

CHAPTER II - ZONING MAP/DISTRICTS

12A-201 ESTABLISHMENT OF ZONING DISTRICTS

Purpose and Intent:

The Zoning Districts described in this Chapter implement the Land Use Categories as described in the Town of Kiawah Island Comprehensive Plan, as amended.

1. In order to classify and segregate the uses of land and buildings, the following districts are hereby established:

- | | |
|------------------|---------------------------|
| R-1, Residential | CS, Community Support |
| R-2, Residential | PR, Parks and Recreation |
| R-3, Residential | PD, Planned Development |
| C, Commercial | KC, Conservation District |
| RST-1, Resort | |
| RST-2, Resort | |

2. Table 2A lists each of the Comprehensive Plan Land Use Categories and the Zoning Districts which may be established in each category.

Table 2A: Comprehensive Plan Land Use Categories and Zoning Districts

Comprehensive Plan Land Use Categories	Zoning Districts*
R-1	R-1, PR
R-2	R-1, R-2, PR
R-3	R-1, R-2, R-3, PR
Commercial	C, PR
Resort	RST-1, RST-2, PR
Community Support	CS
Active Recreation	PR
Open Space	PR, KC
Conservation	PR, KC

* Planned Developments (PD) may be incorporated into any zoning district subject to criteria contained herein.

12A-202 ZONING MAP

Purpose and Intent:

The Zoning Map defines the boundaries of each district, e.g. Residential (R-1, R-2, R-3) or Resort. In order to provide sufficient clarity and/or deal with special areas of interest, a supplemental zoning map may be used as is done with the Key Locations Zoning Map. The Official Zoning Maps are available at the Kiawah Island Municipal Building.

1. The boundaries of all Zoning Districts are shown on the official Zoning Map (Exhibit 12A-1) of the Town of Kiawah Island, South Carolina ("Zoning Map"). The Key Locations Zoning Map (Exhibit 12A-2) and Tables 2N and 2O define approved docks and dock locations.
2. The Zoning Maps and a record of all amendments thereto shall be kept on file in the office of the Town Administrator and shall constitute the original record, and shall be the final authority as to the current zoning status of all property within the Town of Kiawah Island.
3. Changes in the boundaries of any Zoning District, in accordance with the provisions of this Ordinance and Chapter 29 of the Code of South Carolina, shall be reflected on the Zoning Maps promptly upon approval of the amendment by the Town Council. All amendments to the Zoning Map(s) shall be signed and attested to by the Town Clerk.
4. The Zoning Maps may be prepared in sections as may be required to adequately portray the boundaries of all Zoning Districts. The Zoning Map(s) may include supplemental maps including: the Key Locations Zoning Map(s) and Overlay District Maps in order to portray street classifications, dock locations, boundaries of areas subject to specific limitations or exceptions or such other information as may be required by these Zoning Regulations.
5. In the event that the Zoning Maps become damaged, destroyed, lost or difficult to interpret by reason of the nature or number of changes and additions, Council may, by resolution, adopt Zoning Maps, which shall supersede the prior Maps; provided, however, that the new Zoning Maps shall reflect the prior Zoning District boundaries unless changed pursuant to law.
6. The following rules shall apply in the determination of the boundaries of any district shown on the Zoning Map:

- A. Where boundaries approximate street or other identifiable property or boundary lines, such lines shall be construed to be the district boundary. Where such boundaries are shown as being within street or within identifiable rights-of-way or creeks, the centerline of the street right-of-way, or creek shall be construed to be the district boundary.
 - B. Where a district boundary divides an unsubdivided parcel, the location of the district boundary shall be determined by the use of the scale appearing on the Zoning Map unless indicated by dimensions.
 - C. In the case of a district boundary line dividing a platted lot into two parts, the district boundary line shall be construed to be the property line nearest the less restricted district.
 - D. Map codes or symbols indicating the classification of property on the Zoning Map apply to the entire area within the district boundaries.
 - E. Where a street or right-of-way is officially vacated or abandoned, the Zoning Regulations applicable to the abutting property shall apply to the centerline of the vacated or abandoned street right-of-way.
 - F. Should any uncertainty remain as to the location or meaning of a boundary indicated on the Zoning Map, said uncertainty shall be resolved by the Planning Director, whose decision may be appealed to the Board of Zoning Appeals.
7. When regulations refer to the "classification" of property, the term "classification" means the zone or district applicable to the property.

12A-203 **DESCRIPTION OF ZONING DISTRICTS AND REGULATIONS**

Purpose and Intent:

This section specifies zoning categories and standards for all classes of use, e.g., residential, resort, commercial, etc. Standards include permitted density, lot size and coverage, and supplemental regulations.

- 1. Any property previously zoned Special Development shall fall under the PD zoning district.
- 2. In determining the maximum number of dwelling units or hotel rooms per acre, all water bodies and all land below mean high water level on the original or "Grass Roots" site are to be excluded. This requirement serves to reduce overcrowding and over-development of residential, resort, commercial and other sites. Maximum density/intensity is a limit on development rights, and not a grant of vested rights.

3. Lot coverage is defined as the total percentage of lot area that is impervious to stormwater. Included are buildings, decks and raised planters three (3) feet above existing grade, impervious and pervious driveways and impervious walkways, and all paved areas.
4. Where an OCRM Critical Line is located on the property, the setback and buffer requirements of the Waterfront Development Standards, Section 12A-215 shall apply.
5. The following apply to the residential zoning districts:
 - A. 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 twenty-five (25) feet at the street line. The minimum width of any flag lot may be reduced to twenty (20) feet, provided that the minimum width specified in the table is provided at the front building setback line.
 - B. The minimum yard requirements shall be increased to thirty (30) feet from any lot or parcel boundary which abuts a golf course, lagoon, marsh, and/or open area.
 - C. Height of single-family detached homes is measured from the Federal Emergency Management Agency's Base Flood Elevation determined for the individual home site.
6. The following apply to the non-residential zoning districts:
 - A. 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 twenty-five (25) feet at the street line.
 - B. Non-residential structures may have the height in stories shown in the corresponding zoning district lot standards table, provided that the highest roof ridge of the building does not exceed the height shown from the Federal Emergency Management Agency's Base Flood Elevation determined for that individual structure.
 - C. Canopies connected to the main building shall be set back a minimum of twenty (20) feet from any property line.

12A-204 **SETBACKS**

A. Contextual Setbacks

Notwithstanding the front setback requirements of the underlying zoning district, the front building line of any structure or addition to a structure may be as close to the street as the front building line of a structure located

on any lot that is immediately adjacent to the subject lot. If the subject lot is located between two (2) developed lots, the front building line of the structure that is set back further from the street shall apply to the subject lot.

B. Setbacks on Corner and Double-Frontage Lots

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 side(s).

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12A-205 R-1, RESIDENTIAL

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.

The following apply to all dwelling units in the R-1 zoning district:

1. The maximum density for this district is three (3) 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 the “Kiawah Island Property Setback Requirements Appendix” dated July 10, 2007 incorporated herein by reference and adopted hereto as Article 12-G of the Municipal Code of the Town of Kiawah Island shall apply in lieu of the setback requirements in Table 2B;
5. Lot standards (setbacks, lot coverage, etc.) for single family detached dwellings not covered by paragraph 4 above are listed in Table 2B and Table 2C;
6. Authorized uses are listed in Table 3A.

Table 2B: Lot Standards for R-1 Single Family Detached Dwellings

Lot Size in Square Feet	Maximum Lot Coverage	Depth in Feet	Width in Feet (1)	Minimum Setbacks in Feet			Maximum Height in Stories/Feet
				Front Yard (2)	Side Yard (3)	Rear Yard (4)	
8,000-11,999	40%	100	60	25	10	25	2.5/40
12,000+	33%	100	75	25	20	25	2.5/40

Notes for Table 2B:

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 side(s).
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 feet side yard: for lots in existence and reflected on the current Zoning Map and fronting on Eugenia Avenue the side yard setback shall be ten (10) feet.

12A-206 **R-2, RESIDENTIAL**

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.

The following apply to the R-2 zoning district:

1. The maximum density for this district is six (6) dwelling units per acre;
2. All required parking shall be enclosed;
3. Open storage is prohibited;
4. There shall be no more than four (4) 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 the “Kiawah Island Property Setback Requirements Appendix” dated July 10, 2007 incorporated herein by reference and adopted hereto as Article 12-G of the Municipal Code of the Town of Kiawah Island shall apply in lieu of the setback requirements in Table 2C;
6. Lot standards (setbacks, lot coverage, etc.) for patio homes, on existing platted lots that are included in the “Kiawah Island Property Setback Requirements Appendix” dated July 10, 2007 incorporated herein by reference and adopted hereto as Article 12-G of the Municipal Code of the Town of Kiawah Island shall apply in lieu of the setback requirements in Table 2D;
7. Lot standards (setbacks, lot coverage, etc.) for patio homes not covered by paragraph 6 above are listed in Table 2D;
8. Authorized uses are listed in Table 3A.

Table 2C: Lot Standards for R-2 Single Family Detached Dwellings

Lot Size in Square Feet	Maximum Lot Coverage	Depth in Feet	Width in Feet (1)	Minimum Setbacks in Feet			Maximum Height in Stories/Feet
				Front Yard (2)	Side Yard (3)	Rear Yard (4)	
6,000-7,999	50%	85	55	20	7	20	2.5/40
8,000-11,999	40%	100	60	25	15	25	2.5/40
12,000+	33%	100	75	25	20	25	2.5/40

Notes for Table 2C:

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 side(s).
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 & Townhouses)

Housing Type	Minimum Lot Size in Sq. Ft.	Minimum Setbacks in Feet			Maximum Height in Stories/Feet	Maximum Lot Coverage
		Front	Side (1)	Rear		
Patio Homes, Zero Lot Line Homes	4,000	20	0/10 (2)	20	2.5/35	50%
Duplex	6,500	15	7	20	2.5/40	40%
Townhouse	2,000	10	(see note 3)	20	2.5/40	60%

Notes for Table 2D:

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 side(s).
2. A total distance of 15 feet is required between buildings with 10 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.

12A-207 **R-3, RESIDENTIAL**

Purpose and Intent:

The purpose of the R-3 zoning district is to provide for neighborhoods consisting of higher density, residential development for Kiawah Island's residents and guests, surrounded by parks, golf courses, and open spaces. It accommodates multi-family dwellings and other higher density single family alternatives, such as duplexes or townhouses. Activities and endeavors which might serve to mitigate against this purpose shall be prohibited or strictly regulated.

The following apply to the R-3 zoning district:

1. The maximum density for this district is twelve (12) dwelling units per acre;
2. Open storage is prohibited;
3. There shall be no more than four (4) dwelling units in any building within this district;
4. Lot standards (setbacks, lot coverage, etc.) for single family detached dwellings are listed in Table 2E;
5. Lot standards (setbacks, lot coverage, etc.) for patio homes, duplexes, townhouses and multifamily are listed in Table 2F;
6. Authorized uses are listed in Table 3A.

Table 2E: Lot Standards for R-3 Single Family Detached Dwellings

Lot Size in Square Feet	Maximum Lot Coverage	Depth in Feet	Width in Feet (1)	Minimum Setbacks in Feet			Maximum Height in Stories/Feet
				Front Yard (2)	Side Yard (3)	Rear Yard (4)	
2,000-3,999	60%	65	20	10	3	10	2.5/40
4,000-5,999	50%	75	30	15	7	15	2.5/40
6,000-7,999	50%	85	55	20	7	20	2.5/40
8,000-11,999	40%	100	60	25	10	25	2.5/40
12,000+	33%	100	75	25	20	25	2.5/40

Notes for Table 2E:

- 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.
- 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 side(s).
- A minimum of 15 feet must be provided between structures.
- The minimum yard requirements shall be increased to 30 feet from any lot or parcel boundary which abuts a golf course.

**Table 2F: Lot Standards for R-3
(Patio Homes, Duplexes, Townhouses & Multifamily)**

Housing Type	Minimum Lot Size in Sq. Ft.	Minimum Setbacks in Feet			Maximum Height in Stories/Feet	Maximum Lot Coverage
		Front	Side (1)	Rear		
Patio Homes, Zero Lot Line Homes	4,000	20	0/10 (2)	20	2.5/35	50%
Duplex	6,500	15	7	20	2.5/40	40%
Townhouse	2,000	10	(see note 3)	20	2.5/40	60%
Multifamily	10,000	25	(see note 3)	20	2/40	60%

Notes for Table 2F:

- 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 side(s).
- A total distance of 15 feet is required between buildings with 10 feet minimum setback being required on one side of each lot.
- 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.

12A-208 C, COMMERCIAL

Purpose and Intent:

The purpose of the commercial zoning district is to provide for high quality, low-rise commercial development to meet the needs of the Island's residents and guests. Because of the limited population served by the Town's commercial facilities, uses permitted in this district generally are smaller in scale than typical in a regional commercial district.

The following apply to the C zoning district:

1. The maximum floor area ratio for this district is 0.2;
2. Open storage is prohibited;
3. Lot standards (setbacks, lot coverage, etc.) are listed in Table 2G;
4. Authorized uses are listed below in Table 3A;
5. Parking standards are given in Section 12A-406.

Table 2G: Lot Standards for the C, Commercial Zoning District

Minimum Area in Square Feet (1)	20,000
Minimum Lot Depth in Feet	120
Minimum Width in Feet	150
Maximum Floor Area Ratio	0.2
Maximum Lot Coverage	70%
Maximum Height in Stories/Feet (2)(6)	2.5/35
Minimum Setbacks in Feet (3)	
Front	25
Side (4)	20
Rear (5)	25

Notes for Table 2G:

1. *Smaller non-residential lots may be permitted by the Council as part of a planned development.*
2. *Buildings shall not exceed the permitted number of stories or height.*
3. *Canopies connected to the main building shall be set back a minimum of 20 feet from any property line.*
4. *No interior side yard will be required on contiguous lots.*
5. *Accessory structures shall be located a minimum of 20 feet from rear property lines.*
6. *Height in the C zoning district applies to all non-residential commercial and general office uses, including restaurants, shops, real estate offices, etc. (not associated with a hotel).*

12A-209 RST-1, RESORT

Purpose and Intent:

The purpose of the RST-1 zoning district is to provide for development of high quality resorts and associated uses providing a wide range of activities for guests of Kiawah Island.

The following apply to the RST-1 zoning district:

1. The density of guest rooms shall be limited to 8 rooms per acre.
2. Hotels, and Inns shall provide the following resort facilities:
 - A. 10 square feet of swimming pool and contiguous pool deck area per guest room;
 - B. 10 square feet of dining/lounge area per guest room;
 - C. 1 seat of meeting room capacity per guest room;
 - D. Shuttles to transport guests to Kiawah Island golf courses, tennis centers, and other amenities;
 - E. Exercise facilities;
 - F. Direct beach access;
 - G. 1 tennis court per 50 rooms, which may be waived for hotels located within 1,000 feet of existing courts that may be used by hotel guests;
3. Lot standards (setbacks, lot coverage, etc.) are listed in Table 2H;
4. Authorized uses are listed in Table 3A;
5. Parking standards are given in Section 12A-406.

Table 2H: Lot Standards for the RST-1, Resort Zoning District

Resort Area	
Maximum Number of Guest Rooms per Acre	8
Minimum Area in Square Feet (1)	20,000
Minimum Lot Depth in Feet	120
Minimum Width in Feet	150
Maximum Floor Area Ratio	0.2
Maximum Lot Coverage	70%
Maximum Height in Stories/Feet (2)(6)	4/70
Minimum Setbacks in Feet (3)	
Front	100
Side (4)	100
Rear (5)	150

Notes for Table 2H:

1. *Smaller non-residential lots may be permitted by the Council as part of a planned development.*
2. *Buildings shall not exceed the permitted number of stories or height.*
3. *Canopies connected to the main building shall be set back a minimum of 20 feet from any property line.*
4. *No interior side yard will be required on contiguous lots.*
5. *Accessory structures shall be located a minimum of 20 feet from rear property lines.*
6. *Height in the RST-1 zoning district applies to hotels and associated activities, such as a conference or convention center, meeting rooms, gift shops or restaurants associated with a hotel.*

12A-210 RST-2, RESORT

Purpose and Intent:

The purpose of the RST-2 zoning district is to provide for development of high quality resorts and associated uses providing a wide range of activities for guests of Kiawah Island.

The following apply to the RST-2 zoning district:

1. The density of guest rooms shall be limited to 9 rooms per acre.
2. Hotels, and Inns shall provide the following resort facilities:
 - A. 10 square feet of swimming pool and contiguous pool deck area per guest room;
 - B. 10 square feet of dining/lounge area per guest room;
 - C. 1 seat of meeting room capacity per guest room;

- D. Shuttles to transport guests to Kiawah Island golf courses, tennis centers, and other amenities;
 - E. Exercise facilities;
 - F. Direct beach access;
 - G. 1 tennis court per 50 rooms, which may be waived for hotels located within 1,000 feet of existing courts that may be used by hotel guests;
3. Lot standards (setbacks, lot coverage, etc.) are listed in Table 2I;
 4. Authorized uses are listed in Table 3A;
 5. Parking standards are given in Section 12A-406.

Table 2I: Lot Standards for the RST-2, Resort Zoning District

Maximum Number of Guest Rooms per Acre	9
Minimum Area in Square Feet (1)	20,000
Minimum Lot Depth in Feet	120
Minimum Width in Feet	150
Maximum Floor Area Ratio	0.2
Maximum Lot Coverage	70%
Maximum Height in Stories/Feet (2)	4/50
Minimum Setbacks in Feet (3)	
Front	50
Side (4)	50
Rear (5)	100

Notes for Table 2I:

1. *Smaller non-residential lots may be permitted by the Council as part of a planned development.*
2. *Buildings shall not exceed the permitted number of stories or height.*
3. *Canopies connected to the main building shall be set back a minimum of 20 feet from any property line.*
4. *No interior side yard will be required on contiguous lots.*
5. *Accessory structures shall be located a minimum of 20 feet from rear property lines.*
6. *Height in the RST-2 zoning district applies to hotels and associated activities, such as a conference or convention center, meeting rooms, gift shops or restaurants associated with a hotel.*

12A-211 CS, COMMUNITY SUPPORT

Purpose and Intent:

The purpose of the community support district is to provide for supporting community facilities and services including, but not limited to, utilities, street maintenance facilities and other necessary uses that may not otherwise be compatible with uses permitted in other districts in the Town of Kiawah Island

The following apply to the CS zoning district:

1. The maximum floor area ratio for this district is 0.25;
2. Lot standards (setbacks, lot coverage, etc.) are listed in Table 2J;
3. Authorized uses are listed in Table 3A;
4. Parking standards are given in Section 12A-406.

Table 2J: Lot Standards for the CS, Community Support Zoning District

Minimum Area in Square Feet (1)	20,000
Minimum Lot Depth in Feet	120
Minimum Width in Feet	150
Maximum Floor Area Ratio	0.25
Maximum Lot Coverage	70%
Maximum Height in Stories/Feet (2)(6)	2.5/40
Minimum Setbacks in Feet (3)	
Front	25
Side (4)	25
Rear (5)	25

Notes for Table 2J:

1. *Smaller non-residential lots may be permitted by the Council as part of a planned development.*
2. *Buildings shall not exceed the permitted number of stories or height.*
3. *Canopies connected to the main building shall be set back a minimum of 20 feet from any property line.*
4. *No interior side yard will be required on contiguous lots.*
5. *Accessory structures shall be located a minimum of 20 feet from rear property lines.*
6. *Height in the CS zoning district applies to uses which will not fit within the above categories. Example: clubhouses or other recreation-oriented structures, public buildings, churches, etc.*

12A-212 PR, PARKS AND RECREATION

Purpose and Intent:

The purpose of the 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 park/recreation use may be permitted as conditional or special exception uses.

1. Lot standards (setbacks, lot coverage, etc.) for accessory structures in this district are listed in Table 2K;
2. Authorized uses for this district are listed in Table 3A;
3. Parking standards are given in Section 12A-406.

Table 2K: Lot Standards for Accessory Structures in the PR, Parks and Recreation Zoning District

Minimum Area in Square Feet (1)	20,000
Minimum Lot Depth in Feet	120
Minimum Width in Feet	150
Maximum Floor Area Ratio	0.2
Maximum Lot Coverage	70%
Maximum Height in Stories/Feet	2/35
Minimum Setbacks in Feet (2)	
Front	25
Side	25
Rear	25

Notes for Table 2K:

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.*

12A-213 PD, PLANNED DEVELOPMENT

Purpose and Intent:

A “Planned Development,” as defined by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended, Code of Laws of South Carolina, Title 6, Chapter 29, (6-29-740) is a type of zoning district (PD) and a type of development plan. PD zoning districts are inextricably linked to Planned Development plans, in that no rights of development apply to a PD zoning designation other than those

of the approved Planned Development plan.

The purpose of this district is to promote development under a single overall plan pursuant to special regulations allowing broad land use and site design flexibility. A planned development accommodates other than what could be accomplished under traditional zoning standards. It is intended to encourage flexibility in site design and building location; to encourage efficient land use, building patterns, circulation systems, and utility location; to preserve natural resources, landscape features and other amenities; and to encourage innovative design, architectural styles, building forms and site relationships. This district allows more flexibility in land use and site design while meeting the overall goals of the Comprehensive Plan.

Planned Developments (PD) are subject to the following criteria:

1. All uses authorized in any zoning district are allowed in the PD zoning district so long as uses and densities/intensities are consistent with the Comprehensive Plan and are compatible with adjacent land uses;
2. Conditions may be imposed to ensure a safe and efficient road network, to protect natural resources, to provide for open space and recreational areas and to provide for needed utilities;
3. Standards for the design, bulk and location of buildings and structures shall comply with this Ordinance, provided that the Town Council may, in the process of approving a planned development district, approve deviations from the minimum standards when there is evidence that the deviations will not adversely affect neighboring property or traffic; the development's amenities offset the impacts of less stringent standards; and granting the deviations will not constitute the mere granting of a privilege;
4. Reductions of setbacks or other open space shall be compensated by the provision of additional open space in other appropriate portions of the project, and shall be in keeping with good land use planning principles;
5. The design of all planned developments shall provide for adequate access by firefighting equipment and other emergency vehicles. Approval of the St. John's Fire District shall be required for any deviation from building spacing or road standards.

Planned Development applications shall follow the Planned Development provisions contained in Section 12A-505 and the Code Text and Zoning District Map Amendments provisions contained in Section 12A-504.

12A-214 KC, CONSERVATION DISTRICT

Purpose and Intent:

The purpose of the 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.

1. Accreted lands shall become part of the KC, Conservation District.
2. No development is allowed in this district.
3. Uses permitted in 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.

12A-215 RESORT OVERLAY DISTRICT

The Town of Kiawah Island entered into a Development Agreement dated October 5, 2010 pursuant to Ordinance 2010-07 of even date therewith. This Development Agreement contains the land development regulations applicable to those properties (subject to the Development Agreement) on Kiawah Island for a period of ten years from October 5, 2010 (i.e. October 5, 2020). Thereafter, the land development regulations set forth in that Development Agreement and as fully incorporated in Article 12-H Resort Overlay District Appendix shall automatically expire. Thereafter, the land regulations contained elsewhere in Article 12 shall apply to those properties subject to the referenced Development Agreement.

12A-216 WATERFRONT DEVELOPMENT STANDARDS APPLYING TO PROPERTIES ADJACENT TO SALTWATER MARSHES / WETLANDS / WATERWAYS

Purpose and Intent:

The OCRM Critical Line setback and buffer standards of this Article are intended to provide a protected area between the furthestmost projection of a structure, parking or driveway area, or any other building elements, and all saltwater marshes / wetlands / waterways other than ocean front, on properties affected by OCRM (saltwater) Critical Lines. The purpose of the required buffer is to provide a visual, spatial, and ecological transition zone between development and the Island's saltwater marshes / wetlands / waterways, and to protect water quality and wildlife habitat.

1. The following dimensions have precedence over Base Zoning District standard for properties, which adjoin saltwater marshes/wetlands/waterways as shown on the following table:

Table 2L: Waterfront Development Standards

	OCRM Critical Line Setback	OCRM Critical Line Buffer
Residential	30 ft.	10 ft
Nonresidential	50 ft.	35 ft.

2. The following additional provisions shall apply to Development of properties adjacent to saltwater marshes/ wetlands/ and waterways.

A. Existing Platted Lots.

The OCRM Critical Line setbacks on existing platted lots that are included in the “Kiawah Island Property Setback Requirements Appendix” dated July 10, 2007 incorporated herein by reference and adopted hereto as Article 12-G of the Municipal Code of the Town of Kiawah Island shall apply in lieu of the setback requirements in Table 2L.

B. Existing Platted Lots not included in Appendix 12 G.

Lots platted prior to July 10, 2007 that contain an OCRM Critical Line setback that are not included in “Kiawah Island Property Setback Requirements Appendix” shall be administratively included by the Planning Director in such appendix if the property owner provides a plat or site plan delineating a current certified OCRM critical line and critical line setback approved by the Kiawah Architectural Review Board (“ARB” as defined in the Development Agreement between the Town and Kiawah Island Resort Associates, L.P., as amended) prior to July 10, 2007.

C. Unplatted Land.

All land platted after July 10, 2007 that contains an OCRM Critical Line shall show the required OCRM Critical Line setbacks and OCRM Critical Line buffers on the preliminary, conditional, and final recorded plats submitted per Article 12C Subdivision Regulations of this Ordinance.

D. Measurements.

Required OCRM Critical Line buffers and setbacks shall be measured from the current OCRM Critical Line, whether the Critical Line or saltwater marsh / wetland / waterway is located on, adjacent to, or near the subject parcel. The current OCRM Critical Line is defined as a line delineated on a plat or survey, verified by the DHEC-OCRM, for the term identified by the OCRM Department representative’s signature on the plat or survey. The provisions of section 12A-

204.A, Contextual Setbacks, shall apply to this section when deemed applicable by the Planning Director.

E. Lot Width.

The minimum lot width standards of the underlying zoning district at the time the lot was initially platted shall apply at the required buffer or setback line

F. Prohibited Activities within the OCRM Critical Line Buffer.

The following activities are specifically prohibited within the required OCRM Critical Line Buffer area:

- (1) Removal, excavation, or disturbance of existing vegetation or soil, except for minimal disturbance associated with the planting of additional indigenous vegetation;
- (2) Planting of various species of grass, shrubs and trees requiring fertilization pesticides, herbicides and/or requiring regular maintenance;
- (3) Installation of gardens, fences, or structures;
- (4) Installation of paved or other impervious surfaces; and
- (5) Destruction or addition of plant life which would alter the existing pattern of vegetation.
- (6) Structures and activities associated with DHEC-OCRM approved permits shall be exempt from the above-prohibited activities within the required OCRM Critical Line Buffer.

G. Variances.

Any modification or change from the provisions of Section 12A-216 Waterfront Development Standards Applying to properties adjacent to Saltwater Marshes/ Wetlands/Waterways shall only be allowed if a variance is granted by the Board of Zoning Appeals of the Town of Kiawah Island following the procedure outlined in Section 12A-509, Variances.

12A-217 PROHIBITED CONVERSIONS

Purpose and Intent:

The purpose of this section is to define the limits of prohibited conversions.

1. Unless expressly provided for in these zoning regulations, no land shall be used and no building shall be erected for, or converted to, any use other than those authorized

for the district in which the use is located.

2. No building or portion thereof designed and constructed as a residential building shall be changed to an office, retail or business use of any type, except as provided herein.

12A-218 **SECTION RESERVED FOR FUTURE USE**

12A-219 **DOCK KEY LOCATIONS**

Purpose and Intent:

Kiawah Island is bordered by the Atlantic Ocean on the south, and the Kiawah and Stono Rivers on the north and east, respectively. Creeks, streams and marsh are also an integral part of the Island's ecosystem.

Key Locations are specific shoreline and marsh sites where floating and fixed docks are permitted to be constructed. The purpose and intent of this Key Location zoning is to strictly control location and installation of all docks, floating and fixed, so as to prevent their uncontrolled proliferation along the Island's river and stream frontage.

1. Dock Locations and Design Criteria.

Permitted dock locations and general design criteria are as follows:

- A. The "Town of Kiawah Island Key Locations Map," dated April 1, 2003, shows all sites where authorized docks currently exist or may be permitted to exist in the future. Table 2M, "Town of Kiawah Island Key Locations Floating Docks", and Table 2N, "Town of Kiawah Island Key Locations Fixed Docks", both dated April 1, 2003, provide detailed information as to current and future docks. These are the Town's official zoning documents and are kept at the Town's municipal offices.

The maps and the tables show and detail the specific locations of installed docks on developed lots by identifying lot number and dock type. For property not yet platted, linear footage of shoreline is shown where construction of future docks may be authorized.

In addition to these official documents, the Town will catalog new docks as they are installed at undeveloped Key Locations. This information will be periodically incorporated into the official Key Locations map.

- B. Two basic types of docks are authorized using alphanumeric coding. Authorized dock sites identified by letters (i.e., "A", "F", "AA", etc.) are pre-designated to be "Fixed Docks". These are generally intended for fishing and crabbing and have no movable parts to them. Authorized dock

sites identified by numerals (i.e., “3”, “12”, “21”, etc.) are pre-designated to be “Floating Docks”. These normally have a separate floating pontoon or platform attached to them, which rises and falls with the tides. Floating Docks are suitable for mooring small watercraft.

- C. The “Town of Kiawah Island Key Locations Map” and the two Town of Kiawah Island Key Locations tables, used in conjunction with one another, describe the dock type and lot numbers of authorized and in-place dock locations. True orientation of floats attached to Floating Docks is shown on the Map. Floats on both sides at the end of a single pier usually indicate a pier structure shared by two adjacent lots with separate floats provided for each lot owner.

Undeveloped shorelines authorized as future Key Location Dock sites are shown by color-coding on the Maps to indicate dock type, with authorized shoreline given in linear feet in the Tables.

- D. For undeveloped properties and subdivisions where platting is not complete, a developer may, with approval of the Planning Commission, trade-off linear footage of shoreline from one permitted location to another permitted location with no net gain in total authorized footage. Further, transfer of footage may not cause a Key Location to be lengthened by more than 50 percent. In a trade-off event, the developer “borrows” from one Key Location to supplement another Key Location that does not have sufficient linear footage to meet development requirements. Some “trade-offs” which have occurred in the past resulted in the deletion of Key Locations once authorized in the original Key Location Ordinances, 91-2 and 92-1. These deletions are identified and described on both the Map and in the Tables.
- E. It is the intent of this Ordinance that construction of community docks, subdivision (neighborhood) docks, and joint use docks shared by adjacent lot owners be encouraged versus a single installation per lot. This approach serves to minimize the ultimate number of docks built and is more environmentally compatible.
- F. The following criteria shall be applied in the design of any authorized dock structure:
- (1) Overall dock length:
No dock shall be erected greater than 600 linear feet in length.
 - (2) Float design:
Floats attached to such docks shall be limited in size and configuration as the South Carolina Department of Health and Environmental Control’s Office of Ocean and Coastal Resource Management (DHEC/OCRM) and the US Corps of Engineers shall permit.

(3) Spacing between adjacent docks:

The minimum distance between adjacent docks shall be 150 feet. However, for adjacent Key Locations properties on river or stream bends, the waterside terminus of adjacent docks may be at a minimum distance of 75 feet.

(4) Maximum extension of the dock structure into a river, stream, or channel:

The leading edge (edge nearest the river, stream or channel center) of a pier head and/or float structure shall not extend out into a river or stream more than one-quarter of the river or stream width measured at mean low water, or 50 feet, whichever is less. This projection is to be measured from the water's edge at mean low water.

(5) Minimum river or stream width:

No dock shall be erected, whether an authorized Key Location or not, if the stream or river on which it is to be erected is 25 linear feet or less in width measured from the marsh grass edge on one bank to the marsh grass edge on the opposing bank directly across the waterway.

G. The following approvals shall be required before construction on any dock can proceed:

(1) Town of Kiawah Island.

An initial written request to construct shall be submitted to the Town of Kiawah Island Planning Director prior to any other requests being made. The intent is to confirm to the lot owner whether, in fact, the proposed site is a Key Location before the lot owner spends time and money in developing drawings, etc., for a non-viable project.

(2) Design approval by DHEC/OCRM and the Town of Kiawah Island.

The second step shall be for the applicant or his contractor to submit dock design to DHEC/OCRM using the appropriate forms and following accepted procedures. During this process, the Town of Kiawah Island will have an opportunity to review the design prior to DHEC/OCRM returning the approved or disapproved application to the applicant. No construction shall start until this approval is forthcoming.

Table 2M: Town of Kiawah Island Key Locations Floating Docks

	Key Location	Auth.		Docks Authorized
Designation ^(a)	Location	Shoreline (Lin. Ft.)	No.	Site ^(b) /Use
1	Beachwalker Park	100	TBD	Beachwalker Park
2	Inlet Cove		1	Inlet Cove Neighborhood Dock ^(c)
3	Kiawah River Cmns.	600	TBD	Kiawah Riv. Cmns.
4	Little Rabbit	400	TBD	Little Rabbit
5	Mingo Point	1,200	1	Mingo Point Commercial Dock ^(d) and Boat Launch
6	Old Dock Road		10	Lot #'s 489, 490, 491, 492, 493, 495, 496, 497, 498, & 499
7	The Settlement West	800	TBD	The Settlement West
8	Rhett's Bluff, North		24	Lot #'s 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51/52, and the Rhett's Bluff Park Community Dock ^(e) and Boat Launch
9	Capt. Maynard's, N.	280	1	Lot # 1
10	Capt. Maynard's, S.	930	1	Lot # 1
11	Rhett's Bluff, South		6	Lot #'s 7/8, 9/10, 11/12, 13/14, 15/16 & 17/18
12	Vanderhorst House	50	1	Tracts A & B
13	Terrapin Island		6	Lot #'s 7A/8B, 9/10, 11, 12, 13, & 14
14	Preserve, N.E. Tip	100	1	Lot # 85

Designation ^(a)	Key Location Location	Auth. Shoreline (Lin. Ft.)	No.	Docks Authorized Site ^(b) /Use
15	Cormorant Island, N.		2	Lot #'s 23/24, & 25/26
16	Eagle Point, Central		5	Lot #'s 226/228, 230/232, 234/236, 238/240, and the Eagle Point Neighborhood Dock
17	Eagle Point, West		2	Lot #'s 222/224 and the Eagle Point Dock and Boat Launch
18	Salt Cedar Lane, East Tip		1	Lot # 62
19	Salt Cedar Lane, East		2	Lot #'s 60 & 61
20	Preserve, South		4	Lot #'s 42, 44/46, 48/50 and the Preserve Neighborhood Dock
21	Salt Cedar Lane, Cent.	500	2	Lot #'s 57 & 58
22	Salt Cedar, West		2	Lot #'s 53/54 and the Salt Cedar Community Dock
24	Cougar Island, West	1,150	TBD	Cougar Island, West
25	Cormorant Island, S.		2	Lot #'s 28/29, & 30/31
26	Cougar Island, W. Tip	300	TBD	Cougar Island, W. Tip
27	Otter Island, East		1	Lot # 91
28	Summer Islands, East		4	Lot #'s 12/13, 14/15, 17, and the Summer Islands Neighborhood Dock
29	Summer Islands, West		4	Lot #'s 1/2, 3/4, 5/6, & 7
30	Otter Island, Savanna Point		3	Lot #'s 82, 83/84, & 85/86
31	Otter Island Rd., West		2	Lot #'s 70/71, & 72/73
32	Otter Island Rd., West Tip		2	Lot #'s 68 & 69
33	Ocean Course Drive	500	1	Lot # 65
34	Club Cottages		3	Lot #'s 6, 7, & 8
35	Cougar Island, E. Tip	1,100	TBD	Cougar Island, E. Tip

Notes for Table 2M:

- (a) Numerals indicate Floating Docks – Letters indicate Fixed Docks.
- (b) “21/22” Typically indicates that two lots share a single dock.
- (c) Neighborhood Docks serve just the local area or regime.
- (d) Commercial Dock is owned by Kiawah Island Golf Resort.
- (e) Community Docks are KICA property and serve the entire island.

Table 2N: Town of Kiawah Island Key Locations Fixed Docks

Key Location		Auth. Shoreline (Lin. Ft.)	Docks Authorized	
Designation ^(a)	Location		No.	Site ^(b) /Use
A	Old Dock Rd./ Ruddy Turnstone		6	Lot #'s 500, 512, 513, 514, 515, & 517
B	The Settlement, East	1,050	TBD	The Settlement, East
C	Bass Pond, East		1	Bass Pond Community Dock ^(c)
D	Terrapin Island		1	Lot # 15
E	Blue Heron, North		1	Lot # 158
G	Eagle Point, East	1,100	TBD	Eagle Point, East
H	Falcon Point Rd., East		1	Lot # 67
J	Blue Heron, West		1	Blue Heron Community Dock
K	Cougar Island, West	250	TBD	Cougar Island, West
N	Ocean Course Drive		1	Lot # 64
O	Falcon Point, East		1	Falcon Point Neighborhood Dock ^(d)
R	Shell Crk. Lndg., East		1	Lot # 5
S	Shell Crk. Lndg., S.		2	Lot #'s 1/2 & 3/4
T	Club Cottages		3	Lot #'s 9, 10, and the Club Cottage Neighborhood Dock
U	Marsh Cottages		2	Lot #'s 25/26, and the Marsh Cottages Neighborhood Dock
V	Ocean Oaks		1	Ocean Oaks Neighborhood Dock
W	Ibis Pond		1	Ibis Pond Community Dock
X	Willet Pond		1	Willet Pond Community Dock
Y	Blue Heron, North	800	TBD	Blue Heron, North
Z	Osprey Entry		1	Canvasback Pond Community Dock
AA	Bass Pond, West	100	TBD	Bass Pond, West
BB	Egret Pond		1	Egret Pond Community Dock

Notes for Table 2N:

- (a) Numerals indicate Floating Docks. Letters indicate Fixed Docks.
- (b) "21/22" typically indicates that two lots share a single dock.
- (c) Community Docks are KICA property and serve the entire Island.
- (d) Neighborhood Docks serve just the local area or regime.

12A-220 **DESIGNATION OF ANNEXED TERRITORY**

Purpose and Intent:

This section describes the processing procedure for development applications located within newly annexed areas.

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