



# Town of *Kiawah Island*

## Mayor

John. D. Labriola

## Council Members

F. Daniel Prickett

Maryanne Connelly

John Moffitt

Scott M. Parker, MD

## Town Administrator

Stephanie Monroe Tillerson

**TOWN OF KIAWAH ISLAND**  
**2022 Council Strategic Planning Retreat**  
**Kiawah Town Hall**  
**Room: Meeting Room**  
**January 11, 2022**  
**11:00 a.m. – 1:00 p.m.**

## AGENDA

Tuesday, January 11

**Call to Order:**

11:00 a.m

### Opening Comments:

Mayor Labriola

The 2022 Town Council Retreat will focus on the five goals identified in the Town's Mission Statement

- A. To ensure the protection of the residential character of the community
- B. To ensure the protection of the Islands Natural Environment
- C. To support the economic viability of Resort and other community-based enterprises
- D. To ensure transparency of all Town Council Actions and Decisions
- E. To ensure the fiscal integrity of the Town's finances

### Annexation and Zoning Process Discussion

The Kiawah Island Community Association has suggested that the Town Council review proposed changes to the Town's Zoning Ordinance. These suggested changes have been made by members of the Kiawah Community

- **Section 12 – 79. Designation of annexed territory**
- **Section 12 – 159. Plan Development**

---

**Proposed Revision to:  
Town of Kiawah Island Zoning Ordinance**

Suggested changes from the Group are highlighted in Yellow. If it's not highlighted, it's the original text.

**Sec. 12-79. Designation of annexed territory.**

**Current Ordinance Language:**

- (a) *Purpose and intent.* This section describes the processing procedure for development applications located within newly annexed areas.

**Suggested change from the Association:**

- a. *Purpose and intent.* This section describes the procedure for consideration of applications for annexation, initial zoning for annexed territory and a moratorium period for processing the initial zoning classification of newly annexed areas.
- b. *First Reading for Ordinance regarding an Application for Annexation.* The Town Council will consider the first reading of an ordinance to approve an application for annexation at the first regularly scheduled Town Council meeting following the later to occur of 1) not less than thirty (30) days following the date of the receipt of the application, or 2) not less than thirty days (30) days following the issuance of a public notice announcing the Town's receipt of said application.
- c. *Prezoning/Conditional Zoning not Permitted.* No application for annexation shall be approved by the Town if the application is made subject to an express condition that requires that the Town to designate the subject territory with one or more particular zoning classifications. Nothing herein shall be deemed to prohibit an applicant from including with an application for annexation a stated preference as to a zoning designation for the territory once annexed.
- d. *Initial Zoning for Annexed Areas.* Whenever any territory is incorporated into the Town by annexation, the territory shall be considered to be subject to the zoning designation for the territory prior to the incorporation, and if such prior zoning designation is not recognized by this Zoning Ordinance then the territory shall be considered to be in the R-1 (Residential District) at the time of annexation, and such initial zoning designation shall continue until otherwise reclassified pursuant to the procedures set forth in section 12-158.

---

(b) *Planning pause moratorium.* No development applications shall be filed for 30 days from the date of annexation for any territory annexed to the Town. This 30-day moratorium is a planning pause moratorium to allow the Town Planning Commission to initiate proceedings to designate permanent zoning for the newly annexed territory. The Town Council may extend the 30-day planning pause by ordinance for an additional period of time deemed reasonable by the Town Council.

*e. Zoning pause moratorium.* No zoning change requests shall be filed for 30 days from the date of annexation for any territory annexed to the Town. This 30-day moratorium is an initial zoning pause moratorium to allow the Town Council and Town Planning Commission to initiate amendments to the zoning district map pursuant to section 12-158 to account for initial zoning designation of the newly annexed territory in light of subsection (c) of this section. The Town Council may extend the 30-day zoning pause by ordinance for an additional period of time deemed reasonable by the Town Council. Once the zoning pause moratorium expires, any rezoning application(s) for the territory shall proceed pursuant to the procedures in section 12-158 or section 12-159 as applicable.

(Code 1993, § 12A-220; Ord. No. 94-12, § 2(12A-206), 9-26-1994; Ord. No. 2005-08, § 12A-220, 10-12-2005)

---

**Sec. 12-159. Planned development.**

- (a) *Definition.* The term "planned development," is as defined by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended, S.C. Code 1976, § 6-29-740 is a type of zoning district (PD, Planned Development District) and a type of development plan. PD zoning districts are inextricably linked to planned development plans, in that no rights of development apply to a PD zoning designation other than those of the approved planned development plan.
- (b) *Purpose and intent.* Planned development provisions are intended to encourage innovative site planning for residential, commercial, and institutional developments within planned development districts. Planned development districts may provide for variations from other ordinances and the regulations of other established zoning districts concerning use, setbacks, lot size, density, bulk, and other requirements to accommodate flexibility in the arrangement of uses for the general purpose of promoting and protecting the public health, safety, and general welfare. The PD, Planned Development District regulations of this article are intended to encourage achievement of the goals of the Town of Kiawah Island Comprehensive Plan and to allow flexibility in development that will result in improved design, character, and quality of new mixed-use developments and preserve natural and scenic features of open spaces. The following objectives may be attained through the use of the planned development process:
- (1) A maximum choice in the types of environment available to the public by allowing a development that would not be possible under the strict application of the standards of this article that were designated primarily for development on individual lots;
  - (2) A greater freedom in selecting the means to provide access, light, open space and design amenities;
  - (3) Quality design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land use arrangements;
  - (4) A development pattern in harmony with the land use density, transportation facilities and community facilities objectives of the comprehensive plan;
  - (5) The permanent preservation of common open space, recreation areas and facilities;
  - (6) An efficient use of the land resulting in more economical networks of utilities, streets, public grounds and buildings, and other facilities;
  - (7) A creative approach to the use of land and related physical facilities that results in better development and design and the construction of amenities; and
  - (8) A development pattern that incorporates adequate public safety and transportation-related measures in its design and compliments the developed properties in the vicinity and the natural features of the site.

- 
- a. *Applicability.* The PD, Planned Development District shall apply to existing areas shown on the zoning map as planned development and may also be incorporated into any zoning district subject to criteria contained herein and a minimum lot size of four acres.
  - b. *Development standards.* Development standards pertaining to density, lot size, location, and arrangement of buildings and structures, lot dimensions, and landscaping are waived in the PD districts. The development standards set forth in this subsection, those in the approved planned development stipulations and any in the approved planned development sketch plans shall apply the following standards:
    1. *Dimensional standards.* Each lot located on the perimeter of the planned development shall maintain the rear yard setback requirements and any buffer requirements of the adjacent zoning district.
    2. *Architectural standards.* Architectural design shall comply with all other requirements of this article or other ordinances of the Town of Kiawah Island.
    3. *Lots to abut upon common open space.* Residential properties shall maximize exposure to common open space or similar areas.
    4. *Access.*
      - (i) Areas between structures shall be covered by easements where necessary for access and to provide for maintenance and utility service.
      - (ii) Primary vehicular access to commercial development shall be through limited access roads.
    5. *Commercial areas.*
      - (i) Commercial areas and adjacent residential areas shall be directly connected through paved sidewalks, trails or other pedestrian infrastructure.
      - (ii) Commercial areas shall be planned as groups having common parking areas and common ingress and egress points.
    6. *Signs.* Signs shall comply with the Architectural Review Board standards.
    7. *Parking.* Parking shall be provided in accordance with the standards of this article. Modifications to the parking standards may be proposed in a planned development request where the Town Council determines that the amount of parking requested, and its location is sufficient for the uses proposed.
    8. *Resource areas.* Planned developments shall protect any resources determined significant by the Town Council including, but not limited to,

---

wetlands, mature trees, scenic views, water access and shoreline buffers, and habitat of species designated as of Federal, State and Local concern.

- c. *Common open space.* A proposed development that is applying for a higher density than the base zoning district allows shall designate a minimum amount of the usable land area as common open space. This common open space shall be located to preserve any significant resources. Where common open space is designated, the following standards apply:
1. The common open space area shall be detailed on each sketch plan and recorded with the final plat or separate instrument.
  2. The proposed common open space shall be usable and appropriate to the size of the development and to the new residents of the planned development. The purpose of common open space is to permit areas, which could otherwise be developed into buildable lots or otherwise sold individually, to provide a significant amenity to the residents who will interact with the open space on a daily basis. It is not the purpose of common open space to permit open space for land that is otherwise unusable on a daily basis by residents. Common open space may include unimproved land, landscaped areas, improved recreation areas, recreational buildings and structures totally accessory to recreational uses, as well as freshwater wetland areas and water surfaces, all located within the development. Natural landscapes, such as wetlands, may also be considered as open space if preserved intact and if they include a recreation component (e.g., trails, etc.). The term "usable" means the open space includes uses or facilities that are adaptable to recreational or leisure use and are accessible to the residents of the proposed development or the general public, such as seating areas, picnic shelter, community garden, pedestrian and bicycle trail access to a designated greenway, public square, swimming pools, playing fields, or a new playground. The use or facility must be approved by Town Council in accordance with the approval and conveyance procedures in subsection (8)c.6 of this section.
  3. Land designated as common open space shall not be occupied by streets, drives, parking areas or structures, other than recreational structures.
  4. All property owners in the planned development shall have access to the open space by means of a public or private street or walkway in an easement a minimum of 20 feet in width.
  5. Common open space shall be provided within each phase of the planned development in sufficient amounts to serve the expected population of that phase.

- 
6. The applicant must have proof of commitment from the entity that will be responsible for the common open space prior to the Planning Commission Meeting for which the case is scheduled. The common open space shall be conveyed prior to recording the final plat, in accordance with one of the following methods:
- (i) By dedication to the Town or its designee as publicly owned open space. Parks, open space, and recreation facilities proposed for dedication to the Town must be acceptable to the Town Council with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide an environmental assessment), and budgetary and maintenance terms.
  - (ii) By leasing or conveying title (including beneficial ownership) to a corporation, homeowner's association or other legal entity. The terms of such lease or other instrument of conveyance must restrict the use of the area to open space/recreational uses.
- d. *Planned development procedure.* This procedure involves a preapplication conference and approval of a PD development plan and PD zoning map amendment.
- 1. *Preapplication conference.* Before submitting a PD development plan for a planned development, the applicant shall confer with the Planning Director and any other officials designated by the Planning Director. The purpose of this preapplication conference is to discuss the proposal and the applicable **community involvement**, development review, and approval procedures.
  - 2. *Planned development plan.*
    - (i) *Application.* After the required preapplication conference and **the conducting of** community **outreach** workshops, a complete application for PD development plan approval must be submitted to the Planning Director on a form established by the Planning Director including an approved and recorded plat showing the current property lines of the property/properties to be included in the planned development, a current recorded deed, **letters of support from community in such numbers as shall evidence general community support for the proposed PD development plan** and applicable fees. The PD development plan application shall include the requested planned development stipulations and sketch plan. The sketch plan shall be drawn to scale.

- 
- (ii) *Planned development stipulations.* The following shall be included in the requested planned development stipulations:
- A. The name of the planned development, not duplicating the name of any other planned development or subdivision, the final plat of which has been recorded in Charleston County, South Carolina;
  - B. A statement of objectives of the proposed development;
  - C. The total acreage of the planned development, broken down into total acreage, total highland acreage, total freshwater wetland acreage and total critical line wetland or marsh acreage;
  - D. A table of proposed land uses including:
    - i. A table of proposed maximum and average residential densities for each residential use;
    - ii. The maximum total acreage of each residential use;
    - iii. The maximum allowable number of each type of residential unit requested;
    - iv. The maximum proposed floor area ratios (percent of lot in relation to building floor area), and the maximum building/lot coverage for each nonresidential use;
    - v. All dimensional and lot standards requested, including waterfront development standards where applicable, for each land use type designated;
  - E. An analysis of the impact of the proposed development on existing public facilities and services (e.g., roads and streets, utility service, water, sewer, fire, ambulance, etc.). Any proposed future improvements to these facilities and services to be made as part of the planned development shall also be included;
  - F. A traffic study for planned developments that:
    - i. Contain 50 or more units; or
    - ii. Are comprised of five or more acres;  
demonstrating that the proposed development will not create traffic congestion in the Town;
  - G. A development schedule with a generalized phasing schedule, if appropriate. The phasing schedule shall include the number



---

of dwelling units, total acreage of each residential use, total gross floor area of each nonresidential use, and percentage of common open space to be included in each phase;

- H. A statement indicating how any common open space/recreation areas will be owned or managed;
- I. A statement indicating how all roads will be owned and maintained;
- J. A statement of inclusion and compliance with processes included in this chapter that are not mentioned in the planned development stipulations;
- K. A statement of agreement to proceed with proposed development in accordance with the provisions of these zoning regulations, applicable provisions of the Town of Kiawah Island Comprehensive Plan, and with such conditions as may be attached to any rezoning to the applicable PD district;
- L. A statement that the provisions of section 12-163, variances, shall not apply to the planned development and that all major changes to the planned development must be approved by Town Council;
- M. Letters of coordination from all agencies from which the applicant must either:
  - i. Obtain permits; or
  - ii. Obtain services and/or facilities;
- N. A list of all professionals engaged by applicant, both as to the companies and the individuals within such companies that will be involved in the development, design and construction processes, professional qualifications of both the companies and individuals, together with a statement from each company and individual disclosing any and all Potential Conflicts (as defined herein) individually naming each instance of a Potential Conflict detailing information as to the role(s), the date(s), the activities performed and the entity for which the activities were performed. Potential Conflicts shall include, but not be limited to, serving on a board of, being an officer of and/or acting as a consultant to any Kiawah Entities (as defined herein) or having served in such a capacity within the past ten (10) years. Kiawah Entities shall include Town of

---

Kiawah Island including but not limited to any board, committees or task forces related thereto, the Kiawah Island Community Association including but not limited to any board, committees or task forces related thereto, Kiawah Partners and any of its subsidiaries, affiliates or assigns and/or the Kiawah Golf Resort and any of its subsidiaries, affiliates or assigns.

- N. (this would change to O) Any other information that the Planning Director determines is necessary to determine whether the application complies with the standards established in this section.
- (iii) *Sketch plan.* Multiple sketch plans may be submitted, and the sketch plans shall be drawn to scale. The following shall be included on the requested sketch plan:
- A. The general location and amount of land proposed for each land use including single-family residential, multifamily residential, institutional, office, commercial, industrial, common open space/recreation, street use, etc.;
  - B. Conceptual lot lines;
  - C. Pedestrian and motor traffic circulation;
  - D. Location, acreage, and type (freshwater or critical line/marsh) of all wetlands as they exist prior to development. The location and acreage of all freshwater wetlands to be developed upon shall be indicated;
  - E. Architectural elevations for each type of residential and nonresidential unit;
  - F. The general location, size and capacity of all existing and proposed water and sewer lines;
  - G. Areas to be included in each phase of development, including the location of all common open space areas;
  - H. The location of all construction entrances;
  - I. A landscaping sketch plan, including the location and composition of all screening and buffering materials;
  - J. A utility sketch plan with the location of any on-site natural areas, buffers, trees and sidewalks that may be impacted by

---

utility facilities including existing and proposed location of any easements or rights-of-way;

- K. Any other information that the Planning Director determines is necessary to determine whether the application complies with the standards established in this section.
- (iv) *Planning Director review and report.* Once an application is deemed complete and to contain all information required herein by the Planning Director, the application will be scheduled for a Planning Commission meeting and the applicant and other interested parties will be notified in accordance with this article. The Planning Director shall prepare a staff report that reviews the PD development plan application in light of the underlying zoning district standards contained in division 2 of this article, and all other applicable development standards and planning policies.
- (v) *Planning Commission review and recommendation.* The Planning Commission shall review the proposed PD development plan and adopt a resolution recommending that the Town Council approve, approve with conditions or deny the proposed development plan. The Planning Commission's recommendation shall be based on the approval criteria set forth in subsection (8)d.2(vii) of this section. The Planning Commission shall submit its recommendation to the Town Council within 30 calendar days of the Planning Commission meeting at which the PD development plan was introduced. At any time prior to action by the Planning Commission, the applicant may request that the Planning Commission enter mediation. When mediation is requested, the Planning Commission shall assign one of its members as a representative in mediation proceedings and the Planning Director shall represent the planning staff. A majority vote of the entire Planning Commission membership in a public meeting shall be required to accept any mediated settlement. An accepted mediated settlement cannot waive the standards of this article. Prior to beginning talks, applicable time limits for review and action on complete applications must be extended by mutual agreement of the applicant and Planning Commission.
- (vi) *Town council hearing and decision.* After receiving the recommendation of the Planning Commission, the Town Council shall hold at least one public hearing, and any time after the close of the public hearing, take action to approve, approve with conditions or deny the proposed PD development plan based on the approval criteria set forth in subsection (8)d.2(vii) of this

---

section. If the Town Council takes action to approve the PD development plan, it shall establish required timeframes for development of the entire planned development and its individual phases, if any. Within ten working days of approval by Town Council of a planned development, the applicant shall submit three copies of the approved planned development guidelines and sketch plan to the department. This plan shall contain all changes and conditions approved by Town Council.

(vii) *Approval criteria.* Applications for PD development plan approval may be approved only if the Town Council determines that the following criteria are met:

- A. The PD development plan complies with the standards contained in this article;
- B. The development is consistent with the comprehensive plan and other adopted policy documents; and
- C. The Town and other applicable agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed.
- D. The development will protect the health, safety, morals, and general welfare of the public.
- E. The development will not result in significant adverse impacts on the natural environment, including air, water, noise, storm water management, wildlife, and vegetation.
- F. All Potential Conflicts have been reviewed and it is determined that none have resulted in or will result in any undue access to or influence over any Town official for the PD application approval, design, development and/or construction processes.
- G. The development will not result in significant adverse impacts on the Town's, Charleston County's, or region's infrastructure and public service providers, including but not limited to sanitary sewage facilities, roads, and fire and safety services, and
- H. The development has the general support of the Town's residents.

(viii) *Identification of zoning maps.* Approved planned developments shall be indicated on the official zoning map.

---

(ix) *Compliance with other regulations.* Unless expressly stated in this section or approved at the time of a planned development approval, all applicable standards of this article and other law shall apply to development within a planned development. Planned developments may provide for variations from other ordinances and the regulations of other established zoning districts concerning use, setbacks, lot area, density, bulk and other requirements to accommodate flexibility in the arrangement of uses for the general purpose of promoting and protecting the public health, safety, and general welfare.

(x) *Subdivision of land located within approved planned developments.* All subdivision of land located within approved planned developments shall be consistent with the stipulations approved by Town Council and shall satisfy the requirements of this article.

(Code 1993, § 12A-505; Ord. No. 94-12, § 2(12A-508), 9-26-1994; Ord. No. 2005-08, § 12A-505, 10-12-2005)