



PLANNING COMMISSION WORKSHOP

Kiawah Island Municipal Center

March 6, 2024; 12:30PM

AGENDA

- I. Call to Order:**
- II. Public Comments**
(Agenda Items Only)
- III. New Business:**
 - A. Proposed Comprehensive Plan Amendment and Zoning Map Amendment**
 - 1) Discussion regarding the rezoning of Captain Sam's Spit Parcel (TMS# 207-05-00-0011)**
- IV. Public Comments:**
- V. Commissioner Comments:**
- VI. Adjournment:**

FOIA: Notice of this meeting has been published and posted in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island. Meeting materials available for public view online at: <https://www.kiawahisland.org/meetings-minutes/planning-commission/>

Town of Kiawah Island Zoning Ordinance Amendment Request
ACP24-000001 & REZ24-000001 Case History

Planning Commission Meeting: February 7, 2024

Planning Commission Workshop: March 6, 2024

Planning Commission Meeting: March 6, 2024

Public Hearing and First Reading:

Second Reading:

CASE INFORMATION

Applicant: Town of Kiawah Island

Property Owner: KDP II LLC

Location: Captain Sam's Spit (Beachwalker Drive)

Parcel Identification: TMS# 207-05-00-0011 (TMS# 207-05-00-001 Beachwalker County Park Lease Site)

The subject property is one parcel; however Charleston County has recognized the Beachwalker County Park Lease Site with a unique TMS number.

Property Size: TMS# 207-05-00-0011 (Approximately 173 acres)

Approximately 126.75 acres Deeded Acreage per Charleston County GIS

Beachwalker County Park Lease Site: Approximately 2.14 acres per Charleston County GIS

Adjacent Properties:

The Town of Kiawah Island Zoning Map designates the subject property as "R-1, Residential". The adjacent properties to the north and west across the Kiawah Island River are located outside Kiawah Island's jurisdiction in Unincorporated Charleston County, and Seabrook Island. The adjacent properties to the east are located in the R-3, Residential Zoning District also known as "The Cape" And "Ocean Pines." The Atlantic Ocean is located directly South of the parcel.

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 property located at Beachwalker Drive (TMS# 207-05-00-0011) commonly known as Captain Sam's Spit from "Low Density Residential" to "Active Recreation and Open Space" and for the subject property located at Beachwalker Drive (Beachwalker County Park Lease Site) from "Medium Density Residential" to Active Recreation and Open Space".

The applicant is requesting to rezone the subject property Captain Sam's Spit (TMS# 207-05-00-0011) from R-1, Residential to PR, Parks and Recreation; and to rezone the subject property (Beachwalker County Park Lease Site) (TMS#207-05-00-001) from R-2, Residential to PR, Parks and Recreation.

The subject property was acquired by KDP II, LLC on May 29, 2013 (Deed Book 0335 Page 077)

The subject property is partially developed. Beachwalker County Park which is located on a portion of this parcel, operates park and recreation uses for beach public access. Charleston County and the property owner entered into a 99-year lease agreement on July 1, 1976. The park amenities include, boardwalk, snack bar, outdoor showers, dressing areas, picnic area, and parking. The west most part of Captain Sam's Spit is designated as a 'critical habitat area' where dogs are prohibited year-round.

The subject property also contains an emergency beach access adjacent to the Kiawah River. This emergency beach access is owned by the property owner with granted access to limited entities including

the Town, Beach Patrol, CCPRC.

The remaining portions of this parcel remain undeveloped.

The subject property is a Dock Key Location pursuant to Sec. 12-78. Dock key Locations for a floating dock.

Previously executed development agreements provided the use types and development entitlements for the subject property. Prior to the Town's first development agreement, Charleston County approved the original planned development plan for Kiawah Island. The Town entered into the first development agreement in 1994, which established updated parameters for use, density, building height, setbacks, open space and related standards for select parcels owned by the developer. Consistent with the intent and goals of the original PDD and the 1994 DA, TOKI and the developer KIC entered a new DA in 2005 which updated development limits within new neighborhoods, reconfirmed standards for neighborhoods developed since the 1994 DA and adjusted select parcels based upon new survey information. The most significant revision from the 1994 DA was to eliminate the entitlement of 325 hotel rooms permitted in Parcels 13 and 12A.

Following this parcel history, the previously executed 2013 Amended and Restated Development Agreement By And Between Kiawah Resort Associates LP and the Town of Kiawah Island, provided development entitlements for this parcel. The 2013 ARDA designated Parcel 12A and 12 B where a portion of the subject property was R-3/C and a portion R-1, Residential.

A previously approved Preliminary Plat for the development of 50 residential lots was approved on July 8, 2015. This preliminary plat showing the proposed development of 50 residential lots expired July 6, 2023.

The subject property also has a long history of litigation regarding proposed installation of infrastructure proposed development of the site. The property owner applied for a permit to build an erosion control structure consisting of approximately 2,783-foot bulkhead and revetment along the Kiawah River on Captain Sam's Spit in order to facilitate residential development of the upland property development of the subject property.

With the expiration of the 2013 Amended and Restated Development Agreement, the subject property was rezoned in November 28, 2023. The subject property is currently zoned R-1, Residential where its Future Land Use Designation is Low Density Residential. (R-2, Residential and Medium Density Residential for Future Land Use Designation of TMS 207-05-00-001)

Future Land Use Categories:

Active Recreation and Open Space: "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."

Low Density Residential

This category is intended to promote, protect, and preserve lower density development of single family detached residential areas. In this designation, the maximum density must not exceed three dwelling units per acre. Infill lots or community re-development should be designed to be sensitive to the character of the surrounding area as well as have minimal impact to the density requirements set out in the Town's Land Use Planning and Zoning Ordinances. A typical area with a Low Density Residential designation would include Plantation Woods or The Settlement.

Zoning Classification:

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

The R-1 Zoning District has permitted use of single family detached and parks. Conditional uses of historical sites, and minor utility services which include electric or gas power distribution, and/or sewage collection service lines.

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

The PR, Parks and Recreation Zoning District has permitted use of parks, historical sites, nature exhibitions, and botanical gardens or arboretums. Conditional or Special Exception uses include personal improvement education uses as golf or fine arts school; Recreation and entertainment as community recreation including sports activities, playgrounds and athletic areas or swimming areas (beaches and pools), golf courses or country clubs, recreation or vacation camps, recreational equipment storage; utility services; food and beverage services as restaurant, general, including cafeterias, diners, delicatessens, or full-service restaurants or accessory uses to a golf course, clubhouse or recreational area (with and without alcoholic beverages)

References Documents:

Plat Book and Page: AH-073 (Recorded on March 17th, 1977)

Deed Book and Page: 0335-077 (Recorded on May 29th, 2013)

RECOMMENDATION BY THE PLANNING COMMISSION

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

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

DECISION ON AMENDMENT BY THE TOWN COUNCIL

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

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

APPROVAL CRITERIA AND STAFF REVIEW FEBRUARY 7, 2024

Pursuant to §12-157 (7) of the *Land Use Planning and 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.

Pursuant to §12-158 (6) of the *Land Use Planning and Zoning Ordinance*, (6) Approval criteria. Text and zoning map amendments to the ordinance may be approved if the following approval criteria have been met:

- A. The proposed amendment is consistent with the purposes and intent of the adopted Town of Kiawah Island Comprehensive Plan;**
- B. The proposed amendment is consistent with the purposes and intent of this article;**
- C. The purpose of the proposed amendment is to further the general health, safety and welfare of the Town of Kiawah Island;**
- D. The proposed amendment corrects an error or inconsistency or meets the challenge of a changed condition.**

Planning staff reviewed the proposed amendment request and outlined the following conclusions relative to the approval criteria.

- The proposed zoning and future land use designation align with the existing land use patterns for the subject property.
- The proposed rezoning supports the goal to *“Complete the Island’s development in a way that maintains the Island’s environmental integrity and natural beauty and is consistent with the Vision of the Town.”* and to *“Develop and maintain an environmentally sustainable system of parks and open spaces which provide access to the beach and river; preserves, protects and enhances natural resources; and meets the diverse recreational needs of the Town’s population.”*
- The proposed amendment is consistent with the overall purpose and intent of the Comprehensive Plan.

Planning staff finds the proposed amendment satisfies the approval criteria and recommends approval.

PLANNING COMMISSION MEETING FEBRUARY 7, 2024

Planning staff presented the proposed amendments for the subject property, communicating that there are additional components regarding the subject property that the Commission should consider in evaluating the rezoning of the subject property. Subsequently the Planning Commission briefly discussed next steps,

commenting on recent activities associated with the subject parcel. The Planning Commission voted to table action on the proposed amendments until the March 6th Planning Commission meeting. The Planning Commission shared interest in receiving more information on the moving parts of the Captain Sam's parcel including the proposed conveyances of the property owner to the Kiawah Island Community Association, and information regarding interpretation of 2013 Amended and Restated Development Agreement as it pertains to applying restrictive covenants, and to ensure there is additional public engagement opportunity before considering this rezoning request. Planning staff did share that Town Council has been made aware of the issues regarding 2013 ARDA conveyances pursuant to Section 16(f) and those were issues that Town Council would, if any, take action on. Members of the Planning Commission also expressed interest in conservation zoning for the subject property. Planning staff shared a medium for public engagement would be scheduled where these interest and concerns can be further discussed before the Planning Commission takes any action.

The Planning Commission voted to table the proposed amendments by a vote of 6 to 0.

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

APPROVAL CRITERIA AND STAFF REVIEW MARCH 6, 2024

Pursuant to §12-157 (7) of the *Land Use Planning and 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.

Pursuant to §12-158 (6) of the *Land Use Planning and Zoning Ordinance*, (6) Approval criteria. Text and zoning map amendments to the ordinance may be approved if the following approval criteria have been met:

- B. The proposed amendment is consistent with the purposes and intent of the adopted Town of Kiawah Island Comprehensive Plan;**
- C. The proposed amendment is consistent with the purposes and intent of this article;**
- D. The purpose of the proposed amendment is to further the general health, safety and welfare of the Town of Kiawah Island;**
- E. The proposed amendment corrects an error or inconsistency or meets the challenge of a changed condition.**

Planning staff's review of the proposed amendment requests outline the following conclusions relative to the approval criteria.

- The proposed zoning and future land use designation of Parks and Recreation align with the existing land use patterns for the subject property.
- The proposed rezoning supports the goal to *"Complete the Island's development in a way that maintains the Island's environmental integrity and natural beauty and is consistent with the Vision of the Town."* and to *"Develop and maintain an environmentally sustainable system of parks and open spaces which provide access to the beach and river; preserves, protects and enhances natural resources; and meets the diverse recreational needs of the Town's population."*
- The proposed amendment is consistent with the overall purpose and intent of the Comprehensive Plan.

Planning staff finds the proposed amendment satisfies the approval criteria and recommends approval.

After the February 7, 2024 Planning Commission meeting, planning staff scheduled a public engagement session for March 6th. Additionally planning staff prepared materials for the purposes of interests shared during the February 7th meeting which included discussion around conservation. Furthermore, based on the discussions and considerations from the February 7th Planning Commission meeting for the future land use designation and zoning classification for the subject property, planning staff outlines the following conclusions for the Planning Commission to consider.

- A. Planning staff recommends the Planning Commission consider all the planning tools and techniques, currently known pieces of information and explore the rezoning process through workshop to define the desired standards which would include lot coverage, height, setback, and more particularly allowable land uses. This approach allows to recognize the base zoning standards and ideal land uses and consider a mixture of tools and techniques to identify the most appropriate zoning classification and land use designation.
- B. Planning staff also recommends the Planning Commission consider the concept of an overlay zone based on the complexities of the subject property's land use patterns.
- C. The purpose of the PR, Parks and Recreation Zoning District is to provide community parks and recreation facilities, including parks, open spaces, golf courses and tennis courts. This district provides for both active and passive use of land. Accessory structures which support or compliment the parks/recreation use may be permitted as conditional or special exception uses. The maximum height standard for this district is 2 stories/35'. The maximum lot coverage for this zoning district is 70%. In addition to utilities, recreation and entertainment type uses as parks, sports activities, swimming areas, historical sites, nature exhibitions, the PR, Parks and Recreation District also conditionally or through special exception could allow restaurants.
- D. The purpose of the KC, Conservation Zoning District is to protect and preserve areas which are outside the OCRM critical line or define other sensitive areas, which are unsafe or unsuitable for permanent structures or developments. This district prohibits development, however, uses permitted in the KC district shall be limited to boardwalks for beach access, unpaved temporary parking and non-habitable structures controlled by the Town relating to public health, safety and welfare. Accreted lands shall also become part of this district.
- E. The subject property's existing land use pattern is consistent with the Active Recreation and Open Space category. [Active Recreation an Open Space Future Land Use Category] *"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."*
- F. The subject property's existing land use pattern may also be consistent with the Conservation future land use category, principally the western portion of the subject property corresponding to referenced Parcel 12B. [Conservation Future Land Use Category] *"This category is used to promote, protect, and preserve the various natural resources located within the limits of the Town. These lands typically include highland areas surrounded by marsh or water, small islands, and fragile natural land. Ultimately, this category consists of lands which are outside the Ocean and Coastal Resource Management critical line that have been designated as unsafe or unsuitable for permanent structures or development. Furthermore, these lands have either been publicly or privately obtained through preservation or conservation easements that significantly restrict development. An example includes Little Bear Island to the east of the Ocean Course."*

- G. *Sec. 12-61. – Establishment of Zoning Districts. Table 2A Comprehensive Plan Land Use Categories and Zoning Districts* within the Land Use Planning and Zoning Ordinance lists the Comprehensive Plan's land use categories and the zoning districts which may be established in each category. Within the Active Recreation, Open Space and Conservation land use categories, both PR, Parks and Recreation and KC, Conservation are zoning districts that can be established.
- H. *South Carolina Code § 6-29-720. Zoning districts; matters regulated; uniformity; zoning techniques* (C) provides flexibility for local governments to utilize an array of zoning techniques in the implementation of the comprehensive plan.
- I. *South Carolina Code § 6-29-720. Zoning districts; matters regulated; uniformity; zoning techniques* (C) (5) states, *“overlay zone” or a zone which imposes a set of requirements or relaxes a set of requirements imposed by the underlying zoning district when there is a special public interest in a particular geographic area that does not coincide with the underlying zone boundaries;*
- J. The subject parcel has historically been split or identified into two distinct planning areas, “Parcel 12A” and “Parcel 12B” as referenced by the previously executed 2013 Amended and Restated Development Agreement. The subject parcel's two distinct planning areas differ in character and land use patterns.
- K. Parcel 12A can be characterized as being partially developed which includes the leased site portion of the parcel to Charleston County for the operation of Beachwalker County Park. Beachwalker County Park is open to the public. The subject area of Parcel 12A is bounded by the Kiawah River to the northeast. Immediately adjacent to the east of Parcel 12A are multifamily residential developments either under construction or proposed.
- L. Parcel 12B is bounded by the Kiawah River to the north, and the Atlantic Ocean to the south. Parcel 12B can be characterized as being undeveloped, and still in its natural state. Parcel 12B can also be characterized as environmentally sensitive due to critical area, marshlands and adjacency to the inlet to the east.
- M. The existing development and operations of Beachwalker County Park should be factored into consideration to allow Beachwalker County Park to remain as an allowed use as this provides public beach access. Consideration of a conservation zoning designation as well as the current residential zoning district creates nonconforming uses and nonconforming structures for this development as no development is allowed pursuant to the Town's KC, Conservation Zoning District.
- N. Much of Kiawah's beach, including the subject property is characterized as critical habitat area pursuant to Chapter 6. Critical Habitat Areas of the town's municipal code. Sec. 16-602. – Designation of critical habitat area defines “critical habitat areas” as *“those areas identified by the South Carolina Department of Natural Resources (SCDNR), United States Fish and Wildlife Service (USFWS), and other natural resource agencies as providing active nesting areas, active areas of critical food sources, or specific habitat areas for endangered or threatened species.”* Species relative to Kiawah are the Rufa Red Knot, Loggerhead Turtle and the Piping Plover. Captain Sam's is listed as a designated critical habitat for the wintering Piping Plover. The Town also placed a critical habitat pet restriction for the subject property pursuant to Ordinance 2014-08.
- O. Parcel 12B planning area includes portions of which are planned or in process to be conveyed to the Kiawah Island Community Association. The portions planned for conveyance to Kiawah Island Community Association are prescribed in 2013 ARDA, Section 16(f) Captain Sam's Spit. The property owner has submitted a portion of the referenced to be conveyed lands, which include ocean front highlands measured from Mean High Water to the crest of the primary dune. With this proposed conveyance a subdivision plat (SBD24-000001) has been submitted to the Town for review and

approval. The Planning Commission should also consider this and pending subdivision applications for the subject parcel in which the Planning Commission may consider future land use designations and zoning classifications for these pending individual parcels to be conveyed lands.

- P. Future development may be limited due to the constraints of providing adequate ingress or egress by the connection of a roadway to access the western highland portion of Parcel 12B.
- Q. Within Parcel 12A is the current emergency beach access, which is used by town officials, and other personnel as Beach Patrol and Charleston County Parks and Recreation Commission. The planning department is currently reviewing submitted plans to relocate this existing emergency beach access further east away from the river side of the subject property with it showing evidence of erosion.
- R. Please note the provided supplementary materials regarding this application.

PLANNING COMMISSION WORKSHOP MARCH 6, 2024 (12:30 PM)

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PLANNING COMMISSION MEETING MARCH 6, 2024

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Town of Kiawah Island Planning Commission

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

March 6, 2024



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PLANNING COMMISSION WORKSHOP

#ACP24-000001
#REZ24-000001

2

Amendment Requests

1) Comprehensive Plan - Future Land Use Map Amendment

Case # ACP24-000001: Request to change the Future Land Use designation for the subject property located at Beachwalker Drive (TMS# 207-05-00-001 & TMS# 207-05-00-0011) from Low Density Residential and Medium Density Residential to Active Recreation and Open Space.

2) Zoning Map Amendment

Case # REZ24-000001: Request to rezone the property located off Beachwalker Road (TMS # 207-05-00-0011 & TMS# 207-05-00-001) from R-1, Residential Zoning District and R-2, Residential Zoning District to the Parks and Recreation (PR) Zoning District.

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Timeline Update

- At the February 7th Planning Commission (PC) meeting, planning staff presented the proposed amendments for the subject property, conveying that there are additional components regarding the subject property that the PC should consider in evaluating the rezoning of the subject property.
- With brief discussion regarding next steps, the PC voted to table the applications until the March 6th meeting. Additionally, planning staff scheduled a public engagement session for March 6th.
- Planning staff prepared materials for the purposes of interests shared during the February 7th meeting which included discussion around conservation.
- Planning staff’s review of the proposed amendment requests outline several conclusions or recommendations the PC should consider. Planning staff encourages, the PC to spend some time discussing these considerations as well as engaging with the community.

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Significant Conditions

- The subject property was rezoned in November 2023 to R-1, Residential and R-2, Residential (leased BWCP site). Considerations to revisit the rezoning as the Comprehensive Plan is being developed. PC discussion of “consider appropriate strategies to protect environmental character of sensitive properties.
- Historically two distinct planning areas (Captain Sam’s Spit & Beachwalker Park) as referenced in previously executed 2013 Amended and Restated Development Agreement which differ in character and land use patterns.
 - Captain Sam’s Spit (Parcel 12B) – Undeveloped; in natural state
 - Beachwalker Park (Parcel 12A) – Partially developed; existing Beachwalker County Park
- The subject property is bounded by the Kiawah River to the north and the ocean to the south. Adjacent inlet to the west and isthmus of the spit create dynamic site conditions.

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Significant Conditions (cont.)

- Existing developments to the east are multifamily residential developments (planned or under construction).
- There is an existing emergency beach access, which is used by town officials, and other personnel as Beach Patrol and Charleston County Parks and Recreation Commission. The planning department is currently reviewing submitted plans to relocate this existing emergency beach access further east away from the river side of the subject property with it showing evidence of erosion.
- There are planned conveyances of portions of the subject property (oceanfront highlands and marshlands) to Kiawah Island Community Association based on the 2013 ARDA.
- Town Council is discussing parameters regarding § 16(f) Captain Sam’s Spit of the 2013 ARDA and raised issues in which Town Council would, if any, act on.

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Significant Conditions (cont.)

- Future development may be limited due to the constraints of providing adequate ingress or egress by the connection of a roadway to access the western highlands portion of Parcel 12B.
- Parks and recreation zoning classification is consistent with the existing development patterns of the subject property.
- In addition to park and recreation lands uses, this zoning classification could also allow conditionally or through special exception restaurants
- The existing development and operations of Beachwalker County Park should be factored into consideration to allow Beachwalker County Park to remain as an allowed use providing public beach access. The existing R-2, Residential zoning, and consideration of a conservation zoning designation create nonconforming uses and nonconforming structures for this development.

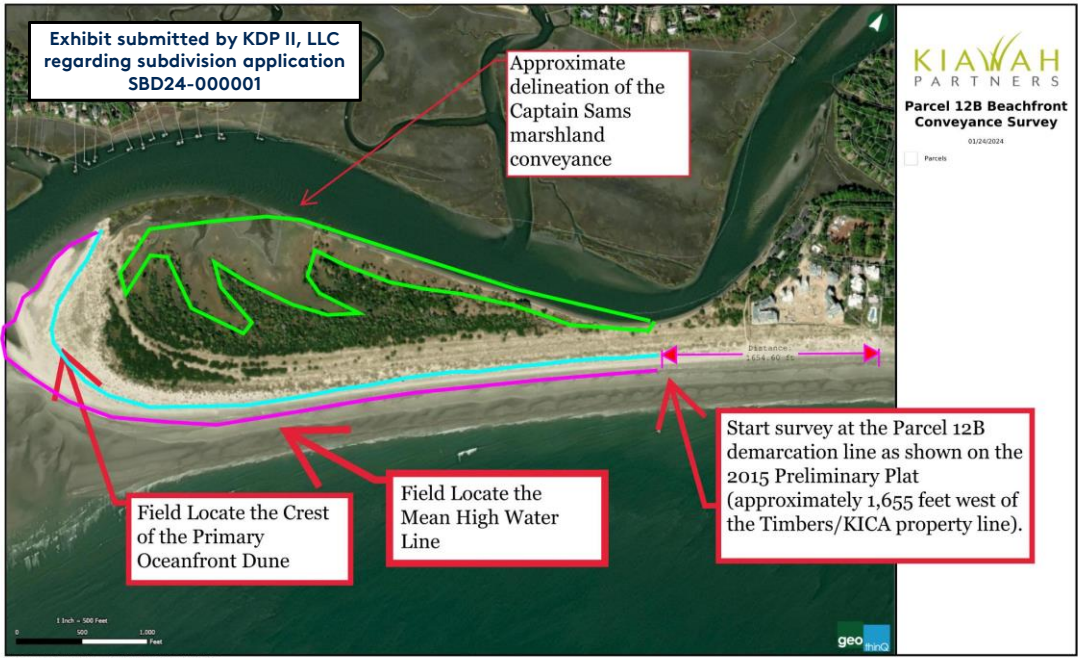
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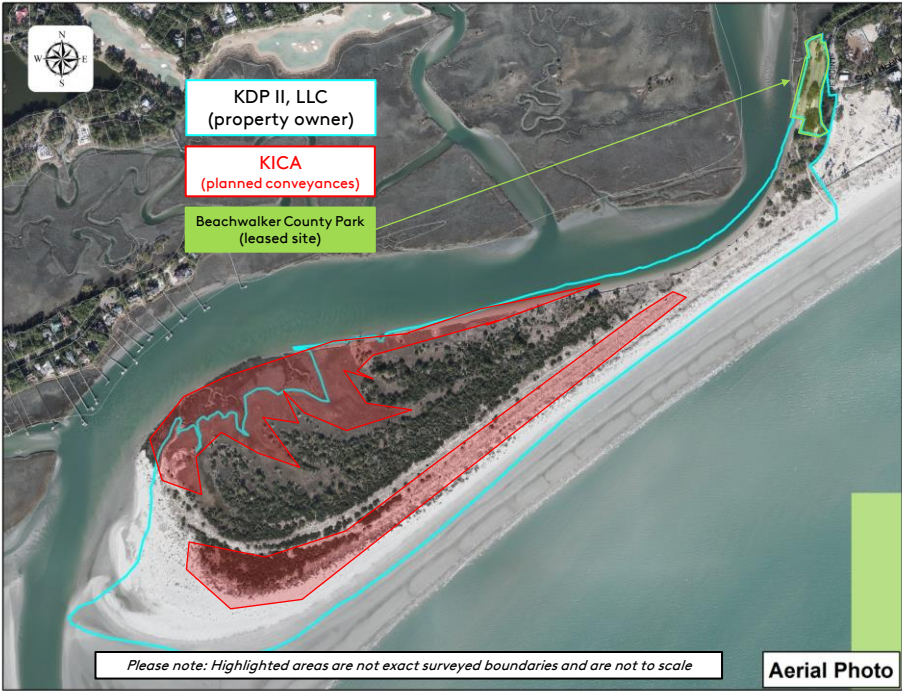
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Land Use Planning Tools

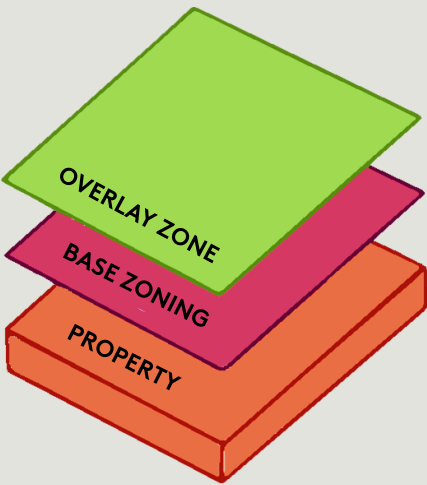
Planning staff recommends the Planning Commission consider an array of tools and techniques in evaluating the most appropriate future land use designation and zoning classification.

Zoning	Overlay Zones	Conservation or Cluster Development	Transfers of Development Rights (TDR)
Development Agreements	Urban Growth Areas/Boundaries	Open Space Programs	Restrictive Covenants

Overlay Zone

Planning staff recommends the Planning Commission consider the concept of an overlay zone based on the complexities of the areas land use patterns and site conditions.

- Overlay zoning is a regulatory tool that creates a special zoning district, placed over an existing base zone, which identifies special provisions in addition to those in the underlying base zoning standards.
- Overlay zone may impose a set of requirements or relax a set of requirements imposed by the underlying zoning district.
- Examples: R-2-O Residential Overlay, referenced example of structure for a conservation overlay zone.



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Planning Commission Workshop

Planning staff recommends the Planning Commission discuss through workshop to desired standards which would include lot coverage, height, setback, and more particularly allowable land uses. This approach allows to recognize the base zoning standards and ideal land uses and consider a mixture of tools and techniques to identify the most appropriate zoning classification and land use designation for the subject property.

- This March 6th PC workshop was scheduled with the is in mind, providing opportunities for dialogue and engagement on several factors regarding the subject property.



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EXAMPLE OF APPLICABLE OVERLAY ZONING DISTRICT

Sec. 12-81. KC-O, Kiawah Conservation Overlay Zoning District.

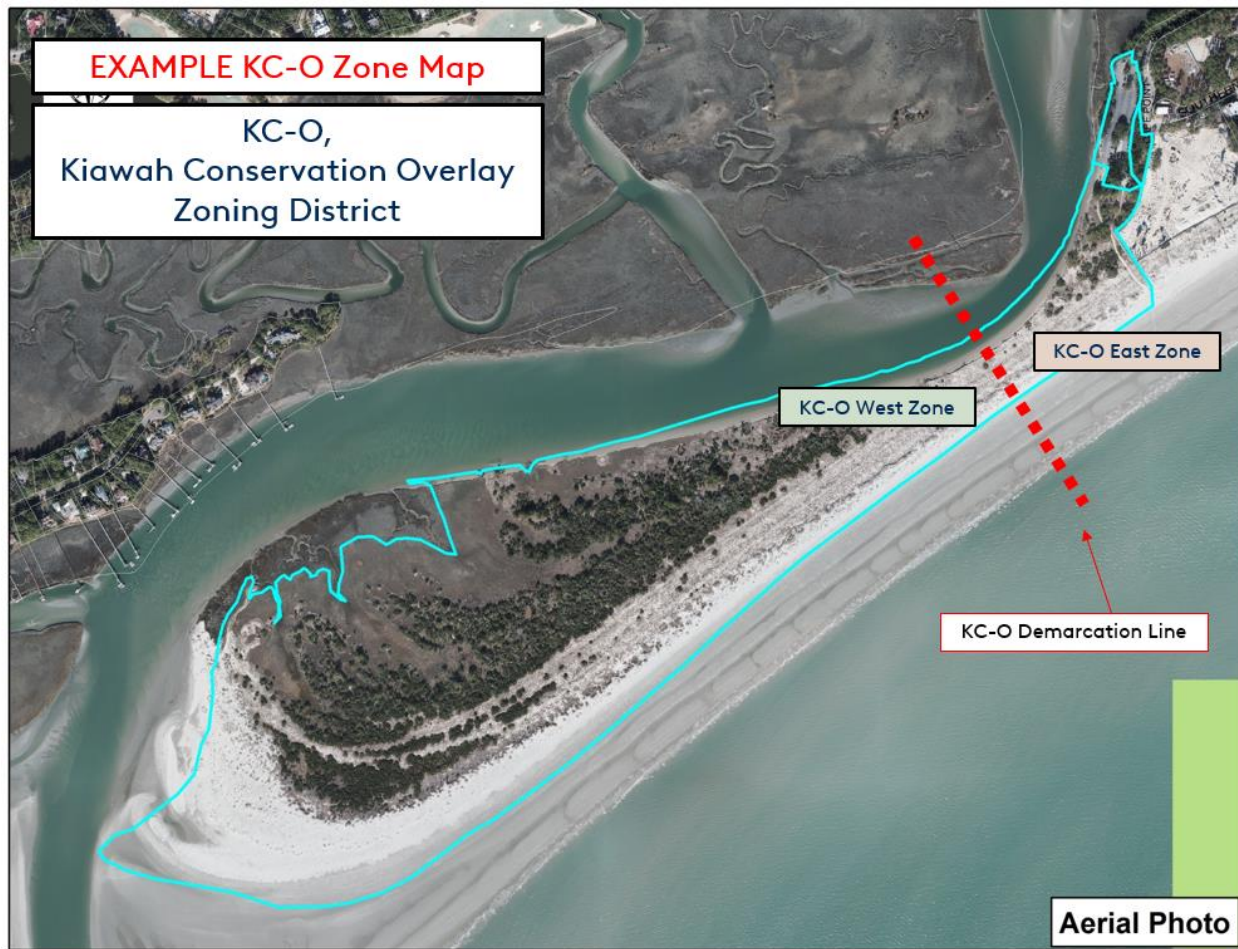
- (a.) *Purpose and intent.* The purpose and intent of the KC-O, Conservation Overlay Zoning District is to promote the preservation of environmentally sensitive lands which may allow for limited park and recreation uses where appropriate. Additionally, the purpose and intent is to ensure that development is compatible with the existing character of Kiawah. Activities and endeavors which might serve to mitigate against this purpose and intent shall be prohibited or strictly regulated.
- (b.) *Effect of overlay zoning district.* The KC-O, Conservation Overlay Zoning District regulations of this section apply in addition to the underlying (base) zoning district regulations to impose different development rules for properties within the KC-O district. In case of conflict between the regulations of this section and other regulations in this article, the regulations of this section shall control.
- (c.) *Applicability.* The KC-O, Conservation Overlay Zoning District is illustrated on the attached map.
- (1) The KC-O, Conservation Overlay Zoning District map defines the “KC-O West Zone” and “KC-O East Zone”.
 - (2) The *KC-O West Zone* is west of the KC-O Demarcation Line.
 - (3) The KC-O East Zone is east of the KC-O Demarcation Line.
 - (4) The standards of this section shall apply to all development within the KC-O district based on the established zones.
- (d.) *District regulations for the established “KC-O West Zone”.* The following standards shall apply to the KC-O West Zone:
- (1) No development is allowed in this zone.
 - (2) Uses permitted in the KC district shall be limited to boardwalks for beach access, unpaved temporary parking and nonhabitable structures controlled by the Town relating to public health, safety and welfare.
- (e.) *District regulations for the established “KC-O East Zone”.* The following standards shall apply to the KC-O East Zone:
- (1) *Development standards.* Lot standards (setbacks, lot coverage, etc.) for structures in this zone are listed in Table 2M. in this subsection.
 - (2) The maximum density for this district is six dwelling units per acre;
 - (3) Open storage is prohibited;
 - (4) Parking standards are given in section 12-128.
 - (5) 30% of required parking spaces excluding any required drive aisles, or emergency access shall be made of pervious materials;
 - (6) Authorized uses are listed in table 3A in section 12-102(c);
 - (7)

Table 2M. Lot Standards for Structures in the KC-O East Zone	
Minimum area (square feet) ⁽¹⁾	20,000
Minimum lot depth (feet)	120
Minimum width (feet)	150
Maximum floor area ratio	0.2
Maximum lot coverage	70 percent

EXAMPLE OF APPLICABLE OVERLAY ZONING DISTRICT

Maximum height		
	Stories	2
	Feet	35
Minimum setbacks (feet) ^{(2) (3)}		
	Front	25
	Side	25
	Rear	25
⁽¹⁾ Smaller lots for accessory structures may be permitted by the Town Council as part of a planned development.		
⁽²⁾ Canopies connected to the main building shall be set back a minimum of 20 feet from any property line.		
⁽³⁾ Property boundaries adjacent to OCRM Critical Line shall have a 30' minimum setback.		

- (f.) *Nonconforming structures and nonconforming uses* that were lawfully erected within this overlay district prior to adoption of the KC-O, Conservation Overlay Zoning District, shall comply with sections 12-192 and 12-193.



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

- (a) *Purpose and intent.* The purpose of the R-1 zoning district is to promote stable residential neighborhoods consisting of low density, detached, single-family dwellings and surrounding parks, golf courses, and open spaces. Activities and endeavors which might serve to mitigate against this purpose shall be prohibited or strictly regulated.
- (b) *District regulations.* The following apply to all dwelling units in the R-1 zoning district:
- (1) The maximum density for this district is three dwelling units per acre;
 - (2) All required parking shall be enclosed;
 - (3) Open storage is prohibited;
 - (4) Lot standards (setbacks, lot coverage, etc.) for single-family detached dwellings on existing platted lots that are included in article VII of this chapter, the Kiawah Island Property Setback Requirements Appendix, dated 7-10-2007, incorporated herein by reference and adopted hereto as said article VII shall apply in lieu of the setback requirements in table 2B following subsection (b)(6) of this section;
 - (5) Lot standards (setbacks, lot coverage, etc.) for single-family detached dwellings not covered by subsection (b)(4) of this section are listed in table 2B following subsection (b)(6) of this section and table 2C following section 12-66(b)(8);
 - (6) Authorized uses are listed in table 3A in section 12-102(c).

Table 2B. Lot Standards for R-1 Single-Family Detached Dwellings								
Lot Size (square feet)	Maximum Lot Coverage	Depth (feet)	Width (feet) ⁽¹⁾	Minimum Yard Setbacks (feet)			Maximum Height	
				Front ⁽²⁾	Side ⁽³⁾⁽⁵⁾	Rear ⁽⁴⁾	(stories)	(feet)
8,000—11,999	40 percent	100	60	25	10	25	2.5	40
12,000+	33 percent	100	75	25	20	25	2.5	40
⁽¹⁾ For lots on cul-de-sacs or similar circumstances, the minimum width shall apply at the front yard setback line. Cul-de-sac lots shall have a minimum width of 25 feet at the street line. The minimum width of any flag lot may be reduced to 20 feet, provided that the minimum width specified in the table is provided at the front building setback line.								
⁽²⁾ On corner and double-frontage lots, front setback standards will apply to each lot line that borders a street right-of-way. The rear yard setback shall apply to the opposite side of the principal structure's front main entrance. The side yard setback shall apply to the remaining sides.								
⁽³⁾ A minimum of 15 feet must be provided between structures.								
⁽⁴⁾ The minimum yard requirements shall be increased to 30 feet from any lot or parcel boundary which abuts a golf course.								
⁽⁵⁾ Minimum setbacks in side yard for lots currently in existence and reflected on the current zoning map and fronting on Eugenia Avenue the side yard setback shall be ten feet.								

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

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

- (a) *Purpose and intent.* The purpose of the R-2 zoning district is to promote stable residential neighborhoods consisting of medium density residences surrounded by parks, golf courses and open spaces. The district is intended for a variety of dwelling unit types. Activities and endeavors which might serve to mitigate against this purpose shall be prohibited or strictly regulated.
- (b) *District regulations.* The following apply to the R-2 zoning district:
- (1) The maximum density for this district is six dwelling units per acre;
 - (2) All required parking shall be enclosed;
 - (3) Open storage is prohibited;
 - (4) There shall be no more than four dwelling units in any building within this district;
 - (5) Lot standards (setbacks, lot coverage, etc.) for single-family detached dwellings on existing platted lots that are included in article VII of this chapter, the Kiawah Island Property Setback Requirements Appendix, dated 7-10-2007, incorporated herein by reference and adopted hereto as said article VII shall apply in lieu of the setback requirements in table 2C following subsection (b)(8) of this section;
 - (6) Lot standards (setbacks, lot coverage, etc.) for patio homes, on existing platted lots that are included in article VII of this chapter, the Kiawah Island Property Setback Requirements Appendix, dated 7-10-2007, incorporated herein by reference and adopted hereto as said article VII shall apply in lieu of the setback requirements in table 2D following subsection (b)(8) of this section;
 - (7) Lot standards (setbacks, lot coverage, etc.) for patio homes not covered by subsection (b)(6) of this section are listed in table 2D following subsection (b)(8) of this section;
 - (8) Authorized uses are listed in table 3A in section 12-102(c).

Table 2C. Lot Standards for R-2 Single-Family Detached Dwellings								
Lot Size (square feet)	Maximum Lot Coverage	Depth (feet)	Width (Feet) ⁽¹⁾	Minimum Yard Setbacks ⁽²⁾			Maximum Height	
				Front ⁽²⁾	Side ⁽³⁾	Rear ⁽⁴⁾	(stories)	(feet)
6,000—7,999	50 percent	85	55	20	7	20	2.5	40
8,000—11,999	40 percent	100	60	25	15	25	2.5	40
12,000+	33 percent	100	75	25	20	25	2.5	40
⁽¹⁾ For lots on cul-de-sacs or similar circumstances, the minimum width shall apply at the front yard setback line. Cul-de-sac lots shall have a minimum width of 25 feet at the street line. The minimum width of any flag lot may be reduced to 20 feet, provided that the minimum width specified in the table is provided at the front building setback line.								
⁽²⁾ On corner and double-frontage lots, front setback standards will apply to each lot line that borders a street right-of-way. The rear yard setback shall apply to the opposite side of the principal structure's front main entrance. The side yard setback shall apply to the remaining sides.								
⁽³⁾ A minimum of 15 feet must be provided between structures.								
⁽⁴⁾ The minimum yard requirements shall be increased to 30 feet from any lot or parcel boundary which abuts a golf course.								

Table 2D. Lot Standards for R-2 (Patio Homes, Duplexes and Townhouses)				
Housing Type	Minimum Lot Size (sq. ft.)	Minimum Yard Setbacks (feet)	Maximum Height	Maximum Lot Coverage

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

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

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

- (a) *Purpose and intent.* The purpose of the PR, Parks and Recreation District is to provide community parks and recreation facilities, including parks, open spaces, golf courses and tennis courts. This district provides for both active and passive use of land. Accessory structures which support or compliment the parks/recreation use may be permitted as conditional or special exception uses.
- (b) *District regulations.* The following apply to the PR zoning district:
- (1) Lot standards (setbacks, lot coverage, etc.) for accessory structures in this district are listed in table 2L in this subsection (b);
 - (2) Authorized uses for this district are listed in table 3A in section 12-102(c);
 - (3) Parking standards are given in section 12-128.

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

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

Sec. 12-74. KC, Conservation District.

The purpose of the KC, Conservation District is to protect and preserve areas which are outside the OCRM critical line or define other sensitive areas, which are unsafe or unsuitable for permanent structures or developments.

- (1) Accreted lands shall become part of the KC, Conservation District.
- (2) No development is allowed in this district.
- (3) Uses permitted in the KC district shall be limited to boardwalks for beach access, unpaved temporary parking and nonhabitable structures controlled by the Town relating to public health, safety and welfare.

(Code 1993, § 12A-214; Ord. No. 2005-08, § 12A-214, 10-12-2005)