

Posted 5-29-07  
at 11:40Am



**TOWN OF KIAWAH ISLAND**

21 BEACHWALKER DRIVE • KIAWAH ISLAND, SC 29455 • (843) 768-9166 • FAX (843) 768-4764

**PLANNING COMMISSION  
PUBLIC HEARING  
KIAWAH ISLAND MUNICIPAL CENTER  
COUNCIL CHAMBERS  
JUNE 4, 2007 2:00 PM**

William G. Wert, Mayor

Council Members

Alan L. Burnaford  
Charles R. Lipuma  
Donald H. McIver, Jr.  
G. Steven Orban

Town Administrator

Tumiko Rucker

Agenda

- I. Call to Order:**
- II FOIA:** Notice of this meeting has been published, and posted accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island.
- III Roll Call:**
- IV Public Hearing:**
  - A. Critical Line Setbacks
    - Public Comments & Public Input
  - B. Front/Back/ and Side Yard Setbacks
    - Public Comments & Public Input
- V Adjournment:**



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**PLANNING COMMISSION  
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**Minutes**

William G. Wert, Mayor

Council Members

Alan L. Burnaford  
Charles R. Lipuma  
Donald H. McIver, Jr.  
G. Steven Orban

Town Administrator

Tumiko Rucker

- I. Call to Order: Mrs. Makely called the meeting to order at 2:00 PM.**
- II 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.

**III Roll Call:**

**Present:** Jo Anne Makely, Chair  
Ronald Tedesco  
Joyce Neuman  
Andrew Capelli  
Fred Peterson

**Absent:** Joe Colvin, Vice- Chair  
Wayne Juchatz

**Also Present:**

William G. Wert, Mayor  
Alan Burnaford, Mayor Pro Tem  
Dennis Rhoad, Town Attorney  
Amber Simmons, Town Clerk  
Amanda Mole, Kiawah Island ARB  
Joel Evans, Chas County Planning

**IV Public Hearing:**

**A. Critical Line Setbacks**

**Mrs. Makely opened the floor for public comments or public input for critical line setbacks.**

Mrs. Makely read an email from Bernard Kirol, 14 Terrapin Island, which states the following:” I am respectfully writing to request that all critical

line setbacks as well as front/back/ and side yard setbacks on all platted lots be restored to the original setbacks as established by the Kiawah Island ARB and as identified to property owners at the time of their real estate purchase.”

“As, most of your know, earlier this year I made a presentation to Town Council regarding 14 Terrapin Island. I am also the owner of, 421 Snowy Egret, which is a narrow southern exposure marsh view lot. If the proposed increase in the side setback is enacted, I will lose additional southern exposure marsh view on this already narrow lot, which is burdensome and unnecessary (email attached).”

Mrs. Makely asked if there were any additional comments from the public on the critical line setbacks. The audience made no additional comments.

**Mrs. Makely closed the floor for public comments or input for critical line setbacks.**

#### **B. Front/Back/ and Side Yard Setbacks**

**Mrs. Makely opened the floor for public comments or public input for front/back and side yard setbacks.**

Mrs. Wendy Kulick, 38 Marsh Edge Lane, commended the Planning Commission on the process that they used to form a solution for both the critical line setbacks and front/back/and side yard setbacks. Furthermore, Mrs. Kulick thanked the Planning Commission for addressing these issues in their entirety.

Michael Mayberry, 10 Royal Beach, thanked the Planning Commission for taking a fresh look at the issue of front/back/and side yard setbacks as well as the critical line setbacks.

Mr. Mayberry expressed his gratitude to the Planning Commission for considering the public’s input into the process of resolving the issue of front/back/and side yard setbacks.

Mr. Mayberry thanked Amanda Mole, Kiawah Island Architectural Review Board, for her time, effort, and knowledge in helping to form solution to this issue.

Mr. Mayberry said that he is in favor of adopting the proposed amendment on front/back/ and side yard setbacks.

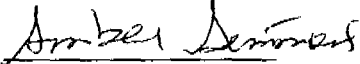
Mrs. Makely asked if there were any additional comments from the public on front/back/and side yard setbacks. The audience made no additional comments.

**Mrs. Makely closed the floor for public comments or input on front/back/and side yard setbacks.**


**V Adjournment:**

**Mr. Capelli moved to adjourn the meeting at 2:05 PM; motion seconded by Mr. Peterson. Motion carried unanimously.**

**Respectfully Submitted,**

  
Amber Simmons, Town Clerk

**APPROVED:**

  
Jo Anne Makely, Chair

**DATE:** 6-12-07

CC: Planning Commission  
Daniel Pennick, Chas. Co. Planning  
Dennis Rhoad, Esq., Town Attorney  
Mayor & Town Council  
Tumiko Rucker, Town Admin  
Joe Bunting, KICA  
Amanda Mole, ARB

**Amber Simmons**

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**From:** TKirol@aol.com  
**Sent:** Sunday, June 03, 2007 7:31 PM  
**To:** asimmons@kiawahisland.org  
**Subject:** Town Council Hearing, June 4, 2007

Dear Amber,

I am unable to attend the Town Council hearing scheduled for tomorrow , June 4th, 2007 and am requesting that you please print and distribute this e-mail to all Town Council members prior to the hearing.

Dear Town Council Members,

I am respectfully writing to request that all Critical Line setbacks as well as Front/Side and Back setbacks on all already platted lots be restored to the original setbacks as established by the Kiawah Island ARB and as identified to property owners at the time of their real estate purchase.

As most of you may know, earlier this year I made a presentation to Town Council regarding 14 Terrapin Island. I am also the owner of 421 Snowy Egret, which is a narrow southern exposure marsh view lot. If the proposed increase in side setbacks is enacted, I will lose additional southern exposure marsh view on this already narrow lot which is burdensome and unnecessary.

Respectfully, Bernard G. Kirol  
803-707-3606

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See what's free at [AOL.com](http://AOL.com).

**ORDINANCE 2007-\_\_\_\_**

**AN ORDINANCE TO AMEND ARTICLE 12A-205, R-1, RESIDENTIAL, ARTICLE 12A-206, R-2, RESIDENTIAL AND TO ADOPT PARCEL SPECIFIC SETBACK REQUIREMENTS FOR CERTAIN LOTS**

Section 5-7-250 of the South Carolina Code of Laws, 1976, as amended, authorizes emergency Ordinances to meet public emergencies affecting the property of the people, and;

Council for the Town of Kiawah Island enacted Ordinance 2007-\_\_ and said Ordinance which expired on April 10, 2007, and:

The Kiawah Island Planning Commission has requested additional time to consider public comments received regarding Section 12A-205, R-1, Residential and Section 12A-206, R-2, Residential:

The Town of Kiawah Island, in furtherance of its mandated land planning obligations, amended Section 12A-205, paragraph 4 and Section 12A-206 paragraph 5 and 6, as referenced herein, to allow for greater flexibility for existing lots, and;

Certain buildable lots in existence prior to the Town adopting the R-1 and R-2 Setbacks would be rendered unbuildable if the certain setbacks were required, and;

The public emergency affecting the property of the people exists because of the inability to purchase, sell, or build upon certain lots on Kiawah Island.

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED**, by the Council of the Town of Kiawah Island, South Carolina and it is ordained by the authority of said Council.

**Section 1. Purpose**

The purpose of this Ordinance is to amend Section 12A-205, R-1, Residential and Section 12A-206, R-2, Residential, and to adopt parcel specific setback requirements for certain lots.

**Section 2. Ordinance 05-17-07**

Section 12-A-205 R-1, Residential, paragraph 4, 5 and 6 are amended as follows:

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” dated the date of this ordinance and contained in Article 12G of this Ordinance: “Kiawah Island Property Setback Requirements Appendix,” 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.

Section 12-A-206 R-2, Residential, paragraph 5 through 9 are amended as follows:

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” dated the date of this ordinance and contained in Article 12G of this Ordinance: “Kiawah Island Property Setback Requirements Appendix,” shall apply in lieu of the setback requirements in Table 2C;
6. Lot standards (setbacks, lot coverage, etc.) for patio homes,

duplexes, townhouses and multifamily on existing platted lots that are included in the “Kiawah Island Property Setback Requirements” dated the date of this ordinance and contained in Article 12G of this Ordinance: “Kiawah Island Property Setback Requirements Appendix,” shall apply in lieu of the setback requirements in Table 2D.

7. Lot standards (setbacks, lot coverage, etc.) for patio homes, duplexes, townhouses and multifamily not covered by paragraph 5 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.*

**Section 3. Effective Date and Duration.**

This Ordinance shall be effective April \_\_, 2007.

**PASSED, APPROVED AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS \_\_ DAY OF 2007.**

**First Reading:**

\_\_\_\_\_  
William G. Wert, Mayor

\_\_\_\_\_  
Amber Simmons, Town Clerk

**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 2M: Waterfront Development Standards**

	<b>OCRM Critical Line Setback</b>	<b>OCRM Critical Line Buffer</b>
<b>Residential</b>	30 ft.	10 ft
<b>Nonresidential</b>	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" dated \_\_ \_\_\*, 2007 and contained in Article 12G of this Ordinance: "Kiawah Island Property Setback Requirements Appendix," shall apply in lieu of the setback requirements in Table 2M.

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

Lots platted prior to \_\_\_\_\_\*, 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

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\*Insert date ordinance will be adopted

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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 \_\_\_\_\*, 2007.

*C.* Unplatted Land

All land platted after \_\_\_\_\*, 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:
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- (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 this 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, contained within this Ordinance.