



APPENDIX: Legal Authority for Comprehensive Planning

Legal Authority for the Comprehensive Plan

In 1994, the *South Carolina Local Government Comprehensive Planning Enabling Act* (S.C. Code Sections 6-29-310 through 6-29-1200) was passed to replace all previous planning and zoning statutes in South Carolina. Among other things, the *Enabling Act*, as amended, charges the Town of Kiawah Island Planning Commission with responsibility for comprehensive planning. The Planning Commission must establish and maintain a planning process which will result in the systematic preparation, continual evaluation and updating of a Comprehensive Plan (S.C. Code Section 6-29-510(A)). At a minimum, the planning process for each comprehensive plan element must include the following items: (i) inventory of existing conditions, (ii) a statement of needs and goals, and (iii) implementation strategies with time frames (S.C. Code Section 6-29-510(C)). Comprehensive plans must include, at a minimum, the following nine elements: (i) population, (ii) economic development, (iii) natural resources, (iv) cultural resources, (v) community facilities, (vi) housing, (vii) land use, (viii) transportation, and (ix) priority investment (S.C. Code Section 6-29-510(D)). The Act requires the Planning Commission review the comprehensive plan or elements of it no less than once every five years to determine whether changes in the amount, kind, or direction of development of the area or other reasons make it desirable to make additions or amendments to the plan and to update the comprehensive plan, including all elements of it, at least every ten years (S.C. Code Section 6-29-510(E)).

Plan Approval Process

The process for review and adoption of the Comprehensive Plan is established by the *South Carolina Local Government Comprehensive Planning Enabling Act* (S.C. Code Sections 6-29-520 and 6-29-530), as well as the Town Code. Accordingly, the following steps comprised the process for this review:

- 1. Preliminary Review:** Members of the Planning Commission worked with the professional staff of the Town of Kiawah Island and the Charleston County Planning Department to review each element of the Town's Comprehensive Plan which was last updated in 2005. Among many things, this review consisted of the gathering and analysis of statistical and archival data related to the plan's elements, coordination with important organizations within the Town (such as KDP, KICA, and KIGR), and an analysis of changes in regulatory requirements since 2005. A draft revision of the Town's Comprehensive Plan was prepared to solicit input from the public.



2. **Consideration of Public Comments.** The Planning Commission held two information sessions to solicit comments on the Comprehensive Plan from interested members of the public. All such comments were considered by the Planning Commission and further revisions to the draft plan were made.
3. **Recommendation and Resolution.** The Planning Commission adopted a resolution recommending the review of the Plan to the Town Council for adoption. The resolution explicitly refers to maps and other descriptive material intended by the Planning Commission to form the recommended review of the plan. The resolution was recorded in the official minutes of the Planning Commission. A copy of the recommended review of the Plan was transmitted to the Town Council.
4. **Town Council Hearing.** The Town Council held two public hearings prior to adopting the recommended review of the plan. In each case, at least 30 days notice of the hearing time and place was provided in a general circulation newspaper in the Charleston area
6. **Adoption Ordinance.** The Town of Kiawah Island Council adopted the recommended review of the plan by ordinance.

Plan Implementation

Following adoption of the *Comprehensive Plan Re-evaluation* by the Town of Kiawah Island Council, the Town will move forward, if appropriate, with a series of implementation actions. These actions will include revisions to ordinances, programs, and routine Town operations, as appropriate, to achieve consistency with the goals of the Town of Kiawah Island Comprehensive Plan.

Legal Authority for the Reasonable Regulation of Land Development and Use

As a product of the state-mandated comprehensive planning process, the Town Council is authorized to adopt zoning ordinances and maps that are consistent with the Comprehensive Plan. These changes are made pursuant to the Planning Commission's recommendations based on its analysis and study of any specific or comprehensive planning matter. Numerous zoning techniques are contemplated by the state Planning Enabling Act, including cluster



development, floating zones, performance zoning, and planned development districts. However, state statutes expressly authorize the Town to adopt other reasonable and lawful regulations that implement the policies and provisions of the Comprehensive Plan. Additionally, the Town, like all local governments in South Carolina, has broad home rule authorities conferred pursuant to a 1973 amendment to the South Carolina Constitution and new state legislation adopted in 1976.