

**TOWN OF KIAWAH ISLAND  
ORDINANCE 2013-14**

**AN ORDINANCE TO AMEND ARTICLE 12 OF THE TOWN OF KIAWAH ISLAND  
MUNICIPAL CODE SO THAT THE LAND USE REGULATIONS ARE CONSISTENT  
WITH THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT  
PURSUANT TO ORDINANCE 2013-016**

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

**WHEREAS**, the Town and Property Owner have agreed to the annexation into the Town of certain real property comprising the development known as Freshfields and at a later date the Property Owner may annex into the Town a portion of the development known as Cassique, and;

**WHEREAS**, the Town's local Planning Commission held a properly noticed public hearing on September 25, 2013 as required by law; and,

**WHEREAS**, as required by law the Town Council conducted the required public hearings regarding amendments to Article 12, and;

**WHEREAS**, under S.C. Code Section 6-31-60(A)(7) the Town Council determined that in order for the Amended and Restated Development Agreement to be consistent with the Town's Comprehensive Plan and Land Development Regulations certain amendments to Article 12 are necessary.

**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 Article 12 of the Town Municipal Code.

**Section 2. Ordinance**

(a) The Town of Kiawah Island hereby adopts the Amended and Restated Development Agreement as an appendix to Article 12 of the Town's Land Use Planning and Zoning Regulations.

(b) The Town of Kiawah Island hereby adopts the **Freshfields Retail Village Planned Development District**, as amended, attached hereto and incorporated herein by reference as Exhibit "A" as Article IX as Section 12-582.

(c) The Town of Kiawah Island hereby adopts the **Zoning Map** attached hereto and incorporated herein by referenced as Exhibit "B", to replace CD12:24 in Section 12-62.

**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 of property, 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 the Town Council for the Town of Kiawah Island.

**PASSED, APPROVED, AND ADOPTED BY COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.**

\_\_\_\_\_  
Charles R. Lipuma, Mayor

\_\_\_\_\_  
Petra Reynolds, Town Clerk

First Reading Approval \_\_\_\_\_

Second Reading Approval \_\_\_\_\_