



**SECOND AMENDMENT TO THE  
DEVELOPMENT AGREEMENT  
BY AND BETWEEN  
KIAWAH RESORT ASSOCIATES, L.P., ET AL AND  
THE TOWN OF KIAWAH ISLAND**

WHEREAS, the Town of Kiawah Island and Kiawah Resort Associates, L.P. (respectively referred to as "Town" and "Property Owner"), entered a Development Agreement on October 12, 2005 (hereinafter the "Agreement"), effective that same date, recorded in the RMC Office for Charleston County at Book Z 558, Page 004; and

WHEREAS, the Town and the Property Owner entered and recorded the First Amendment to the Agreement in the RMC Office for Charleston County at Book <sup>C</sup>570, Page 595 that was effective December 13, 2005; 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.

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. Following Subparagraph No. 3 of Exhibit 13.1, this paragraph No. 4 is added:  
"4. None of the accessory uses represented as 'P' Permitted in Exhibit 13.1: 'Table of Permitted Uses' shall require Special Exception BZA approval with respect to the location of a detached accessory building in front of the principal building provided the other conditions for accessory buildings and their location as set forth in this Agreement, as amended, are satisfied."

2. In lieu of Article 12A-303: "Accessory Uses, Buildings/Structures, Section 4: Standards for Accessory Building in Residential Districts" of the Town's zoning ordinances, the following standard shall govern:


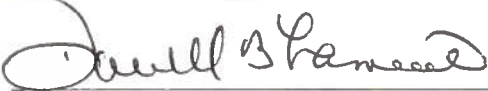
"Accessory buildings shall be allowed in residential zoning districts pursuant to the following conditions:

- A. No accessory building may be constructed on a Lot less than 15,000 square feet;
- B. Detached accessory buildings shall be prohibited from being placed in front of the principal building and shall be placed in the rear yard, except that a detached accessory building may be constructed in front of the principal residence where the residence backs up to a beach, golf course, lagoon or marsh. Accessory buildings will be located within the buildable area of the Lot as delineated by the setback requirements.
- C. Sub-leasing or renting an accessory building separately from the primary use shall constitute a violation of the Town's zoning ordinance."



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

IN WITNESS WHEREOF, this Second Amendment to the Agreement has been entered and enacted this 2 day of August, 2011.

SIGNED, SEALED, AND DELIVERED IN THE PRESENCE OF:

TOWN OF KIAWAH ISLAND (Town) (SEAL)

By:   
 G. Steven Orban, Mayor  
 Attest:   
 \_\_\_\_\_, Clerk of Council

SIGNED, SEALED, AND DELIVERED  
IN THE PRESENCE OF:

KIAWAH RESORT ASSOCIATES, L.P.  
(Property Owner) (Seal)

(CORP. SEAL)

By: D&W Investments, Inc.,  
(a South Carolina corporation)

2 North Adger's Wharf  
Charleston, SC 29401  
Its: General Partner



By:   
Charles P. Darby, III  
Its: President



AND

By: TWD Investments, LLC  
(a South Carolina limited liability  
company)

2 North Adger's Wharf  
Charleston, SC 29401  
Its: General Partner

(CORP. SEAL)



By:   
Charles P. Darby, III  
Its: Manager



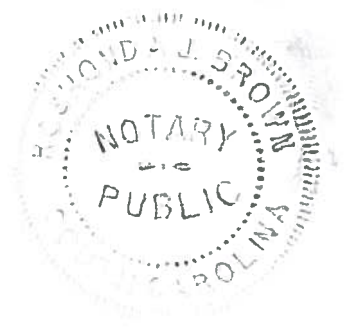
STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

**ACKNOWLEDGMENT**  
(TOWN)

THE FOREGOING INSTRUMENT was acknowledged before me by the TOWN OF KIAWAH ISLAND, by G. Steven Orban, its Mayor, and Lakesha Y. Shannon, its Clerk of Council, this 2<sup>nd</sup> day of 4 August, 2011.

Roshonda J. Brown (SEAL)  
Notary Public for South Carolina  
My Commission Expires: 8/18/2018

**ROSHONDA J. BROWN**  
**NOTARY PUBLIC**  
**SOUTH CAROLINA**



STATE OF SOUTH CAROLINA )  
  )  
COUNTY OF CHARLESTON    )

**ACKNOWLEDGMENT**  
(Property Owner - D&W)

THE FOREGOING INSTRUMENT was acknowledged before me by KIAWAH RESORT ASSOCIATES, L.P., by D&W Investments, Inc., (a South Carolina corporation), its General Partner, by Charles P. Darby, III, its President, this 17<sup>th</sup> day August, 2011.

 (SEAL)  
Notary Public for South Carolina  
My Commission Expires: 12-10-2020

STATE OF SOUTH CAROLINA )  
  )  
COUNTY OF CHARLESTON    )

**ACKNOWLEDGMENT**  
(Property Owner - TWD)

THE FOREGOING INSTRUMENT was acknowledged before me by KIAWAH RESORT ASSOCIATES, L.P., by TWD Investments, LLC, (a South Carolina limited liability company), its General Partner, by Charles P. Darby, III, its Manager, this 17<sup>th</sup> day August, 2011.

 (SEAL)  
Notary Public for South Carolina  
My Commission Expires: 12-10-2020