

TOWN OF KIAWAH ISLAND
ORDINANCE 2013-15

AN ORDINANCE TO AMEND THE TOWN OF KIAWAH ISLAND COMPREHENSIVE PLAN AND TO FIND SAID AMENDED COPREHENISIVE PLAN CONSISTENT WITH THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT BEING ADOPTED PURSUANT TO ORDINANCE 2013-016

WHEREAS, S.C. Code Section 6-31-60(A)(7) requires that the Town determine that the Town's Comprehensive Plan and Land Development Regulations are consistent with the Amended and Restated Development Agreement being adopted pursuant to Ordinance 2013-016; and,

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

WHEREAS, the Local Planning Commission recommended that the Town adopt The Town of Kiawah Island **Future Land Use Map** and the **Existing Land Use Map**; and,

WHEREAS, the Town held public hearings on October 30, 2013 and November 18, 2013 after being properly noticed as required by law; and

WHEREAS, the Town wishes to make certain additional amendments to Town's Comprehensive Plan reflecting the annexation of Freshfields Village.

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

To find that the Town's Comprehensive Plan is consistent with the Amended and Restated Development Agreement adopted pursuant to Ordinance 2013-016 and make further amendments to the Comprehensive Plan as set forth herein.

Section 2 Ordinance

(a) The Town hereby adopts The Town of Kiawah Island **Future Land Use Map** attached hereto as Exhibit "A" and incorporated herein fully by reference.

(b) The Town hereby adopts The Town of Kiawah Island **Existing Land Use Map** attached hereto as Exhibit "B" and incorporated herein fully by reference.

(c) In the Foreward as a new paragraph after the second full paragraph the following:

Recently in 2013 KDP sold essentially all of its assets to South Street Partners. South Street Partners has petitioned the Town for the annexation of Freshfields Village. Part of Freshfields Village is being sold to a third party. Since this primarily commercial property will become part of the Town, the Town will be faced with a property owner who will not have a significant investment in Kiawah behind the security gate but will

own the gateway to the Town of Kiawah Island adjacent to the round-about. Annexation of this area will serve:

- (1) To protect Kiawah property values and quality of life
- (2) To protect and enhance the Town's financial security
- (3) To control Property Development surrounding Kiawah

(d) Background-I, page I-4 add as a new paragraph after the current last paragraph the following:

In 2013 the Town annexed Freshfields Village into the Town of Kiawah Island. All appropriate legal actions were taken to bring this Planned Development District into the Town's municipal limits.

(e) Cultural/Resources Element-VI, page VI-2 add a sentence as the second sentence of the Commercial Districts paragraph as follows:

Freshfields Village, a primarily commercial property, was annexed into the Town in late 2013.

(f) Cultural/Resources VI, page VI-3, Recreational Activities, add a sentence at the end of the paragraph as follows:

In 2009 the Town constructed a bike/pedestrian path that connects Kiawah Island proper with Freshfields Village.

(g) Land Use Element-IX, page IX-3, add to the last paragraph the following:

In 2013 the Town annexed Freshfields Village adding significantly to the commercial activity within the municipal boundaries and increasing substantially the fee revenues that will be paid to the Town instead of Charleston County.

(h) Land Use Element-IX, Future Land Use, page IX-4 add the following paragraph as the third paragraph:

The annexation of Freshfields Village in 2013 will allow the Town to play a significant role in the further commercial/residential development by adopting the Planned Development District that now exists within Charleston County, with modifications that provide acceptable future land use.

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 _____