

TOWN OF KIAWAH ISLAND

Ordinance 2023-23

AN ORDINANCE TO AMEND THE TOWN OF KIAWAH ISLAND LAND USE PLANNING AND ZONING ORDINANCE PURSUANT TO EXISTING ORDINANCE 2013-014

WHEREAS, the Town of Kiawah Island Municipal Code currently contains *Chapter 12 - Land Use Planning and Zoning*; and

WHEREAS, the Town has entered into an Amended and Restated Development Agreement pursuant to Ordinance 2013-016, and;

WHEREAS, the Town and Property Owner agreed to amend the 2013 Amended and Restated Development Agreement to set a termination date of December 4, 2023 and;

WHEREAS, the Town of Kiawah Island now finds that, upon further review, it is in the public interest to amend the *Town of Kiawah Island Land Use Planning and Zoning Ordinance* to provide remove the Amended and Restated Development Agreement as an appendix of the *Town of Kiawah Island Land Use Planning and Zoning Ordinance*; and

WHEREAS, this amendment would retain residential graphic setback standards identified by Exhibit 13.10 within the Amended and Restated Development Agreement adopted by ordinance 2013-014; and

WHEREAS, this amendment would retain the zoning standards adopted by ordinance 2013-014 for Freshfields Retail Village Planned Development ; and

WHEREAS, this amendment would rezone properties identified within the 2013 Amended and Restated Development Agreement to be consistent with the purposes and intent of the adopted Comprehensive Plan and would not be detrimental to the public health, safety, and welfare of the Town of Kiawah Island; and

WHEREAS, the Planning Commission provided a recommendation, at which time a presentation was made by staff, and an opportunity was given for the public to comment on the amendment request; and

WHEREAS, Town Council held a Public Hearing on October 24, 2023, providing the public an opportunity to comment on the proposed amendment.

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 the Land Use Planning and Zoning Ordinance to disconnect the 2013 Amended and Restated Development Agreement from the Zoning Code.

Section 2 **Ordinance**

- (a) The Town hereby adopts the zoning map attached here to and incorporated herein by reference as Exhibit “A”.
- (b) The Town hereby adopts the Kiawah Island Property Setback Standards as attached here to and incorporated herein by reference as Exhibit “B”.

Section 3 **Severability**

If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind property, circumstances or set of circumstances, such holding shall not affect the circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property, or circumstances

Section 4 **Effective Date and Duration**

This Ordinance shall be effective upon its enactment by Town Council for the Town of Kiawah Island.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS ____ DAY OF _____, 2023.

John Labriola, Mayor

ATTEST:

By: _____
Petra Reynolds, Town Clerk

1st Reading:

2nd Reading: