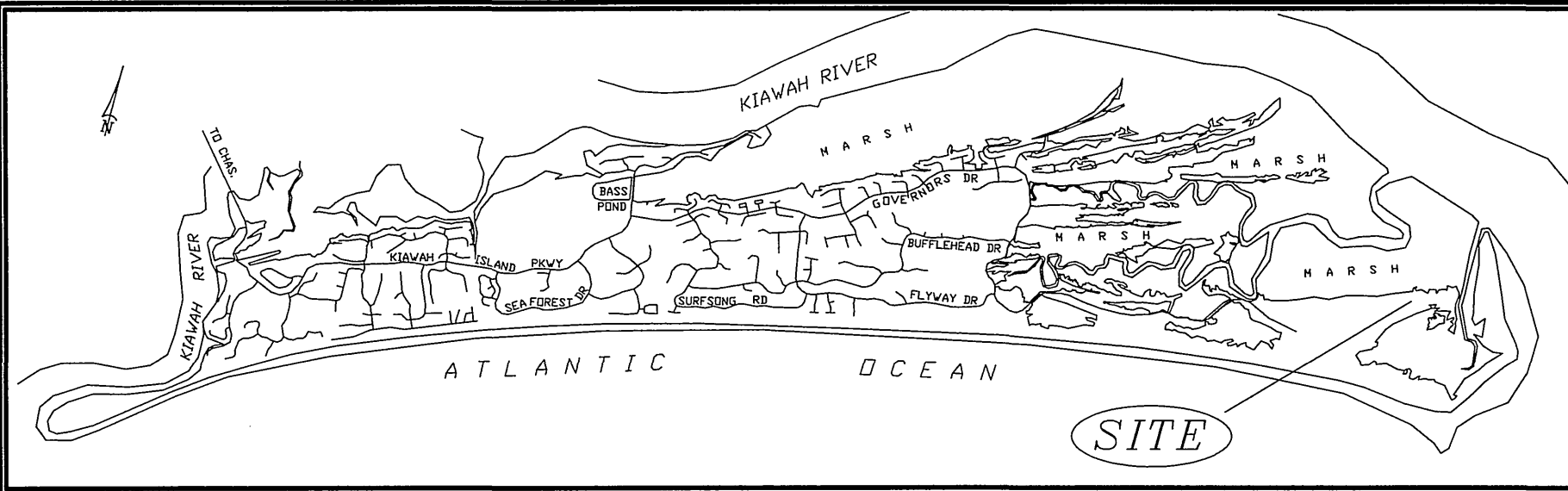
Staff Review Key Factors of the proposed amendment.

The proposed amendment...

- Provides greater zoning consistency with the land use patterns established by the comprehensive plan and the executed 2013 Amended and Restated Development Agreement.
- The proposed zoning and future land use designation aligns the executed dedications of park and open space.

Upon review planning staff finds the proposed amendment consistent with the Comprehensive Plan.





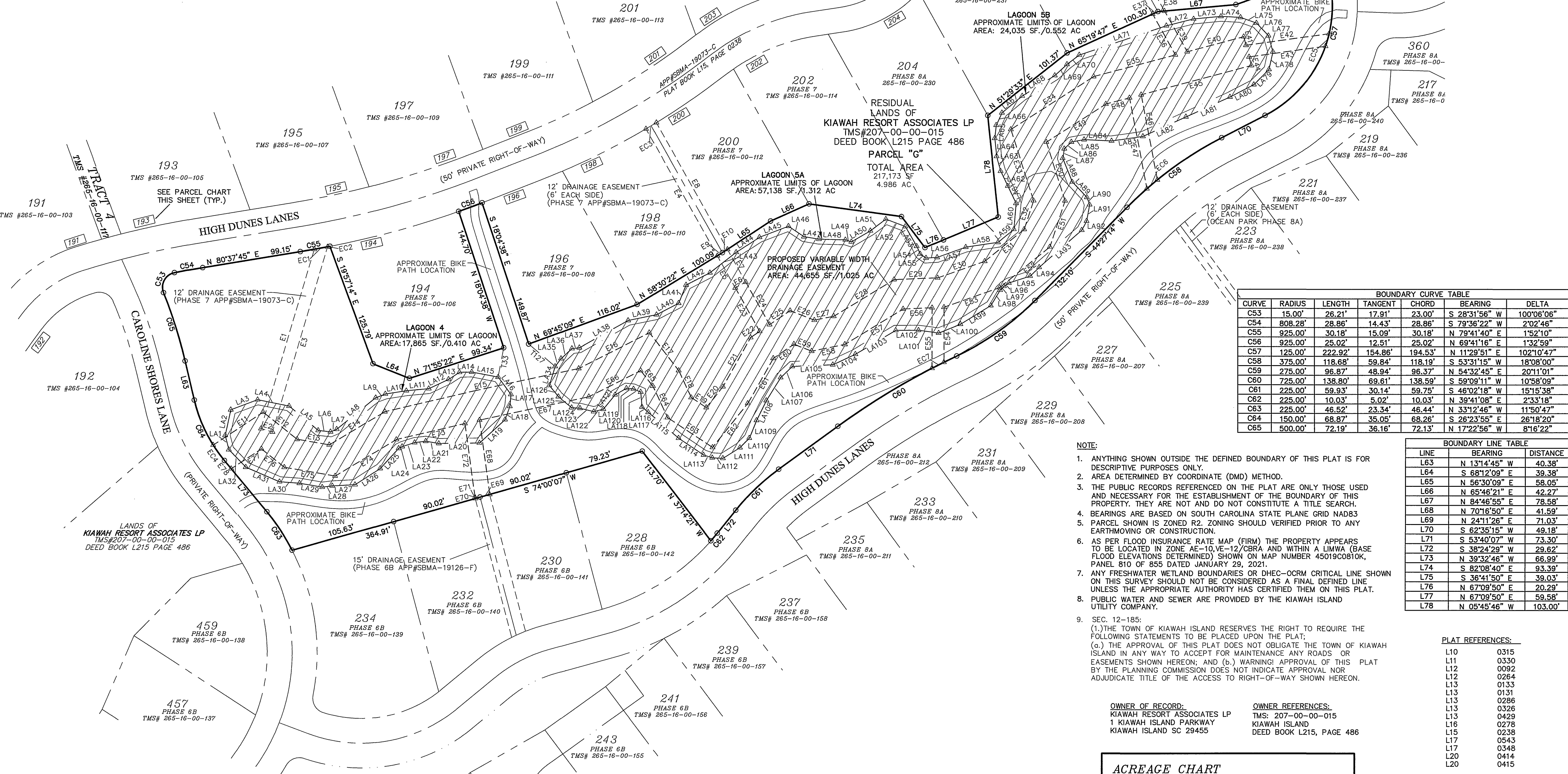
VICINITY MAP
(NOT TO SCALE)

| LAGOON #4, 5A,B LINE TABLE | | | LAGOON #4, 5A,B LINE TABLE | | |
|----------------------------|---------------|----------|----------------------------|---------------|----------|
| LINE | BEARING | DISTANCE | LINE | BEARING | DISTANCE |
| LA1 | N 14°15'14" W | 14.91' | LA65 | N 06°35'09" E | 13.37' |
| LA2 | N 12°10'00" E | 26.50' | LA66 | N 24°37'36" E | 13.66' |
| LA3 | N 69°25'20" E | 28.82' | LA67 | N 50°00'32" E | 26.42' |
| LA4 | S 78°33'27" E | 32.28' | LA68 | N 57°32'32" E | 38.58' |
| LA5 | S 49°47'29" E | 38.14' | LA69 | N 47°17'26" E | 18.63' |
| LA6 | S 83°33'44" E | 12.41' | LA70 | N 52°13'12" E | 15.42' |
| LA7 | N 67°01'25" E | 6.72' | LA71 | N 71°16'50" E | 92.32' |
| LA8 | N 50°33'44" E | 50.45' | LA72 | N 75°56'27" E | 28.30' |
| LA9 | N 68°38'28" E | 10.39' | LA73 | N 84°34'15" E | 27.51' |
| LA10 | N 81°09'22" E | 21.34' | LA74 | S 87°09'46" E | 19.71' |
| LA11 | N 84°33'47" E | 22.45' | LA75 | S 70°16'43" E | 16.95' |
| LA12 | N 64°31'27" E | 22.06' | LA76 | S 43°22'10" E | 17.52' |
| LA13 | N 57°08'22" E | 13.01' | LA77 | S 15°47'47" E | 16.79' |
| LA14 | N 88°39'11" E | 12.33' | LA78 | S 12°27'27" W | 18.19' |
| LA15 | S 79°02'03" E | 26.88' | LA79 | S 44°37'45" W | 21.61' |
| LA16 | S 36°16'09" E | 21.74' | LA80 | S 62°25'33" W | 27.08' |
| LA17 | S 05°11'51" W | 11.96' | LA81 | S 65°32'27" W | 48.54' |
| LA18 | S 17°30'42" W | 14.29' | LA82 | S 65°25'35" W | 47.53' |
| LA19 | S 47°14'27" W | 34.83' | LA83 | S 81°30'39" W | 31.81' |
| LA20 | S 89°16'22" W | 40.86' | LA84 | N 87°17'42" W | 27.61' |
| LA21 | N 80°07'04" W | 13.22' | LA85 | S 79°16'41" W | 12.99' |
| LA22 | S 82°40'12" W | 11.22' | LA86 | S 46°12'55" W | 9.84' |
| LA23 | S 72°13'48" W | 13.13' | LA87 | S 09°24'16" W | 9.71' |
| LA24 | S 62°15'21" W | 3.93' | LA88 | S 21°34'47" E | 25.77' |
| LA25 | S 42°20'50" W | 27.49' | LA89 | S 43°16'33" E | 21.36' |
| LA26 | S 56°14'27" W | 30.01' | LA90 | S 18°50'33" E | 7.82' |
| LA27 | S 86°46'06" W | 22.81' | LA91 | S 10°20'34" W | 16.81' |
| LA28 | S 82°41'55" W | 10.18' | LA92 | S 27°54'42" W | 10.43' |
| LA29 | N 80°05'14" W | 23.19' | LA93 | S 48°41'40" W | 56.85' |
| LA30 | N 85°46'58" W | 20.00' | LA94 | S 45°17'11" W | 12.72' |
| LA31 | N 66°34'40" W | 36.84' | LA95 | S 71°56'59" W | 22.48' |
| LA32 | N 44°07'45" W | 24.80' | LA96 | S 65°55'16" W | 5.95' |
| LA33 | N 16°59'12" E | 20.95' | LA97 | S 45°01'02" W | 5.46' |
| LA34 | S 10°48'24" W | 30.04' | LA98 | S 30°49'35" W | 18.16' |
| LA35 | N 36°19'15" E | 10.08' | LA99 | S 58°17'05" W | 35.77' |
| LA36 | N 47°19'52" E | 14.83' | LA100 | S 67°48'47" W | 23.64' |
| LA37 | N 83°09'40" E | 7.50' | LA101 | N 82°28'50" W | 20.43' |
| LA38 | N 60°46'44" E | 56.06' | LA102 | S 89°47'14" W | 22.76' |
| LA39 | N 78°22'42" E | 28.93' | LA103 | S 59°24'16" W | 46.98' |
| LA40 | N 62°15'52" E | 25.00' | LA104 | S 84°44'33" W | 24.92' |
| LA41 | N 22°12'50" E | 19.82' | LA105 | S 87°36'56" W | 40.61' |
| LA42 | N 62°43'13" E | 26.94' | LA106 | S 46°00'06" W | 16.18' |
| LA43 | N 51°47'25" E | 33.53' | LA107 | S 31°37'08" W | 27.25' |
| LA44 | N 56°50'47" E | 28.04' | LA108 | S 25°57'41" W | 22.22' |
| LA45 | N 69°02'27" E | 31.08' | LA109 | S 22°04'23" W | 19.43' |
| LA46 | S 55°59'25" E | 18.74' | LA110 | S 44°03'27" W | 26.50' |
| LA47 | S 80°21'56" E | 15.23' | LA111 | S 57°03'27" W | 26.27' |
| LA48 | S 88°23'55" E | 26.40' | LA112 | N 87°30'43" W | 10.65' |
| LA49 | S 71°34'32" E | 6.24' | LA113 | N 71°35'47" W | 9.24' |
| LA50 | N 58°40'03" E | 22.09' | LA114 | N 55°52'48" W | 30.31' |
| LA51 | N 52°50'25" E | 19.48' | LA115 | N 49°13'21" W | 39.98' |
| LA52 | S 69°02'39" E | 20.83' | LA116 | N 49°00'29" W | 8.31' |
| LA53 | S 29°41'53" E | 22.96' | LA117 | N 04°46'00" W | 15.11' |
| LA54 | S 28°07'42" E | 8.64' | LA118 | N 68°58'24" W | 7.86' |
| LA55 | S 55°03'56" E | 7.14' | LA119 | N 84°24'58" W | 7.14' |
| LA56 | N 85°48'30" E | 11.21' | LA120 | S 80°05'00" W | 13.14' |
| LA57 | N 70°07'45" E | 30.55' | LA121 | S 38°59'01" W | 18.71' |
| LA58 | N 81°22'21" E | 32.64' | LA122 | S 75°33'51" W | 9.92' |
| LA59 | N 50°40'55" E | 20.61' | LA123 | N 76°11'09" W | 14.18' |
| LA60 | N 04°59'31" E | 26.32' | LA124 | N 85°58'27" W | 8.50' |
| LA61 | N 28°12'40" W | 19.30' | LA125 | N 50°23'22" W | 17.16' |
| LA62 | N 25°28'13" W | 16.62' | LA126 | N 39°05'37" W | 14.59' |
| LA63 | N 15°28'54" W | 15.52' | LA127 | S 49°40'58" E | 34.68' |
| LA64 | N 05°40'05" W | 18.33' | | | |

| PROP DRAINAGE EASEMENT LINE TABLE | | | PROP DRAINAGE EASEMENT LINE TABLE | | |
|-----------------------------------|---------------|----------|-----------------------------------|---------------|----------|
| LINE | BEARING | DISTANCE | LINE | BEARING | DISTANCE |
| E11 | N 56°23'43" E | 60.08' | E49 | S 57°09'26" W | 71.06' |
| E12 | S 51°12'19" E | 43.86' | E50 | S 17°31'41" E | 62.11' |
| E13 | S 80°10'21" E | 32.69' | E51 | S 18°10'35" W | 49.02' |
| E14 | N 58°43'59" E | 65.06' | E52 | S 50°48'37" W | 64.95' |
| E15 | N 77°14'58" E | 199.14' | E53 | S 70°26'26" W | 59.22' |
| E16 | N 63°38'11" E | 79.38' | E54 | S 00°11'07" W | 55.45' |
| E17 | S 37°35'09" E | 48.05' | E55 | N 00°11'07" E | 60.92' |
| E18 | S 24°42'58" E | 29.96' | E56 | S 87°34'55" W | 28.98' |
| E19 | S 56°19'35" E | 18.18' | E57 | S 58°33'06" W | 68.40' |
| E20 | N 38°25'28" E | 26.85' | E58 | S 78°34'24" W | 33.82' |
| E21 | N 29°16'49" E | 56.90' | E59 | N 68°29'23" W | 19.02' |
| E22 | N 55°33'21" E | 10.97' | E60 | S 55°33'21" W | 25.09' |
| E23 | N 28°04'42" E | 50.13' | E61 | S 29°16'49" W | 52.50' |
| E24 | S 29°04'42" E | 49.01' | E62 | S 38°25'28" W | 56.86' |
| E25 | N 55°33'21" E | 25.00' | E63 | N 56°19'35" W | 54.28' |
| E26 | S 68°29'23" E | 26.09' | E64 | N 24°42'58" W | 35.07' |
| E27 | N 78°34'24" E | 19.76' | E65 | N 37°35'09" W | 19.80' |
| E28 | N 58°33'06" E | 70.87' | E66 | S 63°06'11" W | 58.35' |
| E29 | N 87°34'58" E | 43.63' | E67 | S 77°39'28" W | 112.08' |
| E30 | N 70°28'26" E | 50.14' | E68 | S 07°48'06" E | 75.78' |
| E31 | N 50°48'37" E | 50.96' | E69 | S 74°00'07" W | 10.00' |
| E32 | N 18°10'35" E | 30.57' | E70 | S 74°00'07" W | 5.00' |
| E33 | N 17°31'41" W | 75.34' | E71 | N 14°44'53" W | 1.24' |
| E34 | N 57°09'26" E | 98.66' | E72 | N 07°46'06" W | 75.25' |
| E35 | N 75°00'17" E | 84.83' | E73 | S 76°45'52" W | 70.60' |
| E36 | N 29°04'42" W | 47.04' | E74 | S 58°43'59" W | 71.54' |
| E37 | N 65°19'47" E | 6.02' | E75 | N 80°10'21" W | 51.88' |
| E38 | N 84°46'55" E | 6.56' | E76 | N 51°12'19" W | 29.66' |
| E39 | S 29°04'42" E | 46.94' | E77 | S 56°23'43" W | 36.27' |
| E40 | N 75°00'17" E | 58.76' | E78 | N 39°32'41" W | 10.59' |
| E41 | S 14°59'43" E | 8.96' | | | |
| E42 | N 81°53'33" E | 84.37' | | | |
| E43 | S 81°53'33" W | 77.52' | | | |
| E44 | S 14°59'43" E | 8.96' | | | |
| E45 | S 74°51'21" W | 110.53' | | | |
| E46 | S 10°47'18" E | 87.47' | | | |
| E47 | N 10°47'18" W | 93.38' | | | |
| E48 | N 75°00'17" W | 24.54' | | | |

| EXISTING DRAINAGE EASEMENT LINE TABLE | | |
|---------------------------------------|---------------|----------|
| LINE | BEARING | DISTANCE |
| E1 | S 16°29'29" W | 188.66' |
| E2 | S 73°30'31" E | 12.00' |
| E3 | N 16°29'29" E | 194.82' |
| E4 | S 29°04'42" E | 148.59' |
| E5 | S 28°04'42" E | 37.02' |
| E6 | N 60°55'18" E | 12.00' |
| E7 | N 29°04'42" W | 37.74' |
| E8 | N 28°04'42" W | 146.32' |
| E9 | N 58°30'22" E | 6.01' |
| E10 | N 56°30'09" E | 6.02' |

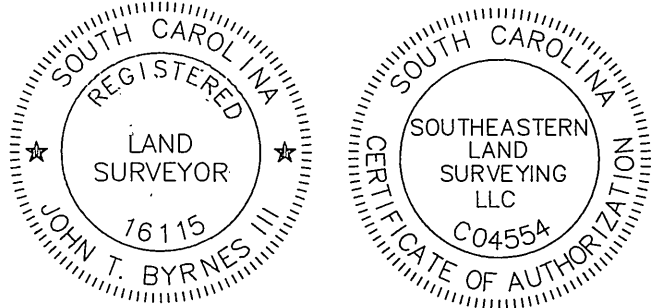
| EXISTING DRAINAGE EASEMENT CURVE TABLE | | | | | |
|--|---------|--------|---------|--------|---------------|
| CURVE | RADIUS | LENGTH | TANGENT | CHORD | BEARING |
| EC1 | 925.00' | 13.49' | 6.74' | 13.49' | N 79°19'34" E |
| EC2 | 925.00' | 2.40' | 1.20' | 2.40' | N 78°50'03" E |
| EC3 | 725.00' | 12.01' | 6.00' | 12.01' | N 58°46'16" E |



| PROP DRAINAGE EASEMENT CURVE TABLE | | | | | |
|------------------------------------|---------|--------|---------|--------|---------------|
| CURVE | RADIUS | LENGTH | TANGENT | CHORD | BEARING |
| EC4 | 150.00' | 19.49' | 9.76' | 19.48' | S 35°49'43" E |
| EC5 | 125.00' | 13.16' | 6.59' | 13.16' | N 16°05'30" E |
| EC6 | 375.00' | 13.79' | 6.90' | 13.79' | S 49°41'47" W |
| EC7 | 725.00' | 13.49' | 6.75' | 13.49' | S 62°58'23" W |

| | |
|------------------|----------|
| ACREAGE CHART | |
| PARCEL "G" TOTAL | 4.986 AC |

SURVEYORS CERTIFICATION:
I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.



JOHN T. BYRNES III
S.C.P.L.S. NO. 16115

PLANNING AND ROD USE ONLY

APPROVED EXEMPT PLAT

RECORDED

DATE: 10/10/2022 TIME: 12:24:47 PM

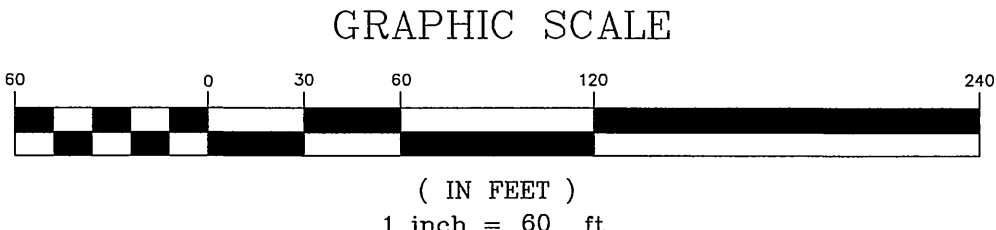
Book-Page L22 | 0425 DocType Large Plat

Michael Miller, Register, Charleston County, SC

Record Fee \$25.00
Postage \$2.00
TOTAL \$27.00

TOWN OF KIAWAH
JOHN W. TAYLOR JR.
4475 BETSY HARRISON PKWY
KIAWAH ISLAND SC 29455

Location: HIGH DUNES LANE



| NO. | DATE | DESCRIPTION |
|-----|---------|---------------------------|
| 1 | 9/14/22 | MEMORANDUM DATED AUG 2022 |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | | |
| 8 | | |
| 9 | | |
| 10 | | |
| 11 | | |
| 12 | | |
| 13 | | |
| 14 | | |
| 15 | | |
| 16 | | |
| 17 | | |
| 18 | | |
| 19 | | |
| 20 | | |
| 21 | | |
| 22 | | |
| 23 | | |
| 24 | | |
| 25 | | |
| 26 | | |
| 27 | | |
| 28 | | |
| 29 | | |
| 30 | | |
| 31 | | |
| 32 | | |
| 33 | | |
| 34 | | |
| 35 | | |
| 36 | | |
| 37 | | |
| 38 | | |
| 39 | | |
| 40 | | |
| 41 | | |
| 42 | | |
| 43 | | |
| 44 | | |
| 45 | | |
| 46 | | |
| 47 | | |
| 48 | | |
| 49 | | |
| 50 | | |
| 51 | | |
| 52 | | |
| 53 | | |
| 54 | | |
| 55 | | |
| 56 | | |
| 57 | | |
| 58 | | |
| 59 | | |
| 60 | | |
| 61 | | |
| 62 | | |
| 63 | | |
| 64 | | |
| 65 | | |
| 66 | | |
| 67 | | |
| 68 | | |
| 69 | | |
| 70 | | |
| 71 | | |
| 72 | | |
| 73 | | |
| 74 | | |
| 75 | | |
| 76 | | |
| 77 | | |
| 78 | | |
| 79 | | |
| 80 | | |
| 81 | | |
| 82 | | |
| 83 | | |
| 84 | | |
| 85 | | |
| 86 | | |
| 87 | | |
| 88 | | |
| 89 | | |
| 90 | | |
| 91 | | |
| 92 | | |
| 93 | | |
| 94 | | |
| 95 | | |
| 96 | | |
| 97 | | |
| 98 | | |
| 99 | | |
| 100 | | |
| 101 | | |
| 102 | | |
| 103 | | |
| 104 | | |
| 105 | | |
| 106 | | |
| 107 | | |
| 108 | | |
| 109 | | |
| 110 | | |
| 111 | | |
| 112 | | |
| 113 | | |
| 114 | | |
| 115 | | |
| 116 | | |
| 117 | | |
| 118 | | |
| 119 | | |
| 120 | | |
| 121 | | |
| 122 | | |
| 123 | | |
| 124 | | |
| 125 | | |
| 126 | | |
| 127 | | |
| 128 | | |
| 129 | | |
| 130 | | |
| 131 | | |
| 132 | | |
| 133 | | |
| 134 | | |
| 135 | | |
| 136 | | |
| 137 | | |
| 138 | | |
| 139 | | |
| 140 | | |
| 141 | | |
| 142 | | |
| 143 | | |
| 144 | | |
| 145 | | |
| 146 | | |
| 147 | | |

TOWN OF KIAWAH ISLAND

ORDINANCE 2023-18

**AN ORDINANCE TO AMEND CHAPTER 12 - LAND USE PLANNING AND ZONING,
ARTICLE II. - ZONING, DIVISION 2. - ZONING MAP/DISTRICTS, SECTION 12-62. –
ZONING MAP BY REZONING THE PROPERTIES (TMS# 207-00-00-040; 265-16-00-159;
265-16-00-160) FROM “R-2 RESIDENTIAL” TO “PARKS AND RECREATION” OF THE
ZONING ORDINANCE OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA**

WHEREAS, the Town of Kiawah Island now finds that, upon further review, it is in the public interest to rezone the properties identified (TMS# 207-00-00-040; 265-16-00-159; 265-16-00-160) from the R-2, Residential (C) Zoning District to the Parks and Recreation (PR) Zoning District; and by amending the zoning map with its permitted uses by right and by condition; and

WHEREAS, the zoning map amendment would be compatible with surrounding land uses and would not be detrimental to the public health, safety and welfare; and

WHEREAS, the Planning Commission held a meeting on September 6, 2023, at which time a presentation was made by staff and the applicant, 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 at that meeting to recommend to Town Council that the subject request be approved; and

WHEREAS, Town Council held a Public Hearing on October 3, 2023, providing the public an opportunity to comment on the proposed amendments; and

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 Amendment

That the Town of Kiawah Island Zoning Ordinance, be, and the same hereby amended as follows in “Attachment A.”.

SECTION 2 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 of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

SECTION 3 Effective Date and Duration

This Ordinance shall be effective upon second reading approval.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND
ON THIS 1st DAY OF AUGUST 2023.**

John Labriola, Mayor

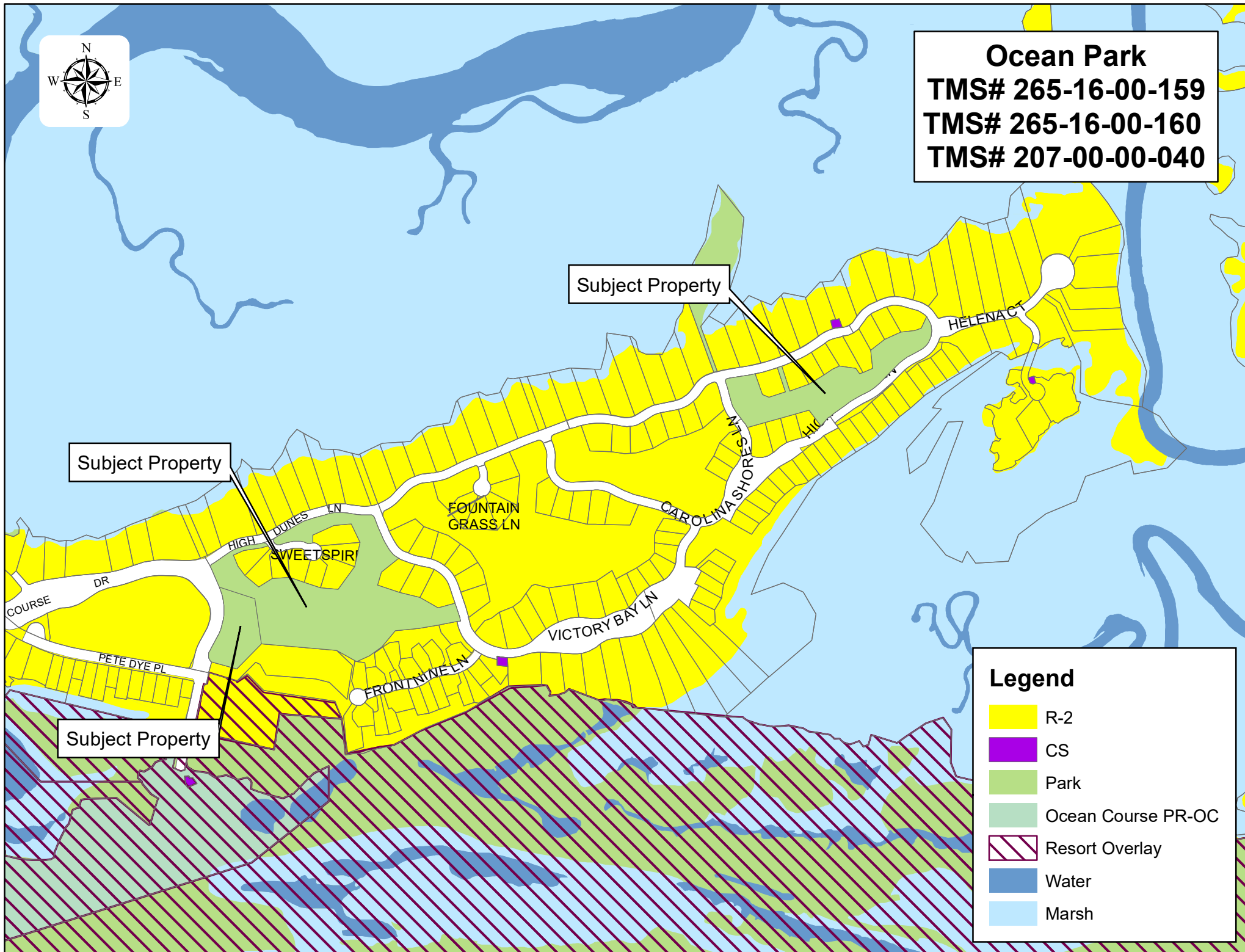
Petra Reynolds, Town Clerk

First Reading: October 3, 2023

Second Reading:



Ocean Park
TMS# 265-16-00-159
TMS# 265-16-00-160
TMS# 207-00-00-040



Subject Property

Subject Property

Subject Property

Legend

- R-2
- CS
- Park
- Ocean Course PR-OC
- Resort Overlay
- Water
- Marsh



TAB 6

TOWN COUNCIL

Agenda Item

THE TOWN OF KIAWAH ISLAND

ORDINANCE 2023-15

AN ORDINANCE TO AMEND ARTICLE 14 - GENERAL REGULATIONS, CHAPTER 5 - RENTAL APPLICATIONS AND REGULATIONS, SECTION 14-503 – PERMIT AND OPERATING REQUIREMENTS

WHEREAS, the Town of Kiawah Island Municipal Code currently contains Article 14 - General Regulations, Chapter 1 - Flood Damage Prevention, Chapter 5 - Rental Applications And Regulations, Section 14-503. – Permit And Operating Requirements, and;

WHEREAS, the Town of Kiawah Island now finds that, upon further review, believes that certain adjustments and amendments need to be made to Chapter 5 - Rental Applications and Regulations, and;

WHEREAS, the Town wishes to add language to Section 14-503. to provide clarity and correct typographical errors.

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 Article 14 - General Regulations, Chapter 1 - Flood Damage Prevention, Chapter 5 - Rental Applications and Regulations, Section 14-503. – Permit And Operating Requirements, to add language in Section 14-503.

Section 2 **Ordinance**

The Town hereby amends Section 14-503. – Permit And Operating Requirements as shown in the attached “Exhibit A”.

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 3RD DAY OF OCTOBER 2023.**

John D. Labriola, Mayor

Petra S. Reynolds, Town Clerk

1st Reading Approval -

2nd Reading Approval -

Sec. 14-503. Permit and operating requirements.

- (a) It shall be the sole responsibility of the STR owner directly or through his or her authorized agent to notify and educate the guests of all applicable STR rules and regulations, including all rules encompassed in section 14-506.
- (b) No owner or his or her agent may advertise a STR property in any manner that would constitute a violation of this chapter. The property owner and his/her authorized agent shall be jointly responsible for the accuracy of advertising of all STR properties as required in section 14-503(c).
- (c) The advertisement of any STR properties must include the rental business license number, the maximum number of vehicles permitted for overnight parking, the number of approved bedrooms, and the maximum allowable occupancy
- (d) Prior to the issuance of a STR rental business license, all first-time STRs applying for a license or any property requesting a change in the number of bedrooms or a change in parking capacity are subject to and must pass a rental property inspection pursuant to section 14-503(e).
- (e) ~~All rental properties shall remain compliant with the current edition of the International Property Maintenance Code (IPMC). All STR properties are subject at any time, with notice, to inspection for compliance to the IPMC and/or town ordinances. Inspections will include, but not limited to:~~

All rental properties shall remain compliant with all currently adopted codes and ordinances. Properties are subjected to inspection with proper notification, at any time, to ensure compliance. Inspections will include, but are not limited to:

- (1) Smoke alarms. Smoke alarms are required in each bedroom and the hall leading to the bedroom.
- (2) Carbon monoxide detector.
- (3) Sprinkler system. If the residence has a fire sprinkler system, it shall be the owner's or their authorized agent's responsibility to furnish documentation to the code enforcement officer that their sprinkler system received an annual inspection and is in proper working order.
- (4) Fire extinguishers. A fire extinguisher meeting the requirements as a 1-A: 10-B:C shall be under the kitchen sink in all rental units.
- (5) Vehicle parking spaces. Verification of the number of vehicle parking spaces permitted on site as set forth in section 14-506(d).
- (6) Bedroom count. Verification of the number of bedrooms within each rental unit as set forth in section 14-506(c).
- (7) Structural elements. Decks, stairs, handrails, and guardrails including boardwalks.
- (8) Enclosed trash receptacles. Trash receptacles shall be enclosed in a garage or approved screened enclosure.
- (9) Posted address and contact information and rules and regulations. Each rental unit shall furnish the property's address, and the owner's or authorized agent's contact information, including all other information required by section 14-506, inside the unit in a visible place to occupants in the event of an emergency.
- (10) Minimum height requirements for habitable space, hallways, and portions of basements containing these spaces shall have a ceiling height of not less than 7 feet. Bathrooms, toilet rooms, and laundry rooms shall have a ceiling height of not less than 6 feet 8 inches.

Exceptions:

1. For rooms with sloped ceilings, the required floor area shall have a ceiling height of not less than 5 feet and not less than 50 percent of the required floor area shall have a ceiling height of not less than 7 feet.
2. The ceiling height above bathroom and toilet room fixtures shall be such that the fixture is capable of being used for its intended purpose. A shower or tub equipped with a showerhead shall have a ceiling height of not less than 6 feet 8 inches above an area not less than 30 inches by 30 inches at the showerhead.
3. Beams, and girders spaced apart not less than 36 inches in clear finished width shall project not more than 78 inches from the finished floor.

(Ord. No. 2019-08 , §§ 1, 2, 11-5-2019)



TAB 7

TOWN COUNCIL

Agenda Item

ORDINANCE 2023-16

AN ORDINANCE TO AMEND THE TOWN OF KIAWAH ISLAND MUNICIPAL CODE ARTICLE 2 – GENERAL GOVERNMENT AND ADMINISTRATION, CHAPTER 2. – MUNICIPAL COUNCIL, SECTION 2-205. – MAYOR PRO TEMPORE

WHEREAS, the Town of Kiawah Island Code of Ordinances currently contains Article 2 – General Government and Administration, Chapter 2. – Municipal Council, Section 2-205 governing the Mayor Pro Tempore; and

WHEREAS, the Town of Kiawah Island now finds that, upon further review, amending Section 2-205(a), governing the term of the Mayor Pro Tempore is in the best interest of the Town and will promote continuity in the Town Council; and

WHEREAS, the Town Council wishes to amend Section 2-205(a) to adopt changing the term of the Mayor Pro Tempore to four years.

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 Article 2 – General Government and Administration, Chapter 2. – Municipal Council, Section 2-205(a) governing the Mayor Pro Tempore.

Section 2 Ordinance

The Town hereby amends Section 2-205 – Mayor Pro Tempore as follows:

Sec. 2-505. – Mayor Pro Tempore.

- (a) After any general election for Council, the Council shall, at the first meeting of the newly constituted Council, elect from its membership a Mayor Pro Tempore to serve for a term of not more than four years.
- (b) The Mayor Pro Tempore shall act as mayor during the absence or disability of the mayor. If a vacancy occurs in the office of the Mayor, the Mayor Pro Tempore shall serve until a successor is elected.
- (c) In the event of sickness or temporary absence of the Mayor Pro Tempore while acting as Mayor, the Council Members present shall elect a presiding officer. In the event of the resignation or permanent absence of the Mayor Pro Tempore, the Mayor, and Council shall elect a Council Member to serve as Mayor Pro Tempore until the next council election.

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 3RD DAY OF OCTOBER 2023.

John Labriola, Mayor

ATTEST:

By: _____
Petra Reynolds, Town Clerk

1st Reading: September 5, 2023

2nd Reading: October 3, 2023



TAB 8

TOWN COUNCIL

Agenda Item

Wildlife and Outreach Technician

- ▶ This position would be responsible for performing a variety of duties to mitigate human-wildlife conflict in a developed mixed-use community.
- ▶ Advocate for awareness and appreciation of native wildlife species and habitats via outreach and education.
- ▶ Assists with all Town wildlife research projects and wildlife population surveys.
- ▶ Non-exempt
- ▶ Salary Range

| | |
|-----|----------|
| Min | \$33,134 |
| Mid | \$41,418 |
| Max | \$49,702 |



JOB DESCRIPTION

To perform this job successfully, an individual must be able to perform the essential job functions satisfactorily. Reasonable accommodations may be made to enable individuals with disabilities to perform the primary job functions herein described. Since every duty associated with this position may not be described herein, employees may be required to perform duties not specifically spelled out in the job description, but which may be reasonably considered to be incidental in the performing of their duties just as though they were actually written out in this job description.

Wildlife and Outreach Technician

Department: Conservation

Pay Grade: 102

FLSA Status: Non-Exempt

JOB SUMMARY

This position is responsible for performing a variety of duties to mitigate human-wildlife conflict in a developed mixed-use community. Advocates for awareness and appreciation of native wildlife species and habitats via outreach and education. Assists with all Town wildlife research projects and wildlife population surveys. Must be self-motivated and able to operate efficiently without direct supervision. Must be able to perform wildlife conflict mitigation duties safely and in a manner that is least intrusive to community members. Promotes a friendly and professional atmosphere when interacting with Town staff, other island entities, and diverse user groups. Must be willing to work a flexible schedule including weekends.

ESSENTIAL JOB FUNCTIONS

- Proactively patrols all parts of the island to promote wildlife awareness and human safety.
- Responds to nuisance alligator complaints and perform behavioral assessments of alligators. Assists with the capture, removal, and euthanasia of nuisance alligators. Maintains records of nuisance alligators.
- Responds to incidents involving wildlife in conjunction with KICA security and Federal or State agency personnel, as appropriate; captures and handles safely and humanely avian, mammalian, and reptilian species using various traps, nets, and other capture technologies.
- Relocates or euthanizes injured, diseased or nuisance wildlife as needed.
- Provides technical guidance to community members via phone, email and in-person visits on mitigating conflict with wildlife.

- Assists with the planning and implementation of human-wildlife conflict management programming.
- Assists with the planning and implementation of wildlife awareness and appreciation programming.
- Enforces wildlife-related Town ordinances as needed.
- Collects and maintains detailed records on wildlife projects and wildlife research animals, including but not limited to deer management, bobcat ecology, loggerhead turtle protection, bird banding projects, and marine mammal strandings. Studies animals in their natural habitats, assessing effects of environment and industry on animals, interpreting findings, and recommending alternative operating conditions for habitat.
- Assists with seasonal tracking of animals and birds, traps, and tags various wildlife species.
- Inventories and estimates plant and wildlife populations.
- Analyzes characteristics of animals to identify and classify them.
- Recommends management systems and plans for wildlife populations and habitat, consulting with town officials, residents and the public at large to explore options.
- Disseminates information by writing reports and scientific papers or journal articles, and by making presentations and giving talks for schools, clubs, interest groups and park interpretive programs.
- Studies characteristics of animals such as origin, interrelationships, classification, life histories and diseases, development, genetics, and distribution.
- Assists with bobcat GPS telemetry project. Duties include trapping, anesthetizing, measuring, and fitting bobcats with GPS collars.
- Assists with bird banding projects. Duties include trapping, measuring, and fitting birds with bands and other tracking devices.
- Consults with Conservation Manager in making decisions on environmental issues.
- Performs other related duties as assigned.

QUALIFICATIONS

Education and Experience:

Requires a bachelor's degree in wildlife ecology or a related field and one (1) year of related experience, or equivalent combination of education and experience.

Licenses or Certifications:

A valid SC driver's license, or ability to obtain by start of employment.

Special Requirements:

None

Knowledge, Skills, and Abilities:

- Knowledge of wildlife principles, practices, and methods applicable to a municipal setting; working knowledge of applicable laws, standards and regulations relating to wildlife programs.
- Proficiency with the use of a firearm.
- Skill in operating ATVs and UTVs.
- Ability to safely and effectively use power tools, chainsaws, and hand tools.

- Ability to prepare, organize and maintain inspection field data, reports, and systems.
- Ability to analyze complex situations, problems and data, and use sound judgment in drawing conclusions and making decisions.
- Ability to comprehend and articulate complex facts and relationships in detail and to summarize and write clearly, concisely and legibly, and to testify in court in an objective, concise, and professional manner.
- Ability to produce or obtain reports, graphs, charts, photographs or the evidence or exhibits.
- Ability to communicate effectively orally and in writing.
- Ability to establish and maintain effective working relationships with citizens, employees, supervisors, and the general public.
- Ability to follow verbal and written instructions.
- Ability to handle stressful situations and effectively deal with difficult or angry people.

PHYSICAL DEMANDS

The work is medium work which requires exerting up to 100 pounds of force occasionally, and/or up to 30 pounds of force frequently, and/or up to 10 pounds of force constantly to move objects. Work is performed mostly in field settings. Considerable outdoor work is required in the inspection of various land uses and other matters. Hand-eye coordination is necessary to operate computers and various pieces of office equipment. While performing the duties of this job, the employee is occasionally required to stand; walk; talk or hear; use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to sit; climb or balance; stoop, kneel, crouch, or crawl. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT

While performing the duties of this job, the employee often works in outside weather conditions. The employee occasionally works in high, precarious places and is often exposed to wet and/or humid conditions, fumes, or airborne particles, toxic or caustic chemicals, risk of electrical shock, and vibration. The noise level in the work environment is usually moderate.

The Town has the right to revise this job description at any time. This description does not represent in any way a contract of employment.

Employee Signature

Date

Supervisor (or HR) Signature

Date

The Town of Kiawah Island is an Equal Opportunity Employer that does not discriminate on the basis of actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information or any other characteristic protected by applicable federal, state or local laws.

Prepared: 7/2023



TAB 9

TOWN COUNCIL

Agenda Item



Memorandum

TO: Mayor and Council Members

FROM: Kiawah Goes Green Work Group

SUBJECT: Recycling and Garbage Cart Stickers

DATE: October 3, 2023

OVERVIEW:

The Kiawah Goes Green Work Group has convened since March 2023 to focus on 10 areas related to environmental stewardship, sustainability, and advancement of eco-friendly public and private practices across the entire island.

As a part of the Kiawah Goes Green initiative, one of the objectives focuses on better educating the community to properly separate household, recycling, and hazardous waste. Previously there has not been a coordinated cross-contamination educational effort for Kiawah Island, which allows a valuable opportunity to further educate and inspire property owners, short-term renters, and visitors to recycle and dispose of solid waste correctly and consistently.

One of the ways that the work group recommends assisting in this effort is by placing recycling stickers on all recycling carts owned by the Town of Kiawah Island, as well as signage in the recycling center at Kestral Court. Also, the recommendation is to place stickers on all trash carts owned by the Town of Kiawah Island, which focus on what to avoid placing in the trash and how to participate in household hazardous waste collection.

These stickers provide a valuable way to encourage and educate individuals on how to dispose of these items correctly and to further prevent the harmful impacts of cross contamination.

The request is to fund 8,000 stickers to be placed on the Town's recycling and garbage carts, totaling \$21,607.60.

TOWN OF

Kiawah Island®

ESTABLISHED
1988



Recycling and Solid Waste Educational Bin Stickers

Background



As a part of the Kiawah Goes Green initiative, one of the objectives focuses on better educating the community to properly separate household, recycling, and hazardous waste.

Cross contamination is a concern in South Carolina and Kiawah Island. Recycling contamination occurs when:

- ▶ Items that cannot be recycled are placed in the recycling container; OR
- ▶ Items that are recyclable are not properly prepared before being placed into the bin.



Goals



Previously there has not been a coordinated cross-contamination educational effort for Kiawah Island, which allows a valuable opportunity to further educate and inspire property owners, short-term renters, and visitors to recycle and dispose of solid waste correctly and consistently.

Goals of this effort are to:

1. Equip property owners, short-term renters, and visitors with the correct recycling/solid waste disposal procedures.
2. Provide tangible tools that residents and visitors can refer to when there is uncertainty.

Cross Contamination Issue

Items continue to be improperly disposed of and as a result, **recyclable items are being thrown in the garbage** (sometimes a full cart of recyclables) and **the recycling process is negatively impacted.**

- ▶ Common items incorrectly placed into the recycling bin include:
 - ▶ Plastic bags
 - ▶ Dirty recyclables (not cleaned from food, etc.)
 - ▶ Aluminum foil and plastic wrap
- ▶ Common items incorrectly placed into garbage include:
 - ▶ Batteries
 - ▶ Compact Fluorescent Light Bulbs
 - ▶ Household Cleaners



Work Group Recommendation

The group recommends **placing recycling stickers on all recycling carts** owned by the Town of Kiawah Island, as well as signage in the recycling center at Kestral Court. Also, **placing stickers on all trash carts** owned by the Town of Kiawah Island, which focus on what to avoid placing in the trash and how to participate in household hazardous waste collection.





PLEASE RECYCLE



Plastic Bottles & Containers



Paper



Place items
loose in cart.
No Plastic
Bags

Flattened Cardboard
& Paperboard



Glass Bottles &
Jars



Aluminum & Steel



Cartons



DO NOT Place in Recycling Bin

When in doubt, LEAVE IT OUT!



Plastic Bags &
Wrap



Tanglers



Construction Debris



Clothing &
Textiles



Hazardous &
Medical Waste



Scrap Metal



Food waste

SCAN ME



For full list of recyclable and non-recyclable items, visit the Town of Kiawah Island's website.



Improper disposal of household hazardous waste can harm the environment and human health.

DO NOT Place Hazardous Waste in the Trash

Improper disposal violates
Article 8, Ch. 1 of Kiawah
Island Municipal Code.
Avoid fines and dispose of
items properly.



Automotive Fluids



Fertilizer



Oil Filters



Computers



Used Motor
Oil



Antifreeze



Batteries



Printers



Paint
(Unless dried)



Televisions



Pesticides



Fluorescent
Light Blubs



Drop off Household Hazardous Waste at our designated collection
site. For more details, use the QR code below.



For full list of accepted household hazardous waste,
visit the Town of Kiawah Island website.



Sticker Benefits and Cost



Benefits of the stickers: physical placement, QR code for Waste Wizard tool and more info, and focuses on common items.

These stickers are a great reminder and educational tool to encourage individuals to dispose of their items correctly.

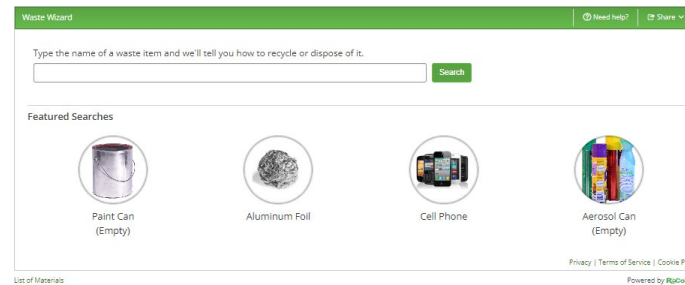
- ▶ Estimate more than 6,000 recycling and trash carts on the island, to include short-term rental properties
- ▶ Cost: \$21,607.60/ 8,000 stickers

Additional Recycling and Solid Waste Strategies



Utilizing the Waste Wizard tool with coordinated communication efforts to assist with the uncertainties of how to dispose of specific items.

- Channels: website, mobile app, e-newsletter, social media, STR Linktre.e



Coordinated educational outreach to promote items that are most commonly disposed of improperly and best practices overall.

- Channels: e-newsletter and social media



TAB 10

TOWN COUNCIL

Agenda Item

ORDINANCE 2023-19

AN ORDINANCE TO AMEND THE TOWN OF KIAWAH ISLAND MUNICIPAL CODE ARTICLE 2 – GENERAL GOVERNMENT AND ADMINISTRATION, CHAPTER 2. – MUNICIPAL COUNCIL, SECTION 2-205. – MAYOR PRO TEMPORE

WHEREAS, the Town of Kiawah Island Code of Ordinances currently contains Article 2 – General Government and Administration, Chapter 2. – Municipal Council, Section 2-205 governing the Mayor Pro Tempore; and

WHEREAS, the Town of Kiawah Island now finds that, upon further review, amending Section 2-205(a), governing the term of the Mayor Pro Tempore is in the best interest of the Town and will promote continuity in the Town Council; and

WHEREAS, the Town Council wishes to amend Section 2-205(a) to adopt changing the term of the Mayor Pro Tempore to four years.

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 Article 2 – General Government and Administration, Chapter 2. – Municipal Council, Section 2-205(a) governing the Mayor Pro Tempore.

Section 2 **Ordinance**

The Town hereby amends Section 2-205 – Mayor Pro Tempore as follows:

Sec. 2-505. – Mayor Pro Tempore.

- (a) After any general election for Council, the Council shall, at the first meeting of the newly constituted Council, elect from its membership a Mayor Pro Tempore to serve for a term of not more than ~~two~~four years.
- (b) The Mayor Pro Tempore shall act as mayor during the absence or disability of the mayor. If a vacancy occurs in the office of the Mayor, the Mayor Pro Tempore shall serve until a successor is elected.
- (c) In the event of ~~the~~ sickness or temporary absence of the Mayor Pro Tempore while acting as Mayor, the Council Members present shall elect a presiding officer. In the event of the resignation or permanent absence of the Mayor Pro Tempore, the Mayor, and Council shall elect a Council Member to serve as Mayor Pro Tempore until the next council election.

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 ____ DAY OF _____, 2023.

John Labriola, Mayor

ATTEST:

By: _____
Petra Reynolds, Town Clerk

1st Reading:

2nd Reading:

Sec. 2-205. Mayor pro tempore.

- (a) After any general election for Council, the Council shall, at the first meeting of the newly constituted Council, elect from its membership a Mayor Pro Tempore to serve for a term of not more than ~~two~~four years.
- (b) The Mayor Pro Tempore shall act as mayor during the absence or disability of the mayor. If a vacancy occurs in the office of the Mayor, the Mayor Pro Tempore shall serve until a successor is elected.
- (c) In the event of ~~the~~ sickness or temporary absence of the Mayor Pro Tempore while acting as Mayor, the Council Members present shall elect a presiding officer. In the event of the resignation or permanent absence of the Mayor Pro Tempore, the Mayor, and Council shall elect a Council Member to serve as Mayor Pro Tempore until the next council election.

(Code 1993, § 2-205)

State law reference(s)—S.C. Code of Laws 1976, § 5-7-190.



TAB 11

TOWN COUNCIL

Agenda Item

MAYOR:

John Labriola

TOWN ADMINISTRATOR:

Stephanie Monroe Tillerson

TOWN ATTORNEY:

Joseph Wilson

TOWN OF



TOWN COUNCIL MEMBERS:

John Moffitt

Bradley D. Belt

Michael Heidingsfelder

Russell A. Berner

MEMORANDUM

TO: Mayor & Members of Town Council

CC: Stephanie M Tillerson, Town Administrator

FROM: John Taylor, Jr., Planning Manager

DATE: October 3, 2023

SUBJECT: Urban Growth Boundary - Resolution

In April of 2023, planning staff reviewed with the Planning Commission the purpose and strengths of the Urban Growth Boundary to our region. With the maturation of Kiawah, the sunseting of the development agreement, rapid growth in the region and the awareness to pay greater attention *Beyond The Gates*, planning staff has initiated additional planning strategies to be considered which positions the Town to collaboratively long range plan and to more effectively manage growth in a responsible manner. A resolution has been drafted through continued conservation with planning staff of Charleston County. This resolution begins to frame the next steps of the Town formally engaging with Charleston County and setting its own growth management policies. The "cementing" of the Urban Growth Boundary is a great opportunity to collaborate as region. Planning staff is requesting the Planning Commission support the provided resolution highlighting the importance of the Urban Growth Boundary, in the first steps of actionable long range planning efforts to preserve the integrity of both rural Johns Island and urban and suburban areas within the Urban Growth Boundary which sit Town limits abuts.

Town of Kiawah Island Planning Commission

Town of Kiawah Island Municipal Center
4475 Betsy Kerrison Parkway
Kiawah Island, SC 29455

October 3, 2023



1

URBAN GROWTH BOUNDARY

Introduction

2

Planning Tool Kits

Just as the zoning ordinance is only one tool used to accomplish goals within the Comprehensive Plan, growth management should be viewed as a tool kit rather than a single tool.

Kiawah has utilized traditional zoning and executed development agreements to address growth management

With the maturation of Kiawah, with the sunseting of the D.A. and awareness to pay greater attention *Beyond The Gates*, planning staff has initiated additional strategies to be considered in the near future.

3

3

Growth Management Tool Kit

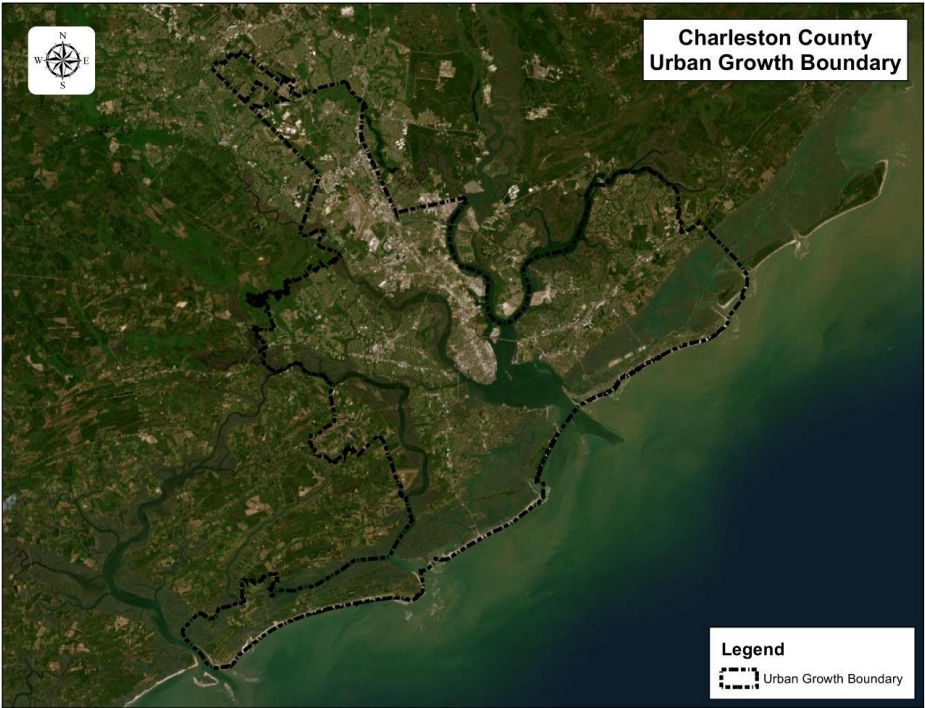


4

What is the Urban Growth Boundary?

- The urban growth boundary is a growth management tool implemented by local governments to clearly define two distinct growth management areas, rural areas and urban/suburban areas. An urban growth boundary circumscribes a region which is utilized as a guide by local governments for land use decisions and by utility and other infrastructure providers to improve long range planning.

5

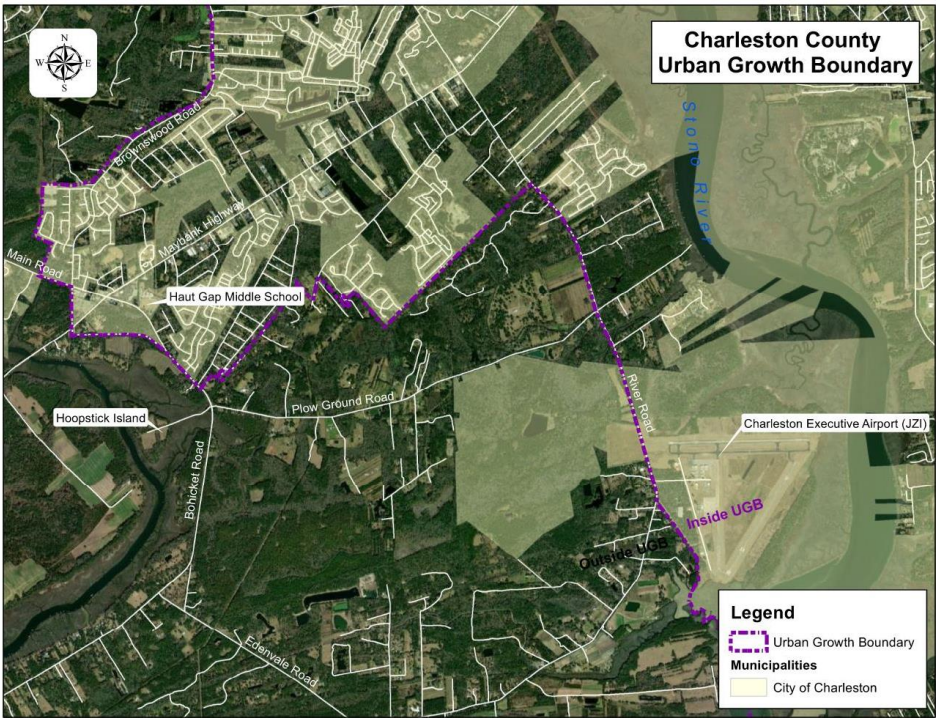


6

Charleston County Urban Growth Boundary

- This boundary line was first established in 1999, within the Charleston County Comprehensive Plan, described as the suburban/rural edge to delineate the rural area from the urban suburban area.
- The Urban/Suburban Area for Charleston County is located within the Urban Growth Boundary. These areas are closer to the urban core of the city, include the area beach communities and have higher levels of infrastructure and services and medium to high intensity development.
- Areas outside the Urban Growth Boundary are identified by scenic rural roads, agricultural lands, low levels of infrastructure and low intensity development.

7

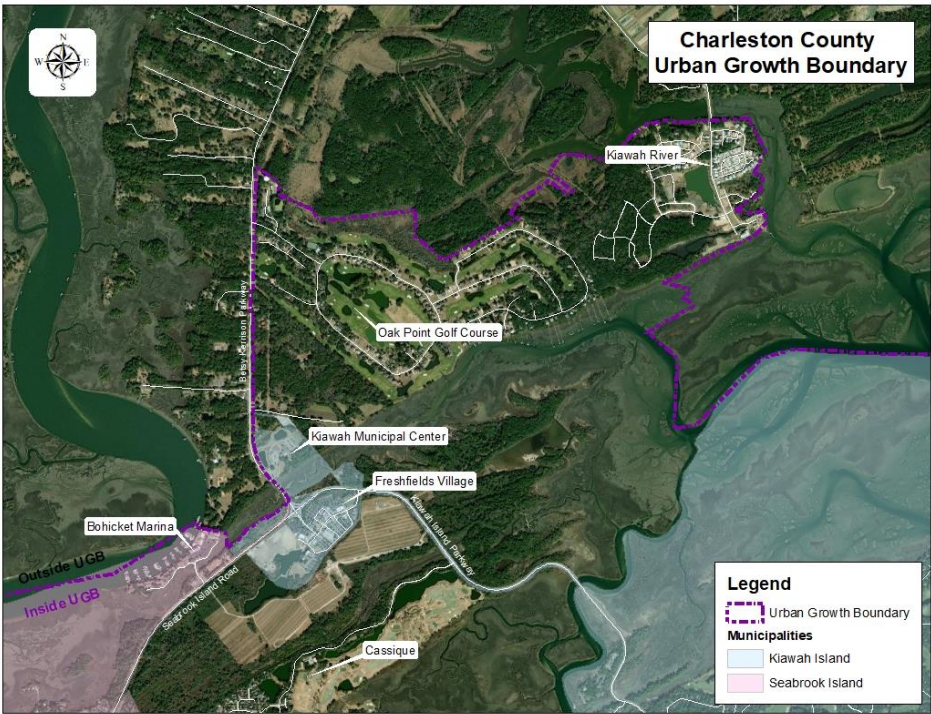


8

Inside the UGB

- The Town of Kiawah Island
- Town of Seabrook Island
- Freshfields Village
- Bohicket Marina
- Future Developments (Seafields, MUSC Health Facility, the Andell West Planned Development)
- Kiawah Island Municipal Center
- Kiawah River Estates and Oak Point Golf Course
- Newly Developed Kiawah River

9



10

10

Regional Planning Opportunities

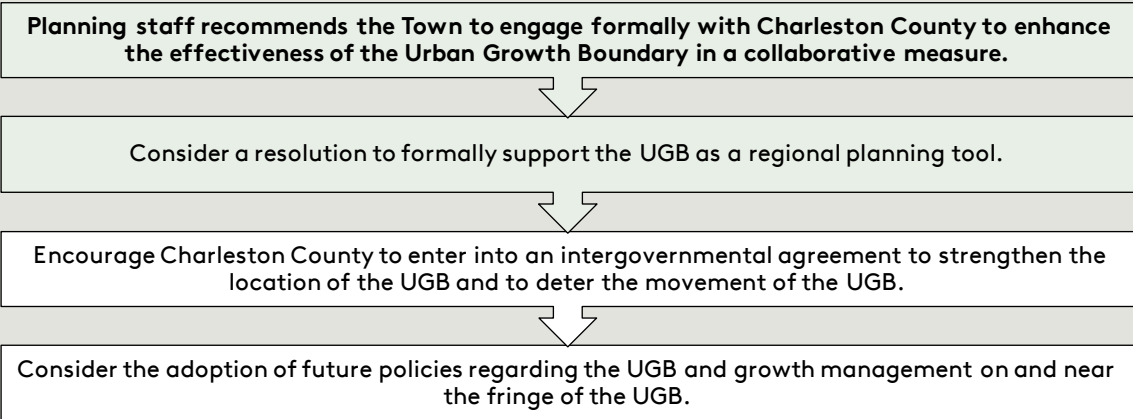
Management of the urban growth boundary by way of collaboration between jurisdictions remain an opportunity to mitigate potential developments in conflict with this growth management strategy.

Representatives of Town Council, Charleston County Council, and planning staffs of each of the jurisdictions have met to discuss potential collaborative opportunities. Planning staffs continue research and meet to explore ways to support this growth management strategy collaboratively.

11

11

Recommendations



12

12

THE TOWN OF KIAWAH ISLAND

RESOLUTION 2023-05

A RESOLUTION IN SUPPORT OF THE URBAN GROWTH BOUNDARY

WHEREAS, Charleston County's current Urban Growth Boundary is a growth management tool intended to influence growth patterns, which help delineate urban and suburban development from rural agricultural development; and

WHEREAS, the Urban Growth Boundary is intended to help steer development toward areas where adequate public facilities and provision of services have been coordinated to preserve open space and forest lands; and

WHEREAS, the Urban Growth Boundary in combination with capital improvement policies, adequate facilities, intergovernmental agreements, and policies limiting annexation to delineate urban growth areas can effectively reduce overextension of public services and manage growth responsibly; and

WHEREAS, the Planning Commission, on September 6, 2023, reviewed the current Urban Growth Boundary and recommends the Town supports the Urban Growth Boundary and increasingly recognizes the Urban Growth Boundary as a planning and development tool to evaluate how future developments impact the Town and adjacent neighborhoods and communities; and

WHEREAS, the Town will evaluate all requests for annexation into the Town of Kiawah Island based on its existing Annexation Policy Plan and Procedures Manual, however, the Town will not consider annexation applications into the Town of Kiawah Island, excluding exceptional circumstances for properties located outside of the Urban Growth Boundary; and

WHEREAS, the Town encourages adjacent service providers of sewer infrastructure to evaluate their service boundaries and to coordinate with the Town of Kiawah Island, other municipalities, and Charleston County Government to conduct need assessments prior to extending services outside of the Urban Growth Boundary and or beyond current service boundaries; and

WHEREAS, the Town encourages Charleston County Government to enter into a mutual intergovernmental agreement to strengthen the location of the Urban Growth Boundary, deterring its relocation for any single proposed development or without notification, consultation and approved recommendation by the Town of Kiawah Island; and

WHEREAS, the Town Council has determined that it is appropriate to support the Urban Growth Boundary;

NOW, THEREFORE, BE IT ORDERED AND RESOLVED BY THE COUNCIL OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AND IT IS RESOLVED BY THE AUTHORITY OF SAID COUNCIL.

Section 1 **Resolution**

The Town Council for the Town of Kiawah Island hereby resolves to support the Urban Growth Boundary as referenced in (Attachment “A”).

Section 2 **Effective Date and Duration**

This resolution shall become effective on the date of passage of the resolution.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND
ON THIS DAY OF , 2023.**

John Labriola, Mayor

Petra S. Reynolds, Town Clerk



TAB 12

TOWN COUNCIL

Agenda Item



REQUEST FOR TOWN COUNCIL ACTION

TO: Mayor and Town Council
FROM: Brian Gottshalk, Public Works Manager
SUBJECT: Beachwalker Drive and KIP Intersection Redesign
DATE: 3 October, 2023

BACKGROUND:

At the beginning of this year, Town staff entered into an agreement with Kimley-Horn for roadway designs pertaining to the intersection of Beachwalker Drive and the Kiawah Island Parkway. The initial design included a right-turn lane on the parkway designated for inbound traffic to turn onto Beachwalker Drive. After further investigation, the addition of this right-turn lane would almost double the cost of the entire project due to the relocation of utilities where the right-turn lane would be constructed. The estimated cost of the project without the right lane is approximately \$400,000 - \$450,000 thousand, but of course, the price could be lower or higher depending on bids. Because of this, staff and the consultant have discussed that the right turn lane should be removed from the design because, in the Kimley-Horn assessment, the right turn lane will not add a significant benefit.

ANALYSIS:

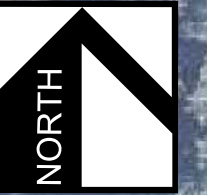
The current design will need to be updated to remove the initially proposed right-turn lane. The redesign will take out the right-turn lane, and because of that Kimley-Horn must update the drainage calculations based on the new design. The proposed cost for this work is \$7,000.

ACTION REQUESTED:

Town staff is requesting that the Town Council approve and cost the redesign as proposed by Kimley-Horn.

BUDGET & FINANCIAL DATA:

If approved, this will be funded 70% from restricted funds and 30% from the General Fund.



AMENDMENT NUMBER ONE TO THE AGREEMENT BETWEEN CLIENT AND KIMLEY-HORN AND ASSOCIATES, INC.

This is Amendment number one dated January 24, 2023 to the agreement between the Town of Kiawah "(Client)" and Kimley-Horn and Associates, Inc. ("Consultant") dated February 21, 2022 ("the Agreement") concerning the Professional Services Agreement for Kiawah Island Parkway at Beachwalker Drive Intersection Design (the "Project").

The Consultant has entered into the Agreement with Client for the furnishing of professional services, and the parties now desire to amend the Agreement.

The Agreement is amended to include services to be performed by Consultant for compensation as set forth below in accordance with the terms of the Agreement, which are incorporated by reference.

PROJECT UNDERSTANDING

It is our understanding that the Client has requested Kimley-Horn to redesign the roadway improvements at the intersection of Kiawah Island Parkway and Beachwalker Drive.

Kimley-Horn's initial design will be changed to remove the proposed right turn lane from Kiawah Island Parkway onto Beachwalker Drive per the meeting with the Town of Kiawah on January 10, 2023.

SCOPE OF SERVICES

Kimley-Horn will provide the additional services specifically set forth below.

Task 1 – Roadway Redesign

Kiawah Island Parkway

- Removal of the proposed right turn lane on the eastbound leg of Kiawah Island Parkway

Kimley-Horn will update roadway permit plans to reflect the change in design. Kimley-Horn will update the drainage report where needed due to the removal of the proposed right turn lane.

SERVICES NOT INCLUDED

Any other services, including but not limited to the following, are not included in this Agreement:

- Supplemental Survey for project

ADDITIONAL SERVICES

Any services not specifically provided for in the above scope will be billed as additional services and performed at our then current hourly rates. Additional services we can provide include, but are not limited to, the following:

- Additional opinions of probable construction costs
- Roadway post-construction stormwater controls (i.e., water quality BMPs) permitting or design services

- Water and sewer relocation plans
- Structural design services
- Hydraulic modeling and design services
- Environmental Document and Coordination (NEPA, SEPA)
- Section 404/401 Permit Application
- Mitigation Design
- Environmental services

SCHEDULE

We will provide our services as expeditiously as practicable to meet a mutually agreed upon schedule.

FEE AND EXPENSES

Kimley-Horn will perform the services in Task 1 for the total lump sum labor fee below. Individual task amounts are informational only. In addition to the lump sum labor fee, direct reimbursable expenses such as express delivery services, fees, air travel, and other direct expenses will be billed at 1.15 times cost. All permitting, application, and similar project fees will be paid directly by the Client.

| | |
|-----------------------|------------|
| Task 1 Roadway Design | \$7,000.00 |
|-----------------------|------------|

| | |
|--------------------|-------------------|
| Total Lump Sum Fee | \$7,000.00 |
|--------------------|-------------------|

Lump sum fees will be invoiced monthly based upon the overall percentage of services performed. Reimbursable expenses will be invoiced based upon expenses incurred. Payment will be due within 25 days of your receipt of the invoice and should include the invoice number and Kimley-Horn project number.

CLIENT:

CONSULTANT:

Town of Kiawah

KIMLEY-HORN AND ASSOCIATES, INC.

By: _____

By:  _____

Title: _____

Title: Senior Vice President

Date: _____

Date: 1/24/2023



TAB 13

TOWN COUNCIL

Agenda Item



KIAWAH ISLAND PARKWAY TRAFFIC UPDATE

Town of Kiawah Island
2023

1



INTRODUCTION

The Town monitors traffic along the road it maintains, including the Kiawah Island Parkway and Beachwalker Drive. In 2023, the Town contracted with Quality Counts, LLC to conduct traffic counts along the Kiawah Island Parkway as well as Beachwalker Drive, Flyway Drive, Governors Drive, Ocean Course Drive and Kiawah Beach Drive for a comprehensive understanding of overall Kiawah Island traffic volumes.

TOWN OF KIAWAH ISLAND

2

2

TRAFFIC COUNTING PERIODS



TOWN OF KIAWAH ISLAND

3

3

TRAFFIC COUNTER LOCATIONS

- #1 – Kiawah Island Pkwy E of Freshfields Drive
- #2 – Kiawah Island Pkwy E of Old Cedar Lane
- #3 – Kiawah Island Pkwy W of Beachwalker Drive
- #4 – Beachwalker Drive S of Kiawah Island Pkwy
- #5 – Beachwalker Drive E of Cape Point Road
- #6 – Kiawah Island Pkwy S of Oyster Rake Drive
- #7 – Kiawah Island Pkwy W of Sea Forest Drive
- #8 – Kiawah Island Pkwy N of Green Dolphin Way
- #9 – Governors Drive E of Flyway Drive
- #10 – Flyway Drive N of Glen Abbey
- #11 – Ocean Course Drive E of Ocean Marsh Road
- #12 – Beachwalker Dr between General Store and Kiawah Island Pkwy
- #13 – Kiawah Island Pkwy Between Betsy Kerrison Pkwy and Freshfields Dr
- #14 – Kiawah Beach Dr between Kiawah Island Pkwy and Greensward Rd

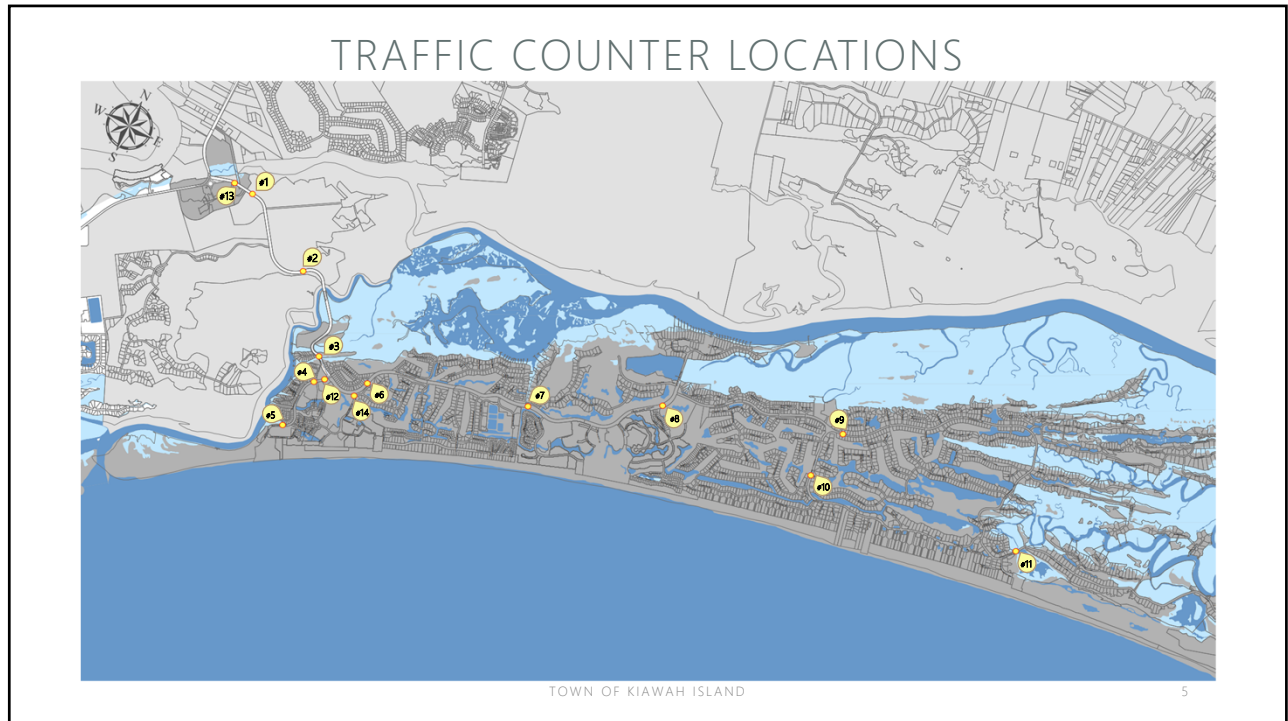
In order to develop a comprehensive understanding of Kiawah Island traffic volumes, additional traffic counter locations were included that are not along the Kiawah Island Parkway as outlined within the Development Agreement. In 2023, three counter locations were added to capture additional specific traffic patterns.

Data was collected by Tube Count and supplemental Video reports.

TOWN OF KIAWAH ISLAND

4

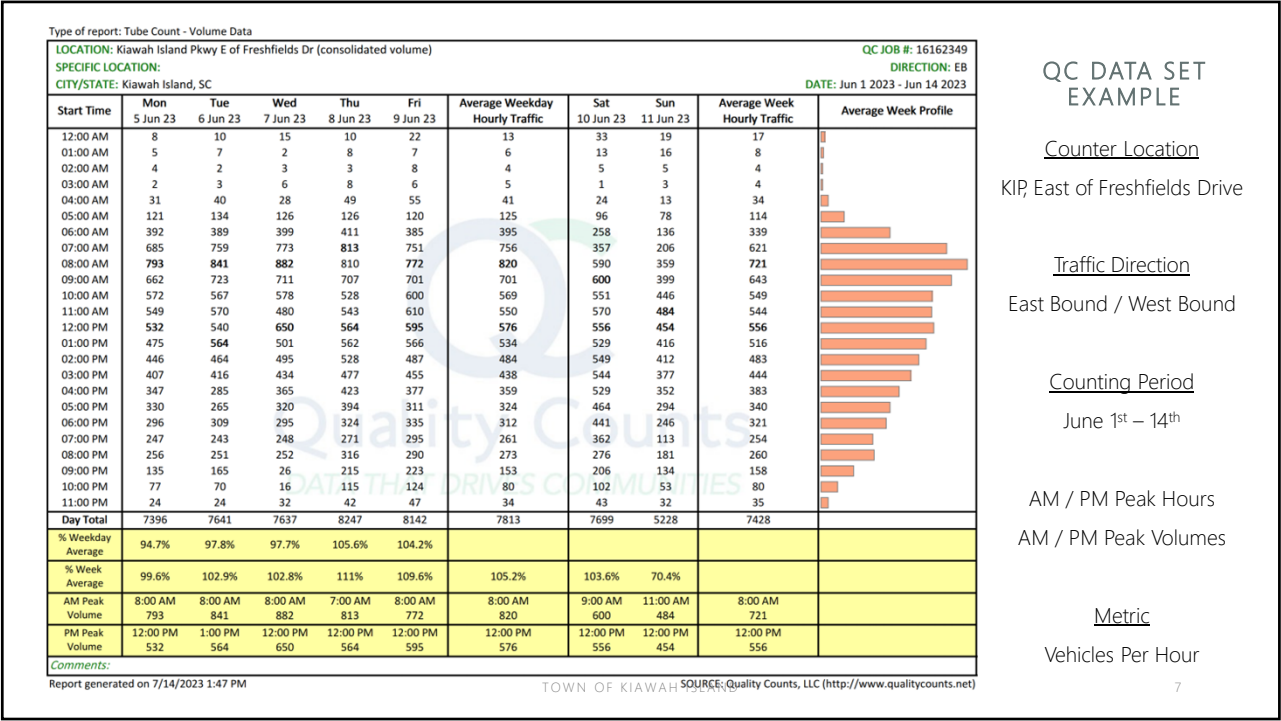
4



5



6



7



8

KIP TRAFFIC SUMMARY (JUNE)

| #13 (KIP) between Betsy Kerrison Pkwy | | | |
|--|-------|----|---------|
| Highest AM Peak Volume | | | |
| 823 vph | 6-Jun | EB | 8:00 AM |
| Highest PM Peak Volume | | | |
| 875 vph | 6-Jun | WB | 5:00 PM |
| Highest AM Three Consecutive Day Peak Volume | | | |
| 823 vph | 6-Jun | EB | 8:00 AM |
| 803 vph | 7-Jun | EB | 8:00 AM |
| 785 vph | 8-Jun | EB | 8:00 AM |
| Highest PM Three Consecutive Day Peak Volume | | | |
| 875 vph | 6-Jun | WB | 5:00 PM |
| 833 vph | 7-Jun | WB | 5:00 PM |
| 764 vph | 8-Jun | WB | 5:00 PM |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

| #1 (KIP) E of Freshfields Drive | | | |
|--|-------|----|---------|
| Highest AM Peak Volume | | | |
| 882 vph | 7-Jun | EB | 8:00 AM |
| Highest PM Peak Volume | | | |
| 920 vph | 7-Jun | WB | 5:00 PM |
| Highest AM Three Consecutive Day Peak Volume | | | |
| 793 vph | 5-Jun | EB | 8:00 AM |
| 841 vph | 6-Jun | EB | 8:00 AM |
| 882 vph | 7-Jun | EB | 8:00 AM |
| Highest PM Three Consecutive Day Peak Volume | | | |
| 916 vph | 6-Jun | WB | 5:00 PM |
| 920 vph | 7-Jun | WB | 5:00 PM |
| 887 vph | 8-Jun | WB | 5:00 PM |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

| #2 (KIP) E of Old Cedar Lane | | | |
|--|-------|----|---------|
| Highest AM Peak Volume | | | |
| 789 vph | 7-Jun | EB | 8:00 AM |
| Highest PM Peak Volume | | | |
| 881 vph | 7-Jun | WB | 5:00 PM |
| Highest AM Three Consecutive Day Peak Volume | | | |
| 780 vph | 6-Jun | EB | 8:00 AM |
| 789 vph | 7-Jun | EB | 8:00 AM |
| 746 vph | 8-Jun | EB | 8:00 AM |
| Highest PM Three Consecutive Day Peak Volume | | | |
| 816 vph | 5-Jun | WB | 5:00 PM |
| 860 vph | 6-Jun | WB | 5:00 PM |
| 881 vph | 7-Jun | WB | 5:00 PM |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

TOWN OF KIAWAH ISLAND

9

9

KIP TRAFFIC SUMMARY (JULY)

| #13 (KIP) between Betsy Kerrison Pkwy | | | |
|--|--------|----|---------|
| Highest AM Peak Volume | | | |
| 793 vph | 12-Jul | EB | 8:00 AM |
| Highest PM Peak Volume | | | |
| 816 vph | 19-Jul | WB | 5:00 PM |
| Highest AM Three Consecutive Day Peak Volume | | | |
| 735 vph | 18-Jul | EB | 7:00 AM |
| 758 vph | 19-Jul | EB | 8:00 AM |
| 791 vph | 20-Jul | EB | 8:00 AM |
| Highest PM Three Consecutive Day Peak Volume | | | |
| 793 vph | 12-Jul | EB | 8:00 AM |
| 769 vph | 13-Jul | EB | 8:00 AM |
| 722 vph | 14-Jul | EB | 8:00 AM |
| Highest PM Three Consecutive Day Peak Volume | | | |
| 755 vph | 18-Jul | WB | 5:00 PM |
| 816 vph | 19-Jul | WB | 5:00 PM |
| 770 vph | 20-Jul | WB | 5:00 PM |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

| #1 (KIP) E of Freshfields Drive | | | |
|--|--------|----|---------|
| Highest AM Peak Volume | | | |
| 822 vph | 20-Jul | EB | 8:00 AM |
| Highest PM Peak Volume | | | |
| 930 vph | 19-Jul | WB | 5:00 PM |
| Highest AM Three Consecutive Day Peak Volume | | | |
| 785 vph | 19-Jul | EB | 7:00 AM |
| 822 vph | 20-Jul | EB | 8:00 AM |
| 764 vph | 21-Jul | EB | 8:00 AM |
| Highest PM Three Consecutive Day Peak Volume | | | |
| 891 vph | 18-Jul | WB | 5:00 PM |
| 930 vph | 19-Jul | WB | 5:00 PM |
| 862 vph | 20-Jul | WB | 5:00 PM |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

| #2 (KIP) E of Old Cedar Lane | | | |
|--|--------|----|---------|
| Highest AM Peak Volume | | | |
| 778 vph | 20-Jul | EB | 8:00 AM |
| Highest PM Peak Volume | | | |
| 897 vph | 19-Jul | WB | 5:00 PM |
| Highest AM Three Consecutive Day Peak Volume | | | |
| 706 vph | 18-Jul | EB | 8:00 AM |
| 702 vph | 19-Jul | EB | 8:00 AM |
| 778 vph | 20-Jul | EB | 8:00 AM |
| Highest PM Three Consecutive Day Peak Volume | | | |
| 843 vph | 11-Jul | WB | 5:00 PM |
| 825 vph | 12-Jul | WB | 5:00 PM |
| 871 vph | 13-Jul | WB | 5:00 PM |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

TOWN OF KIAWAH ISLAND

10

10

KIP TRAFFIC SUMMARY (AUGUST)

| #13 (KIP) between Betsy Kerrison Pkwy | | | |
|--|--------|----|---------|
| Highest AM Peak Volume | | | |
| 823 vph | 24-Aug | EB | 8:00 AM |
| Highest PM Peak Volume | | | |
| 770 vph | 29-Aug | WB | 5:00 PM |
| Highest AM Three Consecutive Day Peak Volume | | | |
| 727 vph | 22-Aug | EB | 8:00 AM |
| 823 vph | 23-Aug | EB | 8:00 AM |
| 711 vph | 24-Aug | EB | 8:00 AM |
| Highest PM Three Consecutive Day Peak Volume | | | |
| 780 vph | 16-Aug | EB | 8:00 AM |
| 753 vph | 17-Aug | EB | 8:00 AM |
| 775 vph | 18-Aug | EB | 8:00 AM |

| #1 (KIP) E of Freshfields Drive | | | |
|--|--------|----|---------|
| Highest AM Peak Volume | | | |
| 849 vph | 24-Aug | EB | 8:00 AM |
| Highest PM Peak Volume | | | |
| 814 vph | 29-Aug | WB | 5:00 PM |
| Highest AM Three Consecutive Day Peak Volume | | | |
| 826 vph | 23-Aug | EB | 8:00 AM |
| 849 vph | 24-Aug | EB | 8:00 AM |
| 752 vph | 25-Aug | EB | 8:00 AM |
| Highest PM Three Consecutive Day Peak Volume | | | |
| 381 vph | 27-Aug | WB | 4:00 PM |
| 710 vph | 28-Aug | WB | 4:00 PM |
| 814 vph | 29-Aug | WB | 5:00 PM |

| #2 (KIP) E of Old Cedar Lane | | | |
|--|--------|----|---------|
| Highest AM Peak Volume | | | |
| 768 vph | 24-Aug | EB | 8:00 AM |
| Highest PM Peak Volume | | | |
| 752 vph | 29-Aug | WB | 5:00 PM |
| Highest AM Three Consecutive Day Peak Volume | | | |
| 720 vph | 23-Aug | EB | 8:00 AM |
| 768 vph | 24-Aug | EB | 8:00 AM |
| 690 vph | 25-Aug | EB | 8:00 AM |
| Highest PM Three Consecutive Day Peak Volume | | | |
| 366 vph | 27-Aug | WB | 5:00 PM |
| 638 vph | 28-Aug | WB | 5:00 PM |
| 752 vph | 29-Aug | WB | 5:00 PM |

TOWN OF KIAWAH ISLAND

11

11

EVALUATING TRAFFIC

Near Capacity Traffic Volume (NCTV)

NCTV represents the point at which 70% peak hour capacity is reached on the Kiawah Island Parkway or Kiawah River Bridge determined by vehicles per hour (VPH). In determining the 70% capacity, the NCTV is evaluated per lane for the Kiawah Island Parkway, or the equivalent of one direction as Kiawah Island Parkway East Bound, or Kiawah Island Parkway West Bound.

Kiawah Island
Parkway

Peak Hour
Capacity
1,900 VPH

NCTV
1,330 VPH

Kiawah River
Bridge

Peak Hour
Capacity
1,700 VPH

NCTV
1,190 VPH

TOWN OF KIAWAH ISLAND

12

12

What happens if the NCTV is reached? EVALUATING TRAFFIC

Traffic Volumes Exceed NCTV

NCTV is exceeded for three (3) consecutive days during designated counting periods.

June 1st – 14th

July 8th – 22nd

August 17th – 31st

This does not include peaking volumes due to special events.

Developed Traffic Mitigation Plan

The Developer submits a traffic mitigation plan to the Town.

The plan shall include measures to reduce the traffic volumes below the NCTV or increase roadway capacity for affected road segments along the Kiawah Island Parkway.

Implemented Traffic Mitigation

The Town reviews and approves the traffic mitigation plan.

The developer shall be liable for implementing the approved traffic mitigation plan and traffic mitigation measures with construction of improvements beginning within six (6) months.

TOWN OF KIAWAH ISLAND

13

13

EVALUATING TRAFFIC

Has the NCTV been reached?

As determined by the standards and criteria outlined within the Development Agreement (Exhibit 10.1), the Near Capacity Traffic Volume has not been reached.

Overall traffic volumes have increased over the previous year however, **traffic volumes have not met or exceeded the near capacity thresholds** for required mitigation measures.

Some traffic mitigation efforts have taken place absent of the required thresholds being met. Furthermore, the Town has proactively studied the KIP for future traffic impacts.

NCTV

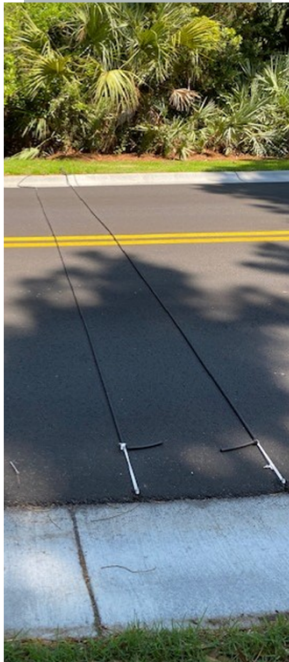
Kiawah Island Parkway 1,330 VPH

Kiawah Island Bridge 1,190 VPH

TOWN OF KIAWAH ISLAND

14

14



ADDITIONAL RESOURCES

The complete traffic data provided by Quality Counts, LLC may be found online at the Towns Development Resources Webpage.

https://www.kiawahisland.org/traffic_studies.php



TAB 11

TOWN COUNCIL

Agenda Item

THE TOWN OF KIAWAH ISLAND

RESOLUTION 2023-04

A RESOLUTION APPROVING SETTLEMENT OF DAVID J. BRANSON V. THE TOWN OF KIAWAH ISLAND AND PAYMENT OF \$25,000 RETENTION TO INSURER WESTERN WORLD

WHEREAS, Town of Kiawah Island and Building Official Bruce Spicher were named as defendants in a lawsuit brought by David J. Branson claiming that the defendants interfered with Branson's efforts to develop a house in the Town;

WHEREAS, insurer Western World Insurance Company accepted coverage of this lawsuit pursuant to its 2020 Director's and Officer's Liability Insurance Policy and has since provided and paid for counsel to represent the Town in the lawsuit;

WHEREAS, the Town's insurance policy with Western World included a Twenty-Five Thousand Dollar (\$25,000) retention whereby the Town is contractually obligated to pay the first \$25,000 expended on attorneys fees and/or settlement of the claim. To date, the Town has not paid any of this retention;

WHEREAS, Western World mediated the Branson claim on August 12, 2023 and reached a settlement with Mr. Branson paying him \$115,000 in exchange for full releases of the Town and Mr. Spicher contingent on approval by Town Council;

WHEREAS, the Western World insurance policy states that Western World "shall have the right to settle any Claim; provided however, no settlement shall be made without the consent of the [Town], such consent not to be unreasonably withheld;"

WHEREAS, Town Attorney attended the mediation and agreed to recommend that Town Council consent to the settlement and the payment of the Town's \$25,000 retention to Western World for attorneys fees incurred to date and the settlement;

WHEREAS, the Town's failure to consent to the settlement could jeopardize its coverage with Western World; and

WHEREAS, the Town is contractually obligated to pay the \$25,000 retention regardless of the settlement;

NOW, THEREFORE, BE IT ORDERED AND RESOLVED BY THE COUNCIL OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AND IT IS RESOLVED BY THE AUTHORITY OF SAID COUNCIL.

Section 1

Resolution

The Town Council for the Town of Kiawah Island hereby resolves and authorizes the Town to pay the Twenty-Five Thousand Dollar (\$25,000) retention to Western World as required by the Town's 2020 Director's and Officer's Liability Insurance Policy with Western World.

Further, the Town Council for the Town of Kiawah Island hereby resolves to consent to the settlement of the claims made by David J. Branson whereby Western World will pay Mr. Branson \$115,000 in exchange for a complete release of the Town and Mr. Spicher and further authorizes the Mayor to execute any settlement agreement or other documents necessary to approve the settlement.

Section 2 **Effective Date and Duration**

This resolution shall become effective on the date of passage of the resolution.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND
ON THIS ____ DAY OF _____, 2023.**

John Labriola, Mayor

Petra S. Reynolds, Town Clerk