

Town of Kiawah Island Planning Commission

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

November 8, 2023



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LANDSCAPE & TREE PRESERVATION

WORKSHOP

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Why does the Town seek to establish a comprehensive landscape and tree preservation ordinance?

Kiawah’s identity has been built on a concept of designing with nature. This represents an embrace of wildlife and nature and the idea that the built environment is truly balanced to the unbuilt environment. In application of this designing with nature concept, Kiawah as a community has historically relied on the Kiawah Island Architectural Review Board to fulfill and administer landscape and tree preservation standards and guidelines. The robust guidelines and standards of the Kiawah Island Architectural Review Board “Designing With Nature” are far more extensive than the minimal standards within the Town’s current Land Use Planning and Zoning Ordinance, and they are far more restrictive than most standards within other communities. Wholistically, this has resulted in a standard that many communities envy Kiawah by which developments are nestled within lush vegetation and magnificent landscapes.

As Kiawah continues to grow and mature, the strategies in which landscape and tree preservation guidelines and standards are deployed must also mature or evolve to ensure the concept of designing with nature is not compromised and that this concept is sustained as part the identity of Kiawah.

As we understand conditions are ever-changing, one of the most significant conditions of change is the sunseting of the long term executed development agreement with the master developer. With the Town not having its own comprehensive landscape and tree preservation ordinance that it administers; this creates an opportunity for the Town to cement new strategies and standards in Kiawah’s next phase of ensuring designing with nature as a concept is sustained for generations.

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Who can develop landscape and tree preservation standards?

The Planning Commission has the power and duty to prepare and recommend for adoption to Town Council the following to implement plans and programs within the Town:

- a. A zoning ordinance that includes zoning district maps and appropriate revisions thereof;
- b. Regulations for the subdivision or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that are adopted by Town Council;
- c. An official map and appropriate revision of it showing the exact location of existing or proposed public streets, highways, and utility rights-of-way, and public building sites; regulations to control the erection of buildings or other structures; changes in land use within rights-of-way, building sites, or open spaces within the Town or specified areas within the Town;
- d. A landscaping ordinance setting forth required planting, tree preservation, and other aesthetic considerations for land and structures;
- e. A capital improvements program setting forth projects required to implement plans which have been prepared and adopted, including an annual listing of priority projects for consideration by the Town Council or other governmental bodies responsible for implementation prior to preparation of their capital budget; and
- f. Policies or procedures to facilitate implementation of planning elements.

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Are there standards the Town currently administers?

The Town does not have a comprehensive landscape or tree preservation ordinance. However, there are standards which express some landscape or tree preservation elements for Kiawah.

- Sec. 12-104. - Accessory uses, buildings/structures.
- Sec. 12-127. - Compatibility buffering standards.
- Sec. 12-128. - Access, parking and loading regulations.

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Protecting Trees Yields Satisfying Results...

Trees are an essential natural resource, an invaluable economic resource, and a priceless aesthetic resource. Trees play a critical role in purifying air and water, providing wildlife habitat, and enhancing natural drainage of stormwater and sediment control. They also help conserve energy by providing shade and buffering different land uses and beautifying the landscape.

Habitat	Shade	Sound Barrier	Buffering
Infiltration	Screening	Windbreak	Aesthetics

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What elements might a landscape and tree preservation ordinance consider?

- Landscaping Plant and Tree Types
- Landscape Material Specifications
- Street Trees
- Parking Area Landscapes
- Access and Parking Standards
- Vision Clearance and Sight Distance Visibility
- Site Lighting
- Right of Way Buffers
- Compatibility Buffers Types
- Fencing
- Tree Surveys
- Screening
- Installation, Maintenance and Replacement
- Review Procedure and Inspections
- Tree Replacement
- Tree Removal
- Residential vs Commercial

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Factors for Kiawah To Consider During This Process...

- **“Designing with Nature” Existing Standards and Guidelines**
 - There is a blueprint to successful metrics already familiar to the Kiawah landscape and design professionals.
- **Native Plants**
 - Inserting Grow Native elements is an opportunity to advance the Town’s objective of more native plant species.
- **KiawahNext**
 - How might changes with Town’s Comprehensive Plan impact these standards?
- **Applicability to Contrasting Neighborhoods**
 - Neighborhoods across Kiawah are unique. Should this exercise continue to capture the unique elements of landscape when comparing the various neighborhoods and developments on Kiawah?
- **Capacity Building for Enforcement**
 - A new arena of robust landscape and tree preservation standards for the Town require accountability mechanisms. What measures should the Town take to ensure enforcement?
- **Standards for Rights of Way**
 - Specific standards can be developed for the main access route onto Kiawah Island as the KIP as well as Beachwalker Drive.

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Getting Started

What is the purpose and intent of this ordinance?

How should the ordinance be structured?

- Tree Removal
- Landscape Standards
- Define Key Terms
- Processes & Application

How will the ordinance changes be memorialized and communicated effectively?

- Land Use Planning and Zoning Ordinance Amendment (New Section)
- Procedural Requirements
- Landscaping Design Guide

Who are the best players to involve?

- Design Teams (LAs, Arborists)
- Kiawah Island Architectural Review Board
- Wildlife Department / Environmental Committee

What additional resources are needed?

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Next Steps

- **Introduce Phase I for recommendation which focuses on tree preservation.**
 - Planning Commission Workshop
 - Planning Commission Recommendation
 - Town Council Public Hearing
- **Build expertise list to review draft ordinance**
 - Landscape Architects, Architects, Builders, Lawn Maintenance Companies, Environmental Experts
- **Prepare for Phase II of ordinance which focuses on landscape standards**

Section 12-129. Tree Preservation & Landscaping Standards

Purpose & Intent

The purpose of these regulations is to provide tree preservation and landscaping standards for both existing and new developments in order to consistently preserve and enhance Kiawah's natural environment and to assure the continuance of significant and specimen trees and forests for present and future generations. The intent of these regulations are to:

- a. Preserve the natural character of neighborhoods;
- b. Ensure the health and wellbeing of Kiawah's native trees and maritime forests;
- c. Protect the health and safety of residents;
- d. Protect water quality and minimize stormwater runoff;
- e. Help prevent erosion or flooding;
- f. Promote integrated development with nature to minimize tree loss and environmental degradation;
- g. Establish a minimum standard for tree preservation and mitigation of environmental impacts resulting from tree removal;
- h. Screen noise, dust and glare;
- i. Maintain and or improve aesthetic and property values; and
- j. Promote the planting of native trees and shrubs.

(1) *Applicability & Exemptions.* The provisions of this Article apply to all real property within the municipal limits of the Town of Kiawah Island including both residential and non-residential properties, except as otherwise expressly exempted.

- a. The following are exempt from the provisions of this Article:
 - 1. Pruning of trees for regular maintenance
 - 2. The trimming or removal of trees or vegetation for safe sight distance and visibility within or adjacent to a right of way for pedestrian, bicycle and or vehicular travel.
 - 3. Routine maintenance of trees on golf courses
 - 4. The removal of trees for emergency work
 - 5. The removal of invasive tree species as defined within this Article.
 - 6. Tree work completed by utility companies, electric suppliers, or governmental agencies.

This Article shall not restrict utility and electric suppliers from maintaining safe

clearance around existing utility equipment, and existing easements in accordance with applicable state laws. The siting and construction of future gas, telephone, communications, electrical lines or other utilities shall be exempt from the provisions of this Article provided that the applicable company, supplier or agency has consulted with the Town and received zoning approval from the Planning Director prior to the commencement of construction or major maintenance projects to develop a strategy to:

- i. Minimize trimming of Protected Trees that do not substantially interfere with the intended purpose of construction or maintenance;
 - ii. Prioritize the protection of Protected Trees as a factor to be considered in the design process;
 - iii. Specify that trees to be removed from the rights-of-way by electric utilities and other utilities may be required to be replaced by such entity.
7. Nothing in this article shall be construed to prevent the ordinary trimming and maintenance of trees provided that a permit is obtained if required and such trimming is not so excessive so as to constitute an abuse as described in this section.

(2) Required Permit.

- a. No person shall cut down, top, remove, relocate, damage, destroy, or in any manner abuse any protected tree on any lot or right-of-way unless authorized by the terms of this Article.
- b. The removal of any protected or specimen tree on any site prior to the issuance of a Zoning Permit by the Town of Kiawah Island is prohibited. A zoning permit shall be required for the removal, relocation or destruction of protected trees in accordance with the procedures set out in this Article. Permits for tree removal may be approved when the Planning Director has determined that one or more of the following conditions exist:
 1. The tree(s) to be removed is dead, diseased, irreparably damaged, hazardous, or clearly causing damage to the property or injury to a person in the opinion of a certified arborist;
 2. Trees that are determined by the Planning Director or designee to be causing structural damage to a structure greater than 200 square feet or sidewalks and driveways, where said damage cannot be remedied without removing the tree may be approved for removal. When there is a question of whether tree removal is necessary, the Planning Director may require documentation from a certified arborist that said damage cannot

be successfully halted through root pruning and the installation of a root barrier while maintaining the structural integrity of the tree;

3. The density of trees is great enough that removal of a tree would be beneficial to the overall area and or health of a protected tree and or an environment as determined by a certified arborist;
4. The tree removal is part of a greater development plan for which a tree plan prepared by a licensed surveyor, civil engineer, forester, arborist, or landscape architect has been reviewed and approved by the Planning Director pursuant to this Article; or
5. The tree to be removed has been approved by the Board of Zoning Appeals

(3) Tree Surveys, Tree Preservation Plans, and Landscape Plans.

- a. A tree survey showing all existing trees throughout the portion of any site or right-of-way proposed for disturbance and including any area counted as required open space area shall be submitted as part of any site plan for zoning permits for new construction, substantial improvements or renovations; or any preliminary and final subdivision plats in accordance with the requirements below. Tree Survey submittal requirements can be found in *Table XX. Tree Survey, Preservation and Landscape Plan Submittal Requirements* of this article.
 1. Tree surveys shall include the name, phone number, address, signature, and seal of a licensed surveyor, civil engineer, forester, arborist, or landscape architect registered in the State of South Carolina.
 2. The tree survey must be certified and dated within two (2) years of its submittal.
 3. A topographical and tree survey must be to an architectural or engineers scale and is required to show the legal description of the property, including the following:
 - i. Recorded property lines, easements, and setbacks.
 - ii. The topographical contours of the lot, along with spot elevations for existing curbs, the street, and neighboring lot curbing.
 - iii. The location, genus, and species of all oak trees over 3" caliper DBH and other trees in excess of 6" caliper DBH.
 - iv. Any prominent natural features of the site.
 - v. Adjacent residences with roof heights from mean sea level (MSL), garages, and driveways.

- vi. Current Ocean and Coastal Resource Management's Certified Critical Line which must be certified with five years of submittal.
 - vii. Utility locations
- b. A tree preservation plan is a plan that shows all trees in the area to be developed or within the property, the trees to be protected or preserved, the measures taken to preserve them and those scheduled to be removed, including dead and damaged trees.
- 1. The plan will include calculations to determine the number of replacement trees as required by the tree removal, mitigation, and replacement section of this article and a proposed reforestation landscape plan.
 - 2. The plan shall be developed by a forester, arborist, landscape architect or other horticultural professional registered in the State of South Carolina.
 - 3. The plan shall reflect the applicant's best effort to determine the most feasible and practical layout of buildings, parking lots, driveways, streets, storage, and other physical features, so that the fewest significant and specimen trees are destroyed or damaged and to minimize the negative environmental impact to the site.
- c. Barriers Required: Protective barriers shall be shown on the plan, placed around all trees designated to be saved, prior to the start of development activities or grading. Such barriers shall be erected at a recommended minimum distance from the base of protected trees according to the following standards:
- 1. For trees 10 inches or less diameter at breast height (DBH): Protective barricades shall be placed a minimum distance of 10 feet from the base of each protected tree, or outside the dripline, whichever is greater.
 - 2. For trees greater than 10 inches DBH: Protective barricades shall be placed at a minimum distance equal to 10 feet from the base of a protected tree plus an additional 1 foot for each additional 1 inch DBH greater than 10 inches DBH, or outside the dripline, whichever is greater.
 - 3. Protective barriers shall consist of barriers approved by the Planning Department (a minimum of 4 feet in height). The Planning Department shall not require that chain link fences be used. Protective barricades shall remain in place until development activities are complete. The area within the protective barricade shall remain free of all building materials, stockpiled soil or other construction debris. Construction traffic, storage of vehicles and materials, and grading shall not take place within the protective areas of

the existing trees. Any violations must be addressed immediately or a stop work will be issued.

4. Construction access to a site should occur where an existing or proposed entrance/exit is located, except for driveway access points, sidewalks, and curb and gutter, land disturbance within a tree dripline is prohibited.
- d. Landscape plans may be required to be submitted to meet the requirements of this Article.
 1. A required landscape plan shall be drawn to engineer's scale which contains dimensions and details for revegetating an area.
 2. The landscape plan shall contain trees and shrubs species depicted at maturity, fencing, and other site elements along with details of landscape materials including hard and soft scape elements.
 3. Landscape plans shall be prepared by a licensed, registered Landscape Architect whenever the area of land disturbance or development activity exceeds one half acre or when the total area of disturbance proposed building footprint exceeds 2,500 square feet.
- e. Plan Submittal Requirements. Table VV in subsection (3) of this section shows the minimum requirements for submittal of various plans.

Table X.X. Tree Survey, Preservation and Landscape Plan Submittal Requirements			
Improvement Type	New Construction	Substantial Improvement ¹	Minor Improvement
Tree Survey	Required		Not Required
Tree Preservation Plan	Required	Required ²	Not Required ²
Landscape Plan	Required	Required ³	Not Required ⁴
Notes: <ol style="list-style-type: none">1. <i>Substantial Improvement includes where repair or renovations cost is 50% or more of the value of the structure.</i>2. <i>A tree preservation plan shall be required if a proposed development requires the removal of specimen or protected trees or for any improvement where the footprint of the structure is being modified.</i>3. <i>A landscape plan shall be required for any improvement where the footprint of the structure is being modified.</i>			

4. *At the discretion of the Planning Director a landscape plan may be required for any improvement which has been determined to create a potential impact for a minor improvement.*

(4) Specimen and Protected Trees.

- a. Specimen and protected trees are species chosen as a point of focus in a landscape which usually has an unusual shape, texture, color or other feature that distinguishes it from other trees and shrubs in the area excluding invasive species. These trees have a life expectancy of greater than ten years, have a relatively sound and solid trunk with no extensive decay or hollow, and have no major insects, pathological problem, or defects. Specimen trees are valued for their size and their legacy.
- b. Under the provisions of this article, the following trees are considered specimen trees and shall be prohibited from being removed unless approval by way of a variance is granted by the Board of Zoning Appeals:
 1. Grand Trees: Any tree with a diameter breast height of twenty-four (24) inches or greater in size; and
 2. Live Oak Trees with a diameter breast height of sixteen (16) inches or greater
- c. Under the provisions of this article, the following trees are considered protected trees and shall be prohibited from being removed unless approved by the Planning Director in accordance with the requirements of this article.
 1. Any tree with a diameter breast height of eight (8) inches or greater within required buffers or any other required landscape areas
 2. Any tree with a diameter breast height of twelve (12) inches or greater outside of the building area of a property.

(5) Native Species

- a. Using native plants in landscaping has a direct impact on the local ecosystem which include benefits as the protection of water resources, allowing gardeners to reduce fertilizers, pesticides, and irrigation practices which otherwise can contribute to stormwater runoff pollution and degradation of downstream water quality; sustaining pollinators which are vital for fruit production and provide high-quality food and shelter; providing essential

watershed protection, helping natural aquifers recharge, serving to filter water naturally flowing into rivers and estuaries, lessening erosion and flooding; and resistance to saltwater intrusion from flooding and storm surge.

- b. Native plants can be found in the Town of Kiawah Island's online Grow Native Plant Database. The Grow Native Plant Database is a searchable online database of native trees, shrubs, perennials, vines, ferns, and grasses that provides detailed information on growing conditions, size, flowering information, salt tolerance, deer resistance, and the wildlife value for each plant. The database was designed to help promote the use of native plants on the island and serve as a resource for residents, landscapers, landscape architects, landscape designers, and other entities.

(6) Invasive Species.

- a. Invasive species means species that are not native to South Carolina and cause economic or environmental harm or harm to human health. Invasive species may be found in the Nonnative Invasive Plants of Southern Forests registry published by the US Department of Agriculture or list provided by Clemson Extension.
- b. Submitted landscape plans shall not indicate the use of any invasive plant species. These species shall be removed during site development if existing on the property.

(7) Tree Removal.

- a. For the purpose of this Article, the term "Tree Removal" shall include, but not be limited to, damage inflicted to the root system by machinery; girdling; storage of materials and soil compaction, changing the natural grade above or below the root system or around the trunk; damage inflicted on the tree permitting fungus infection or pest infestation; excessive pruning; excessive thinning; excessive paving with concrete, asphalt or other impervious material within such proximity as to be harmful to the tree; excessive grading; or any act of malicious damage to a tree. Pruning or thinning more than 25 percent of the leaf surface on both the lateral branch and the overall foliage of a mature tree that is pruned within a growing season shall be considered excessive. Pruning or thinning such as the removal of branches six inches or greater in diameter shall also be considered excessive. Paving or grading more than 25 percent of the root zone of the tree protection area shall also be considered excessive. Additionally, one-half of the foliage of a mature tree is to remain

evenly distributed in the lower two thirds of the crown and individual limbs upon completion of any pruning. The final determination of tree removal shall be made by the Planning Director.

(8) Tree Mitigation and Replacement.

- a. Tree mitigation shall adhere to the following standards in which the applicant shall mitigate loss of significant and specimen trees by planting replacement trees in appropriate areas on the property in accordance with the tree replacement requirements as listed in Table X.X. and the approved tree preservation plan.

Table X.X. Tree Preservation Requirements and Mitigation Standards			
Tree Size	Location /Context	Preservation Requirements	Mitigation Standard
Individual Tree Removal (Post Occupancy)			
Specimen Trees (Grand Trees (24 inches or greater & Live Oaks 16 inches DBH or greater)	All areas	Removal prohibited except as approved by the Board of Zoning Appeals and in accordance with required tree preservation plan and the mitigation standards.	Must replant trees with a minimum combined DBH equal to 100% of the tree(s) removed. Replanted trees shall be 70% native species.
Protected Trees (8 inches or greater)	Outside of Buildable Area	Removal prohibited except as approved by the Planning Director and in accordance with the required tree preservation plan and mitigation standards.	Must replant trees with a minimum combined DBH equal to 100% of the tree(s) removed. Replanted trees shall be 70% native species.
All trees	Edge of marsh, lakes, ponds or dunes and or at the Critical line on the landward side	Removal prohibited except as approved by the Board of Zoning Appeals and in accordance with the required tree preservation plan and mitigation standards.	Must replant trees with a minimum combined DBH equal to 100% of the tree(s) removed. Replanted trees shall be 70% native species.
Tree Removal For Construction Activity/Site Development			
Protected Trees (8 inches or greater)	Outside of Buildable Area	Full preservation of all Protected Trees is required in all yards (front, side and rear) except for any required or permitted driveways, roads, easements and drainage structures.	Must replant trees with a minimum combined DBH equal to 100% of the tree(s) removed. Replanted trees shall be 70% native species.
Specimen Trees	Within Buildable Area	Removal prohibited except as approved by the Board of Zoning Appeals and in accordance with required tree preservation plan and the mitigation standards.	Must replant trees with a minimum combined DBH equal to 100% of the tree(s) removed. Replanted trees shall be 70% native species.
Trees (12 inches or greater)	Within Buildable Area	Removal prohibited except as approved by the Planning Director and in accordance with required tree preservation plan and the mitigation standards.	Must replant trees with a minimum combined DBH equal to 70% of the existing trees on the site prior to development. Replanted trees shall be 70% native species.
All trees	Edge of marsh, lakes, ponds, or dunes and	Removal prohibited except as approved by the Board of Zoning Appeals and in	Must replant trees with a minimum combined DBH equal to 100% of the

	or at the Critical line on the landward side	accordance with the mitigation standards.	tree(s) removed. Replanted trees shall be 70% native species.
Notes: The preferred density should be equal to a combined DBH greater than or equal to twenty trees per acre or 160 inches per acre, whichever is greater. Preservation of all trees should equal to a combined DBH of 50% of the existing trees on the lot			

- b. The trees required to be replaced pursuant to this ordinance shall be in addition to any other trees required to be planted pursuant to any other provision of Town ordinance.
- c. Mitigation trees shall measure a minimum of six (6) inches in caliper DBH.
- d. Removal without mitigation may be permitted if necessitated by emergencies, death, disease, or damage not caused by the property owner as determined by the Planning Director. Removal without mitigation is also permitted for the removal of invasive species.
- e. To prevent a monoculture among plantings, the Town shall require a diversity in the trees planted for mitigation. No single plant species shall represent more than 40 percent of the total landscape plantings per plant type, except for projects whose landscape requirements for Canopy Trees are less than 10 Trees.
- f. Depending on the number of trees planted, there shall be a diversity of the plantings as follows:
 - 1. 5 to 10 trees: minimum 2 types of trees to be planted;
 - 2. 10 to 20 trees: minimum 4 types of trees to be planted;
 - 3. 20 to 100 trees: minimum 7 types of trees to be planted;
 - 4. Greater than 100 trees: minimum 10 types of trees to be planted
- g. The replacement tree and plants utilized for mitigation shall be native species. Submitted landscape plans used to satisfy the requirements of this Article, shall be 70% native species. The replacement tree preferred shall be native species such as oak, magnolia, palmetto, or hickory.

- h. Palmetto Trees may be used to fulfill the Canopy Tree requirements. These trees are to be planted at a ratio of three Palmetto Trees for each Canopy Tree and are to be planted in groupings of three.
- i. Where mitigation trees will not fit on a lot, the Town may consider alternative options including:
 - 1. Alternative Location adjacent to the subject property or planning area: Coordinate an alternative location to include but not limited to right of way enhancement, open space, adjacent property or other public or common areas within the Town limits as determined by the Planning Director. The Planning Director may coordinate with the Public Works Director, or other island entities.
- j. Where mitigation trees are planted they shall be guaranteed for one (1) full year after planting. Any trees that die within this time period must be replaced by the applicant and/or property owner.

(9) Administration.

- a. Plan Alterations or Revisions: Due to seasonal planting problems and/ or a lack of plant availability, approved plans may require minor revisions. Minor revisions to planting plans may be approved by Town Staff if:
 - 1. There is no reduction in the quantity of plant material;
 - 2. There is no significant change in size or location of plant materials; and
 - 3. The new plants are of the same general category (i.e., shade tree, ornamental tree, evergreen, or shrub) and have the same general design characteristics (mature height, crown spread) as the materials being replaced.

(10) Inspections and Violations.

- a. The Planning Director may approve a delayed schedule for planting materials (provided by the Applicant's contractor) when the immediate planting schedule would impair the health of plants. When a delayed planting schedule is approved, the Applicant shall provide a bond equivalent to one and one-half times the projected cost of the planting materials and installation in accordance with the American Association of Nurserymen Standards. This is

designed to include severe weather, such as droughts, heat waves, and floods. The Applicant shall provide a minimum of two quotes from local (tri-county area) contractors for review and the bond amount shall be determined by the Planning Director.

- b. The Town reserves the right to inspect the site or property at any reasonable time for compliance with tree preservation requirements. Town Staff may inspect the site one year after the issuance of a permanent Certificate of Occupancy in order to ensure compliance with the approved tree plan. If the Town finds the site in violation, the Town may consider remedies and enforcement actions pursuant to Sec. 12-214.

Key Terms To Be Defined. Within 12-374 – Definitions.

Building Area means that portion of the established parcel which can be devoted to buildings and structures identified by the setback standards of the parcel.

Caliper inch means a measurement used for nursery stock and in this division refers to replacement trees. It is the unit of measurement for defining the diameter of the tree trunk measured six inches above the soil surface for tree trunks six (6) diameter inches or less and measured 12 inches above the soil surface for tree trunks greater than six (6) diameter inches.

Grand Tree means any tree with a diameter breast height of twenty-four (24) inches or greater in size

Invasive species means species that are not native to South Carolina and cause economic or environmental harm or harm to human health.

Specimen tree means any Grand Tree or any Live Oak Tree with a diameter breast height of sixteen (16) inches or greater in size.

Tree preservation plan means a plan that shows all trees in the area to be developed or within the property. The plan shall include all significant and specimen trees to be preserved and measures taken to preserve them. The plan will also include calculations to determine the number of replacement trees as required by the tree removal and mitigation.

Protected tree means Any tree on a lot with a diameter breast height of eight inches or greater prior to Development, and all trees within required buffers or required landscape areas.

Sec. 12-165. Zoning permits.

The purpose of zoning permits is to confirm that the intended use fully complies with the provisions of the zoning district.

- (1) *Required.* A zoning permit shall be required before any of the following are permitted:
 - a. The issuance of a building permit under the Town of Kiawah Island building code;
 - b. New construction;
 - c. Additions to existing structures;
 - d. Relocation of any house;
 - e. Excavation, clearing, and/or grubbing preparatory to constructing a structure for which a building permit is required;
 - f. Improvement any lot by grading, filling, or surfacing or by constructing driveways or by constructing or enlarging parking areas containing six or more parking spaces;
 - g. Change in the use classification of any part of a structure or lot including any increase in the number of families or dwelling units occupying a building or lot;
 - h. Installation of any sign as specified within this article;
 - i. Utility construction;
 - j. Obtainment of a business license;
 - k. Tree removal; or
 - ~~l~~. Any earth disturbing activity.
- (2) *Zoning permit application forms.* Requests for approval of zoning permit applications shall be made on forms provided by the Town. The Town may promulgate submittal requirements, instructions for completing forms, internal procedures for acceptance and filing of development applications, and provisions for waiver through the establishment of administrative guidelines.
- (3) *Submission and determination of a complete zoning permit application.* All zoning permit applications shall be submitted to the Planning Director or authorized designee. If all required information is included per section 12-155, the application shall be deemed complete and accepted, along with any established fees. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this article. Submittal of a complete application initiates the application process.
- (4) *Official filing date.* All time limits for processing or acting upon development applications shall commence on the date that a completed application, along with any established fees, are submitted to the Planning Director. Substantial modification of an application by the applicant following the filing of the zoning permit application but prior to the expiration of the period within which the Town is required to act shall extend the period for a like time following the Planning Director's determination that the modified zoning permit application is complete.
- (5) *Time of expiration.* Zoning permits shall become invalid if a building permit is required but not issued within 12 months of the date of issuance of the zoning permit or if a building permit is not required.

(Code 1993, § 12A-511; Ord. No. 2005-08, § 12A-511, 10-12-2005)

Sec. 12-162. Site plan review.

The purpose of a site plan review is to ensure that all applicable requirements of this article are complied with prior to the issuance of a zoning and building permit.

- (1) *Applicability.*
 - a. *Generally.* The site plan review process, administered by the Department of Planning, shall be required for all new construction, exterior remodeling involving a change in the building footprint, parking areas or other impervious surfaces, change of use that results in a more intense use, and additions to any structure used for any purpose (except detached single-family residences). No zoning or building permit shall be issued for a development subject to site plan review until the site plan has been approved in accordance with the provisions contained within this article.
 - b. *Single-family detached residential.* The site plan review process, requiring site plan review application, will not apply to detached single-family residences. However, a review by planning staff to determine compliance with all applicable zoning regulations is required.
- (2) *Application.* The property owner or designated representative may initiate site plan review by filing an application with the Planning Director. The contents of the application shall be included on a form developed by the Town. If more than one use in a project or more than one use located on a single tract of land is subject to site plan review, the necessary applications may be submitted in phases; provided, however, that the overall concept is first reviewed with the Planning Director and the Planning Commission. A letter of intent shall be submitted by the applicant describing the proposed use.
- (3) *Procedures for issuance of site plan approval.*
 - a. Site plans for permitted uses shall be reviewed by the Planning Director in conjunction with the zoning permit process. The Planning Director's review and action shall be based on the conformity of the site plan with district regulations, approved plats and the comprehensive plan.
 - b. Site plans for special exceptions shall be reviewed by the Planning Director prior to the application being presented to the Board of Zoning Appeals pursuant to section 12-159.
 - c. Site plans for planned developments shall be reviewed by the Planning Director, Planning Commission and Town Council pursuant to section 12-158 when the planned development does not contain a detailed site plan.
 - d. A site plan may be approved, approved with conditions, or denied.
- (4) *Submittal requirements.* A site plan must be drawn to engineers scale and contain the following information:
 - a. The shape and dimensions of the zoning lot;
 - b. The size and location of all existing structures;
 - c. The lines within which any proposed structures shall be erected, altered, or moved; and the locations of any officially approved building setback lines;
 - d. The heights of all proposed structures and parts thereof;
 - e. The existing and proposed use of each structure and part thereof;
 - f. The uses and zoning of adjoining properties;

- g. The number of dwelling units in each existing building and the number of dwelling units that each proposed building is intended to accommodate;
- h. The size and location of all proposed driveways, off-street loading areas and off-street parking areas containing more than six parking spaces;
- i. Finished first floor elevation above mean sea level requirement and the flood hazard zone designation if in a special flood hazard A or V zone;
- j. Review comments from the St. John's Fire District;
- k. Tree survey, tree preservation plan, and or landscape plan; and
- ~~k~~. Such other reasonable and pertinent information with regard to the zoning lot or neighboring lots as the Planning Director may find necessary to carry out the purposes and intent of this article.

(Code 1993, § 12A-508; Ord. No. 94-12, § 2(12A-507), 9-26-1994; Ord. No. 2005-08, § 12A-508, 10-12-2005)