

TOWN OF KIAWAH ISLAND

## Ordinance 2023-23

**“AN ORDINANCE TO AMEND CHAPTER 12 - LAND USE PLANNING AND ZONING  
ORDINANCE PURSUANT TO EXISTING ORDINANCE 2013-14 TO REMOVE THE 2013  
AMENDED AND RESTATED DEVELOPMENT AGREEMENT FROM THE ZONING CODE AS  
AN APPENDIX”**

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

**WHEREAS**, on or about December 3, 2013, the Town entered into an Amended and Restated Development Agreement by and between Kiawah Resort Associates and the Town of Kiawah Island pursuant to Ordinance 2013-16; and

**WHEREAS**, on or about December 3, 2013, the Town also adopted Ordinance 2013-15, which, among other things, adopted the Amended and Restated Development Agreement as an appendix to Article 12 of the Town’s Land Use Planning and Zoning Regulations; 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 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 and establish designated future land categories for properties identified within the 2013 Amended and Restated Development Agreement, Exhibit 13.2 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 on October 4, 2023 and October 19, 2023, 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 remove the 2013 Amended and Restated Development Agreement from the Zoning Code as an appendix.

**Section 2**                      **Ordinance**

- (a) The Town hereby adopts the future land use map and zoning map attached hereto and incorporated herein by reference as Exhibit “A.”
- (b) The Town hereby removes the 2013 Amended and Restated Development Agreement as an appendix from Chapter 12- Land Use Planning and Zoning Ordinance, but keeps in place the Kiawah Island Property Setback Standards as attached hereto and incorporated herein by reference as Exhibit “B.”
- (c) In removing the Amended and Restated Development Agreement as an appendix to Chapter 12- Land Use Planning and Zoning Ordinance, the Town confirms that it is retaining the Freshfields Retail Village Planned Development attached hereto and incorporated herein by reference as Exhibit “C.” that was adopted by Ordinance 2013-14.

**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**

1<sup>st</sup> Reading:

2<sup>nd</sup> Reading:

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