



# TOWN OF KIAWAH ISLAND

21 BEACHWALKER DRIVE • KIAWAH ISLAND, SC 29455 • (843) 768-9166 • FAX (843) 768-4764

## TOWN COUNCIL MEETING

Kiawah Island Municipal Center

Council Chambers

July 11, 2017; 2:00 PM

### AGENDA

#### Mayor

Craig E. Weaver

#### Council Members

Jack Koach

Diana L. Mezzanotte

Chris Widuch

John R. Wilson

#### Town Administrator

Stephanie Monroe Tillerson

I. Call to Order:

II. Pledge of Allegiance

III. Approval of Minutes:

A. Minutes of the Town Council Public Hearing of June 2, 2017

[Tab 1]

B. Minutes of the Town Council Meeting of June 6, 2017

[Tab 2]

C. Minutes of the Town Council Public Hearing of June 22, 2017

[Tab 3]

IV. Mayor's Update:

V. Citizens' Comments (Agenda Items Only):

VI. Consent Agenda:

A. **Ordinance 2017-10** - To Amend The Text Of Chapter 12, Land Use Planning And Zoning Of The Town of Kiawah Island, South Carolina Zoning Ordinance, By Amending Article II, Division 2, Zoning Map/Districts by Adding a New Principal Use within the Rst-1 Resort Zoning District to Allow Church, Synagogue, Temple or Religious Assembly; and Amending Section 12-102 to Table 3a. Authorized Uses in Zoning Districts, Of the Zoning Ordinance of the Town of Kiawah Island – **Second Reading**

[Tab 4]

B. **Ordinance 2017-14** - To Amend The Text Of Chapter 12, Land Use Planning And Zoning Of The Town of Kiawah Island, South Carolina Zoning Ordinance, By Amending Article II, Division 2, Zoning Map/Districts by Amending Lot Standards for the Rst-2 Resort Zoning District and Allowing Conference Center as a Principal Use within the RST2 Resort Zoning District; And Amending Section 12-102 By Adding Conference Center as a Principal Use to Table 3a. Authorized Uses in Zoning Districts, Of the Zoning Ordinance of the Town of Kiawah Island – **Second Reading**

[Tab 5]

C. **Ordinance 2017-15** - 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 (207-06-00-407; and 402) From "Active Recreation and Open Space" To "Resort" – **Second Reading**

[Tab 6]

D. **Ordinance 2017-16** - To Amend The Text Of Chapter 12, Land Use Planning And Zoning Of The Town of Kiawah Island, South Carolina Zoning Ordinance, By Amending Article II, Division 2, Zoning Map/Districts by Rezoning the Properties Located At Sparrow Road and Shipwatch Road (207-06-00-407; and 402) From Park and Recreation (PR) To Rst-2, Resort Zoning District. Authorized Uses in Zoning Districts, Of the Zoning Ordinance of the Town of Kiawah Island, South Carolina; and Providing For Severability and an Effective Date. – **Second Reading**

[Tab 7]

E. **Ordinance 2017-17** - 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 (207-06-00-404; -405; And -013) From "Resort" to "Active Recreation and Open Space" – **Second Reading**

[Tab 8]

F. **Ordinance 2017-18** - To Amend The Text Of Chapter 12, Land Use Planning And Zoning Of The Town of Kiawah Island, South Carolina Zoning Ordinance, By Amending Article II, Division 2, Zoning Map /Districts by Rezoning the Properties Located At Kiawah Beach Drive (207-06-00-404; And -404 And -013) From The Rst-2 Resort Zoning District to the Parks and Recreation (PR) Zoning District (5.10 Acres) Authorized Uses in Zoning Districts, Of the Zoning Ordinance of the Town Of Kiawah Island – **Second Reading**

[Tab 9]

**VII. New Business:**

- A. Approval to Amend the October 5, 2010 Development Agreement with Kiawah Island Golf Resort [Tab 10]
- B. Approval of the Carolina Waste Contract Amendment [Tab 11]
- C. Approval of the Selection of a Contractor for Janitorial Services [Tab 12]
- D. Approval of the Selection of a Contractor for Information Technology Support Services [Tab 13]
- E. Approval of the of the Town's New Accounting Policies and Procedures [Tab 14]
- F. Review and Discussion of the Proposed Employee Handbook [Tab 15]

**VIII. Town Administrator's Report:**

**IX. Council Member:**

- a. Committee Updates
- b. General Comments

**X. Citizens' Comments:**

**XI. Executive Session:**

**XII. Adjournment:**

**TOWN COUNCIL  
PUBLIC HEARING**  
Kiawah Island Municipal Center  
Council Chambers  
June 2, 2016; 10:30 am

**MINUTES**

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

**Present at the meeting:** Craig Weaver, Mayor  
John R. Wilson  
Jack Koach  
Chris Widuch

**Absent:** Diana Mezzanotte

**Also Present:** Stephanie Monroe Tillerson, Town Administrator  
Dorota Szubert, Town Treasurer  
Petra Reynolds, Town Clerk

- II. **Public Hearing:**

A. **Ordinance 2017-08** – An Ordinance to Adopt the Fiscal Year 2017-2018 Budget for the Town of Kiawah Island, South Carolina (7/1/17 through 6/30/18)

- III. **Public Comments:**  
None

- IV. **Adjournment:**

*Mr. Wilson motioned to adjourn the meeting at 10:35 am. The motion was seconded by Mr. Koach and carried unanimously.*

Submitted by,

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Petra S. Reynolds, Town Clerk

Approved by,

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Craig E. Weaver, Mayor

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Date

# TOWN COUNCIL MEETING

Kiawah Island Municipal Center

Council Chambers

June 6, 2017; 2:00 PM

## MINUTES

I. **Call to Order: Mayor Weaver called the meeting to order at 2:00 pm.**

**Present at the meeting:** Craig Weaver, Mayor  
John R. Wilson, Mayor Pro-Tempore  
Jack Koach  
Diana Mezzanotte  
Chris Widuch

**Arrived Late:** Stephanie Monroe Tillerson, Town Administrator

**Also Present:** Petra Reynolds, Town Clerk

II. **Pledge of Allegiance**

III. **Approval of Minutes:**

A. Minutes of the Town Council Meeting of May 2, 2017

*Mr. Koach made a motion to approve the minutes of the May 2, 2017 Town Council Meeting. The motion was seconded by Mr. Wilson and the minutes were unanimously approved.*

IV. **Mayor's Update:**

Mayor Weaver reported one of the requirement for DHEC to perform a periodic review of the location of the baseline along the coastline of South Carolina every 8-10 years. He indicated the last one was done in 2009 so the next re-establishment will have to be completed by the end of 2019. It is the intent of OCRM to have the proposed baseline and setback by late August with a goal to have everything approved by 12-31-17 to beat the regulation that will not allow for movement baselines more seaward.

Mayor Weaver stated the Resort submitted zoning, map, and Comprehensive Plan amendment requests that will be reviewed by Planning Commission at the June 7<sup>th</sup> meeting. There will be a Public Hearing on June 22<sup>nd</sup> to hear comments on the requests followed by a first reading of the ordinances. The second reading is expected at the July 11<sup>th</sup> Town Council meeting with an amendment to the 2010 Development with the Resort following thereafter.

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

**Wendy Kulick – 38 Marsh Edge Lane**

Ms. Kulick indicated that the resolution which will be discussed is an enactment of what a majority of Kiawah Island Property owners believe in regards to offshore drilling and questioned how Council made the determination.

vi. **Old Business**

**A. Ordinance 2017-08 - An Ordinance to Adopt the Fiscal Year 2017-2018 Budget for the Town of Kiawah Island, SC (7/1/17 through 6/30/18) – Second Reading**

Mayor Weaver stated the Fiscal Year 2017-2018 Budget was carefully reviewed and recommended for approval by the Ways and Means Committee. Town Council approved the first reading at the May Meeting and held a Public Hearing on June 2<sup>nd</sup> with no public comment.

***Mr. Wilson made a motion to approve the second reading of Ordinances 2017-08 to adopt the Fiscal Year 2017-2018 Budget for the Town of Kiawah Island, SC. The motion was seconded by Mr. Widuch and was unanimously passed.***

**B. Use of New Town Hall Facilities: Principals for Discussion**

Mayor Weaver stated that following the discussion at the Last Town Council meeting the policy for the uses of the New Town Hall Facilities were refined using the feedback that was received at the meeting. He indicated that with the building not completed and not moved into, the revision, rather than being too specific, were basic use principles for Council review and comments.

vii. **New Business:**

**A. Approval of the Charleston County Sheriff's Office Contract**

Mayor Weaver stated the Charleston County Sheriff's Office (CCSO) Contract was reviewed and recommended for approval by the Ways and Means Committee. The 2017-2018 contract included the increase in deputies and the addition of language providing that the Coordinators have the responsibility of vetting and managing the deputies referred for part-time employment. The changes help manage the liability of the Town and also provide a suitable level of oversight.

***Mr. Widuch made a motion to recommend to Town Council the approval of the 2017/2018 Charleston County Sheriff's Office Contract. The motion was seconded by Mrs. Mezzanotte.***

***Following further discussion, the motion was unanimously passed.***

**B. Recommendation to Amend Resolution 2015-01 by Adopting Resolution 2017-01 opposing Seismic Testing and Offshore Drilling off the SC coast.**

Mrs. Mezzanotte addressed Mrs. Kulick's question by indicating she queried the members of the Environmental Committee and all respondents were against offshore drilling. She indicated that after reviewing earlier letters from other beach communities she concluded that there was a need to defend Kiawah's environment, wildlife, and community. The approval Ordinance 2017-01 would reaffirm the opposing Seismic Testing and Offshore Drilling off the SC coast. Members engaged in an in-depth discussion of the previous resolution and options available at this time.

***Mrs. Mezzanotte made a motion to adopt Resolution 2017-01 opposing Seismic Testing and Offshore Drilling off the SC coast. Mr. Widuch seconded the motion.***

***Following member comments, the motion was unanimously passed.***

**C. Discussion of Annual Employee Disclosure Statement – Ethical Conduct and Conflicts of Interest**

Mayor Weaver indicated the Annual Employee Disclosure Statement focused on Ethical Conduct and Conflicts of Interest was part of procedure to be implemented for Town staff. He noted the statement was to be part of the new Employee Handbook, and since the handbook has been delayed in legal review, he felt it would be a good policy to put into practice this summer.

**VIII. Town Administrator's Report:**  
None

**IX. Council Member:**  
a. Committee Updates  
b. General Comments

Mrs. Mezzanotte reported on:

- The Environmental Committee's Sea Level Rise Subcommittee meetings with Seabrook and other local entities having substantial Sea Level Rise Initiatives. She indicated Mr. Conner, from the Community Association, Mr. Jordan, and Mr. Spicher would be joining the Committee at the next meeting on June 16<sup>th</sup>.
- The Conservancy making preparations for its *Legacy Gala* fundraiser which will be held at the Resort on November 12<sup>th</sup>, land donations, and documentary showing.
- Last of this season's Arts Council events "Piccolo comes to Kiawah" to be held this evening, the new season will begin on July 2<sup>nd</sup> at Freshfields.
- The Audit Committee met in April to review and discuss the draft of Town's new Accounting Policy and Procedures manual and a planning session with the auditors.
- Meeting with representatives of the Charleston Visitors Bureau to gain a better understanding of what they do for Kiawah.

Mr. Wilson, for the Ways and Means Committee, commended Mrs. Szubert and Ms. Tillerson on a smooth and well-illustrated budget cycle which was just completed.

Mr. Widuch reported the New Municipal Center was 30 to 45 days away from obtaining the certificate of occupancy, still under budget and the move was approximately 60 days way.

Mr. Widuch, for the Public Safety Committee, reported the temporary trailer is positioned at Station 6. The tents for the apparatus to be delivered within the next two weeks and demolition is expected to begin in July. He also reported on the increased patrols and monitoring of Beachwalker Drive which resulted in the line entering the County Park.

Mayor Weaver announced both Mr. Widuch and Mr., Wilson agreed to work on reassessing the Town approach on hurricane debris clean-up to include a review of contractors and the responsibilities of the different entities on the Island and Town finances.

x. **Citizens' Comments:**

**Wendy Kulick – 38 Marsh Edge Lane**

Mrs. Kulick:

- Asked that Council encourage residents attend the Disaster Awareness Day at Seabrook on June 15<sup>th</sup>.
- Expressed her concern with the speeding that is occurring coming on to the Island and asked that Council may a request for more a police presence.
- Suggested that along with the Resolution and letter to the governor, the Town follow up with federal agencies and congressman.
- Suggested credit cards expenditures are approved before the transaction is completed.

**Dennis McGill – 100 Pleasant Valley Drive**

Mr. McGill asked questioned on legal expenses and asked if all the bills had been received for the water rate case. **Mayor Weaver indicated the final bills has not been received yet.**

Mr. McGill questioned if the compensation and classification reports being done by the Mercer Group had been completed. **Mayor Weaver indicated the Classification Study had not begun and would not until the completion of the Organizational review is completed.**

Mr. McGill questioned the percentage increases in some departmental salaries in the FY 17-18 Budget and asked if the amounts were anticipated or actual. **Mayor Weaver explained the increase did not reflect a percentage raise to employees.**

Mr. McGill asked if overpayment payback loans had been paid out yet. **Mayor Weaver indicated they were still in progress.**

**David DeStefano – 31 Burroughs Hall**

Mr. DeStefano referenced the minutes of the last Town Council meeting which indicated the approval of the architect's contract extension. He expressed his concern with what he felt was an inaccurate statement and questioned how and why the contract was negotiated.

**Gregg Bragg – 176 Marsh Island Drive**

Mr. Bragg asked if the Mayor would look into a FOIA request made in March of 2016 in which he did not receive the item requested. **Mayor Weaver asked that he resubmit the request to the Town Clerk.**

xI. **Executive Session:**

None

xII. **Adjournment:**

**Mr. Wilson motioned to adjourn the meeting at 10:35 am. The motion was seconded by Mr. Koach and carried unanimously.**

Submitted by,

\_\_\_\_\_  
Petra S. Reynolds, Town Clerk

Approved by,

\_\_\_\_\_  
Craig E. Weaver, Mayor

\_\_\_\_\_  
Date

DRAFT



**TOWN COUNCIL PUBLIC HEARING  
Kiawah Island Municipal Center  
Council Chambers  
June 22, 2017; 1:30 PM**

**MINUTES**

**I. Call to Order: Mayor Weaver called the meeting to order at 1:30 pm.**

**Present at the meeting:** Craig Weaver, Mayor  
John R. Wilson  
Diana Mezzanotte  
Jack Koach  
Chris Widuch

**Also Present:** Stephanie Monroe Tillerson, Town Administrator  
Dwayne Green, Town Attorney  
Petra Reynolds, Town Clerk

**II. Staff Presentation:**

Mayor Weaver stated all the amendment applications were submitted by the Kiawah Island Golf Resort and reviewed by the Planning Commission who recommended approval to Town Council. The approval process requires this public hearing and two readings of Council.

Mark Permar made a presentation for Kiawah Island Golf Resort which outlined some of the conceptual plans envisioned for the Sanctuary Hotel and West Beach areas.

Stephanie Tillerson gave a PowerPoint presentation focusing on the technical aspects of the proposed changes for each of the text, zoning map and comprehensive plan amendment requests for the Sanctuary and West Beach.

**IV. Public Hearing and First Reading:**

**A. ZONING ORDINANCE AND MAP AMENDMENT AND COMPREHENSIVE PLAN  
AMENDMENT APPLICATIONS:**

**THE SANCTUARY**

- I. ZONING ORDINANCE TEXT AMENDMENT REQUEST – *Ordinance 2017-10***  
**ZLDR-05-17-00104:** Request a text amendment to allow church, synagogue, temple, or religious assembly as a principal use within the RST-1 Resort Zoning District.

**WEST BEACH**

- II. ZONING ORDINANCE TEXT AMENDMENT REQUEST – *Ordinance 2017-14***  
**ZLDR-05-17-00106:** Request to amend lot standards for the RST-2 Resort Zoning District and to allow conference center as a principal use within the RST-2 Resort Zoning District.

- III. COMPREHENSIVE PLAN AMENDMENT REQUEST – **Ordinance 2017-15**  
**ACP-05-17-00108:** Request a map amendment to change the Future Land Use Designation for the properties at Sparrow Rd and Shipwatch Rd (TMS 207-06-00-407; and -402) from Active Recreation and Open Space to Resort.
- IV. ZONING MAP AMENDMENT REQUEST – **Ordinance 2017-16**  
**ZREZ-05-17-00057:** Request to rezone the properties located at Sparrow Rd and Shipwatch Rd (TMS 207-06-00-407; and -402) from the Parks and Recreation (PR) Zoning District to the RST-2, Resort Zoning District (Total size: 10.90 acres).
- V. COMPREHENSIVE PLAN AMENDMENT REQUEST – **Ordinance 2017-17**  
**ACP-05-17-00109:** Request a map amendment to change the Future Land Use Designation for the properties located at Kiawah Beach Drive (TMS 207-06-00-404; -405; and -013) from Resort to Active Recreation and Open Space.
- VI. ZONING MAP AMENDMENT REQUEST – **Ordinance 2017-18**  
**ZREZ-05-17-00058:** Request to rezone the properties located at Kiawah Beach Drive (TMS: 207-06-00-404; -402; and -013) from the RST-2 Resort Zoning District to the Parks and Recreation (PR) Zoning District. (Total size: 5.10 acres)

With no public comments on the Sanctuary zoning ordinance text amendment Mayor Weaver closed public comment period related to the request.

**Bill Jordan – Attorney representing Mr. & Mrs. Hirsch of 1407 Shipwatch Road**

Mr. Jordan relayed the concerns of his clients, living in Courtside Villas, that the zoning requests will substantially impact the resale value, use, and enjoyment of their property by having a view of a conference center and parking lot as a replacement for a view of a tennis center.

**Clinton Magill – Attorney representing owners of Shipwatch Villas**

Mr. Magill first called attention to the error of the wrong day listed in the notification. He stated his clients were not opposed to development, but noted a list of owners concerns which includes removal of ocean views, destruction of dunes and an increase of traffic and security issues in the area. Mr. Magill requested opposition letters sent by owners be attached as part of the public hearing minutes.

**Uldis Sipols – 2376 Shipwatch Villas**

Mr. Sipols stated that as a longtime resident of Kiawah, he supported the development of West Beach that was in keeping with “barrier island best practices” which included the principals of coexistence as neighbors and stewardship of the surroundings.

**Janette Lawson – 2475 Shipwatch Drive**

Mrs. Lawson indicated she and her husband use to own the villa on the further most corner of Shipwatch and shared a picture of the ocean view which she says will no longer exist if the area is redeveloped.

Ms. Tillerson requested that comments submitted by homeowners of 2269 Shipwatch Road be entered into the record and attached part of the minutes along with emails received by the Charleston County Zoning and Planning and Shipwatch homeowners.

Mayor Weaver called for the First Reading, in title only, of the Ordinances for the amendment requests.

***Mr. Wilson made a motion to approve the first reading of Ordinance 2017-10 to amend lot standards for the RST-2 Resort Zoning District and to allow conference center as a principal use within the RST-2 Resort Zoning District. The motion was seconded by Mr. Koach.***

Mr. Wilson clarified that approval of this ordinance would not sanction multiple churches on the Island, but rather a nondenominational facility at the Sanctuary with the Resort controlling the use.

***Following the discussion the motion was unanimously passed.***

***Mr. Wilson made a motion to approve the first reading of Ordinance 2017-14 to amend lot standards for the RST-2 Resort Zoning District and to allow conference center as a principal use within the RST-2 Resort Zoning District, Ordinance 2017-15 to change the Future Land Use Designation for the properties at Sparrow Rd and Shipwatch Rd (TMS 207-06-00-407; and -402) from Active Recreation and Open Space to Resort, Ordinance 2017-16 to rezone the properties located at Sparrow Rd and Shipwatch Rd (TMS 207-06-00-407; and -402) from the Parks and Recreation (PR) Zoning District to the RST-2, Ordinance 2017-17 to change the Future Land Use Designation for the properties located at Kiawah Beach Drive (TMS 207-06-00-404; -405; and -013) from Resort to Active Recreation and Open Space, and Ordinance 2017-18 to rezone the properties located at Kiawah Beach Drive (TMS: 207-06-00-404; -402; and -013) from the RST-2 Resort Zoning District to the Parks and Recreation (PR) Zoning District. The motion was seconded by Mr. Koach.***

Mr. Green stated with the error in the notifications for today's Public Hearing, there would be a second Public Hearing on July 11<sup>th</sup> at 1:30 for Council to hear additional comments.

Mr. Wilson indicated though he did not recall seeing any development near Shipwatch Villas that would restrict oceans views there were many public comments on that concern. Mr. Permar clarified that the development agreement held a more restricted use area in front of Shipwatch Villas and Beach Townhouse than the existing zoning classification and immense consideration has been given to the ocean views over the years.

***Following further discussion the motion was unanimously passed.***

Mayor Weaver indicated he received many emails with concerns and questions. The first most concern was on the ability to build in the dunes. In order to better clarify he explained about the system of property ownership along the ocean which allow for some owners to have

different pre-existing property rights. The second concern was with traffic issues. He indicated the Resort was sensitive to the issue, is doing a traffic study, and will work with the Community Association on possible solutions to changes to roads and intersections.

**V. Public Comments:**

None

**VI. Adjournment:**

*Mr. Wilson motioned to adjourn the meeting at 2:50 pm. The motion was seconded by Mr. Koach and carried unanimously.*

Submitted by,

\_\_\_\_\_  
Petra S. Reynolds, Town Clerk

Approved by,

\_\_\_\_\_  
Craig E. Weaver, Mayor

\_\_\_\_\_  
Date

**TOWN OF KIAWAH ISLAND**

**ORDINANCE 2017- 10**

**TO AMEND THE TEXT OF CHAPTER 12, LAND USE PLANNING AND ZONING OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA ZONING ORDINANCE, BY AMENDING ARTICLE II, DIVISION 2, ZONING MAP/DISTRICTS BY ADDING A NEW PRINCIPAL USE WITHIN THE RST-1 RESORT ZONING DISTRICT TO ALLOW CHURCH, SYNAGOGUE, TEMPLE OR RELIGIOUS ASSEMBLY; AND AMENDING SECTION 12-102 TO TABLE 3A. AUTHORIZED USES IN ZONING DISTRICTS, OF THE ZONING ORDINANCE OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Kiawah Island now finds that, upon further review, it is in the public interest to add a new principal use within the RST-1 Resort Zoning District, and by amending the Authorized Uses in Zoning Districts Table 3A; and

**WHEREAS**, the text 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 June 7, 2017, 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 June 22, 2017 and on July 11, 2017, providing the public an opportunity to comment on the proposed amendments; and

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED** by the Mayor and Members of Council of the Town of Kiawah, South Carolina and in Council assembled:

**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 section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 3    Effective Date**

This Ordinance shall be effective upon its adoption by the Town Council of the Town of Kiawah Island, South Carolina.

**DONE AND RATIFIED THIS 11<sup>TH</sup> DAY OF JULY, 2017**

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Craig Weaver, Mayor

ATTEST:

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Petra Reynolds, Town Clerk

Approved as to Form:

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Dwayne M. Green, Town Attorney

June 22, 2017    1<sup>st</sup> Reading

July 11, 2017    2<sup>nd</sup> Reading

**Town of Kiawah Island Zoning Ordinance Text Amendment Request**  
**Case ZLDR-05-17-00104 History**

Planning Commission Meeting: June 7, 2017  
Public Hearing and First Reading: June 22, 2017  
Second Reading: July 7, 2017

**CASE INFORMATION**

Applicant: Mark Permar

Application: The applicant is requesting to amend Section 12-102. Principle uses and use regulations; Table 3A. Authorized Uses in Zoning Districts of the *Land Use Planning and Zoning Ordinance* of Kiawah Island, (Article 12A-301) to allow for the use "Church, Synagogue, Temple or Religious Assembly" to be permitted as a matter of right within the RST-1 Resort Zoning District.

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

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

There are three classifications of uses (permitted, conditional and special exception) as defined in this subsection and as listed in Table 3A in this subsection (where no classification of use is shown (blank cell), that use is prohibited in the zoning district).

Key Definitions: "Church means a place of assembly and worship by a recognized religion including synagogues, temples, churches, instruction rooms and the place of residence for ministers, priests, rabbis, teachers and directors of the premises, but does not include a parochial or similar school."

"Religious assembly means a church, synagogue, temple, monastery, convent, retreat center or any permanent or temporary building providing regular, organized religious worship of any denomination and religious education incidental thereto, but excluding private primary or secondary educational facilities day care facilities. A property tax exemption obtained pursuant to State Law shall constitute prima facie evidence of religious assembly use."

The proposed Zoning Ordinance Text Amendments to add the permitted use within the RST-1 Zoning District are attached to this report.

**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."

**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 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 amendments 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 of the Town of Kiawah Island South Carolina (Zoning Ordinance)*, 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 Town of Kiawah Island Comprehensive Plan;

Applicant's Response: "The proposed use is compatible in type and character with the diverse uses presently allowed within the district and would allow for a more formal venue for activities presently conducted informally within the district. The RST-1 district is presently limited to that area on Kiawah Island occupied by the Sanctuary Hotel and is a Resort category, as described in the 2015 Comprehensive Plan, which is intended '... to promote the development of high quality recreational use structures that provide a range of activities for residents and guests...'"

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

Applicant's Response: "The proposed amendment is consistent with the purposes as described in Sec. 12-20. Authority and Purpose with particular attention to the following select initiatives:

- (1) Implementing the vision and goals of the Comprehensive Plan of a "...RESIDENTIAL COMMUNITY INCORPORATING A WORLD CLASS RESORT..."
- (5) Implementing land use policies that will preserve the natural character of the Town of Kiawah Island by responsibly regulating the use of buildings
- (7) Promoting desirable living"

- 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 use provides for a more substantial conditioned venue for weddings, services, and community gatherings than presently active in outdoor venues. While presently handled responsibly outdoors, this amendment would allow for the use to be integrated within a structure associated with the resort."

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

Applicant's Response: "The proposed amendment does not correct an error or inconsistency; however, it does address a growing need on the island for a place of assembly to celebrate key events in the lives of guests and residents."

#### **JUNE 7, 2017 PLANNING COMMISSION MEETING**

##### **Notifications:**

This request was noticed in the Post & Courier on May 21, 2017. Notices were sent to individuals on the Kiawah/Seabrook Community Interest Group on May 22, 2017. Additionally, a public notice sign was posted near the Sanctuary Hotel.



TABLE 3A. ALLOWED USES IN ZONING DISTRICTS

USE CATEGORY	PRINCIPAL USES	ZONING DISTRICTS										KC Conditional Use Reference
		R-1	R-2	R-3	C	RST-1	RST-2	CS	PR	PD	KC	
MUSEUMS, HISTORICAL SITES AND SIMILAR INSTITUTIONS												
	Historical Sites	C	C	C	C	C	C	C	P	C		4
	Libraries or Archives				P	C	C	C		C		4
	Museums or Art Galleries				P	C	C	C		C		4
	Nature Exhibitions					C	C		P	C		4
POSTAL SERVICE	Botanical Gardens or Arboretums				P	C	C		P	C		4
	Postal Service, United States				P					C		5
RECREATION AND ENTERTAINMENT												
	Community Recreation, including Sports Activities, Playgrounds and Athletic Areas, or Swimming Areas (beaches and pools)				C	C	C					6
	Golf Courses or Country Clubs											6
	Parks	P	P	P	P	C	C	C	P	C	P	6
	Motion Picture and Live Theaters				C	C	C					6
RELIGIOUS, CIVIC, PROFESSIONAL AND SIMILAR ORGANIZATIONS	Recreation or Vacation Camps				C				C			6
	Recreational Equipment Storage				C	C	C	C				6
	Business and Professional Organizations				P							
	Social or Civic Organizations, including Youth Organizations, Sororities, or Fraternities				P							
	Church, Synagogue, Temple or Religious Assembly				P	P	P	P				

**TOWN OF KIAWAH ISLAND**

**ORDINANCE 2017- 14**

**TO AMEND THE TEXT OF CHAPTER 12, LAND USE PLANNING AND ZONING OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA ZONING ORDINANCE, BY AMENDING ARTICLE II, DIVISION 2, ZONING MAP/DISTRICTS BY AMENDING LOT STANDARDS FOR THE RST-2 RESORT ZONING DISTRICT AND ALLOWING CONFERENCE CENTER AS A PRINCIPAL USE WITHIN THE RST-2 RESORT ZONING DISTRICT; AND AMENDING SECTION 12-102 BY ADDING CONFERENCE CENTER AS A PRINCIPAL USE TO TABLE 3A. AUTHORIZED USES IN ZONING DISTRICTS, OF THE ZONING ORDINANCE OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Kiawah Island now finds that, upon further review, it is in the public interest to add a new principal use within the RST-2 Resort Zoning District, and by amending the Authorized Uses in Zoning Districts Table 3A with its permitted uses by right and by condition; and

**WHEREAS**, the text 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 June 7, 2017, 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 June 22, 2017 and on July 11, 2017, providing the public an opportunity to comment on the proposed amendments; and

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED** by the Mayor and Members of Council of the Town of Kiawah, South Carolina and in Council assembled:

**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 section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 3    Effective Date**

This Ordinance shall be effective upon its adoption by the Town Council of the Town of Kiawah Island, South Carolina.

**DONE AND RATIFIED THIS 11<sup>TH</sup> DAY OF JULY, 2017**

---

Craig Weaver, Mayor

ATTEST:

---

Petra Reynolds, Town Clerk

Approved as to Form:

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Dwayne M. Green, Town Attorney

June 22, 2017    1<sup>st</sup> Reading

July 11, 2017    2<sup>nd</sup> Reading

**Town of Kiawah Island Zoning Ordinance Text Amendment Request**  
**Case ZLDR-05-17-00106 History**

**Planning Commission Meeting: June 7, 2017**  
**Public Hearing and First Reading: June 22, 2017**  
**Second Reading: July 7, 2017**

**CASE INFORMATION**

Applicant: Mark Permar

Application: The applicant is requesting to amend Section 12-70. RST-2, Resort District of the *Land Use Planning and Zoning Ordinance* of Kiawah Island, (Article 12A-210) and to amend Section 12-102. Principle uses and use regulations; Table 3A. Authorized Uses in Zoning Districts of the *Land Use Planning and Zoning Ordinance* of Kiawah Island, (Article 12A-301) to allow for the use "Conference Center" to be permitted as a matter of right within the RST-2 Resort Zoning District.

The applicant's letter of intent states, *"The proposed text amendment to the RST-2 district is intended to provide more flexibility to plan and develop high quality hospitality and guest services consistent with the goals and objectives of the vision for the Town of Kiawah Island."*

The proposed amendment modifies lot standards, including maximum height and minimum setbacks and authorized uses for the RST-2 Resort District.

Section 12-70. RST-2, Resort District

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

Section 12-102. Principle uses and use regulations

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

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

There are three classifications of uses (permitted, conditional and special exception) as defined in this subsection and as listed in Table 3A in this subsection (where no classification of use is shown (blank cell), that use is prohibited in the zoning district).

The proposed Zoning Ordinance Text Amendments to modify the lot standards within the RST-2 Resort District and to add the permitted use within the RST-2 Resort District are attached to this report.

**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 12-126. 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**

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 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 amendments 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 of the Town of Kiawah Island South Carolina (Zoning Ordinance)*, 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 Town of Kiawah Island Comprehensive Plan;  
*Applicant's Response:* "The proposed revisions to the setback standards will provide flexibility for building placement on the site while maintaining a balance of scale and massing within the existing area. The RST-2 district is presently limited to that area on Kiawah Island which forms the core of West Beach and is a Resort category, as described in the 2015 Comprehensive Plan, which is intended '...to promote the development of high quality recreational use structures that provide a range of activities for residents and guests...' The proposed text amendments will allow for building designs that are compatible with surrounding development."
- B. The proposed amendment is consistent with the purposes and intent of this article;  
*Applicant's Response:* "The proposed amendment is consistent with the purposes as described in Sec.12-20. Authority and Purpose with particular attention to the following select initiatives:
  - (1) Implementing the vision and goals of the Comprehensive Plan of a '...RESIDENTIAL COMMUNITY INCORPORATING A WORLD CLASS RESORT...'
  - (5) Implementing land use policies that will preserve the natural character of the Town of Kiawah Island by responsibly regulating the use of buildings
  - (7) Promoting desirable living"
- 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 text amendments will allow for building and site design that is more flexible to provide an environment that is consistent with contemporary standards of better living within a natural setting."
- D. The proposed amendment corrects an error or inconsistency or meets the challenge of a changed condition.  
*Applicant's Response:* "The proposed amendment does not correct an error or inconsistency; however, it does provide greater flexibility to plan and design to contemporary resort guest services in the competitive world market. The program requirements for resort settings of today are far more demanding than those of the original Kiawah Island Inn. The proposed text amendments will allow for siting and design of buildings that are more intimate in scale with the environment."

### **JUNE 7, 2017 PLANNING COMMISSION MEETING**

#### **Notifications:**

Notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcel and individuals on the Kiawah/Seabrook Community Interest Group on May 22, 2017. A sign was also posted on the property on May 22, 2017. Additionally, this request was also noticed in the Post & Courier on May 21, 2017.

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

- (a) *Purpose and intent.* The purpose of the RST-2 zoning district is to provide for development of high quality resorts and associated uses providing a wide range of activities for guests of Kiawah Island.
- (b) *District regulations.* The following apply to the RST-2 zoning district:
  - (1) The density of guestrooms shall be limited to nine rooms per acre;
  - (2) Hotels and inns shall provide the following resort facilities:
    - a. Ten square feet of swimming pool and contiguous pool deck area per guestroom;
    - b. Ten square feet of dining/lounge area per guestroom;
    - c. One seat of meeting room capacity per guestroom;
    - d. Shuttles to transport guests to Kiawah Island golf courses, tennis centers, and other amenities;
    - e. Exercise facilities;
    - f. Direct beach access;
    - g. One tennis court per 50 rooms, which may be waived for hotels located within 1,000 feet of existing courts that may be used by hotel guests;
  - (3) Lot standards (setbacks, lot coverage, etc.) are listed in table 2J in this subsection;  
*Notation: Accessory uses include pools, changing rooms, rest rooms, gazebos, shade structures, food and beverage services, poolside-beachside retail sales, meeting facilities, fitness and other similar uses related to hotel guest services.*
  - (4) Authorized uses are listed in table 3A in section 12-102(c);
  - (5) Parking standards are given in section 12-128.

Table 2J. Lot Standards for the RST-2, Resort Zoning District						
Maximum number of guestrooms (per acre)		9 <del>(10)</del>				
Minimum area (square feet) <sup>(1)</sup>		20,000				
Minimum lot depth (feet)		120				
Minimum width (feet)		150				
Maximum floor area ratio		0.2				
Maximum lot coverage		70 percent				
Maximum height <sup>(2)(6)</sup>						
	Stories	4	3	2	1	0 <del>(7)</del>
	Feet	55	55	45	35	10
Minimum setbacks (feet) <sup>(3)</sup>						
	Front	50	50 <del>(8)</del>	50 <del>(8)</del>	50 <del>(8)</del>	25
	Side <sup>(4)</sup>	50	40 <del>(8)</del>	30 <del>(8)</del>	25	25
	Rear <sup>(5)</sup>					
	Oceanfront <del>(9)</del>	120	120	60	40	20
	Lagoon - Wooded	50	40	25	25	20
<sup>(1)</sup> Smaller nonresidential lots may be permitted by the Town Council as part of a planned development.						
<sup>(2)</sup> Buildings shall not exceed the permitted number of stories or height.						
<sup>(3)</sup> Canopies connected to the main building shall be set back a minimum of 20 feet from any property line.						

(4) No interior side yard will be required on contiguous lots.
(5) Accessory structures shall be located a minimum of 20 feet from rear property lines.
(6) Height in the RST-2 zoning district applies to hotels and associated activities, such as a conference or convention center, meeting rooms, gift shops or restaurants associated with a hotel.

( 7) Grade level structures such as pools, decking, parking and other site improvements that minimize vertical massing

( 8) Building setback may be reduced to 25' for structures adjacent to local or minor streets. Section 12.64(2) (formerly Section 12A-204) " Setbacks on corner and double frontage lots" does not apply where one of the two streets is a minor (or local) street.

( 9) Hotel rooms and meeting rooms shall not be closer to rear oceanfront property line than 120' regardless of height.

(10) With respect to a Parcel under a Development Agreement comprised of more than one tax map parcel, the Maximum Number of Rooms Per Acre shall not be determined based upon individual tax map basis, but instead on the total acreage of the entire Parcel under the Development Agreement.

(Code 1993, § 12A-210; Ord. No. 2005-08, § 12A-210, 10-12-2005)



TABLE 3A AUTHORIZED USES IN ZONING DISTRICTS

USE CATEGORY	PRINCIPAL USES	ZONING DISTRICTS										Conditional Use Reference
		R-1	R-2	R-3	C	RST-1	RST-2	CS	PR	PD	KC	
OFFICES												
	<i>Real Estate Sales and Services</i>				P	P	P			C		1
	Administrative or Business Office, including Bookkeeping Services, Couriers, Insurance Offices, Personnel Offices, Real Estate Services, Secretarial Services or Travel Arrangement or Ticketing Services				P							
	Government Offices				P			C		C		12
OTHER NONRESIDENTIAL DEVELOPMENT	Legal and other Professional Services, including Accounting, Tax Preparation, Architectural, or Engineering				P							
	Communications Towers							C	C	C		13
	Convention Center, Visitors Bureaus or <b>Conference Center</b>				C		<b>P</b>	C				14
REPAIR AND MAINTENANCE SERVICES												
	Repair Service, Consumer, including Appliance, Shoe, Watch, Furniture, Jewelry, or Musical Instrument Repair Shops				C							15
	Vehicle Service, Limited, including Automotive Oil Change or Lubrication Shops, or Car Washes (enclosed area only)				C			C				15

**TOWN OF KIAWAH ISLAND**

**ORDINANCE 2017- 15**

**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 (207-06-00-407; AND 402) FROM “ACTIVE RECREATION AND OPEN SPACE” TO “RESORT”**

**WHEREAS**, the Town of Kiawah Island now finds that it is in the public interest to amend the Comprehensive Land Map accordingly, and;

**WHEREAS**, this Comprehensive Land 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 June 7, 2017 at which time a presentation was made by staff and the applicant, and an opportunity was given for the public to comment on the proposed amendment; 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 June 22, 2017 and on July 11, 2017, 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, South Carolina and it is ordained by the authority of said Council.

**SECTION 1 Purpose**

To amend the Town of Kiawah Island Comprehensive Plan Map IV.2, Future Land Use; to change the future land use designation for the subject property (207-06-00-407; and 402) from Active Recreation and Open Space to Resort.

**SECTION 2 Ordinance**

Attached Exhibit “A” hereto is incorporated herein as if set forth verbatim.

**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**

This Ordinance shall be effective upon its second reading approval.

**DONE AND RATIFIED THIS 11<sup>TH</sup> DAY OF JULY, 2017**

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Craig Weaver, Mayor

ATTEST:

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Petra Reynolds, Town Clerk

Approved as to Form:

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Dwayne M. Green, Town Attorney

June 22, 2017 1<sup>st</sup> Reading

July 11, 2017 2<sup>nd</sup> Reading

**Town of Kiawah Island Comprehensive Plan Amendment Request**  
**Case ACP-05-17-00108 History**

**Planning Commission Meeting: June 7, 2017**  
**Public Hearing and First Reading: June 22, 2017**  
**Second Reading: July 7, 2017**

**CASE INFORMATION**

Applicant: Kiawah Island Inn Company and Kiawah Tennis Club

Representative: Mark Permar

Location: Sparrow Road and Shipwatch Road

Parcel Identification: 207-06-00-407 and 207-06-00-402

Property Size: 10.9 acres total

Application: The applicant is requesting 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 properties from "Active Recreation and Open Space" to "Resort."

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. Some examples include the Tennis Center, Night Heron Park, and the Property Owners Beach and Recreation Center."

The Comprehensive Plan defines Resort Future Land Use Category as "This category is intended to promote the development of high quality recreational use structures that provide a range of activities for residents and guests of Kiawah Island. A typical development with a Resort designation would include The Sanctuary Hotel."

Adjacent Properties:

The Comprehensive Plan designates the subject properties as Active Recreation and Open Space. Future Land Use for the adjacent property to the south of parcel 207-06-00-407 is also designated "Active Recreation and Open Space". The adjacent property to the north is designated "Resort" and its east and west extents northern adjacent properties are designated "High Density Residential".

Across Shipwatch Road to the south of parcel 207-06-00-402, Future Land Use for the properties is designated "Resort" and "High Density Residential". Adjacent to the east and north the designation is also "High Density Residential".

**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."

#### **DECISION ON AMENDMENT BY THE TOWN COUNCIL**

Section 12-157(6) 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 (7) 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 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 amendments until the Town Council has rendered its decision on the proposed amendment."

#### **APPROVAL CRITERIA AND APPLICANT'S RESPONSE**

Pursuant to §12-157(7) of the *Land Use Planning and Zoning of the Town of Kiawah Island South Carolina (Zoning Ordinance)*, "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."

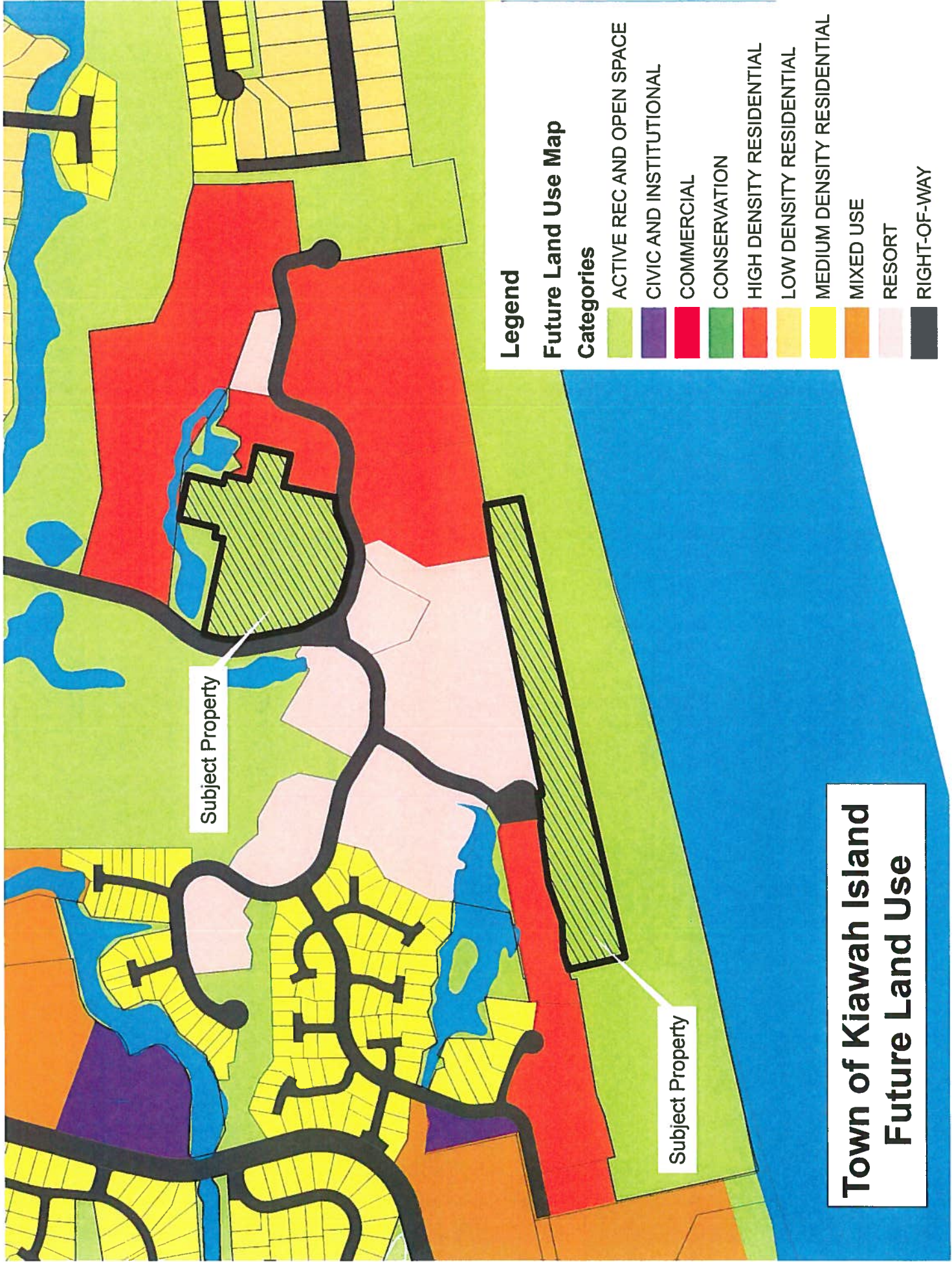
The applicant's letter of intent states the following in response: *"The proposed map amendment for the Resort land use category will allow for a more comprehensive plan organization for the resort in West Beach resulting in a more sensitive site organization of appropriately scaled buildings. The amendment will maintain the core resort area while allowing for more integrated open space with building placement."*

#### **JUNE 7, 2017 PLANNING COMMISSION MEETING**

##### **Notifications:**

Notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcel and individuals on the Kiawah/Seabrook Community Interest Group on May 22, 2017. A sign was also posted on the subject properties on May 22, 2017. Additionally, this request was also noticed in the Post & Courier on May 21, 2017.





**TOWN OF KIAWAH ISLAND**

**ORDINANCE 2017- 16**

**TO AMEND THE TEXT OF CHAPTER 12, LAND USE PLANNING AND ZONING OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA ZONING ORDINANCE, BY AMENDING ARTICLE II, DIVISION 2, ZONING MAP/DISTRICTS BY REZONING THE PROPERTIES LOCATED AT SPARROW ROAD AND SHIPWATCH ROAD (207-06-00-407; AND 402) FROM PARK AND RECREATION (PR) TO RST-2, RESORT ZONING DISTRICT. AUTHORIZED USES IN ZONING DISTRICTS, OF THE ZONING ORDINANCE OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Kiawah Island now finds that, upon further review, it is in the public interest to rezone the properties located at Sparrow Road and Shipwatch Road (207-06-00-407; and 402) and by amending the zoning map changing these properties from Parks and Recreation (PR) to the RST-2 Resort Zoning District 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 June 7, 2017, 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 June 22, 2017 and on July 11, 2017, providing the public an opportunity to comment on the proposed amendments; and

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED** by the Mayor and Members of Council of the Town of Kiawah, South Carolina and in Council assembled:

**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 section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 3 Effective Date**

This Ordinance shall be effective upon its adoption by the Town Council of the Town of Kiawah Island, South Carolina.

**DONE AND RATIFIED THIS 11<sup>TH</sup> DAY OF JULY, 2017**

\_\_\_\_\_  
Craig Weaver, Mayor

ATTEST:

\_\_\_\_\_  
Petra Reynolds, Town Clerk

Approved as to Form:

\_\_\_\_\_  
Dwayne M. Green, Town Attorney

June 22, 2017 1<sup>st</sup> Reading

July 11, 2017 2<sup>nd</sup> Reading



**Town of Kiawah Island Zoning District Map Amendment Request**  
**Case ZREZ-05-17-00057 History**

**Planning Commission Meeting: June 7, 2017**  
**Public Hearing and First Reading: June 22, 2017**  
**Second Reading: July 7, 2017**

**CASE INFORMATION**

Applicant: Kiawah Island Inn Company and Kiawah Tennis Club

Representative: Mark Permar

Location: Sparrow Road and Shipwatch Road

Parcel Identification: 207-06-00-407 and 207-06-00-402

Property Size: 10.9 acres total

Application: The applicant is requesting to amend the zoning district map for the subject properties from the Parks and Recreation (PR) Zoning District to the RST-2, Resort Zoning District.

Zoning and Land Use Information:

The subject properties fall within the Parks and Recreation (PR) Zoning District and fall under the Resort Overlay District. Parcel 207-06-00-407 is currently undeveloped; however multiple boardwalks traverse the property for access to the beach. The adjacent property to the north of this subject property (207-06-00-407) is zoned "RST-2, Resort"; and the properties north of the subject property's east and west extents are zoned "R-3 Residential" (Shipwatch Villas and Beach Townhomes).

Parcel 207-06-00-402 is the site of the West Beach Tennis Center; including an amenity building, tennis courts and community pool. The adjacent properties to the north and east of the subject property are zoned "R-3 Residential". Properties across Shipwatch Road, south of the subject property are zoned "Commercial" (*Straw Market*), "RST-2 Resort" and "R-3 Residential" (*Shipwatch Villas*). Across Kiawah Beach Drive due west, properties are zoned "RST-2 Resort" and "Parks and Recreation" (*Cougar Point Golf Course*).

**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."

**DECISION ON AMENDMENT BY THE TOWN COUNCIL**

Section 12-157(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 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 amendments 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 of the Town of Kiawah Island South Carolina (Zoning Ordinance)*, 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 Town of Kiawah Island Comprehensive Plan;

*Applicant's Response:* "The proposed zoning district amendment will provide flexibility for building placement on the site while maintaining a balance of scale and massing within the existing area. The RST-2 district limited to that area on Kiawah Island which forms the core of West Beach and is a Resort category, as described in the 2015 Comprehensive Plan, which is intended '...to promote the development of high quality recreational use structures that provide a range of activities for residents and guests...' the proposed map amendment will allow for building designs that are compatible with surrounding development and will result in more integrated open space."

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

*Applicant's Response:* "The proposed zoning district amendment will provide flexibility for building placement on the site while maintaining a balance of scale and massing within the existing area. The RST-2 district limited to that area on Kiawah Island which forms the core of West Beach and is a Resort category, as described in the 2015 Comprehensive Plan, which is intended '...to promote the development of high quality recreational use structures that provide a range of activities for residents and guests...' the proposed map amendment will allow for building designs that are compatible with surrounding development and will result in more integrated open space."

- 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 map amendment will allow for building and site design that is more flexible to provide an environment that is consistent with contemporary standards of better living within a natural setting."

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

*Applicant's Response:* "The proposed amendment does not correct an error or inconsistency; however, it does provide greater flexibility to plan and design to contemporary resort guest services in the competitive world market. The program requirements for resort settings of today are far more demanding than those of the original Kiawah Island Inn. The proposed map amendment will allow for siting and design of buildings that are more intimate in scale with the environment."

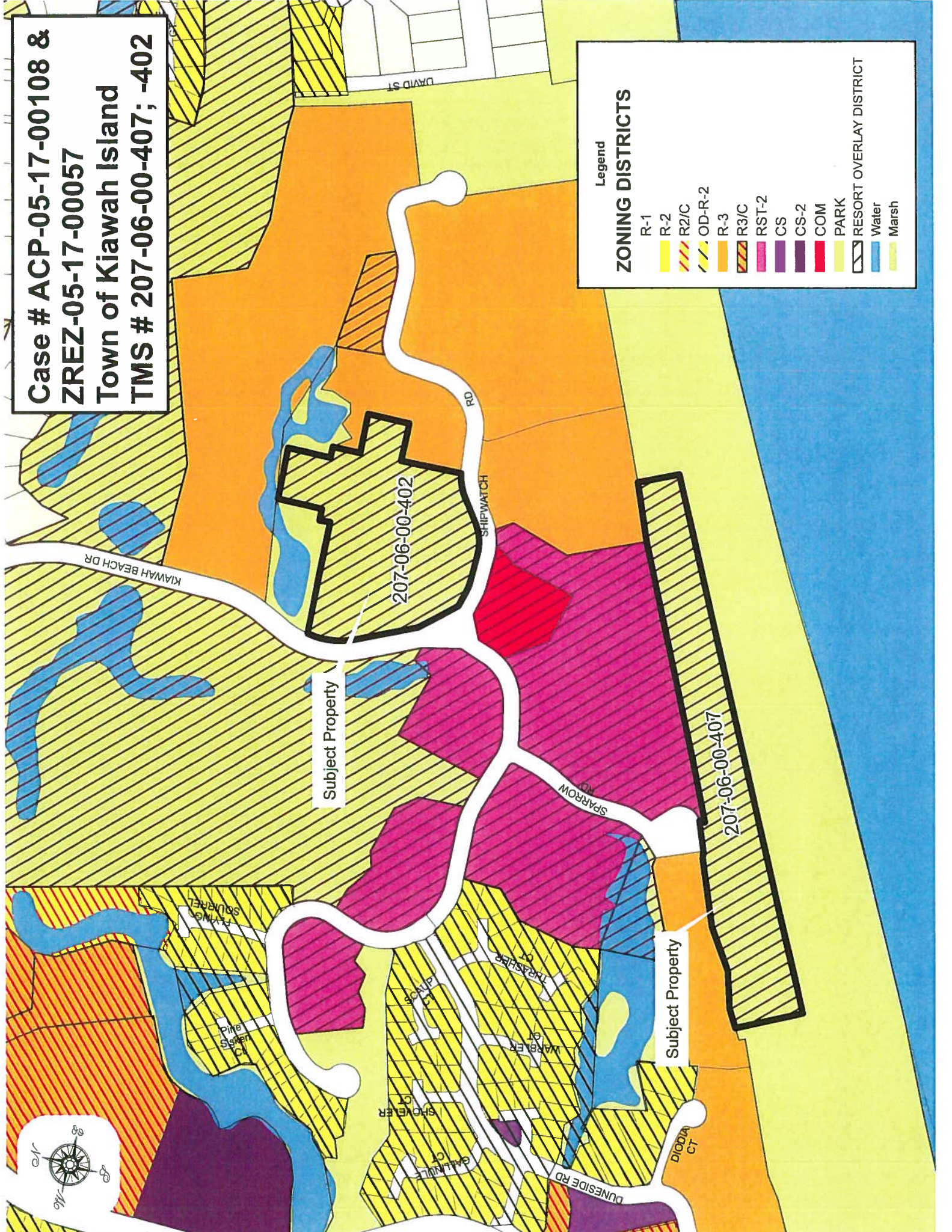
#### **JUNE 7, 2017 PLANNING COMMISSION MEETING**

##### Notifications:

Notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcel and individuals on the Kiawah/Seabrook Community Interest Group on May 22, 2017. A sign was also posted on the subject properties on May 22, 2017. Additionally, this request was also noticed in the Post & Courier on May 21, 2017.



Case # ACP-05-17-00108 &  
ZREZ-05-17-00057  
Town of Kiawah Island  
TMS # 207-06-00-407; -402



Legend

### ZONING DISTRICTS

- R-1
- R-2
- R2/C
- OD-R-2
- R-3
- R3/C
- RST-2
- CS
- CS-2
- COM
- PARK
- RESORT OVERLAY DISTRICT
- Water
- Marsh



TOWN OF KIAWAH ISLAND

**ORDINANCE 2017-17**

**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 (207-06-00-404; -405; AND -013) FROM “RESORT” TO “ACTIVE RECREATION AND OPEN SPACE”**

**WHEREAS**, the Town of Kiawah Island now finds that it is in the public interest to amend the Comprehensive Land Map accordingly, and;

**WHEREAS**, this Comprehensive Land 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 June 7, 2017 at which time a presentation was made by staff and the applicant, and an opportunity was given for the public to comment on the proposed amendment; 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 June 22, 2017 and on July 11, 2017, 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, South Carolina and it is ordained by the authority of said Council.

**SECTION 1 Purpose**

To amend the Town of Kiawah Island Comprehensive Plan Map IV.2, Future Land Use; to change the future land use designation for the subject property (207-06-00-404; -405; and -013) from Resort to Active Recreation and Open Space.

**SECTION 2 Ordinance**

Attached Exhibit “A” hereto is incorporated herein as if set forth verbatim.

**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**

This Ordinance shall be effective upon its second reading approval.

**DONE AND RATIFIED THIS 11<sup>TH</sup> DAY OF JULY, 2017**

\_\_\_\_\_  
Craig Weaver, Mayor

ATTEST:

\_\_\_\_\_  
Petra Reynolds, Town Clerk

Approved as to Form:

\_\_\_\_\_  
Dwayne M. Green, Town Attorney

June 22, 2017 1<sup>st</sup> Reading

July 11, 2017 2<sup>nd</sup> Reading

**Town of Kiawah Island Comprehensive Plan Amendment Request**  
**Case ACP-05-17-00109 History**

**Planning Commission Meeting: June 7, 2017**  
**Public Hearing and First Reading: June 22, 2017**  
**Second Reading: July 7, 2017**

**CASE INFORMATION**

Applicant: Kiawah Island Inn Company and Marsh Point Golf Company

Representative: Mark Permar

Location: Kiawah Beach Drive

Parcel Identification: 207-06-00-405; 207-06-00-404 and 207-06-00-013

Property Size: 5.01 acres total

Application: The applicant is requesting 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 properties from "Resort" to "Active Recreation and Open Space".

The Comprehensive Plan defines Resort Future Land Use Category as "This category is intended to promote the development of high quality recreational use structures that provide a range of activities for residents and guests of Kiawah Island. A typical development with a Resort designation would include The Sanctuary Hotel."

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. Some examples include the Tennis Center, Night Heron Park, and the Property Owners Beach and Recreation Center."

Adjacent Properties:

The Future Land Use for the adjacent property to the north of parcels 207-06-00-405 and -404 is designated "Active Recreation and Open Space". Across Kiawah Beach Drive to the south of parcels 207-06-00-405 and -404, the Future Land Use designation for the properties are "Resort" (Sparrow Road) and "Medium Density Residential" (Duneside Road).

The adjacent property to the south of the subject property (parcel 207-06-00-013) is designated "Active Recreation and Open Space". Across Kiawah Beach Drive to the north, the Future Land Use designation for these properties are "Medium Density" (Flying Squirrel Court & Pine Sisken Court).

**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.”

#### **DECISION ON AMENDMENT BY THE TOWN COUNCIL**

Section 12-157(6) 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 (7) 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 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 amendments until the Town Council has rendered its decision on the proposed amendment.”

#### **APPROVAL CRITERIA AND APPLICANT'S RESPONSE**

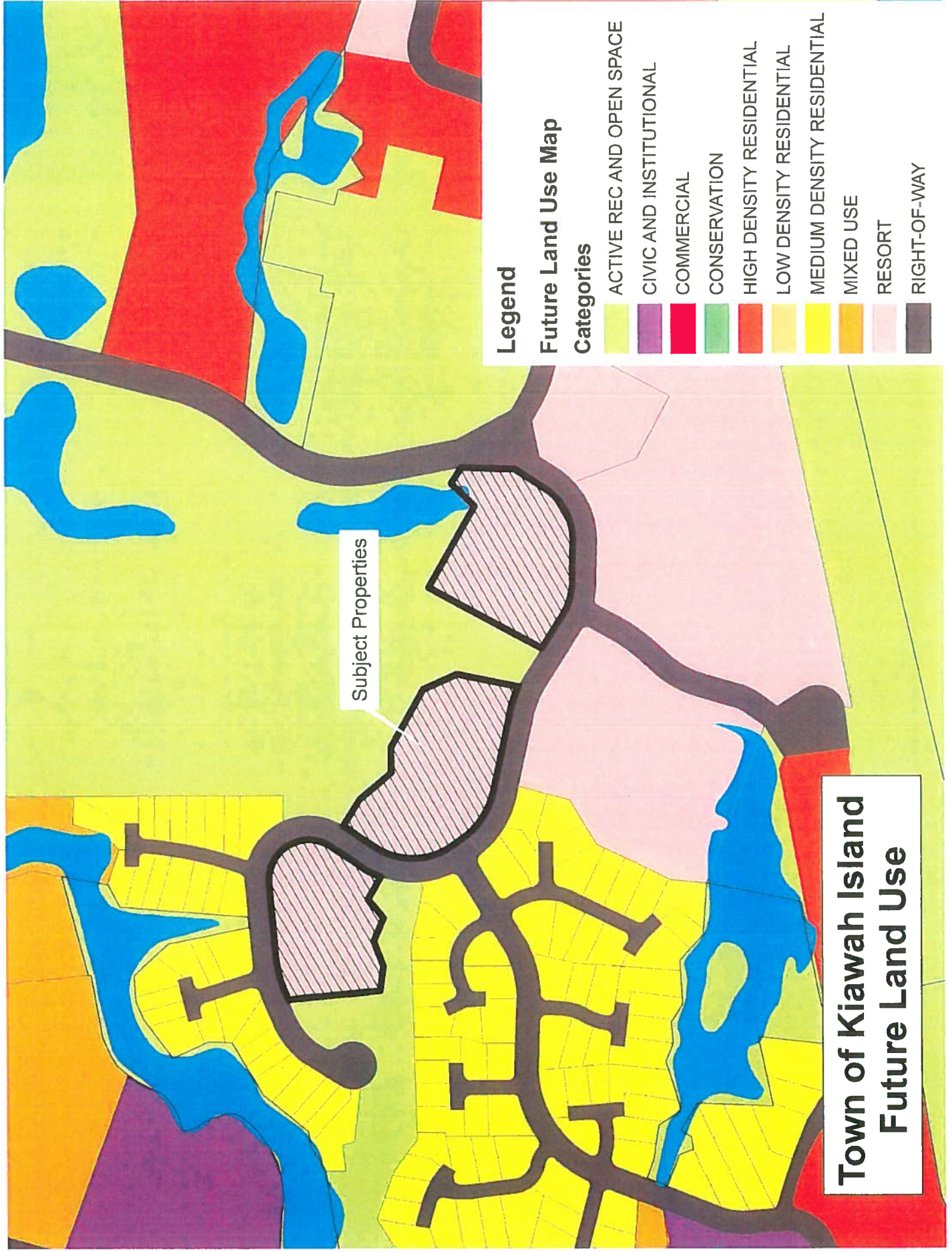
Pursuant to §12-157(7) of the *Land Use Planning and Zoning of the Town of Kiawah Island South Carolina (Zoning Ordinance)*, “Comprehensive Plan amendments may be approved by the Town Council only if they determine that the proposed amendment is consistent with the overall purpose and intent of the comprehensive 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.”

The applicant's letter of intent states the following in response: *“The proposed map amendment for the Active Recreation and Open Space land use category will allow for a more comprehensive plan organization for the resort in West Beach resulting in a more sensitive site organization of golf course clubhouse and related recreation buildings. The amendment will provide for uses compatible with the adjacent resort core area while allowing for more integrated active golf play areas and open space.”*

#### **JUNE 7, 2017 PLANNING COMMISSION MEETING**

##### **Notifications:**

Notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcel and individuals on the Kiawah/Seabrook Community Interest Group on May 22, 2017. A sign was also posted on the subject properties on May 22, 2017. Additionally, this request was also noticed in the Post & Courier on May 21, 2017.





**TOWN OF KIAWAH ISLAND**

**ORDINANCE 2017- 18**

**TO AMEND THE TEXT OF CHAPTER 12, LAND USE PLANNING AND ZONING OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA ZONING ORDINANCE, BY AMENDING ARTICLE II, DIVISION 2, ZONING MAP/DISTRICTS BY REZONING THE PROPERTIES LOCATED AT KIAWAH BEACH DRIVE (207-06-00-404; AND -405 AND -013) FROM THE RST-2 RESORT ZONING DISTRICT TO THE PARKS AND RECREATION (PR) ZONING DISTRICT (5.10 ACRES). AUTHORIZED USES IN ZONING DISTRICTS, OF THE ZONING ORDINANCE OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS,** the Town of Kiawah Island now finds that, upon further review, it is in the public interest to rezone the properties located at Kiawah Beach Drive (207-06-00-404; and -405 and -013) from the RST-2 Resort 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 June 7, 2017, 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 June 22, 2017 and on July 11, 2017, providing the public an opportunity to comment on the proposed amendments; and

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED** by the Mayor and Members of Council of the Town of Kiawah, South Carolina and in Council assembled:

**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 section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 3    Effective Date**

This Ordinance shall be effective upon its adoption by the Town Council of the Town of Kiawah Island, South Carolina.

**DONE AND RATIFIED THIS 11<sup>TH</sup> DAY OF JULY, 2017**

\_\_\_\_\_  
Craig Weaver, Mayor

ATTEST:

\_\_\_\_\_  
Petra Reynolds, Town Clerk

Approved as to Form:

\_\_\_\_\_  
Dwayne M. Green, Town Attorney

June 22, 2017    1<sup>st</sup> Reading

July 11, 2017    2<sup>nd</sup> Reading

**Town of Kiawah Island Zoning District Map Amendment Request**  
**Case ZREZ-05-17-00058 History**

**Planning Commission Meeting: June 7, 2017**  
**Public Hearing and First Reading: June 22, 2017**  
**Second Reading: July 7, 2017**

**CASE INFORMATION**

Applicant: Kiawah Island Inn Company and Marsh Point Golf Company

Representative: Mark Permar

Location: Kiawah Beach Drive

Parcel Identification: 207-06-00-405; 207-06-00-404 and 207-06-00-013

Property Size: 5.01 acres total

Application: The applicant is requesting to amend the zoning district map for the subject properties from the RST-2, Resort Zoning District Zoning District to the Parks and Recreation (PR).

Zoning and Land Use Information:

The West Beach Area is primarily zoned resort with medium to high residential communities; and historically contains resort and parks and recreation and residential uses including the Cougar Point Golf Course.

The subject properties fall within the "RST-2 Resort" Zoning District where nearby properties are similarly zoned. The Cougar Point Golf Course (*PR Zoning District*) sits adjacent to the north of the subject properties (-405; -404). Properties to the south, across Kiawah Beach Drive also fall into the "RST-2 Resort" Zoning District (*Former Kiawah Inn*).

Across Kiawah Beach Drive to the north of the subject property (parcel 207-06-00-013) are residential communities (*Flying Squirrel Ct. and Pine Siskin Ct.*) which fall within the R-2-O Residential Overlay District. This parcel currently contains an open maintenance shed and metal building to serve the Resort. Parcel 207-06-00-405 houses a portion of the resort offices adjacent to the Cougar Point Clubhouse and parcel 207-06-00-404 currently contains a parking lot. To the south, across Kiawah Beach Drive properties are also zoned RST-2 Resort.

**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."

**DECISION ON AMENDMENT BY THE TOWN COUNCIL**

Section 12-157(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 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 amendments 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 of the Town of Kiawah Island South Carolina (Zoning Ordinance)*, 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 Town of Kiawah Island Comprehensive Plan;

*Applicant's Response: "The proposed zoning district amendment will provide flexibility for building placement on the site while maintaining a balance of scale and massing within the existing area. The RST-2 district limited to that area on Kiawah Island which forms the core of West Beach and is a Resort category, as described in the 2015 Comprehensive Plan, which is intended '...to promote the development of high quality recreational use structures that provide a range of activities for residents and guests...' the proposed map amendment will allow for building designs that are compatible with surrounding development and will result in more integrated open space."*

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

*Applicant's Response: "The proposed amendment is consistent with the purposes as described in Sec. 12-20. Authority and Purpose with particular attention to the following select initiatives:*

*(1) Implementing the vision and goals of the Comprehensive Plan of a '...RESIDENTIAL COMMUNITY INCORPORATING A WORLD CLASS RESORT...'*

*(5) Implementing land use policies that will preserve the natural character of the Town of Kiawah Island by responsibly regulating the use of buildings*

*(7) Promoting desirable living"*

- 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 map amendment will allow for building and site design that is more flexible to provide an environment that is consistent with contemporary standards of better living within a natural setting."*

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

*Applicant's Response: "The proposed amendment does not correct an error or inconsistency; however, it does provide greater flexibility to plan and design to contemporary resort guest services in the competitive world market. The program requirements for resort settings of today are far more demanding than those of the original Kiawah Island Inn. The proposed map amendment will allow for siting and design of buildings that are more intimate in scale with the environment."*

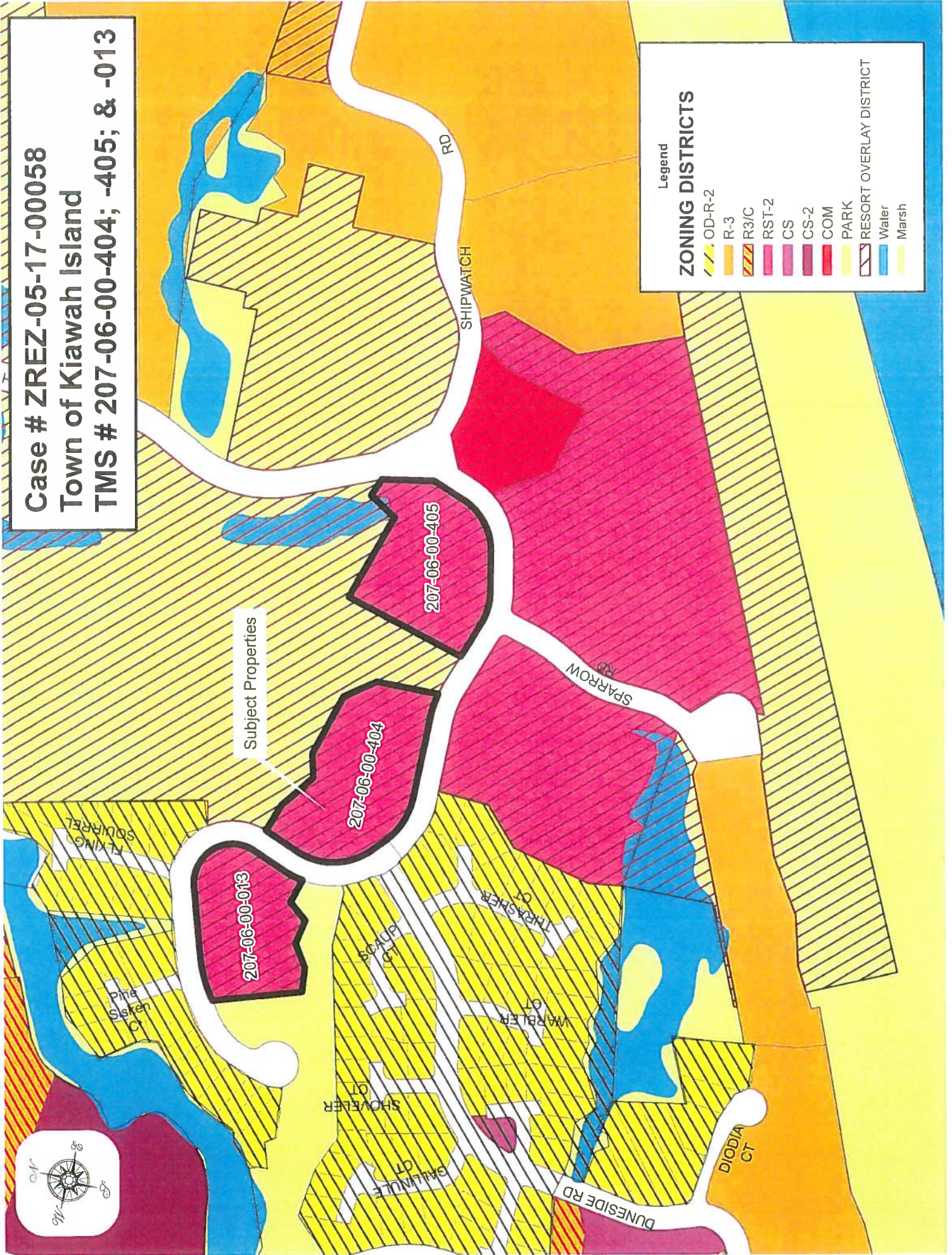
#### **JUNE 7, 2017 PLANNING COMMISSION MEETING**

##### **Notifications:**

Notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcel and individuals on the Kiawah/Seabrook Community Interest Group on May 22, 2017. A sign was also posted on the subject properties on May 22, 2017. Additionally, this request was also noticed in the Post & Courier on May 21, 2017.



**Case # ZREZ-05-17-00058**  
**Town of Kiawah Island**  
**TMS # 207-06-00-404; -405; & -013**





**FIRST AMENDMENT TO THE  
DEVELOPMENT AGREEMENT  
BY AND AMONG  
KIAWAH REAL ESTATE COMPANY, LLC, ET AL  
AND  
THE TOWN OF KIAWAH ISLAND**

**WHEREAS**, the Town of Kiawah Island (the "Town") and Kiawah Real Estate Company, LLC; Kiawah Island Inn Company, LLC; Kiawah Tennis Club, LLC; Cougar Point Golf Company, LLC; Turtle Point Golf Company, LLC; Osprey Point Golf Company, LLC; and The Ocean Course Golf Club, LLC (collectively the "Property Owner"), entered a Development Agreement on October 5, 2010 (hereinafter the "Agreement"), effective that same date, recorded in the RMC Office for Charleston County at Book 0149, Page 023; and,

**WHEREAS**, the Agreement provides in Section 22 that the Agreement may be amended; and,

**WHEREAS**, the Property Owner and the Town desire to amend the Agreement as further described below to provide for, among other things, the redevelopment of the Property Owner's properties at West Beach, the addition of a parcel of land in an area known as Ocean Park across from the Ocean Course Golf Course acquired by the Property Owner, the addition of a limited number of Dwelling Units on a limited area of the Ocean Course Golf Course Parcel, the revision of the table of uses to allow "Church, Synagogue, Temple or Religious Assembly" as permitted uses for Parcel 6, and the extension of the term of the Agreement as allowed by Section 21 of the Agreement; and,

**WHEREAS**, certain of the amendments require separate changes to the zoning of certain parcels as well as to the Town's Comprehensive Plan for those parcels, and Property Owner and Town desire that this First Amendment be finally approved and

become effective simultaneously with any necessary amendments to the zoning ordinances and Town's Comprehensive Plan except for any needed changes to the zoning and Town's Comprehensive Plan as pertains to the Ocean Course Golf Course Parcel which are anticipated to be obtained after the effective date of this Amendment;

**NOW, THEREFORE,** in return for the mutual promises herein and other valuable consideration, the Town and Property Owner agree to, and hereby amend, the Agreement as follows:

1. The introductory paragraph is amended to add RP Ocean Park, LLC, as an additional Property Owner party to the Agreement.
2. Section 4, titled "Legal Description of the Real Property" is amended to the following:

**Legal Description of the Real Property.** The Real Property subject to this Agreement consists of approximately 874.13 acres, including approximately 806.52 acres of highland. The Real Property is fully described in the legal description attached hereto as Exhibit 4.1. The Charleston County Tax Map Numbers for the Real Property on the Effective Date are: 207-00-00-009; 207-06-00-232; 207-06-00-401; 207-06-00-399; 207-06-00-407; 207-06-00-404; 207-06-00-405; 207-06-00-406; 207-06-00-402; 207-06-00-403; 207-00-00-017; 207-06-00-013; 209-01-00-121; 209-01-00-122; 209-05-00-098; 209-07-00-126; 209-07-00-105; 264-05-00-002; 209-07-00-124; 207-00-00-018; 264-01-00-054; 207-00-00-019; 207-00-00-020; and 265-16-00-017. The Real Property subject to this Agreement does not include the parcels comprising Night Heron Park, which zoning shall not be subject to change during the term of this Agreement unless the Town acts favorably on an application for rezoning by the owner of Night Heron Park.

3. Section 4 shall be amended to add the following after the end of the current paragraph:

"If Property Owner acquires title to the existing Sparrow Road right of way that is now owned by Kiawah Island Community Association, Inc. ("KICA"), the parcel conveyed to Property Owner by KICA that was formerly the right of way for Sparrow Road shall be added to the Real Property as part of Parcel 2B. The substituted right of way for Sparrow Road conveyed to KICA shall be removed as part of Parcel 2B and shall no longer constitute part of the Real Property. If Property Owner acquires title to a portion of the existing rights of way of Kiawah Beach Drive and Shipwatch Road from KICA as part of the exchange of land to re-configure the intersection of Kiawah Beach Drive and

Shipwatch Road, the acquired portion of the existing right of way shall become part of the Real Property and included in Parcel adjacent to it. The land exchanged with KICA shall no longer be part of the Real Property. The exchange of the rights of way shall have no effect on the entitlements for the Parcels or subparcels as described in Exhibit 13.5."

4. The definition of "Parcel" in Exhibit 1.1 is amended and replaced with the following:

"Parcel" shall mean and refer to each of the twelve (12) separately numbered areas of land owned by Property Owner as shown on Exhibit 13.5 to the Agreement. Each numbered Parcel shall constitute a separate Parcel for purposes of this Agreement even if comprised of more than one tax map identification parcel.

5. The definition of "Property Owner" in Exhibit 1.1 is amended to and replaced with the following:

"Property Owner" means Kiawah Real Estate Company, LLC; Kiawah Island Inn Company, LLC; Kiawah Tennis Club, LLC; Cougar Point Golf Company, LLC; Turtle Point Golf Company, LLC; Osprey Point Golf Company, LLC; The Ocean Course Golf Club, LLC; and RP Ocean Park, LLC, together with all subsidiaries thereof and other entities, which have a legal interest on the date of execution hereof in any of the Real Property as described in Paragraph 4 of the Agreement and includes their successors in interest or successors in title and/or assigns by virtue of assignment or other instrument pursuant to Paragraph 33 of the Agreement. The Property Owner warrants that there are no other legal or equitable owners of the Real Property on the Effective Date.

6. Section 13 (b) is amended to and replaced by the following:

The Twelve Parcels. For the purpose of this Agreement, the Real Property has been conceptually divided into the twelve (12) Parcels delineated on a map of the Real Property attached hereto and incorporated herein by reference as Exhibit 13.1 and delineated on a chart showing the tax map number, parcel description, and highland acreage of each Parcel attached hereto and incorporated herein by reference as Exhibit 13.2. Each numbered Parcel shall constitute a separate Parcel for purposes of this Agreement even if comprised of more than one tax map identification parcel.

7. The table appearing on page III-3 of Exhibit 10.1 is amended to permit "Church, Synagogue, Temple or Religious Assembly" as a Permitted Use ("P") in the RST-1 district.

8. Section 13 (d) is amended to and replaced by the following:

R-2 (DA), R-3 (DA), and PR-OC Zoning. For the purpose of this Agreement and simultaneously herewith, the Town hereby adopts, as a zoning text and zoning map amendment, two (2) new residential zoning districts, which shall



be referred to, respectively, as the R-2 (DA) zoning district and the R-3 (DA) zoning district and may adopt in the future one (1) new zoning district referred to as PR-OC district. The purpose and intent, allowed Uses, and Building Development Standards applicable to the R-2 (DA) zoning district shall be as set forth in Exhibit 13.3, attached hereto and incorporated herein by reference. The purpose and intent, allowed Uses, and Building Development Standards applicable to the R-3 (DA) zoning district shall be as set forth in Exhibit 13.4, attached hereto and incorporated herein by reference. The purpose and intent, allowed Uses, and Building Development Standards applicable to the PR-OC zoning district shall be as set forth in Exhibit 13.6, attached hereto and incorporated herein by reference, if adopted by the Town. The Town also adopts simultaneously herewith the other amendments to its Zoning Ordinance, the Zoning Map, and its Comprehensive Plan, if any, required to make the Zoning Ordinance and the Comprehensive Plan consistent with this Agreement.

9. The first paragraph of Section 13 (e) is amended to and replaced by the following:

Parcel-Specific Development Standards: Pursuant to this Agreement, the Parcel-specific Development standards (including but not limited to Parcel Density, Building Development Standards, Bedrooms cap, and allowed Uses) set forth in Exhibit 13.5, attached hereto and incorporated herein by reference, shall apply to the Development of the Real Property. All residential, resort, commercial, recreational or other Uses allowed under the Zoning Ordinance (including those uses allowed under the R-2 (DA), R-3 (DA), and PR-OC zoning districts as set forth in Exhibit 13.3, Exhibit 13.4, and Exhibit 13.6 (if adopted by the Town), as well as those in the Parcel-specific Development standards set forth in Exhibit 13.5, shall be considered to be vested and permitted as a matter of right on the Real Property for each designated Parcel thereof. Lot area, Lot width, Lot depth, Lot coverage, setback, Building Height, yard requirements, and all other Building Development Standards shall be in accord with Exhibit 13.5 and shall be vested and permitted as a matter of right for each numbered Parcel on the Real Property as set forth therein. Building Development Standards shall not be transferred from one Parcel to another Parcel.

10. Section 18 titled "**East Beach Villa Check-in**" is amended to add the following after the last sentence: "Property Owner shall promptly notify the Town if it determines that it will no longer use the East Beach conference center (replaced by the new West Beach conference center) for any purposes and will demolish the building within one year of this notice. Prior to demolition the Property Owner will have a landscape plan approved by ARB."
11. The first sentence of Section 21 is amended to and replaced by the following:

**Term of the Agreement.** This Agreement shall expire ten years after the Effective Date of the First Amendment hereto, on July 11, 2027.

12. The portion of Section 34 (h), "Notices," setting forth the name and address of Dennis J. Rhoad is removed and replaced with the following:

Dwayne Greene  
Law Offices of Dwayne Green  
602 Rutledge Ave.  
Charleston, SC 29403

13. Section 13 is amended to add subsection (e) as follows: "(e) Ocean Course Zoning. Property Owner is in the process of subdividing a parcel or parcels from the greater Ocean Course Parcel in the approximate location of parcel 10B up to approximately 33 acres, which may be rezoned from PR to PR-OC if the PR-OC district is approved. At such time as the subdivision of Parcel 10B is approved and the subdivision plat recorded, the exact boundaries of Parcel 10B shall be those on the recorded plat, which shall then replace the graphic showing the approximate boundaries that is part of Exhibit 13.5."

14. The following original numbered Exhibits are removed and replaced by the following numbered Exhibits attached hereto:

4.1 Legal Description

13.1 Map of the Real Property Showing Twelve Parcels

13.2 Chart Showing Real Property Owned by Property Owner

13.5 Parcel Specific Development Standards

13.6 PR-OC Zoning District

All other terms, conditions, and provisions of the Agreement shall remain in full force and effect.

**IN WITNESS WHEREOF**, this First Amendment to the Agreement has been entered and enacted this 11th day of July 2017.

SIGNED, SEALED, AND DELIVERED  
IN THE PRESENCE OF:

TOWN OF KIAWAH ISLAND (Town)  
(SEAL)

\_\_\_\_\_

By: \_\_\_\_\_

Craig Weaver, Mayor

\_\_\_\_\_

Attest: \_\_\_\_\_

Clerk of Council

SIGNED, SEALED, AND DELIVERED  
IN THE PRESENCE OF:

PROPERTY OWNER

**Kiawah Real Estate Company, LLC**, a  
Virginia limited liability company

By: \_\_\_\_\_(SEAL)  
Name: Roger M. Warren  
Title: President

**Kiawah Island Inn Company, LLC**, a Virginia  
limited liability company

By: \_\_\_\_\_(SEAL)  
Name: Roger M. Warren  
Title: President

**Kiawah Tennis Club, LLC**, a Virginia limited  
liability company

By: \_\_\_\_\_(SEAL)  
Name: Roger M. Warren  
Title: President

**Cougar Point Golf Company, LLC**, a Virginia  
limited liability company

By: \_\_\_\_\_(SEAL)  
Name: Roger M. Warren  
Title: President

**Turtle Point Golf Company, LLC**, a Virginia  
limited liability company

By: \_\_\_\_\_(SEAL)  
Name: Roger M. Warren  
Title: President

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Osprey Point Golf Company, LLC**, a Virginia  
limited liability company

By: \_\_\_\_\_(SEAL)  
Name: Roger M. Warren  
Title: President

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**The Ocean Course Golf Club, LLC**, a Virginia  
limited liability company

By: \_\_\_\_\_(SEAL)  
Name: Roger M. Warren  
Title: President

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RP Ocean Park, LLC**, a Virginia limited liability  
company

By: \_\_\_\_\_(SEAL)  
Name: James A. Jones  
Title: Manager

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

**ACKNOWLEDGMENT**  
(TOWN OF KIAWAH ISLAND)

THE FOREGOING INSTRUMENT was acknowledged before me by the TOWN OF KIAWAH ISLAND, by Craig Weaver, its Mayor, and \_\_\_\_\_, its Clerk of Council, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_(SEAL)  
Notary Public for South Carolina  
My Commission Expires:\_\_\_\_\_

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

**ACKNOWLEDGMENT**  
(KIAWAH REAL ESTATE COMPANY, LLC)

THE FOREGOING INSTRUMENT was acknowledged before me by KIAWAH REAL ESTATE COMPANY, LLC, a Virginia limited liability company, by Roger M. Warren, its President, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_(SEAL)  
Notary Public for South Carolina  
My Commission Expires:\_\_\_\_\_

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

**ACKNOWLEDGMENT**  
(KIAWAH ISLAND INN COMPANY, LLC)

THE FOREGOING INSTRUMENT was acknowledged before me by KIAWAH ISLAND INN COMPANY, LLC, a Virginia limited liability company, by Roger M. Warren, its President, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_(SEAL)  
Notary Public for South Carolina  
My Commission Expires:\_\_\_\_\_

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

**ACKNOWLEDGMENT**  
(KIAWAH TENNIS CLUB, LLC)

THE FOREGOING INSTRUMENT was acknowledged before me by KIAWAH TENNIS CLUB, LLC, a Virginia limited liability company, by Roger M. Warren, its President, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_(SEAL)  
Notary Public for South Carolina  
My Commission Expires:\_\_\_\_\_

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

**ACKNOWLEDGMENT**  
(COUGAR POINT GOLF COMPANY, LLC)

THE FOREGOING INSTRUMENT was acknowledged before me by COUGAR POINT GOLF COMPANY, LLC, a Virginia limited liability company, by Roger M. Warren, its President, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_(SEAL)  
Notary Public for South Carolina  
My Commission Expires:\_\_\_\_\_

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

**ACKNOWLEDGMENT**  
(TURTLE POINT GOLF COMPANY, LLC)

THE FOREGOING INSTRUMENT was acknowledged before me by TURTLE POINT GOLF COMPANY, LLC, a Virginia limited liability company, by Roger M. Warren, its President, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_(SEAL)  
Notary Public for South Carolina  
My Commission Expires:\_\_\_\_\_

**ACKNOWLEDGMENT**  
(OSPREY POINT GOLF COMPANY, LLC)

\_\_\_\_\_(SEAL)  
Notary Public for South Carolina  
My Commission Expires:\_\_\_\_\_

**ACKNOWLEDGMENT**  
(THE OCEAN COURSE GOLF CLUB, LLC)

\_\_\_\_\_(SEAL)  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_

## ACKNOWLEDGMENT

(RP OCEAN PARK, LLC)

\_\_\_\_\_(SEAL)  
Notary Public for \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



#### **Exhibit 4.1: Legal Description**

##### **Parcel 1 (Mingo Point)**

All that certain piece, parcel, or tract of land, situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, known generally as "Mingo Point," containing 11.253 acres, more or less, and shown and designated as "Tract 1 Lot 1 Mingo Point" on a plat prepared by Coastal Surveying Co., Inc., dated February 22, 1977, last revised on March 8, 1977, and recorded in Plat Book AJ at page 47, in the R.M.C. Office, and more recently shown on a plat prepared by Southeastern Surveying, Inc., entitled "A Boundary Survey of Mingo Point Owned by Kiawah Resort Associates, L.P. Located in the Town of Kiawah Island, Charleston County, South Carolina" dated November 13, 1997, and recorded in Plat Book EC at page 173, in the R.M.C. Office, said parcel having such location, butts and bounds, metes, courses, and distances as will by reference to said plats more fully appear.

Tax Map Parcel No. 207-00-00-009

##### **Parcel 2A (West Beach Village Inn/Reception)**

All that certain piece, parcel, or tract of land with the buildings and improvements thereon, situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, known generally as a part of "The Kiawah Inn" and shown as "Parcel D" containing 6.932 acres on a plat entitled "A Plat Of A 5.353 Acre Tract And A 6.932 Acre Tract Owned By Kiawah Resort Associates Located In The Town of Kiawah Island Charleston, South Carolina" dated June 9, 1988, and having latest revision date of February 6, 1989, and recorded in Plat Book BV at Page 39 in the R.M.C. Office for Charleston County, S.C., said property having such location, butts, bounds, metes, courses and distances as will by reference to said plat more fully appear.

Tax Map Parcel No. 207-06-00-232

##### **Parcel 2B (West Beach Village Lagoon Rooms)**

All that certain piece, parcel, or tract of land with the buildings and improvements thereon, situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, shown and designated as "Parcel G" on a plat by Southeastern Surveying, Inc., entitled "A Plat Of A 3.670 Acre Tract And A 0.967 Acre Tract Owned By Kiawah Resort Associates Located In The Town Of Kiawah Island, Charleston County, South Carolina," dated June 16, 1988, having latest revision date of February 6, 1989, and recorded in Plat Book BV at Page 040, in the RMC Office for Charleston County, South Carolina, said property having such location, butts, bounds, metes, courses and distances as will by reference to said plat more fully appear.

Tax Map Parcel No. 207-06-00-401

##### **Parcel 2C (West Beach Village Strawmarket)**

All that certain piece, parcel or tract of land, with the buildings and improvements thereon, situate, lying and being on Kiawah Island, Charleston County, South Carolina, shown and designated as Parcel "D-I", on a plat prepared by Williams & Associates entitled "Plat of: Parcel 'D-I', A 1.187 Acre Tract Subdivided From Parcel "D" Within The Original Resort Complex Boundary Located on Kiawah Island Charleston County, South Carolina Owned by Kiawah Island Co. Limited", having latest revision dated September 1, 1981, and recorded in Plat Book AT at Page 169, in the R.M.C. Office for Charleston County, South Carolina, said property having such location, butts, bounds, metes, courses and distances as will by reference to said plat more fully appear.

Tax Map Parcel No. 207-06-00-399

**Parcel 2D (West Beach Village Dunefield)**

All that certain piece, parcel, or tract of land with the improvements thereon, situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, known generally as a part of "The Kiawah Inn" and shown as "Parcel E" containing 5.353 acres on a plat entitled "A Plat Of A 5.353 Acre Tract And A 6.932 Acre Tract Owned By Kiawah Resort Associates Located In The Town of Kiawah Island Charleston, South Carolina" dated June 9, 1988, and having latest revision date of February 6, 1989, and recorded in Plat Book BV at Page 39 in the R.M.C. Office for Charleston County, S.C., said property having such location, butts, bounds, metes, courses and distances as will by reference to said plat more fully appear.

Tax Map Parcel No. 207-06-00-407

**Parcel 2E (West Beach Village Support Buildings)**

All that certain piece, parcel, or tract of land with the buildings and improvements thereon, situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, shown and designated as "1.912 Ac." on a plat by Southeastern Surveying, Inc., entitled "A Plat Of A 1.912 Ac. Tract Owned By Kiawah Resort Associates Located In The Town Of Kiawah Island, Charleston County, South Carolina," dated January 12, 1989, having latest revision date of January 23, 1989, and recorded in Plat Book BV at Page 041, in the RMC Office for Charleston County, South Carolina, said property having such location, butts, bounds, metes, courses and distances as will by reference to said plat more fully appear.

Tax Map Parcel No. 207-06-00-404

**Parcel 2F (West Beach Village Cub Conference)**

All that certain piece, parcel, or tract of land with the buildings and improvements thereon, situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, shown and designated as "Club Conference Facility 1.701 Ac." on a plat by Southeastern Surveying, Inc., entitled "A Plat Of A 1.701 Acre Tract Owned By Kiawah Resort Associates Located In The Town Of Kiawah Island, Charleston County, South Carolina," dated January 11, 1989, having latest revision date of February 9, 1989, and recorded in Plat Book BV at Page 042, in the RMC Office

for Charleston County, South Carolina, said property having such location, butts, bounds, metes, courses and distances as will by reference to said plat more fully appear.

Tax Map Parcel No. 207-06-00-405

**Parcel 2G (West Beach Village Sparrow Pond)**

All that certain piece, parcel, or tract of land with the buildings and improvements thereon, situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, shown and designated as "Parcel F" on a plat by Southeastern Surveying, Inc., entitled "A Plat Of A 3.670 Acre Tract And A 0.967 Acre Tract Owned By Kiawah Resort Associates Located In The Town Of Kiawah Island, Charleston County, South Carolina," dated June 16, 1988, having latest revision date of February 6, 1989, and recorded in Plat Book BV at Page 040, in the RMC Office for Charleston County, South Carolina, said property having such location, butts, bounds, metes, courses and distances as will by reference to said plat more fully appear.

Tax Map Parcel No. 207-06-00-406

**Parcel 2H (West Beach Village Tennis Center)**

All that certain piece, parcel, or tract of land with the buildings and improvements thereon, situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, shown and designated as "5.483 Ac." on a plat by Southeastern Surveying, Inc., entitled "A Plat Of A 5.483 Ac. Tract Owned By Kiawah Resort Associates Located In The Town Of Kiawah Island, Charleston County, South Carolina," dated January 11, 1989, having latest revision date of February 3, 1989, and recorded in Plat Book BV at Page 043, in the RMC Office for Charleston County, South Carolina, said property having such location, butts, bounds, metes, courses and distances as will by reference to said plat more fully appear.

Tax Map Parcel No. 207-06-00-402

**Parcel 2I (West Beach Village Tennis Parking)**

All that certain piece, parcel, or tract of land with the buildings and improvements thereon, situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, shown and designated as "0.714 Ac." on a plat by Southeastern Surveying, Inc., entitled "A Plat Of A 0.714 Acre Tract Owned By Kiawah Resort Associates Located In The Town Of Kiawah Island, Charleston County, South Carolina," dated February 21, 1989, having latest revision date of March 20, 1989, and recorded in Plat Book BV at Page 044, in the RMC Office for Charleston County, South Carolina, said property having such location, butts, bounds, metes, courses and distances as will by reference to said plat more fully appear.

Tax Map Parcel No. 207-06-00-403

**Parcels 3A and 3B (Cougar Point Golf Course and Clubhouse)**

All those certain pieces, parcels, or tracts of land situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, containing 123.653 Acres, more or less, and shown on a plat by Southeastern Surveying, Inc., entitled "A Plat Of Marsh Point Golf Course Being a 123.653 Acre Tract of Land Owned By Kiawah Resort Associates Located In The Town Of Kiawah Island, Charleston County, South Carolina," dated January 10, 1989, having latest revision date of February 6, 1989, and recorded in Plat Book BV at Pages 024, 025, 026, 027, 028, 029, 030, and 031, in the RMC Office for Charleston County, South Carolina, said property having such location, butts, bounds, metes, courses and distances as will by reference to said plat more fully appear.

Tax Map Parcel No. 207-00-00-017

**Parcel 3C (Cougar Point Golf Maintenance)**

All that certain piece, parcel, or tract of land situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, shown on a plat by Southeastern Surveying, Inc., entitled, in part, "A Plat Showing Boundary Line Adjustment of A 1.499 Acre Tract," dated January 26, 1990, having latest revision date of October 4, 1990, and recorded in Plat Book CB at Page 014, in the RMC Office for Charleston County, South Carolina, said property having such location, butts, bounds, metes, courses and distances as will by reference to said plat more fully appear.

Tax Map Parcel No. 207-06-00-013

**Parcel 4A (Utility Tract Telephone Building)**

All that certain piece, parcel, or tract of land with the building and improvements located thereon, situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, shown and designated as "Telephone Office Building Tract 0.587 Acres" on a plat by Davis & Floyd, Inc., entitled "Plat Showing Telephone Office Building Property of Kiawah Resort Associates Located In Utility Tract Town Of Kiawah Island, Charleston County, S.C." dated February 6, 1989, and recorded in Plat Book BU at Pages 160 and 161, in the RMC Office for Charleston County, South Carolina, said property having such location, butts, bounds, metes, courses and distances as will by reference to said plat more fully appear.

Tax Map Parcel No. 209-01-00-121

**Parcel 4B (Utility Tract Laundry/Commissary)**

All that certain piece, parcel, or tract of land situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, containing 3.314 acres, more or less, and shown on a plat by Davis & Floyd, Inc., entitled, "Plat Showing Parcel #1 Property of Kiawah Resort Associates About to Be Combined With Laundry & Commissary Tract TMS 209-01-00-122," dated June 29, 1989, having latest revision date of October 4, 1990, and recorded in Plat Book CB at Page 015, in the RMC Office for Charleston County, South Carolina, said property having such location, butts, bounds, metes, courses and distances as will by reference to said plat more fully appear.

Tax Map Parcel No. 209-01-00-122

**Parcel 4C (Utility Tract Warehouse)**

All that certain piece, parcel, or tract of land situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, containing 2.088 acres, more or less, and shown on a plat by Davis & Floyd, Inc., entitled, "Plat Showing Parcel #1 & Parcel #2 Property of Kiawah Resort Associates About to Be Combined With Warehouse Tract TMS 209-01-00-098," dated June 29, 1989, having latest revision date of October 4, 1990, and recorded in Plat Book CB at Page 016, in the RMC Office for Charleston County, South Carolina, said property having such location, butts, bounds, metes, courses and distances as will by reference to said plat more fully appear.

Tax Map Parcel No. 209-05-00-098

**Parcel 5 (East Beach Ocean)**

All that certain piece, parcel or tract of land situate, lying and being in the Town of Kiawah Island, Charleston County, State aforesaid, containing 3.054 acres, more or less, and shown and designated as "Tract F" on a plat prepared by Southeastern Surveying, Inc., entitled "A BOUNDARY PLAT OF TRACT F BEING 3.054 ACRES OWNED BY KIAWAH RESORT ASSOCIATES, L.P. LOCATED IN THE TOWN OF KIAWAH ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA" dated March 11, 1997, and recorded in Plat Book EB, at page 679, in the R.M.C. Office for Charleston County, S.C., said property having such location, butts and bounds, metes, courses and distances as will by reference to said plat more fully appear.

Tax Map Parcel No. 209-07-00-126

**Parcel 6A (East Beach Village Town Center)**

All that certain piece, parcel or tract of land, together with any buildings and improvements thereon, situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, and shown and designated as "Tract A", "Tract B", "Tract C", "Tract D", and "1.041 Ac.", on a plat by Southeastern Surveying, Inc., entitled "A Combination Plat of Parcel 'A', 'B', 'C', 'D', And A 1.041 Acre Tract of Town Center and Conference Facilities Into a 10.507 Acre Tract of Land" dated February 2, 1989, having latest revision dated October 4, 1990, and recorded in Plat Book CB, at page 013, in the R.M.C. Office for Charleston County, S.C., said property having such location, butts and bounds, metes, courses and distances as will by reference to said plat more fully appear.

Tax Map Parcel No. 209-07-00-105

**Parcel 6B (East Beach Village Tennis Center)**

All that certain piece, parcel or tract of land, together with any buildings and improvements thereon, situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, and shown and designated as "East Beach Tennis Center 8.479 Ac.", on a plat by Southeastern Surveying, Inc., entitled "A Plat Of An 8.479 Acre Tract Owned By Kiawah Resort Associates

Located In The Town Of Kiawah Island, Charleston County, South Carolina” dated January 11, 1989, having latest revision dated February 9, 1989, and recorded in Plat Book BV, at page 050, in the R.M.C. Office for Charleston County, S.C., said property having such location, butts and bounds, metes, courses and distances as will by reference to said plat more fully appear.

Tax Map Parcel No. 264-05-00-002

**Parcels 6C and 6D (East Beach Village Hotel Residual and Hotel)**

All that certain piece, parcel or tract of land, together with any buildings and improvements thereon, situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, and shown and designated as “LANDMARK LAND COMPANY OF CAROLINA, INC. 50.325 AC.”, on a plat by Southeastern Surveying, Inc., entitled “A PLAT SHOWING BOUNDARY LINE ADJUSTMENT OF A 50.325 ACRE TRACT OWNED BY LANDMARK LAND COMPANY OF CAROLINA, INC. AND A 1.900 ACRE LAGOON OWNED BY KIAWAH RESORT ASSOCIATES AND LANDMARK LAND COMPANY OF CAROLINA, INC. LOCATED IN THE TOWN OF KIAWAH ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA,” dated January 6, 1989, having latest revision dated September 17, 1990, and recorded in Plat Book CB, at page 017, in the R.M.C. Office for Charleston County, S.C., said property having such location, butts and bounds, metes, courses and distances as will by reference to said plat more fully appear.

Tax Map Parcel No. 209-07-00-124

**Parcel 7 (Turtle Point Golf)**

All those certain pieces, parcels or tracts of land situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, commonly known as the “Turtle Point Golf Course” containing 133.165 acres, more or less, and shown on a plat by Southeastern Surveying, Inc., entitled “A Plat of Turtle Point Golf Course Being a 133.165 Acre Tract of Land Owned By Kiawah Resort Associates Located In The Town Of Kiawah Island, Charleston County, South Carolina” dated January 1, 1989, having latest revision dated February 6, 1989, and recorded in Plat Book BV, at pages 054, 055, 056, 057, 058, 059, 060, 061, and 062, in the R.M.C. Office for Charleston County, S.C., said property having such location, butts and bounds, metes, courses and distances as will by reference to said plat more fully appear.

Tax Map Parcel No. 207-00-00-018

**Parcel 8 (Turtle Point Maintenance)**

All that certain piece, parcel or tract of land, together with any buildings and improvements thereon, situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, and shown and designated as “Existing Parcel”, and also described as “Maintenance Tract 2.872 Ac.” on a plat by Southeastern Surveying, Inc., entitled “A Plat of Turtle Point Golf Course Being a 133.165 Acre Tract Owned By Kiawah Resort Associates Located In The Town Of Kiawah Island, Charleston County, South Carolina” dated January 7, 1989, having latest revision dated February 6, 1989, and recorded in Plat Book BV, at page 056, in the R.M.C. Office for Charleston

County, S.C., said property having such location, butts and bounds, metes, courses and distances as will by reference to said plat more fully appear.

Tax Map Parcel No. 264-01-00-054

**Parcel 9 (Osprey Point Golf)**

All those certain pieces, parcels, or tracts of land situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, commonly known as the "Osprey Point Golf Course" containing 134.046 Acres, more or less, and shown on a plat by Davis & Floyd, Inc., entitled "Plat showing Osprey Point Golf Course, Property of Kiawah Resort Associates, Located Kiawah Island, Charleston County, S.C.," dated December 25, 1988, and recorded in Plat Book BV at Pages 032, 033, 034, and 035, in the RMC Office for Charleston County, South Carolina, said property having such location, butts, bounds, metes, courses and distances as will by reference to said plat more fully appear.

Tax Map Parcel No. 207-00-00-019

**Parcels 10 and 11 (Ocean Course and Willet Island)**

**Sub Parcel I**

All those certain pieces, parcels, or tracts of land situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, containing 219.92 acres, more or less, and shown on a plat by Davis & Floyd, Inc., entitled "Plat Showing Links Course Tract, Property of Kiawah Resort Associates, Located Kiawah Island, Charleston County, S.C." dated February 6, 1989, having latest revision date of March 27, 1989, and recorded in Plat Book BV at Pages 036 through 038, in the RMC Office for Charleston County, South Carolina, said property having such location, butts, bounds, metes, courses and distances as will by reference to said plat more fully appear.

**LESS AND EXCEPT**

(1) All that certain piece, parcel, or tract of land situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, containing 25.18 acres, more or less, designated as the "Access Property" and shown on a plat by Davis & Floyd, Inc., entitled "Plat Showing Links Course Tract, Property of Kiawah Resort Associates, Located Kiawah Island, Charleston County, S.C." dated February 6, 1989, having latest revision date of March 27, 1989, and recorded in Plat Book BV at Pages 036 through 038, in the RMC Office for Charleston County, South Carolina, said property having such location, butts, bounds, metes, courses and distances as will by reference to said plat more fully appear;

(2) All that certain piece, parcel, or tract of land situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, containing 4.770 acres, more or less, and shown on a plat entitled "A PLAT OF A 4.770 ACRE TRACT OWNED BY LANDMARK LAND COMPANY OF CAROLINA, INC. ABOUT TO BE CONVEYED TO KIAWAH RESORT ASSOCIATES LOCATED ON COUGAR ISLAND, TOWN OF



KIAWAH ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA” dated October 4, 1990, having latest revision date of April 3, 1991, and recorded in Plat Book CC at Page 184, in the RMC Office for Charleston County, South Carolina, said property having such location, butts, bounds, metes, courses and distances as will by reference to said plat more fully appear.

(3) All that certain piece, parcel, or tract of land situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, containing 0.063 acres, more or less, and shown on a plat by Southeastern Surveying, Inc., entitled “A BOUNDARY SURVEY OF THE WELL PUMP TRACT OWNED BY LANDMARK LAND COMPANY OF CAROLINA, INC. TO BE CONVEYED TO KIAWAH ISLAND UTILITY COMPANY, INC. LOCATED IN THE TOWN OF KIAWAH ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA” dated April 19, 1991, having latest revision date of September 5, 1991, and recorded in Plat Book CE at Page 096 in the RMC Office for Charleston County, South Carolina, said property having such location, butts, bounds, metes, courses and distances as will by reference to said plat more fully appear.

(4) All those two certain pieces, parcels, or tracts of land situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, containing .052 acres and .001 acres, more or less, and shown on a plat by Southeastern Surveying, Inc., entitled “A PLAT SHOWING A BOUNDARY LINE ADJUSTMENT OF A 0.115 ACRE TRACT A 0.052 ACRE TRACT AND A 0.001 ACRE TRACT OWNED LANDMARK LAND COMPANY OF CAROLINA, INC. ABOUT TO BE CONVEYED TO KIAWAH RESORT ASSOCIATES A 0.005 ACRE TRACT OWNED BY KIAWAH RESORT ASSOCIATES ABOUT TO BE CONVEYED TO LANDMARK LAND COMPANY OF CAROLINA, INC. LOCATED IN THE TOWN OF KIAWAH ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA,” dated May 7, 1991, having latest revision date of May 20, 1991, and recorded in Plat Book CE at Page 097, in the RMC Office for Charleston County, South Carolina, said property having such location, butts, bounds, metes, courses and distances as will by reference to said plat more fully appear.

(5) All that certain piece, parcel, or tract of land situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, containing 3.072 acres, more or less, and shown and designated as “NATURAL AREA 3.072 AC.” on a plat by Southeastern Surveying, Inc., entitled “A PLAT OF A 3.072 ACRE NATURAL AREA OWNED BY LANDMARK LAND COMPANY OF CAROLINA, INC. LOCATED IN THE TOWN OF KIAWAH ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA” dated February 4, 1991, having latest revision date of April 29, 1991, a copy of which said plat is attached to that certain Quit Claim Deed by Landmark Land Company of Carolina, Inc., a Delaware corporation, in favor of Kiawah Resort Associates, L.P., a Delaware limited partnership, dated May 12, 1995, and recorded in Book M255 at Page 243 in the RMC Office for Charleston County, South Carolina, said property having such location, butts, bounds, metes, courses and distances as will by reference to said plat more fully appear.

## **Sub Parcel II**

All that certain piece, parcel, or tract of land situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, containing 1.923 acres, more or less, and shown on a plat entitled "A PLAT OF A 1.293 ACRE TRACT OWNED BY KIAWAH RESORT ASSOCIATES ABOUT TO BE CONVEYED TO LANDMARK LAND COMPANY OF CAROLINA, INC. LOCATED IN THE TOWN OF KIAWAH ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA," dated February 22, 1990, having latest revision date of November 19, 1990, and recorded in Plat Book CB at Page 169, in the RMC Office for Charleston County, South Carolina, said property having such location, butts, bounds, metes, courses and distances as will by reference to said plat more fully appear.

### **Sub Parcel III**

All those certain pieces, parcels, or tracts of land, together with any improvements thereon, situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, and being further shown and delineated on a plat entitled "A COMBINATION PLAT OF A 22.075 ACRE TRACT AND A 1.784 ACRE TRACT OWNED BY KIAWAH RESORT ASSOCIATES ABOUT TO BE CONVEYED TO LANDMARK LAND COMPANY OF CAROLINA, INC. LOCATED IN THE TOWN OF KIAWAH ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA" dated August 20, 1991, said property having such location, butts, bounds, metes, courses and distances as will by reference to said plat more fully appear.

**AND**

### **Sub Parcel IV**

All that certain piece, parcel, or tract of land situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, containing 0.005 acres, more or less, and shown on a plat entitled "A PLAT SHOWING A BOUNDARY LINE ADJUSTMENT OF A 0.115 ACRE TRACT A 0.052 ACRE TRACT AND A 0.001 ACRE TRACT OWNED LANDMARK LAND COMPANY OF CAROLINA, INC. ABOUT TO BE CONVEYED TO KIAWAH RESORT ASSOCIATES A 0.005 ACRE TRACT OWNED BY KIAWAH RESORT ASSOCIATES ABOUT TO BE CONVEYED TO LANDMARK LAND COMPANY OF CAROLINA, INC. LOCATED IN THE TOWN OF KIAWAH ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA," dated May 7, 1991, having latest revision date of May 20, 1991, and recorded in Plat Book CE at Page 097, in the RMC Office for Charleston County, South Carolina, said property having such location, butts, bounds, metes, courses and distances as will by reference to said plat more fully appear.

Tax Map Parcel No. 207-00-00-020

### **Parcel 12 (Ocean Park Parcel)**

All that certain piece, parcel, or tract of land situate, lying and being at the east end of Kiawah Island, in the Town of Kiawah Island, Charleston County, South Carolina, containing 7.757 acres, more or less, and shown and designated as "Residual A" on a plat prepared by Seamon Whiteside & Associates Surveying, LLC, entitled "A BOUNDARY LINE ADJUSTMENT PLAT OF TMS

# 265-16-00-017 CREATING RESIDUAL A AND RESIDUAL B OWNED BY KIAWAH DEVELOPMENT PARTNERS, LLC LOCATED IN THE TOWN OF KIAWAH ISLAND CHARLESTON COUNTY, SOUTH CAROLINA," dated September 16, 2014, last revised on October 27, 2014, and recorded in Plat Book L14, at page 0507 in the office of the Register of Mesne Conveyances for Charleston County, S.C., said tract having such size, location, butts and bounds, metes, courses, and distances as will by reference to said plat more fully appear.

Tax Map Parcel No. 265-16-00-017



**Exhibit 13.1**  
**Real Property**  
Lands Owned by  
Property Owner

*Karyn Stewart*

**Exhibit 13.2: Description of Real Property  
Owned by Property Owner**

<b>Tax Map Number</b>	<b>Parcel #</b>	<b>Parcel Description</b>	<b>Acreage</b>
207.00.00.009	1	Mingo Point	11.20
207.06.00.232	2	West Beach Village	27.91
207.06.00.401		A. Inn/Reception 6.93	
207.06.00.399		B. Lagoon Rooms 3.67	
207.06.00.407		C. Strawmarket 1.19	
207.06.00.404		D. Dunefield 5.35	
207.06.00.405		E. Support Buildings 1.91	
207.06.00.406		F. Club Conference 1.7	
207.06.00.402		G. Sparrow Pond 0.97	
207.06.00.403		H. Tennis Center 5.48	
		I. Tennis Parking 0.71	
207.00.00.017	3	Cougar Point Golf	123.99
207.00.00.017		A. Golf Course 121.39	
207.06.00.013		B. Clubhouse 1.1	
		C. Maintenance 1.5	
209.01.00.121	4	Utility Tract	5.99
209.01.00.122		A. Telephone Building 0.59	
209.05.00.098		B. Laundry/Commissary 3.31	
		C. Warehouse 2.09	
209.07.00.126	5	East Beach Ocean	3.05
209.07.00.105	6	East Beach Village	68.49
264.05.00.002		A. Town Center 10.51	
209.07.00.124		B. Tennis Center 8.48	
209.07.00.124		C. Hotel Residual 24.49	
209.07.00.124		D. Hotel (255 Rooms) 23.70	
		E. Wetland Mitigation 1.31	
207.00.00.018	7	Turtle Point Golf	131.89
264.01.00.054	8	Turtle Point Maintenance	2.87
207.00.00.019	9	Osprey Point Golf	132.97
207.00.00.020	10	Ocean Course	348.87
207.00.00.020		A. Golf Course 311.36	
207.00.00.020		B. Residential *37.51	
207.00.00.020		C. Cougar Island Residual	
207.00.00.020	11	Willet Island	9.14
265.16.00.017	12	Ocean Park	7.76
		<b>TOTAL</b>	<b>874.13</b>

\* Acreage includes parcels 10B and 10C combined.

Parcel #	Parcel Description	Zoning District(s) (1)	Approx. Acres (2)	Max. Gross Parcel Density (3)	Total Dwelling Units (4)	Max. Bedrooms/ Guest Rooms Parcels 2 and 6	Max. New Dwelling Units (5)	Max. F.A.R. w/Transfer (6)	Max. Height Stories/Ft. (7) (8)	Parcel Open Space (9)
1	Mingo Point	R-2, C	11.2	4	46	—	46	0.25	2 1/2 / 40	R-2 40-60
2	West Beach Village (10) (11) (17) A. Inn/Reception B. Lagoon Rooms (12) C. Strawmarket D. Dune/field (19) E. Support Buildings (12) F. Club Conference (12) G. Sparrow Pond H. Tennis Center I. Tennis Parking	R-2 (DA), RST-2 R-2 (DA), RST-2 R-2 (DA), RST-2 PR, RST-2 R-2 (DA), RST-2, PR R-2 (DA), RST-2, PR PR, RST-2 PR, RST-2 R-2 (DA), RST-2	6.93 3.67 1.19 5.35 1.91 1.7 0.97 5.48 0.71	7 (21 BR) (16) 7 (21 BR) (16) 7 (21 BR) (16) — 7 (21 BR) (16) 7 (21 BR) (16) — — 7 (21 BR) (16)	49 26 8 — 13 12 — — 5	340 — — — — — — — —	49 26 8 — 13 12 — — 5	— — — — — — — — —	RST-2 4 / 55 4 / 55 4 / 55 2 / 35 4 / 55 4 / 55 2 / 35 2 / 35 4 / 55	R-2 (DA) 40-60 40-60 40-60 40-60 40-60 40-60 40-60 40-60
3	Cougar Point Golf A. Golf Course B. Clubhouse (11) C. Maintenance	PR R-2 (DA), RST-2, PR PR	121.39 1.1 1.5	— 7 (21 BR) (16) —	— 8 —	— — —	— 8 —	— — —	2 / 35 4 / 55 4 / 55	30 40-60 30
4	Utility Tract A. Telephone Building B. Laundry/Commissary C. Warehouse	CS CS CS	0.59 3.31 2.09	— — —	— — —	— — —	— — —	0.25 0.25 0.25	2 1/2 / 40 2 1/2 / 40 2 1/2 / 40	30 30 30
5	East Beach Ocean (13)	R-3 (DA), RST-1	3.05	12	37	—	37	—	RST-1	RST-1
6	East Beach Village (13) (17) A. Town Center B. Tennis Center C. Hotel Residual D. Hotel (255 Guest Rooms) E. Wetland Mitigation	R-2 (DA), RST-1 PR R-2 (DA), RST-1 RST-1 PR	10.51 8.48 24.49 23.7 1.31	7 (21 BR) (16) — 7 (21 BR) (16) — —	74 — 171 — —	670 — — — —	74 — 171 — —	— — — — —	RST-1 4 / 70 RST-1 3 1/2 / 55 2 / 35 4 / 70 —	R-3 (DA) 40-60 40-60 40-60 40-60
7	Turtle Point Golf	PR	131.69	—	—	—	—	—	2 / 35	30
8	Turtle Point Maintenance	PR	2.87	—	—	—	—	—	2 / 35	30
9	Osprey Point Golf	PR	132.97	—	—	—	—	—	2 / 35	30
10	Ocean Course A. Golf Course B. Residual C. Ocean Park Residual	PR R-1, PR - OC R-2	311.36 ± 33.00 (14) ± 4.51(14)	— — —	— 26 (15) 3	— — —	— 26 3	— — —	2 / 35 2 1/2 / 40 2 1/2 / 40	30 50-60 (18) 50-60 (18)
11 12	Willer Island Ocean Park	R-2 R-2	9.14 7.76	— —	20 22	— —	20 22	— —	2 1/2 / 40 2 1/2 / 40	50-60 (18) 50-60 (18)
	TOTAL		874.13		520	1010	520			

Notes governing Exhibit 13.5: Parcel-Specific Development Standards

- 1 With respect to Parcels subject to dual zoning (i.e., where two districts apply to the Parcel in the above table), the Property Owner shall have the right to develop these Parcels pursuant to either zoning district. All Development on a dual zoned Parcel shall comply with the allowed Uses, Building Development Standards, and other Development standards for the designated zoning district. If the Property Owner intends to proceed with Development on the dual zoned Parcel under both zoning districts, the Property Owner must first identify the proposed uses, appropriate zoning district and land area required to meet the development guidelines.  
By way of example: assume a 15 Acre parcel permits RST-2 and/or R-2(DA) zoning districts. If the 15 Acre parcel was developed exclusively as a hotel, the maximum capacity is 9 Bedrooms/Acre or a 135-Room hotel. If the parcel was developed exclusively as residential, the maximum capacity is 21 Bedrooms/Acre (and 7 Dwelling Units/Acre) or 315 Bedrooms (and 105 Dwelling units). Under no circumstance could development exceed 315 Bedrooms.  
If the hypothetical decision is to have a smaller 50-Room hotel, the acreage required is 5.56 Ac (50 Rooms – 9 Rooms/Acre). This would leave 9.44 Acres remaining available for residential (15 Acres – 5.56 Acres). This would allow for up to 198 Bedrooms/66 DU (9.44 Acres x 21 Bedrooms/Acre and 7DU/Acre). The total Bedroom count for the hypothetical dual zoning would be 248 Bedrooms or substantially less than the maximum 315 Bedrooms.
- 2 Acreage figures are approximate. Acreage for a Parcel may vary depending on a final determination of acreage at the time new Development proceeds on a given Parcel.
- 3 Gross Density equals the number of potential Dwelling Units (existing and future) divided by the gross residential acreage of the Parcel above mean high water, excluding Fresh Water and Salt Water Wetlands. Gross Density limits are not intended to discourage or limit the development of higher density types or clusters or residences within a Parcel; provided, however, that maximum density limits are used to establish an absolute cap on the total number of Dwelling Units on a Parcel (i.e. Property Owner may construct more than 21 bedrooms on a given acre as long as the overall permissible Parcel Density or cap for that Parcel is not exceeded). As each Parcel is platted or sold, the Property Owner shall clearly establish the maximum number of Dwelling Units which may be permitted on a Parcel. In the event that density is limited by physical constraints, a bridge permit or other regulatory constraint beyond the Town's jurisdiction, said limits are not intended to be superseded by this agreement.
- 4 The total number of single family Lots and non-single family Dwelling units permitted in the Parcel at maximum permitted densities.
- 5 The maximum number of Vested Units which may be approved on any one Parcel, subject to the limit of 520 total Vested Units.
- 6 Maximum floor area ratio (FAR) equals the building floor area divided by the non-residential or mixed use acreage above mean high water, excluding Fresh Water and Salt Water Wetlands. This column shows the maximum floor area ratio which may be developed on an individual Parcel. The maximum FAR stated herein shall apply to the Development of the Real Property notwithstanding any more restrictive standard applicable to the underlying zoning district.
- 7 No development shall exceed the maximum number of stories or the maximum height in feet listed in this column.
- 8 Height allowance of 55' (Parcels 2A, 2B, 2C, 2E, 2F, 2I, 5, 6A, and 6C) and 70' (Parcels 5, 6C, and 6D) from Ground Floor level is to allow for alternative forms and configurations of massing to minimize the impact of habitable floors. This would include but not be limited to increased roof pitches, dormers, and innovation in overall massing. Roof slope of the dominant roof on the 4<sup>th</sup> habitable floor shall not be greater than 8:12 for residential buildings.
- 9 Parcel open space is the minimum percentage requirement of Pervious Coverage for a Parcel.
- 10 An 8' pedestrian access easement shall be located within Parcel 2 to provide pedestrian access to the beach. The easement shall be incorporated in future development plans and shall be shown on appropriate site permit drawings. 20 parking spaces, within the overall parking plan for Parcel 2, will be available for the public.
- 11 There shall be no more than 150 Guest Rooms constructed on Parcels 2A, 2B, 2C, 2E, 2F, 2I and 3B. The total combined number of new Guest Rooms and Bedrooms on Parcel 2 shall not exceed 340.
- 12 Parking requirements for Cougar Point Golf will be located within Parcels 2A, 2E and 2F in addition to uses permitted in RST-2 category.
- 13 There shall be no more than an additional 175 Guest Rooms constructed on Parcels 5, 6C, and 6D. The total combined number of new Guest Rooms and Bedrooms on Parcel 6 shall not exceed 670. Guest Room density for expansion of The Sanctuary will be established at 40 Guest Rooms/acre including required parking. The Guest Room density for a free standing hotel shall conform with the RST-1 standard of 8 Guest Rooms/Acre.
- 14 Parcels or subparcels shall have a duly recorded survey or plat establishing boundaries prior to issuance of any development permits. At such time as the subdivision of Parcel 10B is approved and recorded, the exact boundaries of Parcel 10B shall be those on the recorded plat, which shall then replace the graphic rendition that is part of this Exhibit 13.5. It is anticipated that Parcel 10B will be rezoned to PR-OC if the Town adopts this zoning district.
- 15 Up to 26 Dwelling Units may be permitted in the area indicated as Parcel 10B in Exhibit 13.6, of which no more than 6 may be attached, townhouses or multi-family. Dwelling units may be attached to and integrated with non-residential buildings.
- 16 The 21 Bedroom per acre equivalent limit is intended for overall Parcel density calculations and not intended to limit the number of Bedrooms per Dwelling Unit, Bedrooms per Lot, or Bedrooms per a given acre.
- 17 The Property Owner will remove and relocate its villa check-in operations in Parcel 6 East Beach Village to either Parcel 1 Mingo Point, Parcel 2 West Beach Village, or off-island at the time of the redevelopment of East Beach Village. Redevelopment shall be deemed to occur when Property Owner has obtained the necessary permits and approvals for the redevelopment.
- 18 This standard will be met if Open Space is 50% or greater for the entire Parcel.
- 19 As to that portion of Parcel 2D, "Dunefield," that is immediately seaward of the townhouses now known as Kiawah Beach Townhouses and that portion that is east of the extended eastern boundary of Parcel 2A marked on the attached illustration, structures shall be restricted to pools, changing rooms, rest rooms, decks, and boardwalks



Exhibit 13.5: Kiawah Island Golf Resort  
Parcel-Specific Development Standards  
(10.05.2010)

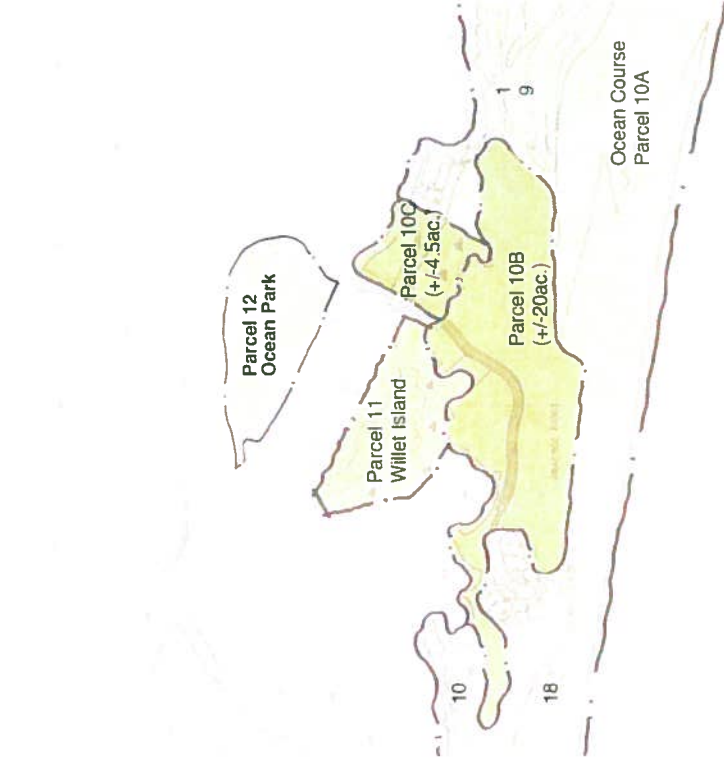
Location Maps



Parcel 4 Utility Tract

Parcel 2 West Beach Village  
Parcel 3 Cougar Point Golf Course

(Revised 04.04.17 : Addition of Parcel 12 Ocean Park and Modification of Parcel 10B )



**Notation:**  
This graphic will be updated to correspond to an approved subdivision plat to reflect accurate boundaries of Parcels 10B, 10C and 11

Parcel 10 Ocean Course  
Parcel 11 Willet Island  
**Parcel 12 Ocean Park**



Exhibit 13.6

PR-OC, Parks and Recreation – Ocean Course District.

- (a) *Purpose and intent.* The purpose of the PR, Parks and Recreation District is to provide community parks and recreation facilities, including parks, open spaces, golf courses, tennis courts and limited residential associated with the golf course operation. This district provides for both active and passive use of land. Accessory structures which support or compliment the parks/recreation use may be permitted as conditional or special exception uses.
- (b) *District regulations.* The following apply to the PR zoning district:
- (1) Lot standards (setbacks, lot coverage, etc.) for accessory structures in this district are listed in table 2L in this subsection (b);
  - (2) Authorized uses for this district are listed in table 3A in section 12-102(c);
  - (3) Parking standards are given in section 12-128.
  - (4) Maximum Dwelling units for this district shall be no greater than twenty six (26) Dwelling units total, of which no more than six (6) may be single family attached, duplexes or multi-family.
  - (5) Maximum residential density shall be no more than 1 Dwelling unit per 1.27 acres.
  - (6) Up to six Dwelling units may be attached to and integrated with non-residential buildings, but there shall be no more than four (4) Dwelling units in any building within this district.

Table 2L. Lot Standards for Accessory Structures in the PR, Parks and Recreation Zoning District, and PR-OC District		
Minimum area (square feet) <sup>(1)</sup>		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) <sup>(2)</sup>		

	Front	25
	Side	25
	Rear	25
<sup>(1)</sup> Smaller lots for accessory structures may be permitted by the Town Council as part of a planned development.		
<sup>(2)</sup> Canopies connected to the main building shall be set back a minimum of 20 feet from any property line.		

# **WORK IN PROGRESS**

The items for this tab will be sent to you electronically when completed.

We thank you very much for your patience.

**Petra**