



BP0365021

# PGS:

68

**SIXTH AMENDMENT TO THE  
DEVELOPMENT AGREEMENT  
BY AND BETWEEN  
KIAWAH RESORT ASSOCIATES, LP, ET AL AND  
THE TOWN OF KIAWAH ISLAND**

WHEREAS, the Town of Kiawah Island and Kiawah Resort Associates, LP (respectively referred to as "Town" and "Property Owner"), entered a Development Agreement on October 12, 2005, (the "Agreement"), effective that same date recorded in the RMC Office for Charleston County at Book Z558, Page 004; and

WHEREAS, the Town and the Property Owner entered and recorded the First Amendment to the Agreement in the RMC Office for Charleston County at Book C 570, page 595 that was effective December 13, 2005; and

WHEREAS, the Town and the Property Owner entered and recorded the Second Amendment to the Agreement in the RMC Office for Charleston County at Book 0212, page 088 that was effective August 2, 2011; and

WHEREAS, the Town and the Property Owner entered and recorded the Third Amendment to the Agreement in the RMC Office for Charleston County at Book 0212m page 089 that was effective August 2, 2011; and

WHEREAS, the Town and the Property Owner entered and recorded the Fourth Amendment to the Agreement in the RMC Office for Charleston County at Book 0244, page 565 that was effective March 6, 2012; and

WHEREAS, the Town and the Property Owner entered and recorded the Fifth Amendment to the Agreement in the RMC Office for Charleston County at Book 0290, page 099 that was effective October 2, 2012; and

WHEREAS, the Property Owner and the Town desire to amend the Agreement as further described below: and

WHEREAS, the Agreement provides in Section 22 that the Agreement may be amended;

NOW, THEREFORE, in return for the mutual promises herein and other valuable consideration, the Town and Property Owner agree to, and hereby amend, the Agreement as follows:

1. Section 13.B. 1. (c) is amended to add after its first paragraph the following paragraph:

For Lots in the Undeveloped Lands owned by third persons the ARB, in its sole discretion, may apply the setback specified for the Lot in either the Graphic Setbacks or the Building Development Standards for setbacks in Exhibit 13.3. Additional reduction to setbacks may occur per the provisions of Ordinance 2013-01.

2. Attached hereto as Exhibit 1 is a copy of the Graphic Setbacks for Undeveloped Lands owned by third persons, which is hereby incorporated as part of Section 13.B.1 (c) of the Agreement.

3. Attached hereto as Exhibit 2 is a copy of Ordinance 2013-01, which is hereby incorporated as part of Section 13.B.1 (c) of the Agreement.

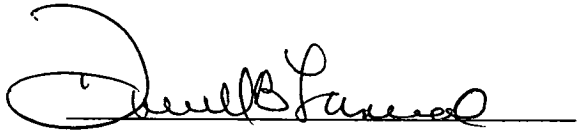
4. Attached hereto as Exhibit 3 is a revised copy of the schedule of conveyances to third persons under the Initial Agreement as required by paragraph 2 of Section 10(b) of the Agreement, which is hereby incorporated as part of Section 10 (b) of the Agreement. This schedule replaces in the entirety Exhibit 1 to the First Amendment to the Development Agreement.

All other terms, conditions, and provisions of the Agreement, as duly amended, shall remain in full force and effect.

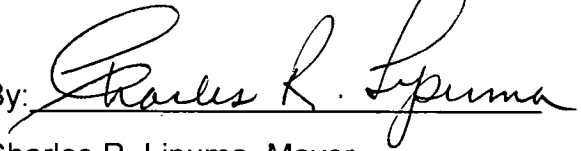
IN WITNESS WHEREOF, this Sixth Amendment to the Agreement has been enacted this 7<sup>th</sup> day of May, 2013.

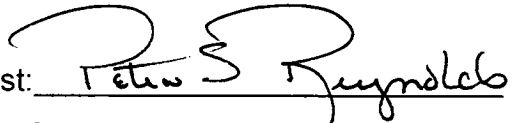
SIGNED, SEALED, AND DELIVERED  
IN THE PRESENCE OF:

  
\_\_\_\_\_

  
\_\_\_\_\_

TOWN OF KIAWAH ISLAND (Town)  
(SEAL)

By:   
Charles R. Lipuma, Mayor

Attest:   
Petra S. Reynolds, Clerk of Council

SIGNED, SEALED, AND DELIVERED  
IN THE PRESENCE OF:

(CORP. SEAL)

*Ann C. Bryant*  
*Manager*

KIAWAH RESORT ASSOCIATES, L.P.  
(Property Owner)

By: D&W Investments, Inc.,  
(a South Carolina corporation)

2 North Adgers Wharf  
Charleston, SC 29401  
Its: General Partner

By: *Charles P. Darby, III*  
Charles P. Darby, III  
Its: President

AND

By: TWD Investments, LLC  
(a South Carolina limited liability  
company)

2 North Adgers Wharf  
Charleston, SC 29401  
Its: General Partner

*Ann C. Bryant*  
*Manager*

By: *Charles P. Darby, III*  
Charles P. Darby, III  
Its: Manager

STATE OF SOUTH CAROLINA )  
  )  
COUNTY OF CHARLESTON    )

**ACKNOWLEDGMENT  
(TOWN)**

THE FOREGOING INSTRUMENT was acknowledged before me by the TOWN OF KIAWAH ISLAND, by Charles R. Lipuma, its Mayor, and Petra S. Reynolds, its Clerk of Council, this 7th day of May, 2013.

Stephanie Braswell (SEAL)  
Notary Public for South Carolina

My Commission Expires: 9/4/22



STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

**ACKNOWLEDGMENT**  
(Property Owner - D&W)

THE FOREGOING INSTRUMENT was acknowledged before me by KIAWAH RESORT ASSOCIATES, L.P., by D&W Investments, Inc., (a South Carolina corporation), its General Partner, by Charles P. Darby, III, its President, this 7<sup>th</sup> day May, 2013.

*Imaufmml* (SEAL)  
Notary Public for South Carolina

My Commission Expires: ~~01/24/13~~  
10/10/2018

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

**ACKNOWLEDGMENT**  
(Property Owner - TWD)

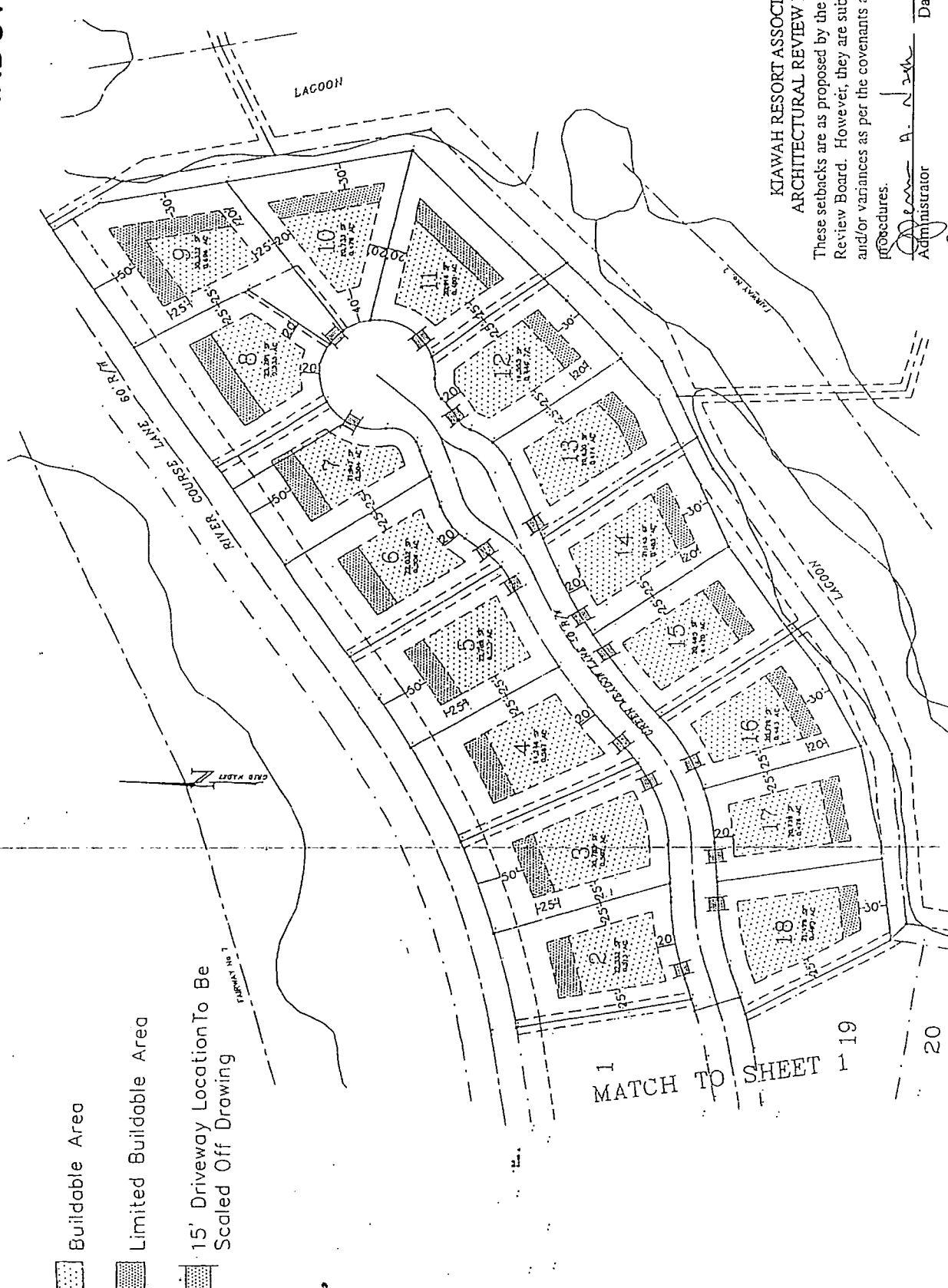
THE FOREGOING INSTRUMENT was acknowledged before me by KIAWAH RESORT ASSOCIATES, L.P., by TWD Investments, LLC, (a South Carolina limited liability company), its General Partner, by Charles P. Darby, III, its Manager, this 7<sup>th</sup> day May, 2013.

*Imaufmml* (SEAL)  
Notary Public for South Carolina

My Commission Expires: 10/10/2018

# GREEN MEADOW LANE

## Exhibit 1



Buildable Area

Limited Buildable Area

15' Driveway Location To Be Scaled Off Drawing



MATCH TO SHEET 1-19

KIAWAH RESORT ASSOCIATES  
 ARCHITECTURAL REVIEW BOARD




These setbacks are as proposed by the Architectural Review Board. However, they are subject to revision, and/or variances as per the covenants and ARB procedures.

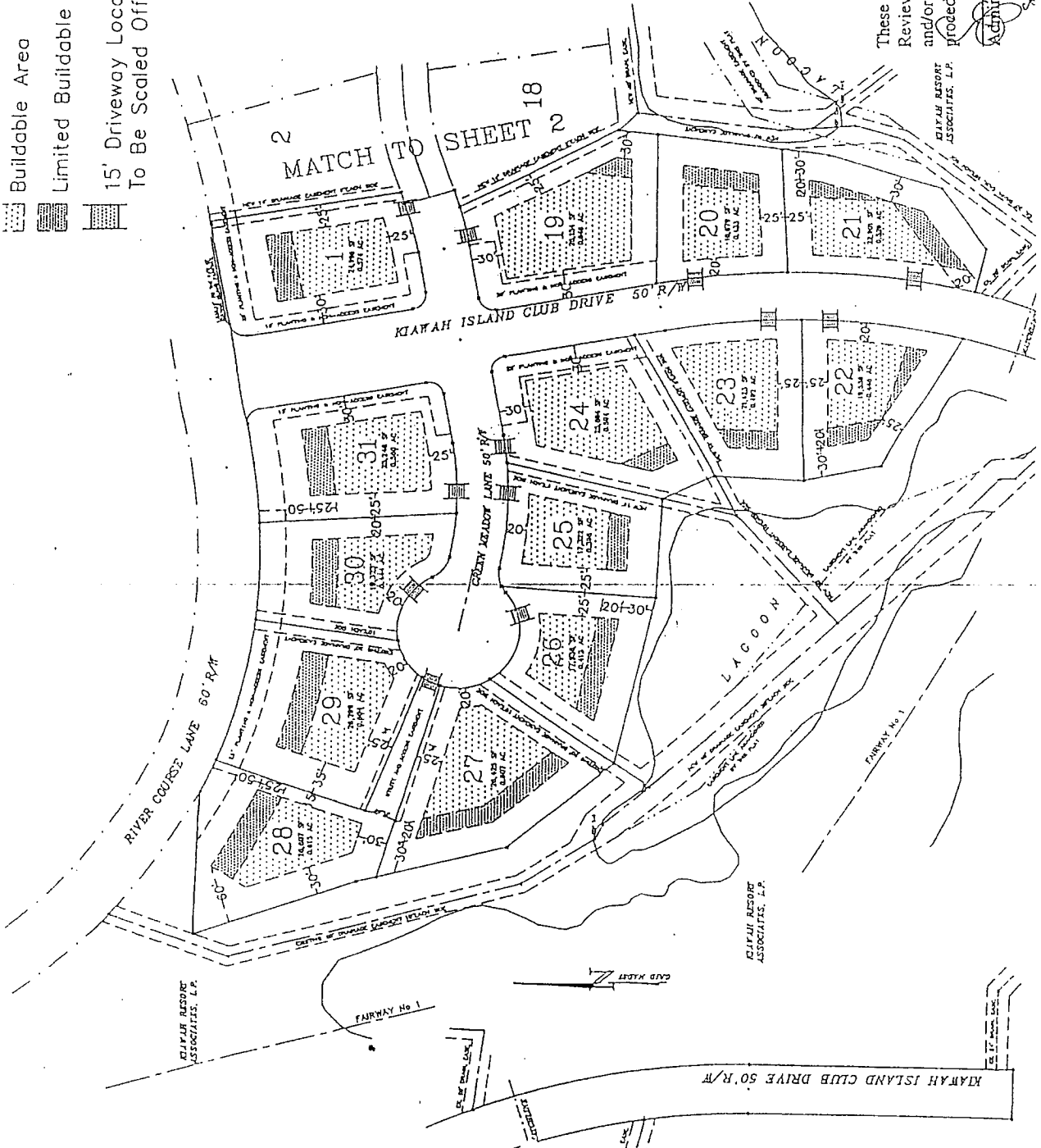
*[Signature]*  
 Administrator

8.13.97  
 Date



# GREEN MEADOW LANE

-  Buildable Area
-  Limited Buildable Area
-  15' Driveway Location To Be Scaled Off Drawing



KIAWAH RESORT ASSOCIATES  
ARCHITECTURAL REVIEW BOARD

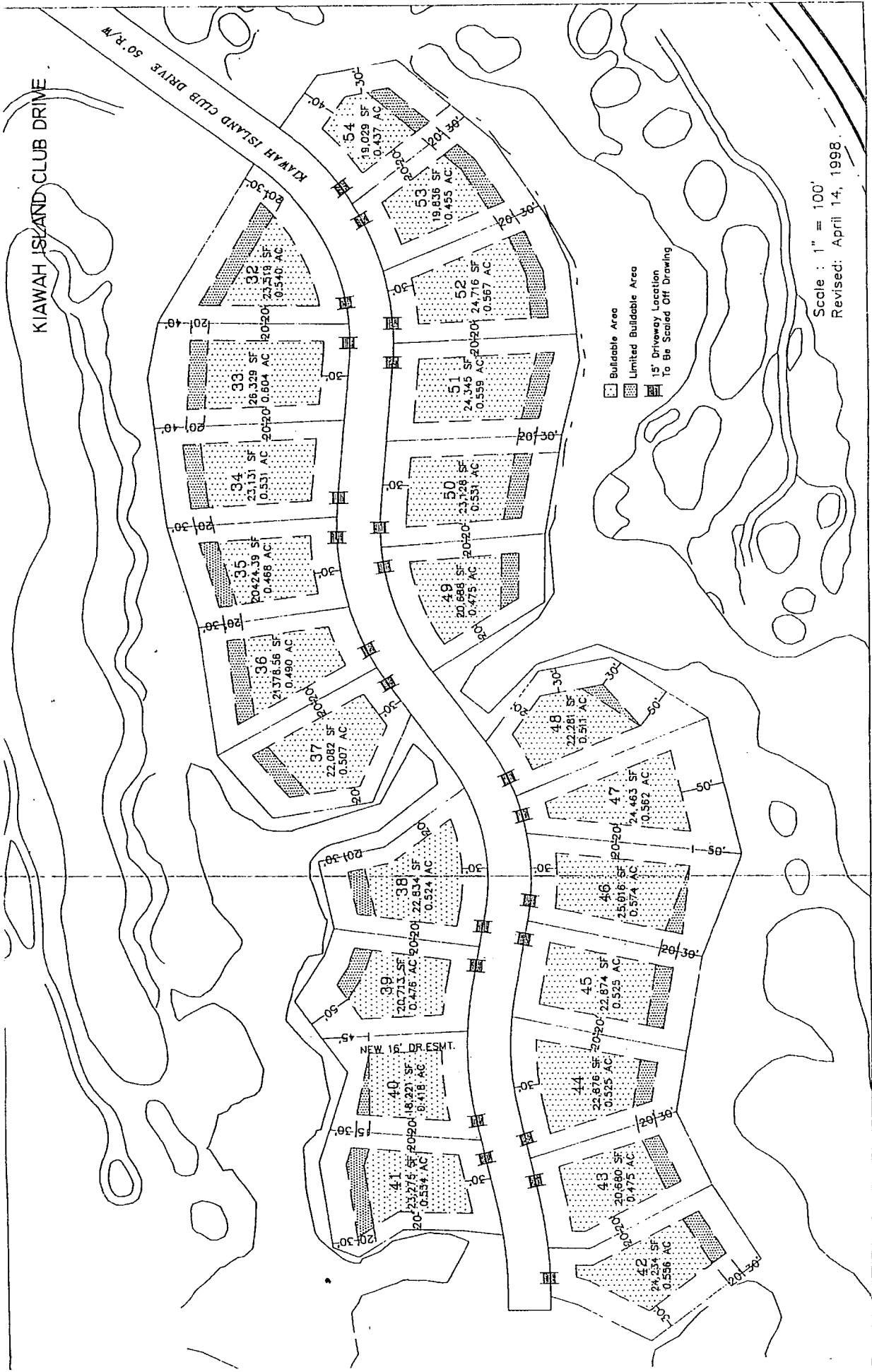
These setbacks are as proposed by the Architectural Review Board. However, they are subject to revision and/or variances as per the covenants and ARB procedures.

A. N. N. N. 8.13.97  
Administrator Date

SCALE: 1" = 100'

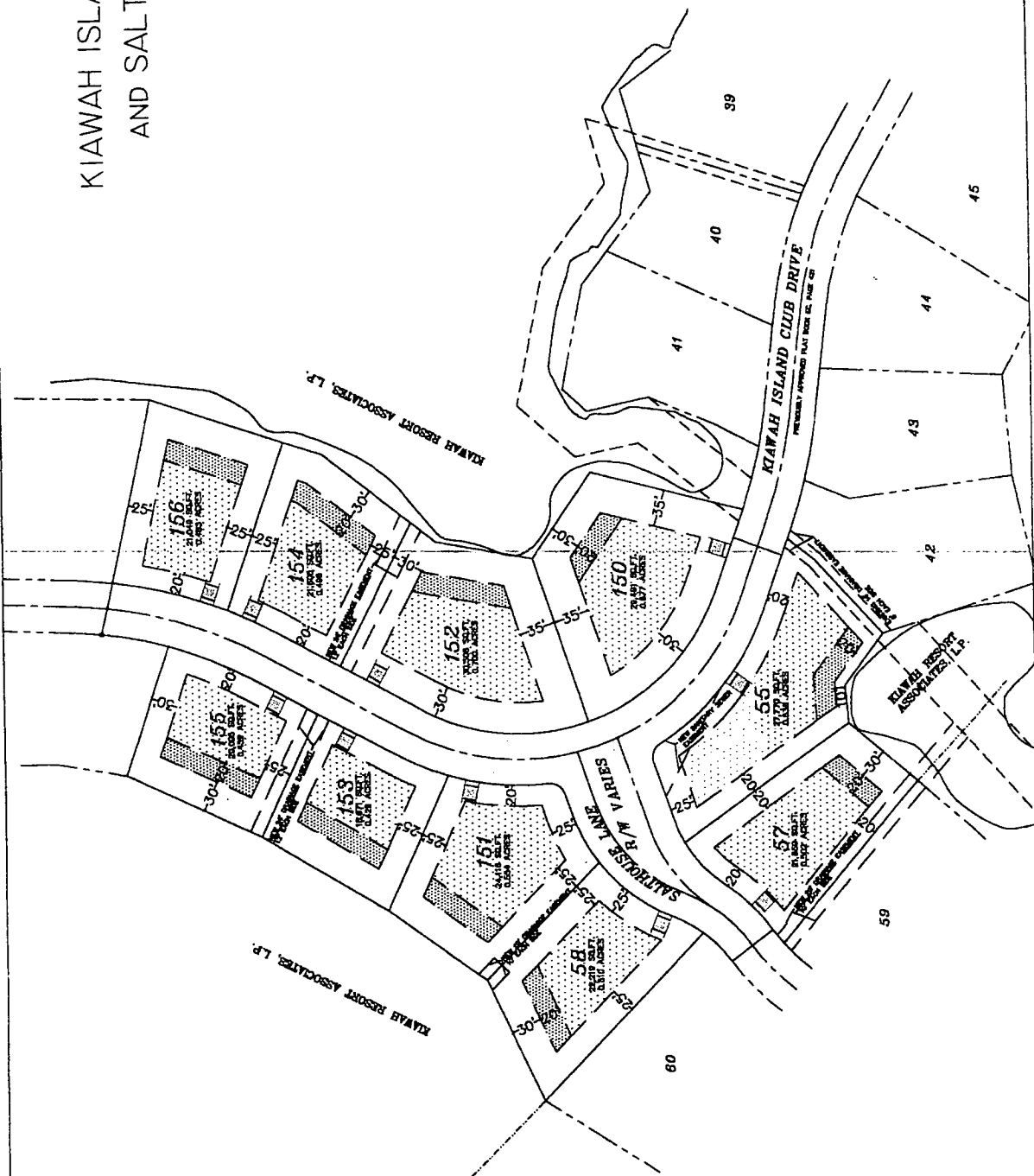
KIAWAH ISLAND CLUB DRIVE

KIAWAH ISLAND CLUB DRIVES 50' R/W



Scale : 1" = 100'  
 Revised: April 14, 1998

# KIAWAH ISLAND CLUB DRIVE AND SALTHOUSE LANE

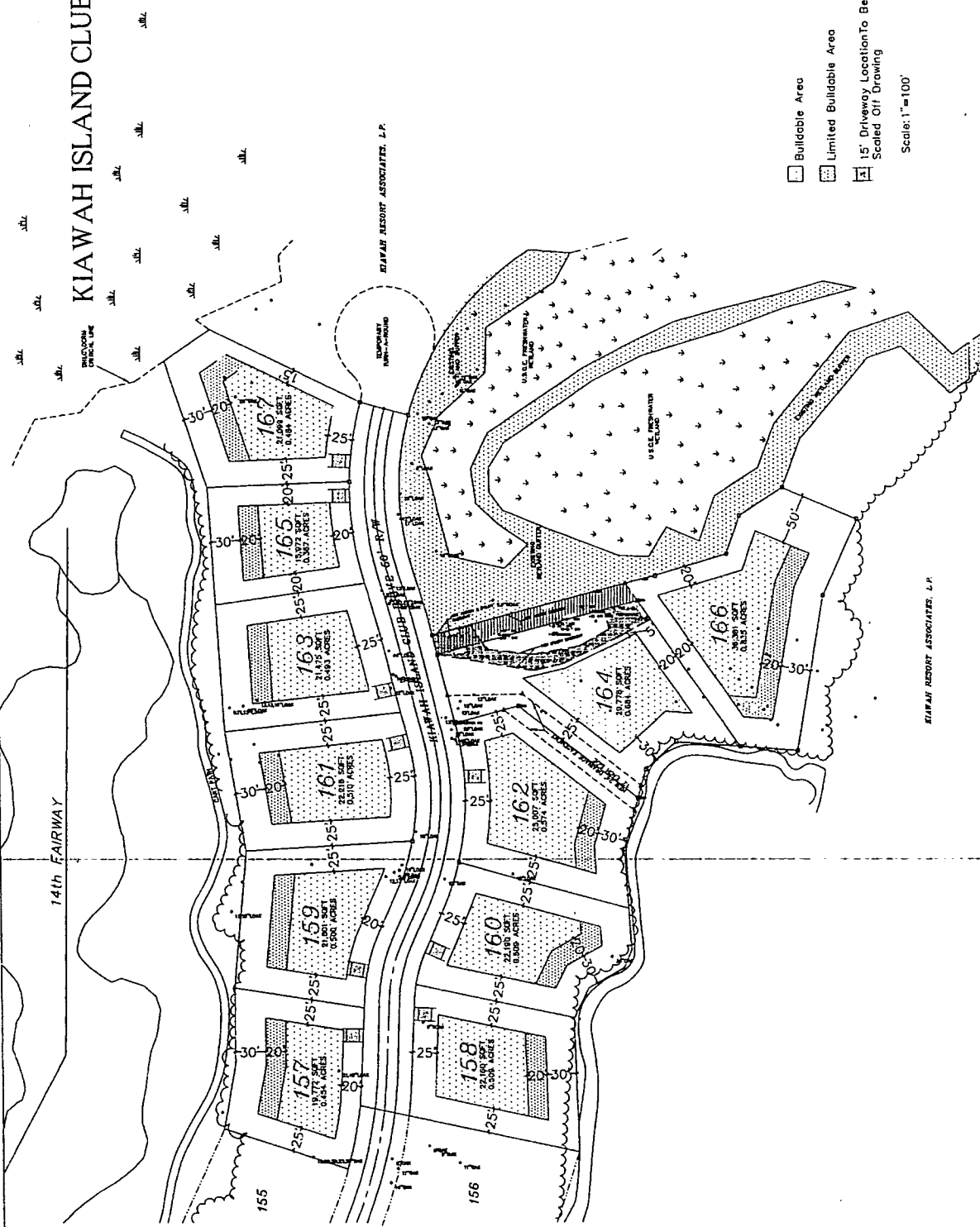


- Buildable Area
- Limited Buildable Area
- 15' Driveway Location To Be Scaled Off Drawing

Scale : 1" = 100'  
Revised: March 9, 1999




# KIAWAH ISLAND CLUB DRIVE

14th FAIRWAY



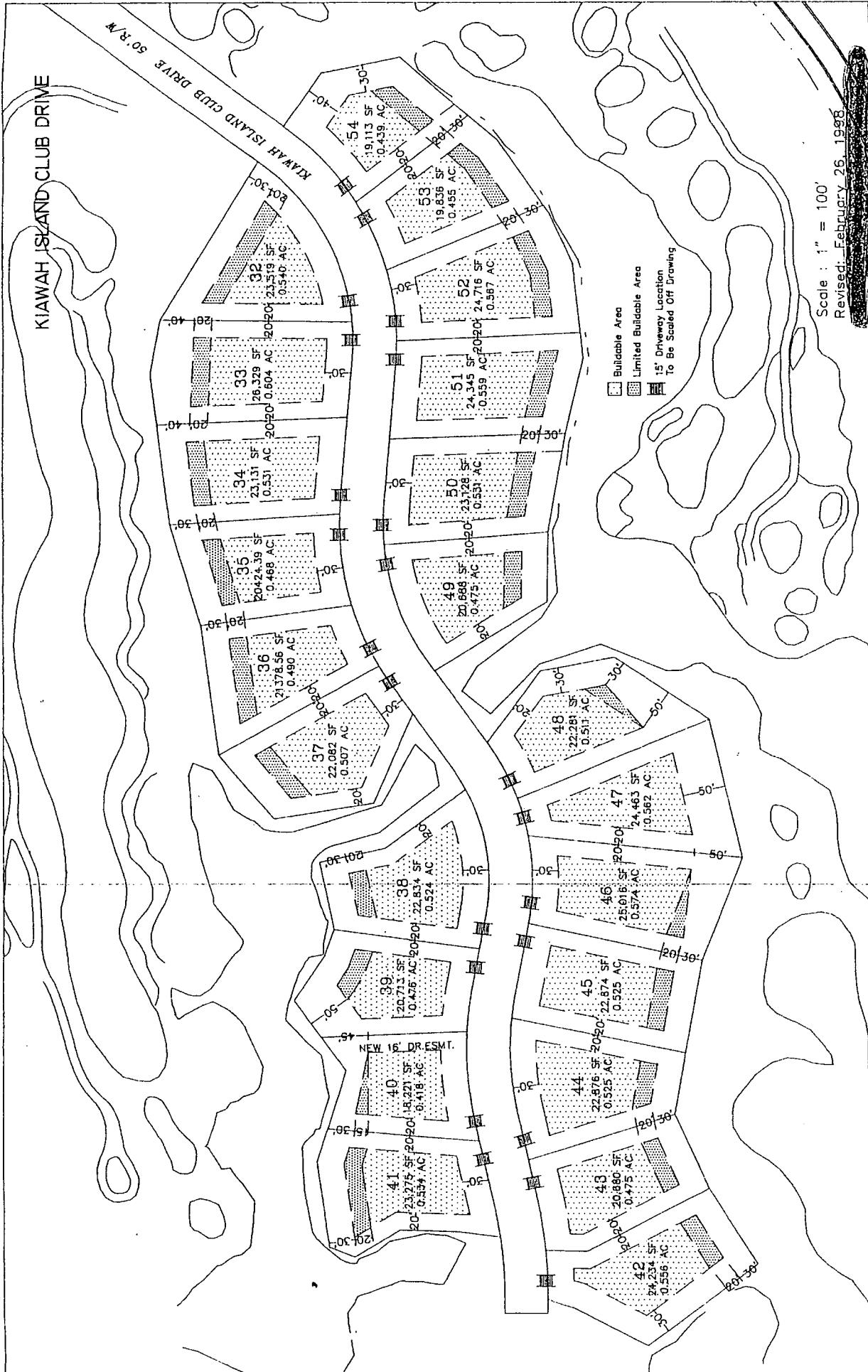
KIWAH RESORT ASSOCIATES, L.P.

KIWAH RESORT ASSOCIATES, L.P.

-  Buildable Area
  -  Limited Buildable Area
  -  15' Driveway Location To Be Scaled Off Drawing
- Scale: 1" = 100'

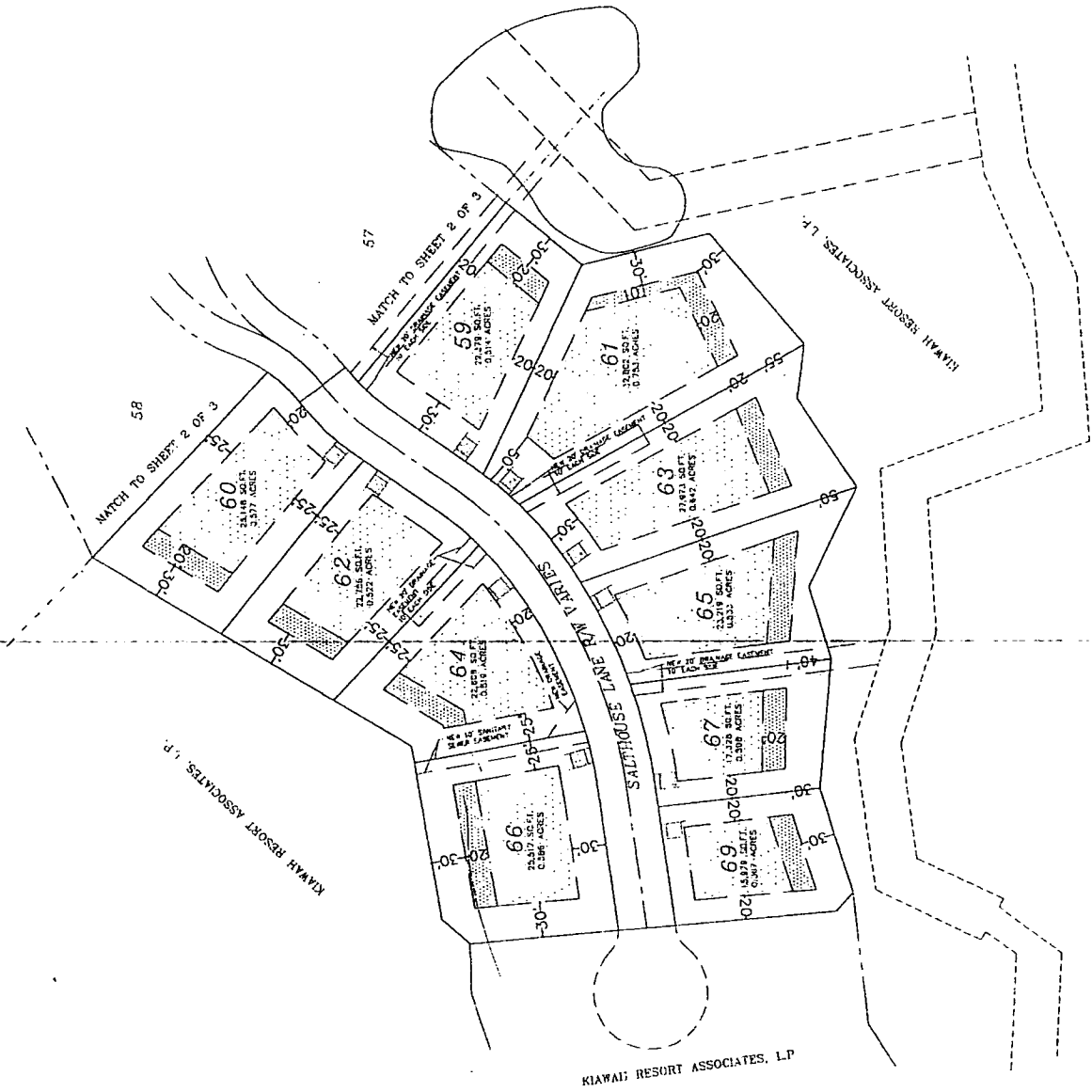
KIAWAH ISLAND CLUB DRIVE

KIAWAH ISLAND CLUB DRIVE 50' R/W



Scale : 1" = 100'  
Revised: February 26, 1988

# SALTHOUSE LANE



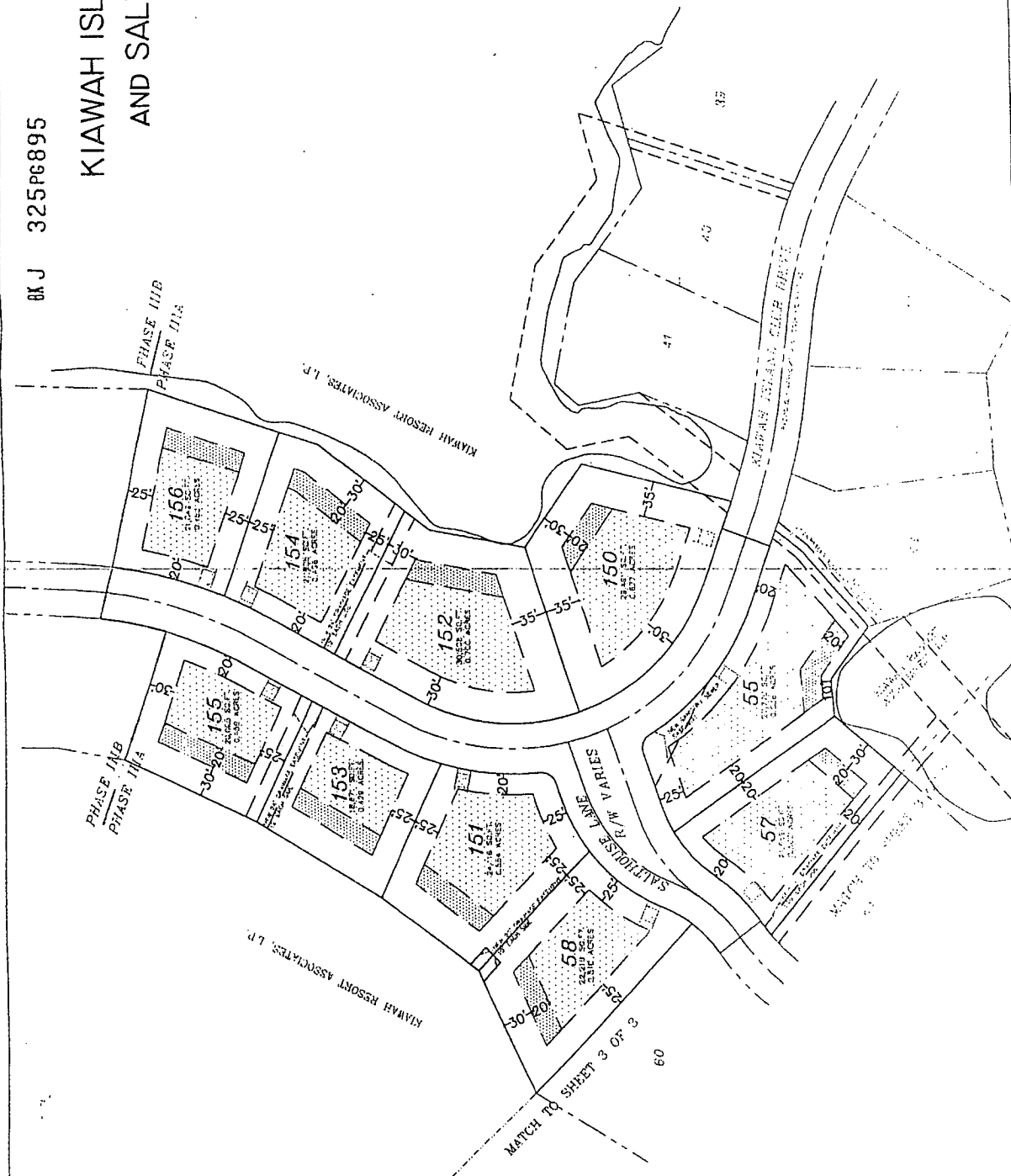
- Buildable Area
- Limited Buildable Area
- 15' Driveway Location To Be Scaled Off Drawing

Scale : 1" = 100'  
 Revised: March 9, 1999

KIAWAI RESORT ASSOCIATES, L.P.

BX J 325P6895

# KIAWAH ISLAND CLUB DRIVE AND SALTHOUSE LANE



- Buildable Area
- Limited Buildable Area
- 15' Driveway Location to Be Shown Off Drawing

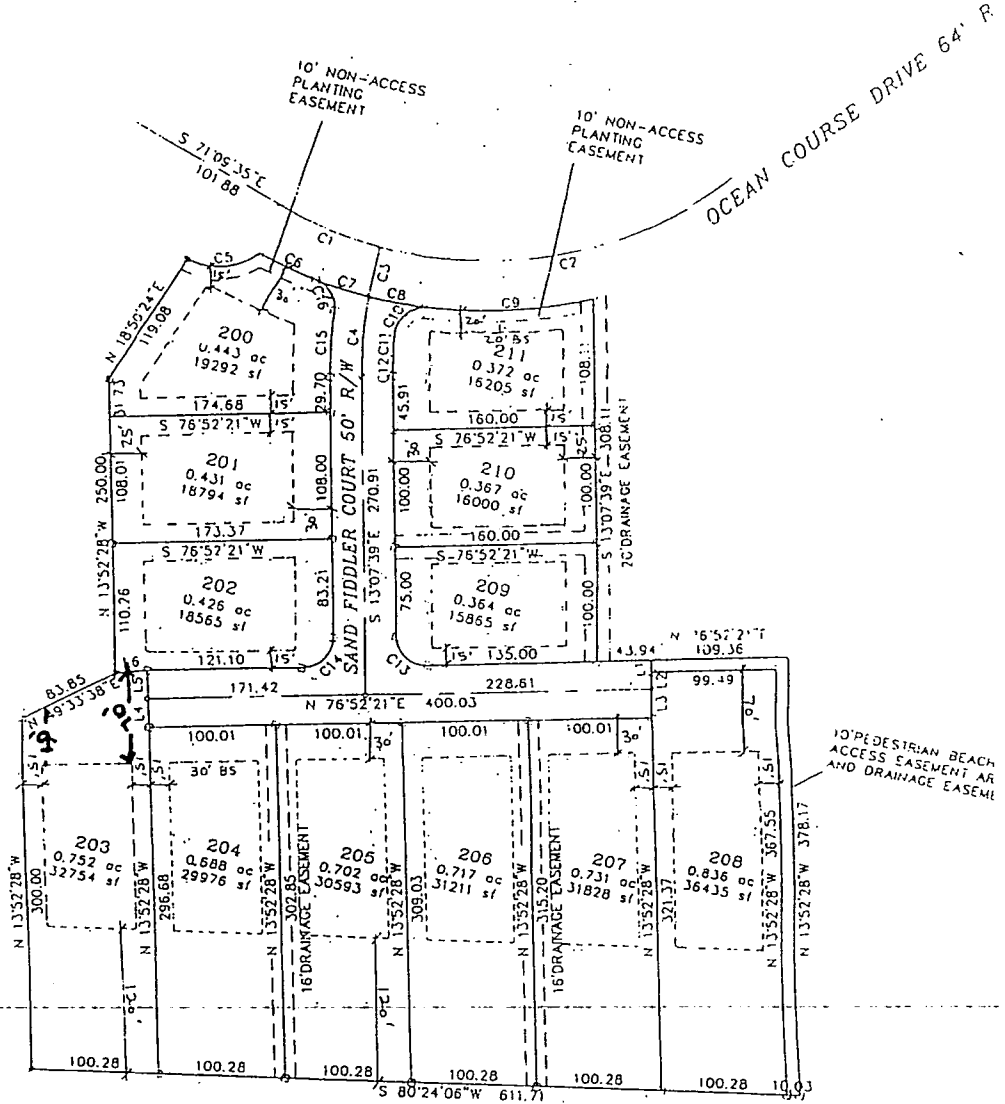
Scale : 1" = 100'  
Revised: March 9, 1999

# SAND FIDDLER COURT

KIAWAH RESORT ASSOCIATES  
ARCHITECTURAL REVIEW BOARD

These setbacks are as proposed by the Architectural Review Board. However, they are subject to revision and/or variances as per the covenants and ARB procedures.

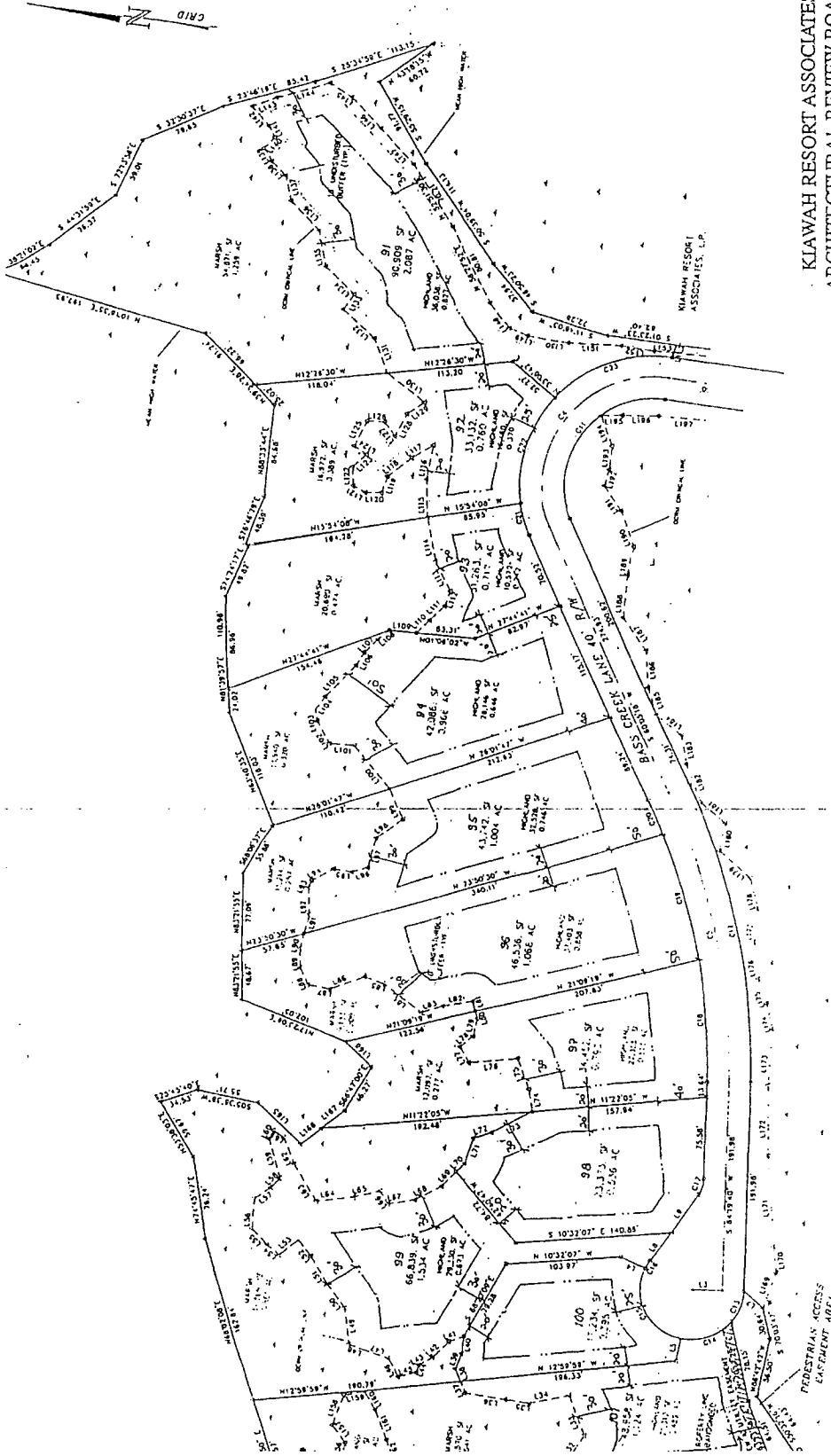
*Dwight A. Nish*  
Administrator  
August 30 1991  
Date  
SCALE 1" = 100'



KIAWAH RESORT ASSOCIATES, L.P.



# BASS CREEK LANE





## KIAWAH RESORT ASSOCIATES ARCHITECTURAL REVIEW BOARD

These setbacks are as proposed by the Architectural Review Board. However, they are subject to revision and/or variances as per the covenants and ARB procedures.


A. Nash      April 20th 1997  
 Administrator      Date

# BLUE HERON POND ROAD

 BUILDABLE AREA

 PRESERVATION ZONE

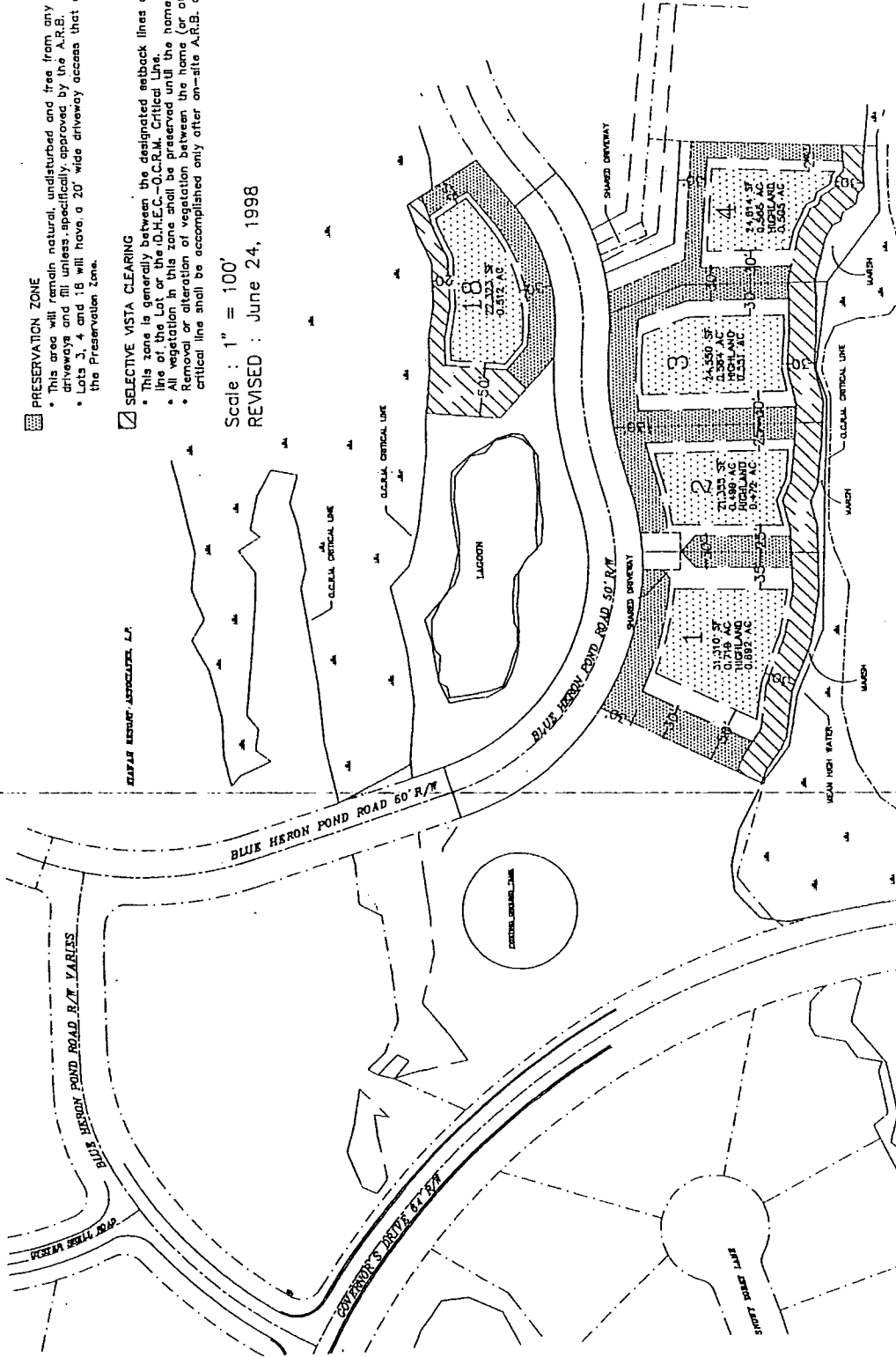
- This area will remain natural, undisturbed and free from any development including driveways and fill unless specifically approved by the A.R.B.
- Lots 3, 4 and 18 will have a 20' wide driveway access that can penetrate the Preservation Zone.

 SELECTIVE VISTA CLEARING

- This zone is generally between the designated setback lines and either the property line or the line of the D.H.E.C.-O.C.R.M. Critical Line.
- Activities in this zone shall be preserved until the home is completely framed.
- Removal or alteration of vegetation between the home (or other structure) and the critical line shall be accomplished only after on-site A.R.B. approval.

Scale : 1" = 100'

REVISED : June 24, 1998



# BLUE HERON POND ROAD

☐ BUILDABLE AREA

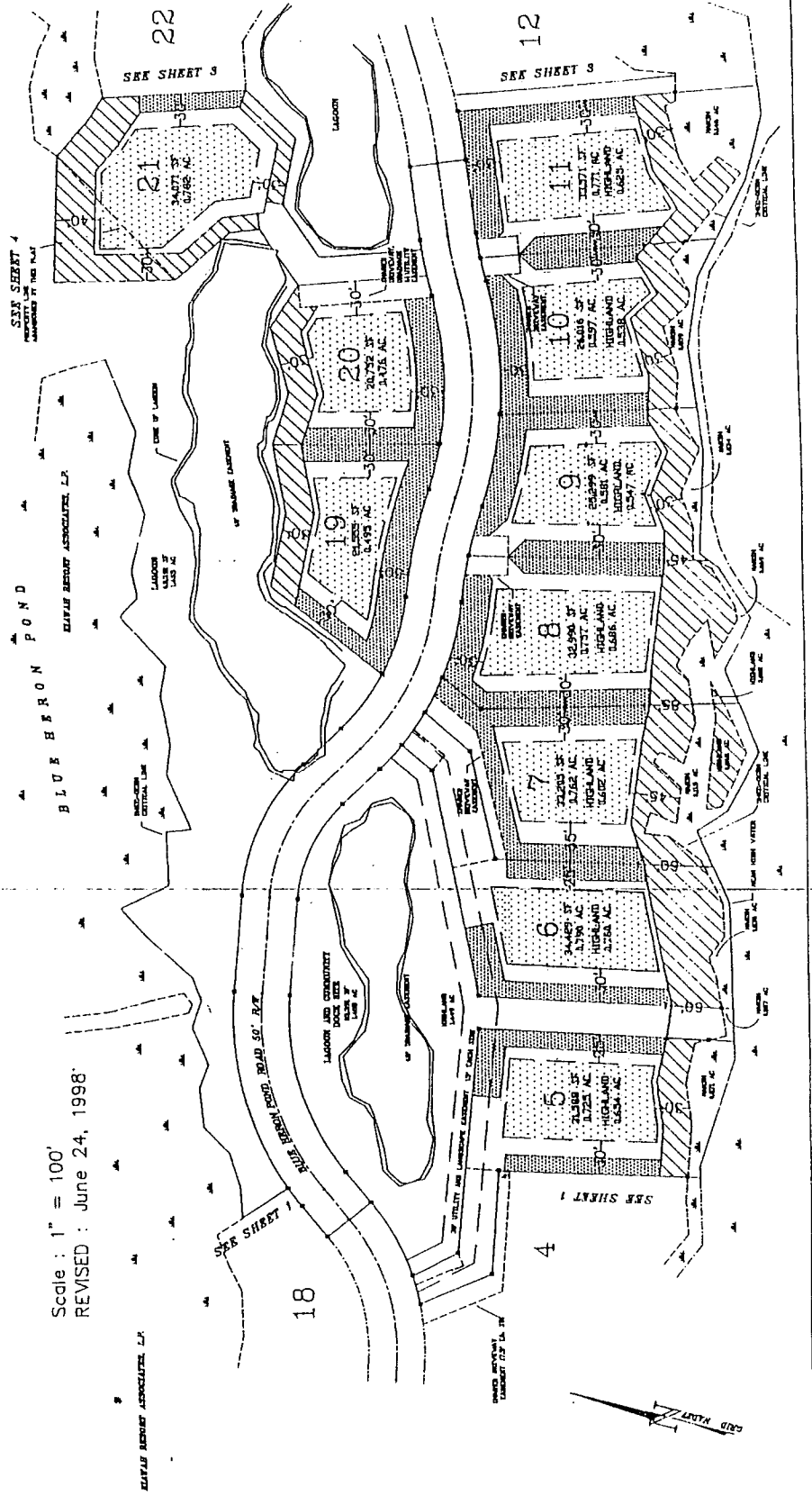
▨ PRESERVATION ZONE

- This area will remain natural, undisturbed and free from any development including driveways and fill unless specifically approved by the A.R.E.
- Lots 7 and 19 will have a 20' wide driveway access that can penetrate the Preservation Zone.

▤ SELECTIVE MSTA CLEARING

- This zone is generally between the designated setback lines and either the property line of the lot or the D.H.E.C.-O.C.R.M. Critical Line.
- All vegetation in this zone shall be preserved until the home is completely framed.
- Removal or alteration of vegetation between the home (or other structure) and the critical line shall be accomplished only after on-site A.R.E. approval.

Scale : 1" = 100'  
 REVISED : June 24, 1998



# BLUE HERON POND ROAD

BUILDABLE AREA

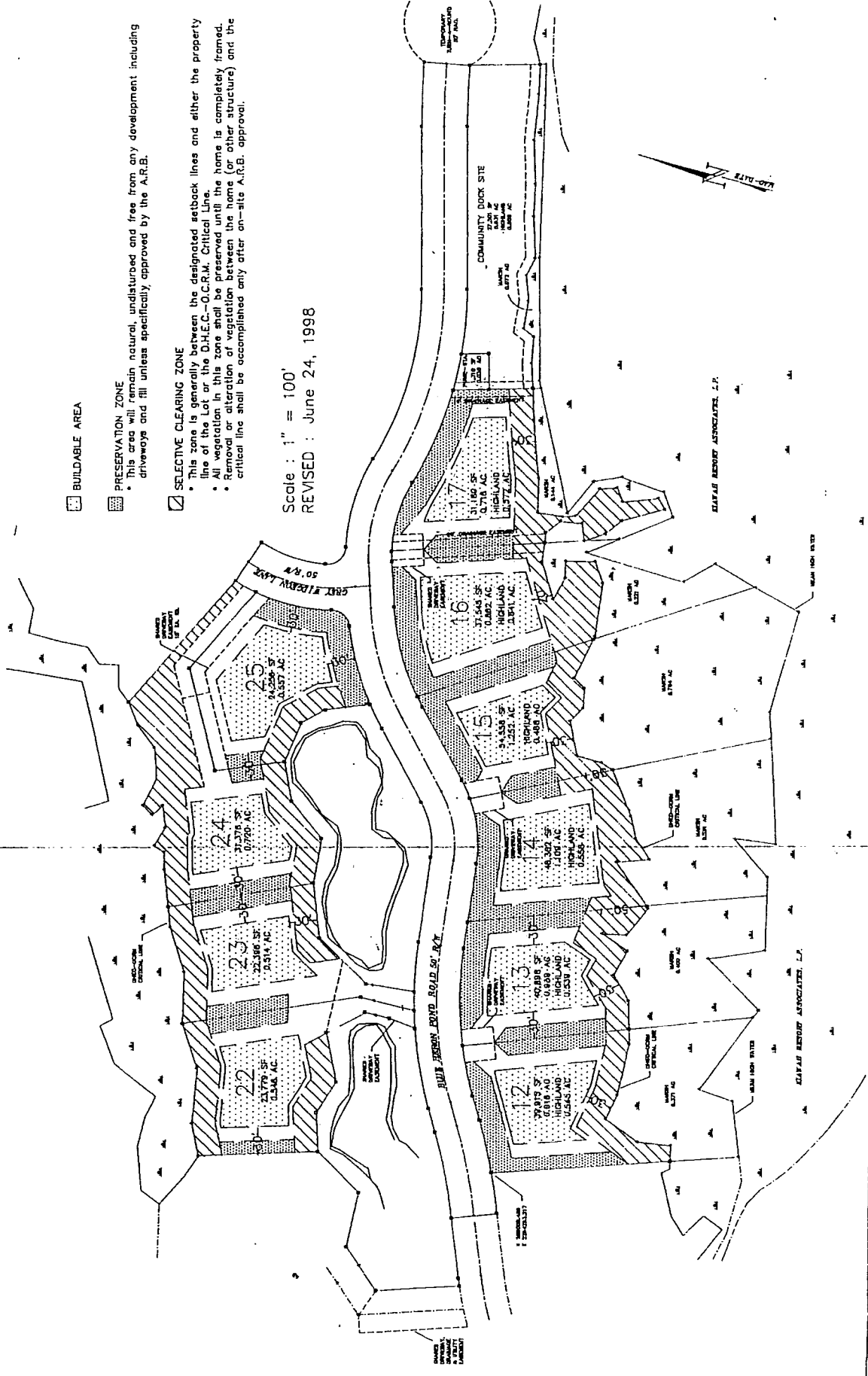
PRESERVATION ZONE

This area will remain natural, undisturbed and free from any development including driveways and fill unless specifically approved by the A.R.B.

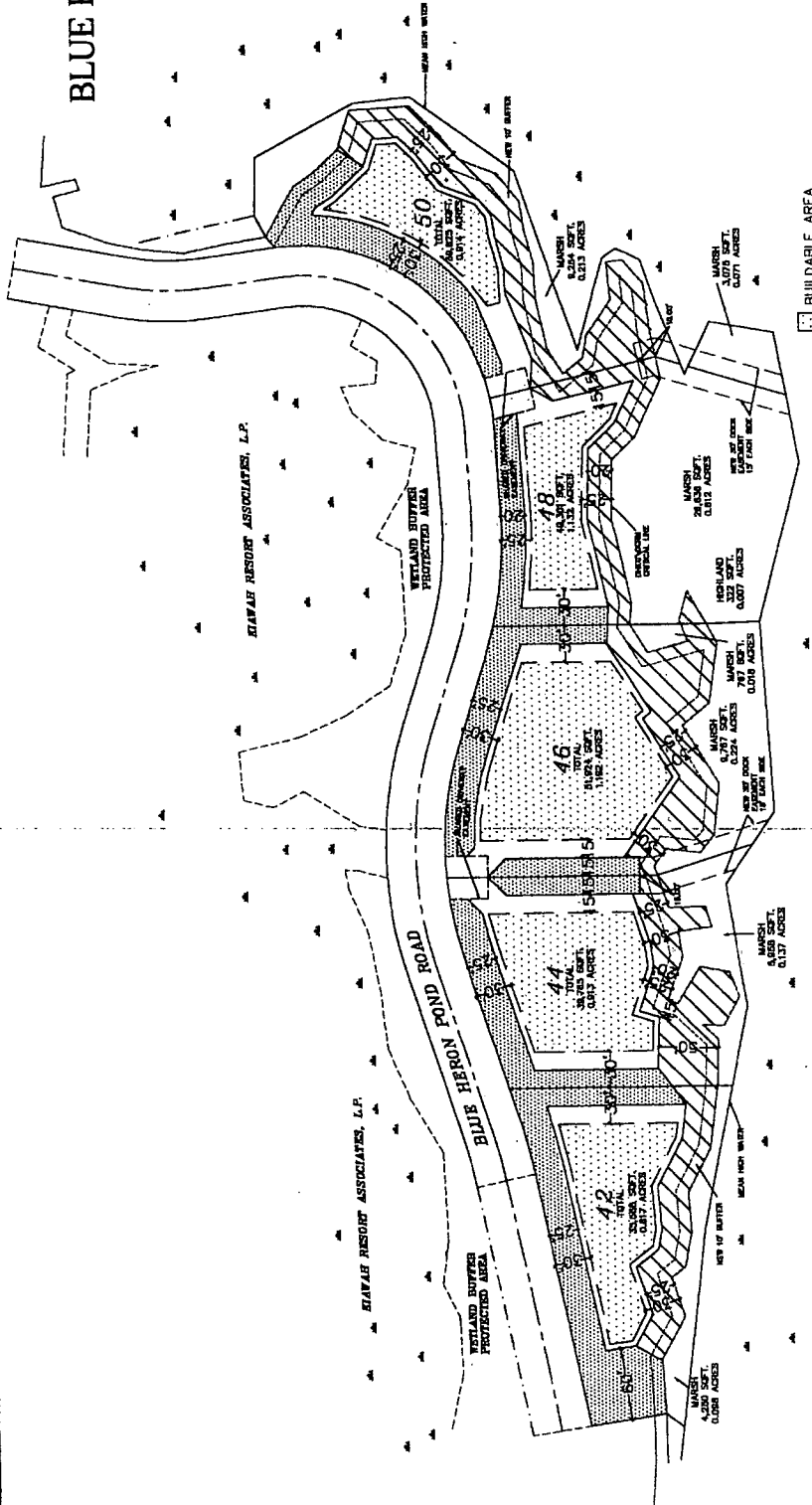
SELECTIVE CLEARING ZONE

This zone is generally between the designated setback lines and either the property line of the Lot or the D.H.E.C.-O.C.R.M. Critical Line.  
 • All vegetation in this zone shall be preserved until the home is completely framed.  
 • Removal or alteration of vegetation between the home (or other structure) and the critical line shall be accomplished only after on-site A.R.B. approval.

Scale : 1" = 100'  
 REVISED : June 24, 1998



# BLUE HERON POND ROAD

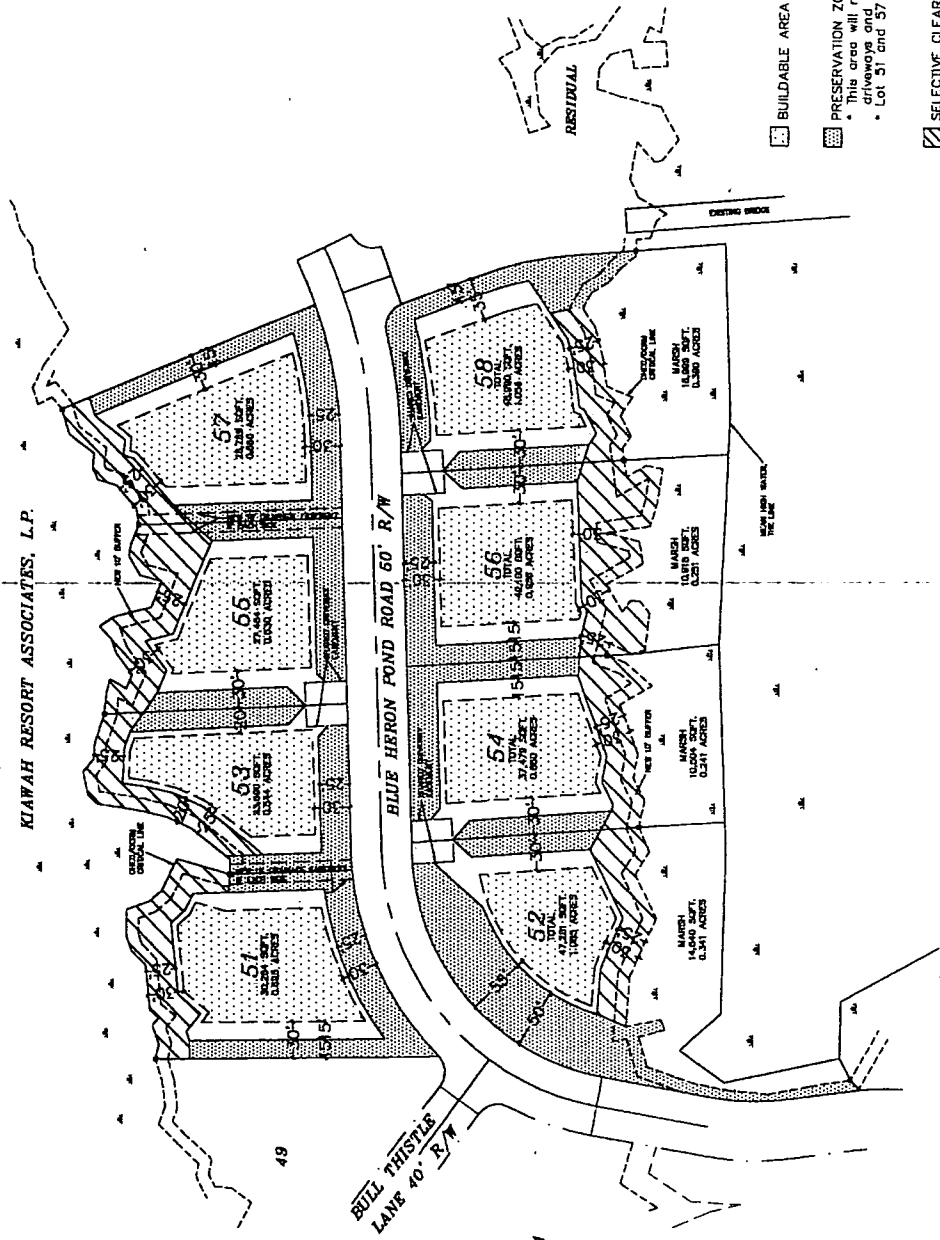


- PRESERVATION ZONE**
- This area will remain natural, undisturbed and free from any development including the use of fill, unless specifically approved by the A.R.B.
  - Lot 42 will have a 20' wide driveway access that can penetrate the Preservation Zone.
- SELECTIVE CLEARING ZONE**
- This zone is generally between the designated setback lines and either the property line of the Lot or the D.H.E.C.-O.C.R.M. Critical Line. The area between the property line and the home is completely framed.
  - All vegetation in this zone shall be preserved between the home (or other structure) and the critical line and shall be maintained.
  - Removal or alteration of vegetation between the home (or other structure) and the critical line shall be accomplished only after on-site A.R.B. approval.

Scale : 1" = 100'  
 REVISED : April 3, 2000

# BLUE HERON POND ROAD

KIAWAH RESORT ASSOCIATES, L.P.

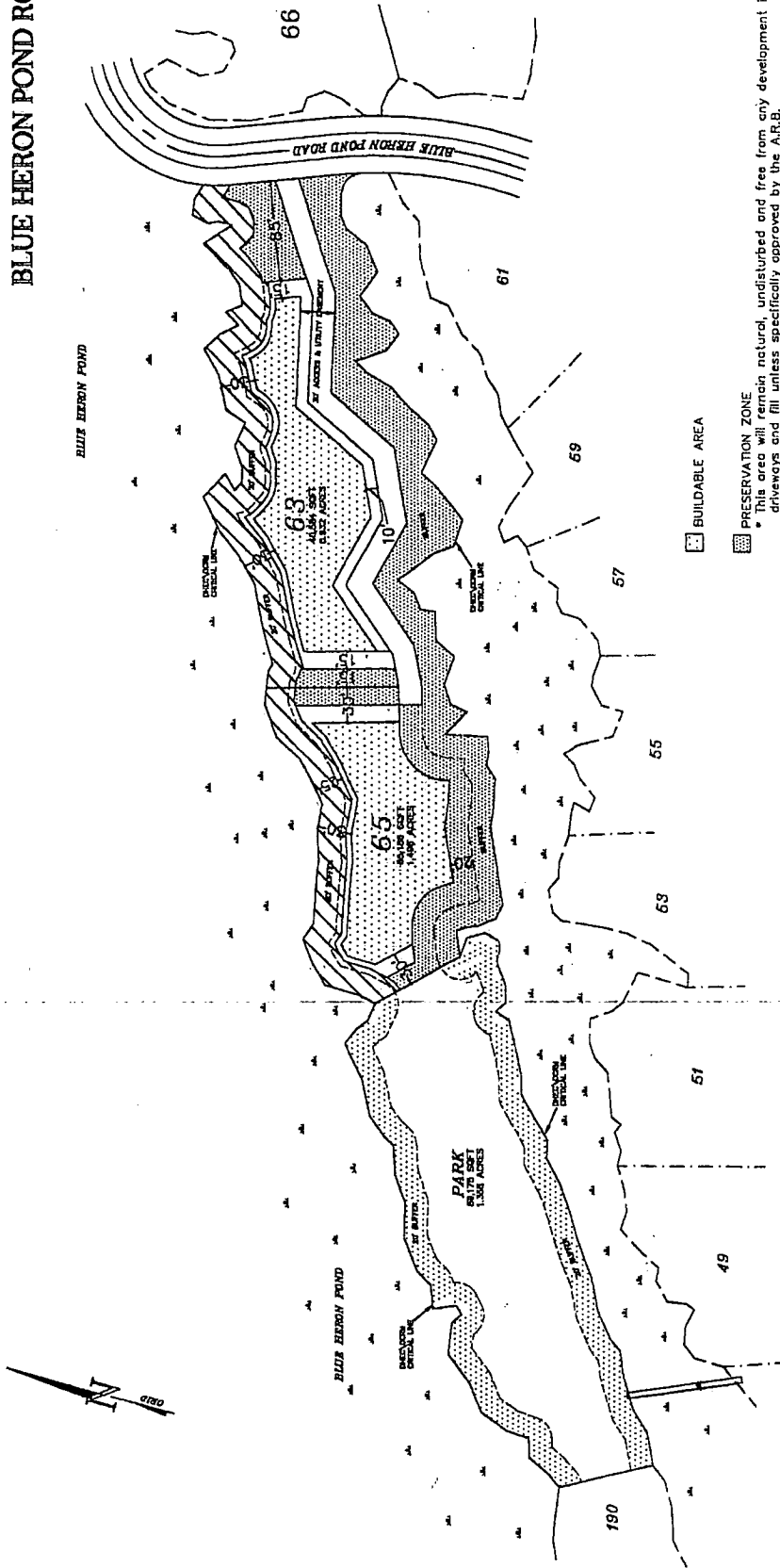


- PRESERVATION ZONE**
  - This area will remain natural, undisturbed and free from any development including driveways and fill unless specifically approved by the A.R.B.
  - Lot 51 and 57 will have a 20' wide driveway access that can penetrate the Preservation Zone.
- SELECTIVE CLEARING ZONE**
  - This zone is generally between the designated setback lines and either the property line of the lot or the D.H.E.C. Critical Line.
  - All vegetation in this zone shall be preserved until the home is completely framed.
  - Removal or alteration of vegetation between the home and other structure) and the critical line shall be accomplished only after on-site A.R.B. approval.

Scale : 1" = 100'  
 REVISED : March 15, 2000

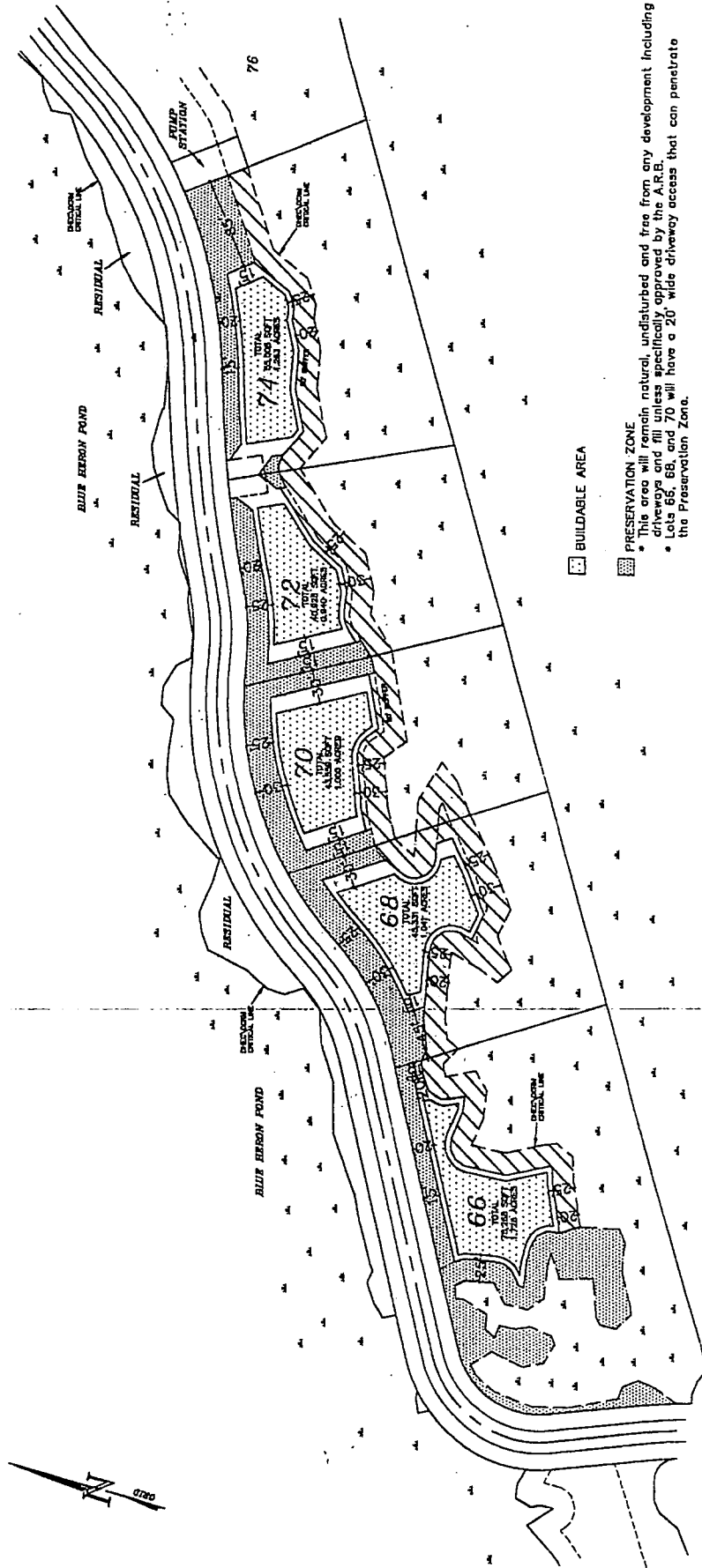
Exhibit "B"

BLUE HERON POND ROAD



Scale : 1" = 100'  
 REVISED : March 20, 2002

# BLUE HERON POND ROAD



BUILDABLE AREA

PRESERVATION ZONE

- This area will remain natural, undisturbed and free from any development including driveways and fill unless specifically approved by the A.R.B.
- Lots 66, 68, and 70 will have a 20' wide driveway access that can penetrate the Preservation Zone.

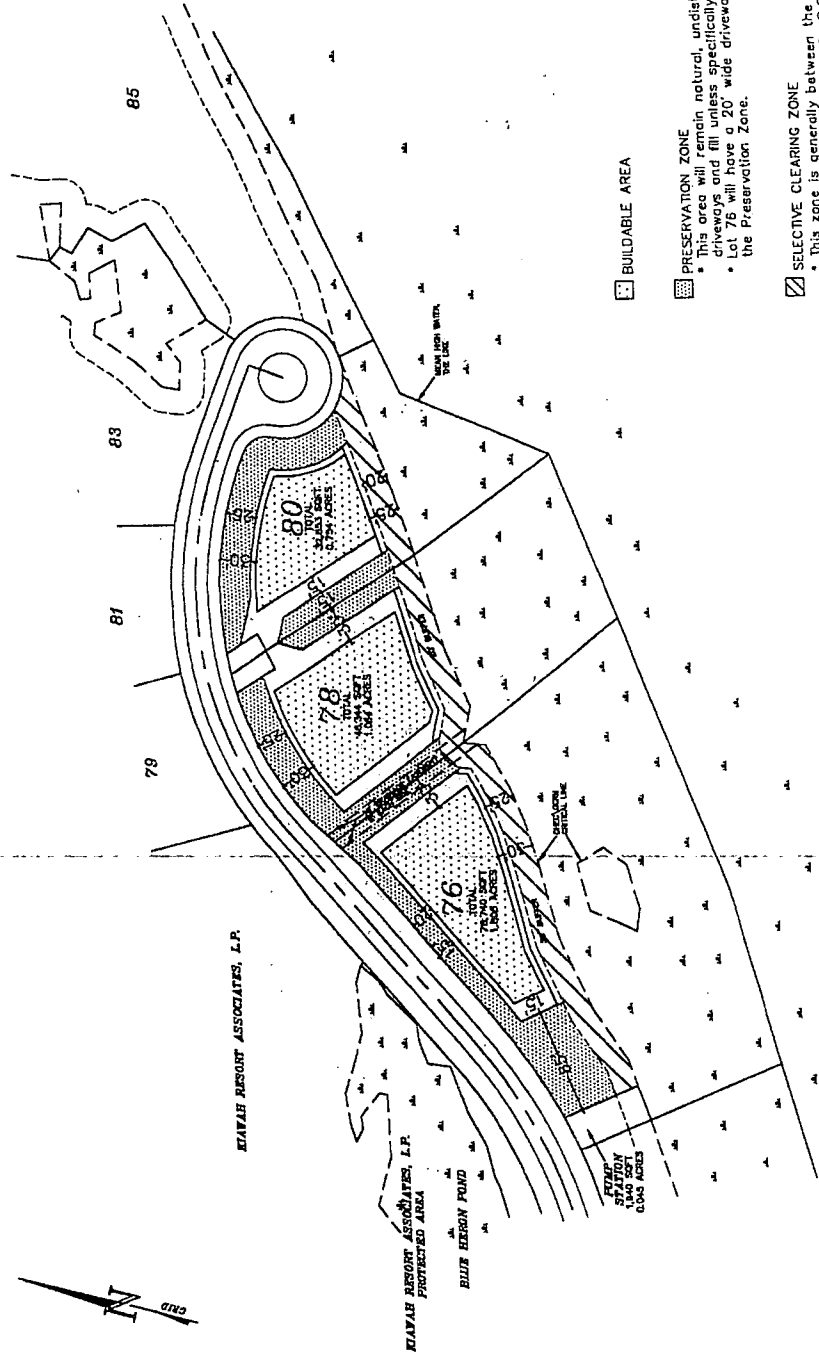
SELECTIVE CLEARING ZONE

- This zone is generally between the designated setback lines and either the property line of the Lot or the D.H.E.C.-O.C.R.M. Critical Line.
- All vegetation in this zone shall be preserved until the home is completely framed.
- Removal or alteration of vegetation between the home (or other structure) and the critical line shall be accomplished only after on-site A.R.B. approval.

Scale : 1" = 100'  
 REVISED : March 20, 2002



# BLUE HERON POND ROAD



☐ BUILDABLE AREA

▨ PRESERVATION ZONE

- This area will remain natural, undisturbed and free from any development including driveways and all unless specifically approved by the A.R.B.
- Lot 76 will have a 20' wide driveway access that can penetrate the Preservation Zone.

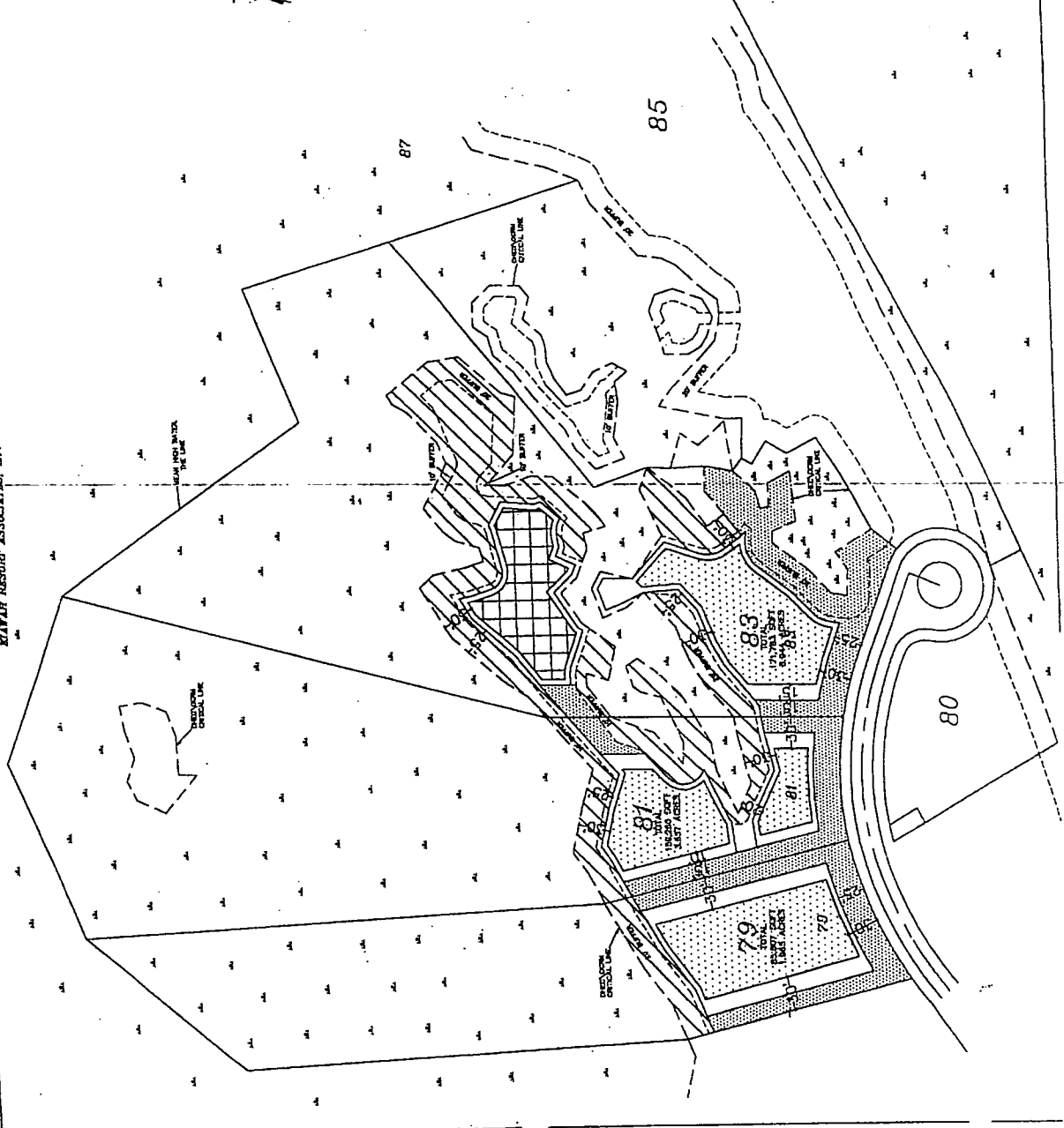
☑ SELECTIVE CLEARING ZONE

- This zone is generally between the designated setback lines and either the property line of the Lot or the D.H.E.C.-O.C.R.M. Critical Line.
- All vegetation in this zone shall be preserved until the home is completely framed.
- Removal or elimination of vegetation between the home (or other structure) and the critical line shall be accomplished only after on-site A.R.B. approval.

Scale : 1" = 100'  
 REVISED : March 20, 2002

# BLUE HERON POND ROAD

KAYAK RESORT ASSOCIATES, L.P.



BUILDABLE AREA

LIMITED BUILDABLE AREA (Limiting to 2000 SF and a Maximum of 1 1/2 Stories)

PRESERVATION ZONE

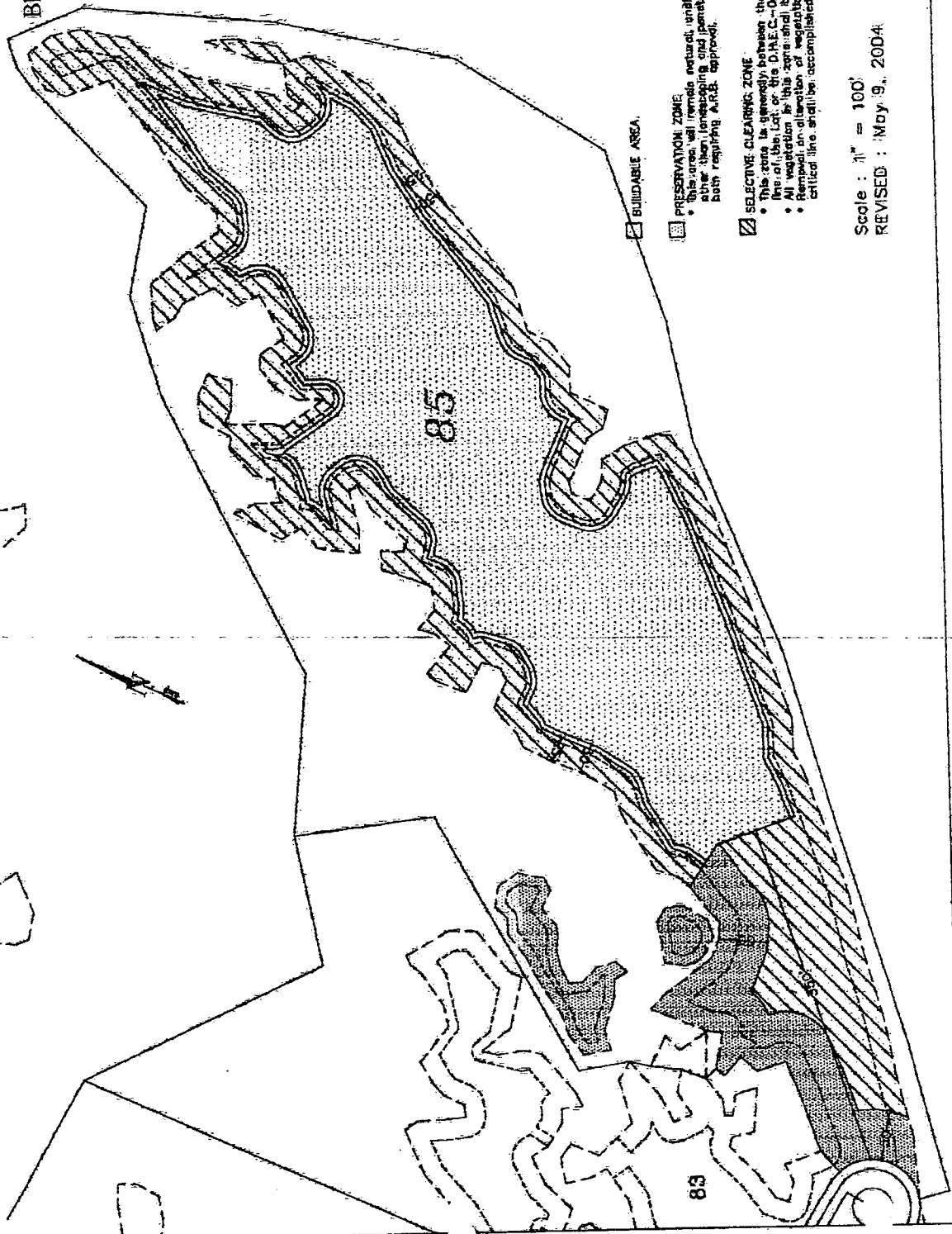
- This area will remain natural, undisturbed and free from any development including driveways and fill unless specifically approved by the A.R.B.
- Lots 79, 81, and 83 will have a 20' wide driveway access that can penetrate the Preservation Zone.

SELECTIVE CLEARING ZONE

- This zone is generally between the designated setback lines and either the property line or the lot or the D.H.C.-O.C.R.M. Critical Line.
- All vegetation in this zone shall be preserved until the home is completely framed.
- Removal or alteration of vegetation between the home (or other structure) and the critical line shall be accomplished only after on-site A.R.B. approval.

Scale : 1" = 100'  
 REVISED : March 29, 2002

BLUE HERON POND ROAD



□ BUILDABLE AREA

▨ PRESERVATION ZONE

- This zone will remain natural, undisturbed and free from any development
- This zone will remain natural, undisturbed and free from any development
- This zone will remain natural, undisturbed and free from any development
- This zone will remain natural, undisturbed and free from any development

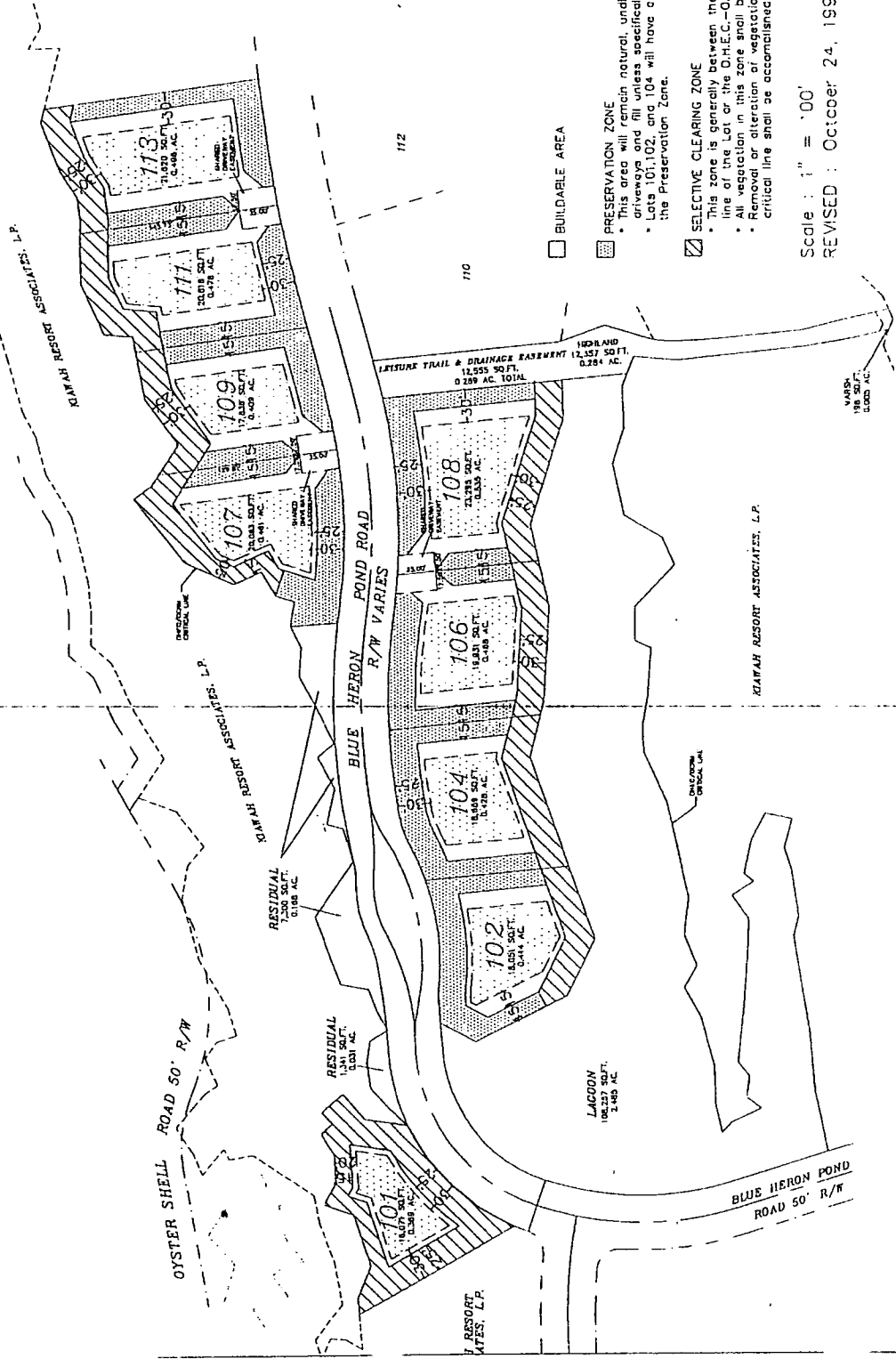
▨ SELECTIVE CLEARING ZONE

- This zone is generally between the designated setback lines and either the property line or the Lot or the D.R.E.C. - Old Rim. City of Line.
- All vegetation in this zone shall be preserved unless the home is completely framed.
- Removal or alteration of vegetation in this zone (or other structure) and the critical line shall be accomplished only after on-site A.R.B. approval.

Scale : 1" = 100'

REVISED : May 9, 2004

BLUE HERON POND ROAD



□ BUILDABLE AREA

▨ PRESERVATION ZONE

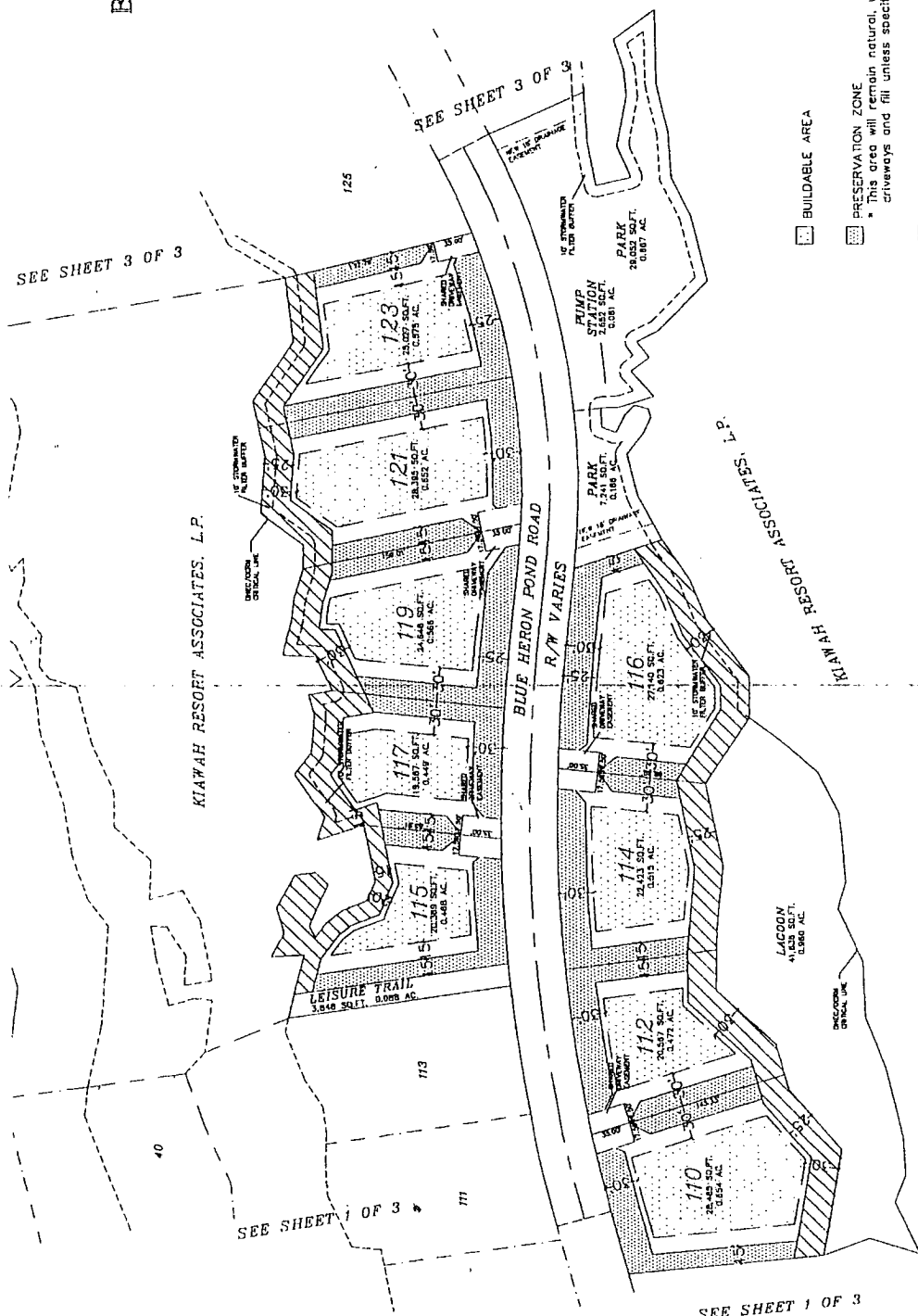
- This area will remain natural, undisturbed and free from any development including driveways and fill unless specifically approved by the A.R.B.
- Lots 101, 102, and 104 will have a 20' wide driveway access that can penetrate the Preservation Zone.

▩ SELECTIVE CLEARING ZONE

- This zone is generally between the designated setback lines and either the property line of the lot or the D.H.E.C.-O.C.R.M. Critical Line.
- All vegetation in this zone shall be preserved until the home is completely framed.
- Removal or alteration of vegetation between the home (or other structure) and the critical line shall be accomplished only after on-site A.R.B. approval.

Scale: 1" = 100'  
 REVISED: October 24, 1995

BLUE HERON POND ROAD



□ BUILDABLE AREA

▨ PRESERVATION ZONE

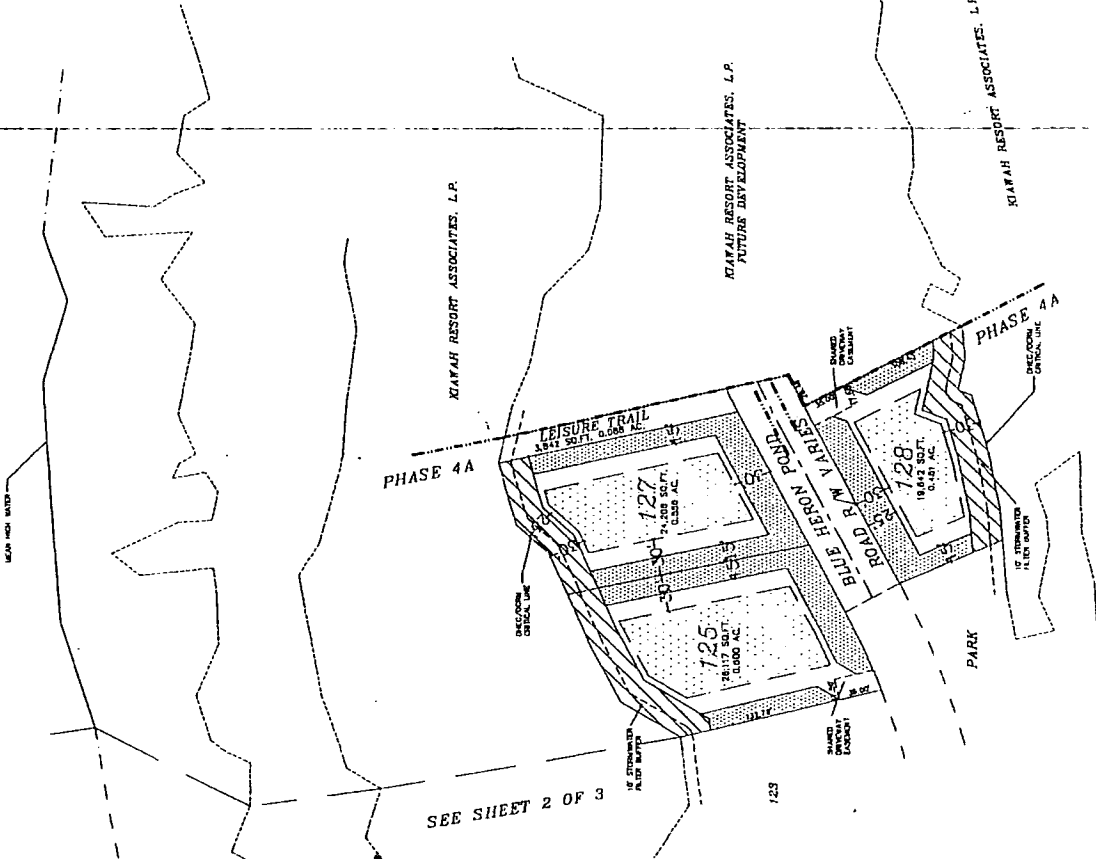
This area will remain natural, undisturbed and free from any development including driveways and fill unless specifically approved by the A.R.B.

▨ SELECTIVE CLEARING ZONE

This zone is generally between the designated setback lines and either the property line of the Lot or the D.H.C.-O.C.R.M. Critical Line.  
 • All vegetation in this zone shall be preserved until the home is completely framed.  
 • Removal or alteration of vegetation between the home (or other structure) and the critical line shall be accomplished only after on-site A.R.B. approval.

Scale : 1" = 100'  
 REVISED : October 24, 1998

# BLUE HERON POND ROAD



BUILDABLE AREA

PRESERVATION ZONE

- This area will remain natural, undisturbed and free from any development including driveways and fill unless specifically approved by the A.R.B.
- Lot 127 will have a 20' wide driveway access that can penetrate the Preservation Zone.

SELECTIVE CLEARING ZONE

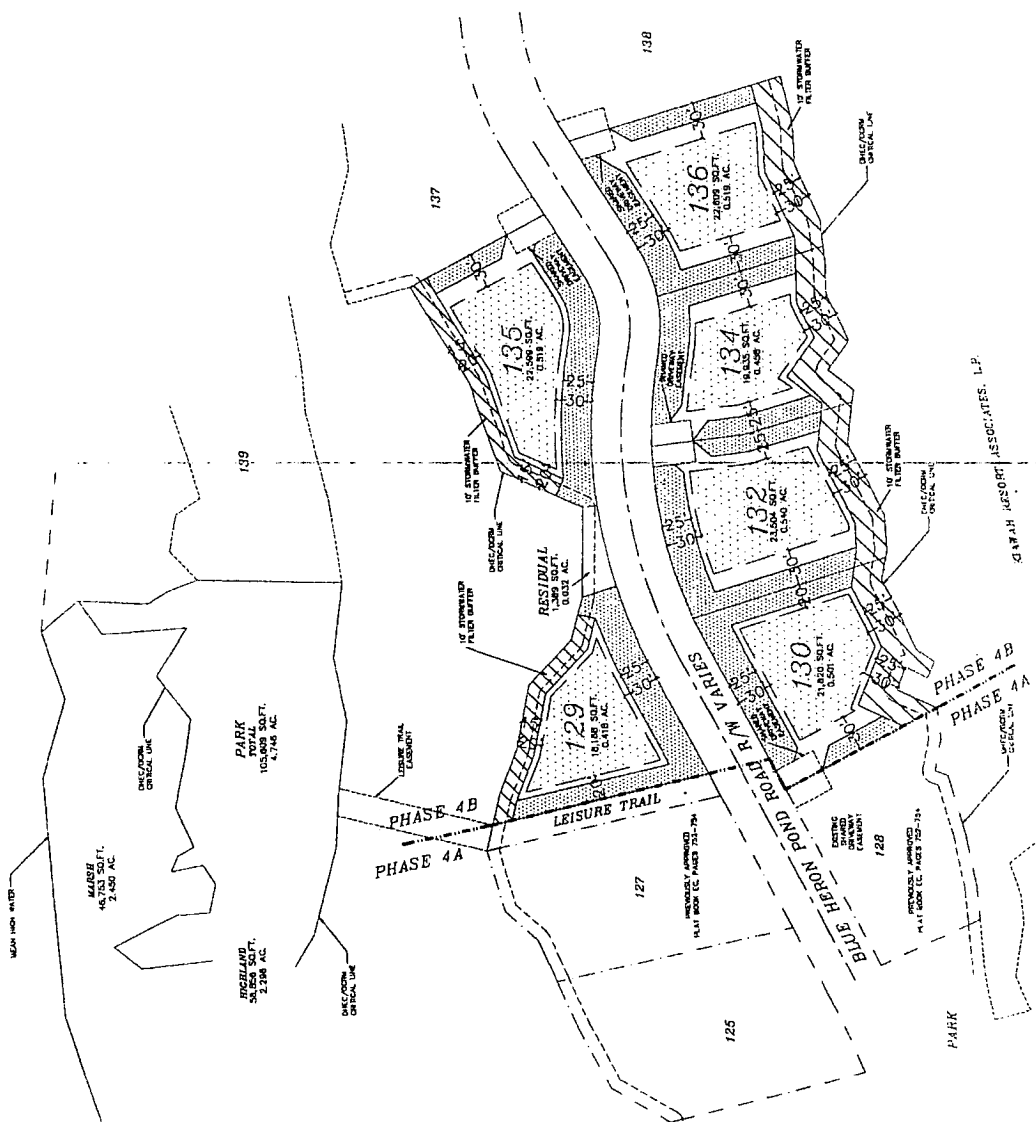
- This zone is generally between the designated setback lines and either the property line of the Lot or the D.H.E.C.-C.R.M. Critical Line.
- All vegetation in this zone shall be preserved until the home is completely framed.
- Removal or alteration of vegetation between the home (or other structure) and the critical line shall be accomplished only after on-site A.R.B. approval.

Scale : 1" = 100'  
 REVISED : October 24, 1998

SEE SHEET 2 OF 3

# BLUE HERON POND ROAD

KIAWAH RESORT ASSOCIATES, L.P.



■ BUILDABLE AREA

▨ PRESERVATION ZONE

▩ SELECTIVE CLEARING ZONE

• This area will remain natural, undisturbed and free from any development including driveways and fill unless specifically approved by the A.R.B.

• Lot 129 will have a 20' wide driveway access that can penetrate the Preservation Zone.

• This zone is generally between the designated setback lines and either the property line of the Lot or the D.H.E.C.-O.C.R.M. Critical Line.

• All vegetation in this zone shall be preserved until the home is completely framed.

• Removal or alteration between the home (or other structure) and the critical line shall be accomplished only after an on-site A.R.B. approval.

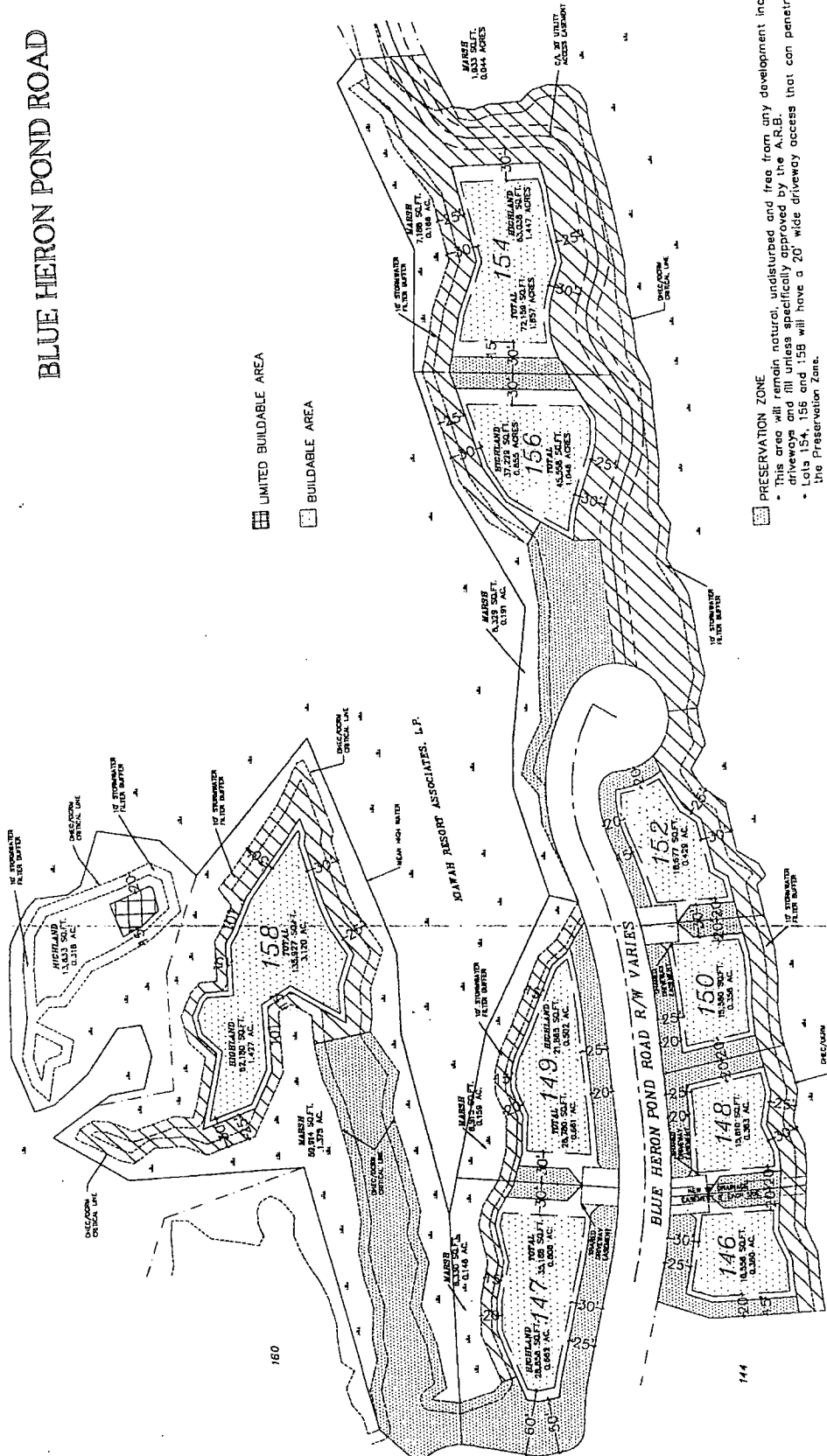
Scale: 1" = 100'  
 REVISED: July 28, 1999

KIAWAH RESORT ASSOCIATES, L.P.





# BLUE HERON POND ROAD



LIMITED BUILDABLE AREA

BUILDABLE AREA

### PRESERVATION ZONE

- This area will remain natural, undisturbed and free from any development including driveways and fill unless specifically approved by the A.R.B.
- Lots 154, 155 and 156 will have a 20' wide driveway access that can penetrate the Preservation Zone.

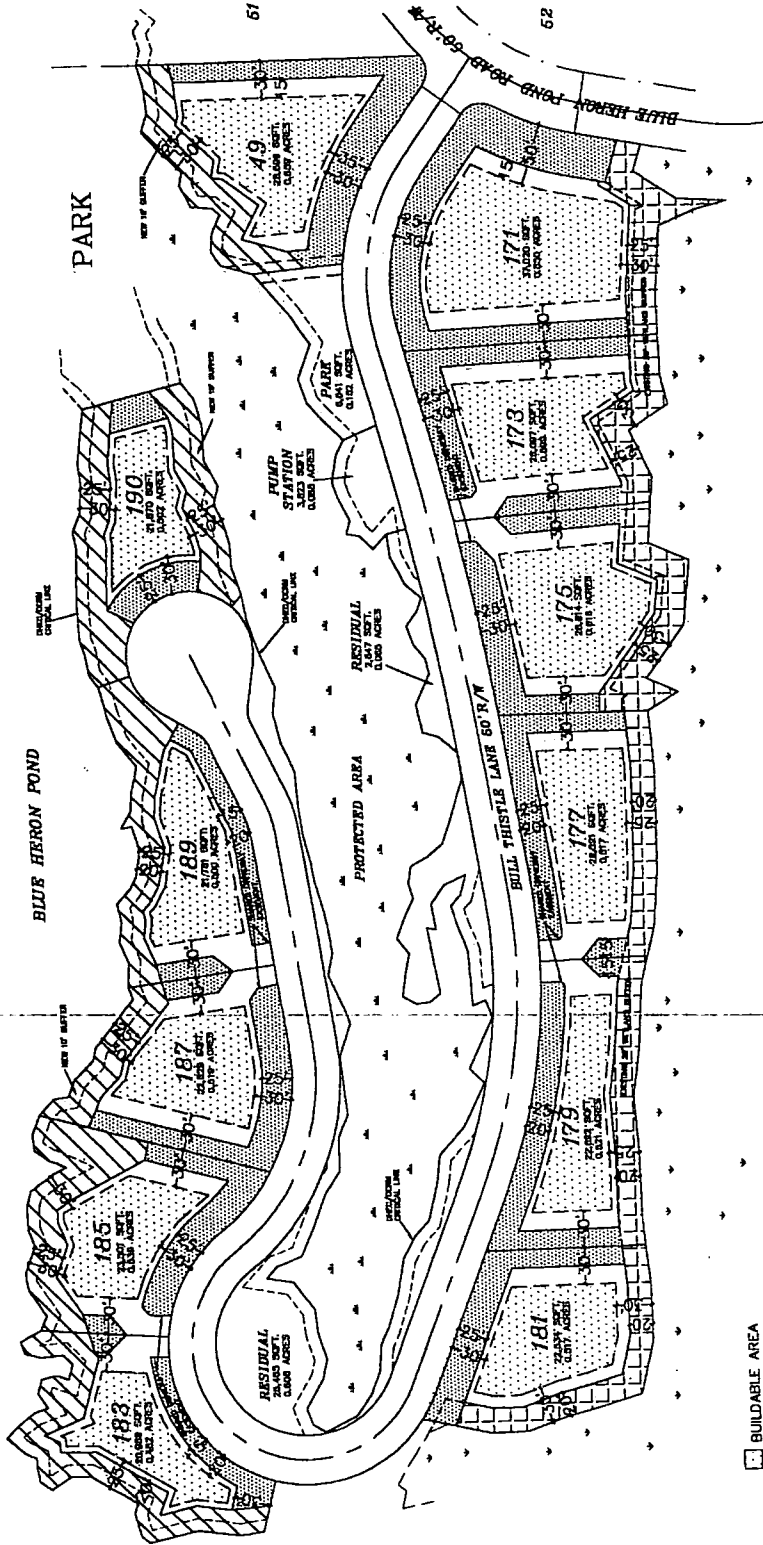
### SELECTIVE CLEARING ZONE

- This zone is generally between the designated setback lines and either the property line of the Lot or the D.H.E.C.-C.C.R.M. Critical Line.
- All vegetation in this zone shall be preserved until the home is completely framed.
- Removal or alteration between the home (or other structure) and the critical line shall be accomplished only after an on-site A.R.B. approval.

Scale: 1" = 100'

REVISED: July 28, 1999

# BULL THISTLE LANE

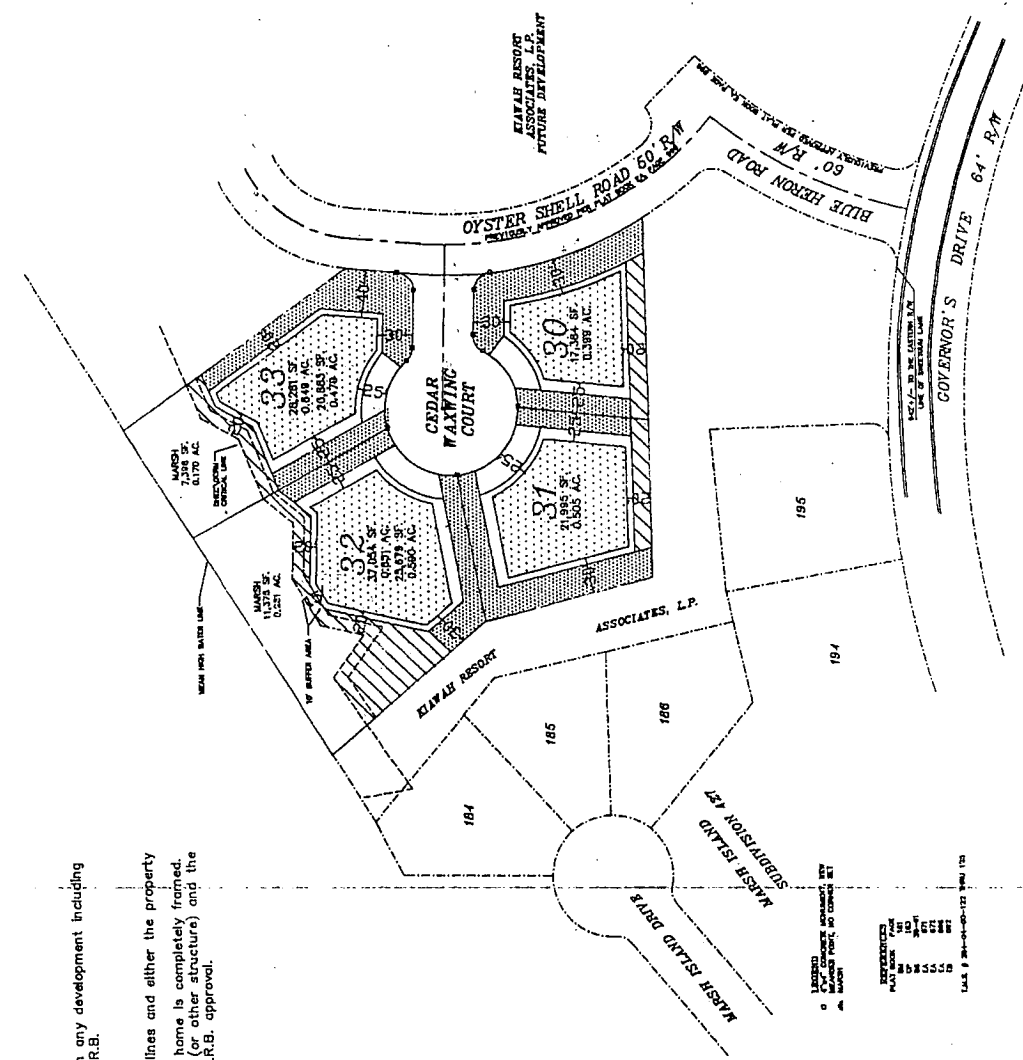


- BUILDABLE AREA
- PRESERVATION ZONE
  - This area will remain natural, undisturbed and free from any development including driveways and fill unless specifically approved by the A.R.B.
  - Lots 48, 171, 181 and 180 will have a 20' wide driveway access that can penetrate the Preservation Zone.
- RESTRICTIVE CLEARING ZONE
  - This zone is generally between the designated setback lines and either the property line of the Lot or the D.H.E.C.-G.C.R.M. Critical Line.
  - All vegetation in this zone shall be preserved until the home is completely framed.
  - Removal or alteration between the home (or other structure) and the critical line shall be accomplished only after an on-site A.R.B. approval.

Scale : 1" = 100'  
 REVISED : April 5, 2000

- RESTRICTIVE CLEARING ZONE
  - In addition to the notations for the Selective Clearing Zone, this designated area is subject to a Declaration of Restrictive Covenants dated September 8, 1998, and recorded in Book J334, page 16, in the Charleston County R.M.C. Office.
  - Only limited pruning and thinning of shrubs and small trees will be allowed (with A.R.B. approval) to maintain views. Clear cutting of understorey shrubs is prohibited.
  - Reference must be made to the Declaration for specific details as to permitted and prohibited activities within the Restrictive Clearing Zone.

# CEDAR WAX WING COURT



BUILDABLE AREA

PRESERVATION ZONE

- This area will remain natural, undisturbed and free from any development including driveways and fill unless specifically approved by the A.R.B.

SELECTIVE VISTA CLEARING

- This zone is generally between the designated setback lines and either the property line of the Lot or the D.H.E.C. Critical Line.
- All vegetation in this zone shall be preserved until the home is completely framed.
- Removal or alteration of vegetation between the home (or other structure) and the critical line shall be accomplished only after on-site A.R.B. approval.

Scale : 1" = 100'  
 REVISED : June 24, 1998

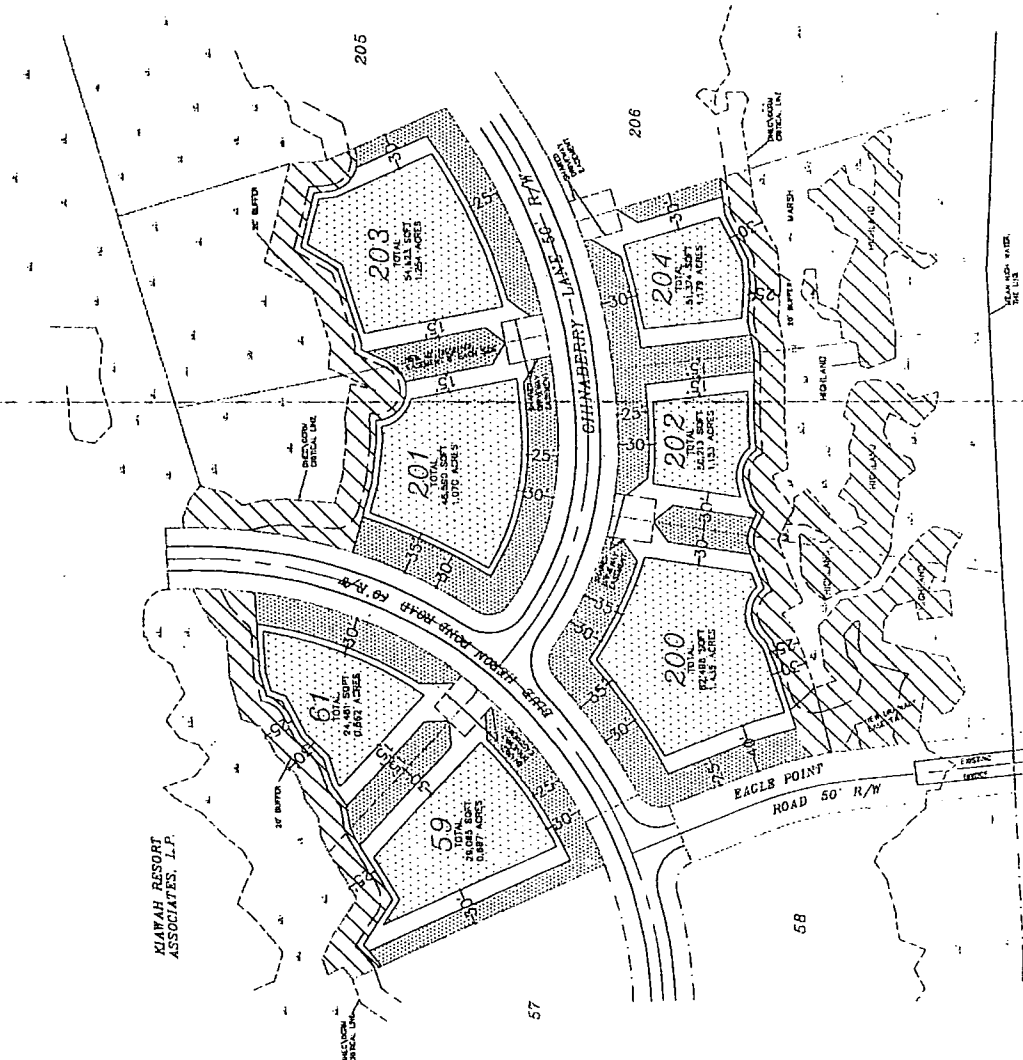
LEGEND

UNIMPROVED LOT  
 IMPROVED LOT, NO TOWNHIP SET  
 MARSH  
 WETLAND

EXPLANATIONS  
 1. LOT AREA  
 2. LOT AREA  
 3. LOT AREA  
 4. LOT AREA  
 5. LOT AREA  
 6. LOT AREA  
 7. LOT AREA  
 8. LOT AREA  
 9. LOT AREA  
 10. LOT AREA

DATE: 7/28/98-12/28/98 1/25

# BLUE HERON POND ROAD and CHINABERRY LANE



BUILDABLE AREA

PRESERVATION ZONE

This area will remain natural, undisturbed and free from any development including driveways and fill unless specifically approved by the A.R.B.

SELECTIVE CLEARING ZONE

This zone is generally between the designated setback lines and either the property line of the Lot or the D.H.E.C.-O.C.R.M. Critical Line.  
 • All vegetation in this zone shall be preserved until the home is completely framed.  
 • Removal or alteration of vegetation between the home (or other structure) and the critical line shall be accomplished only after on-site A.R.B. approval.

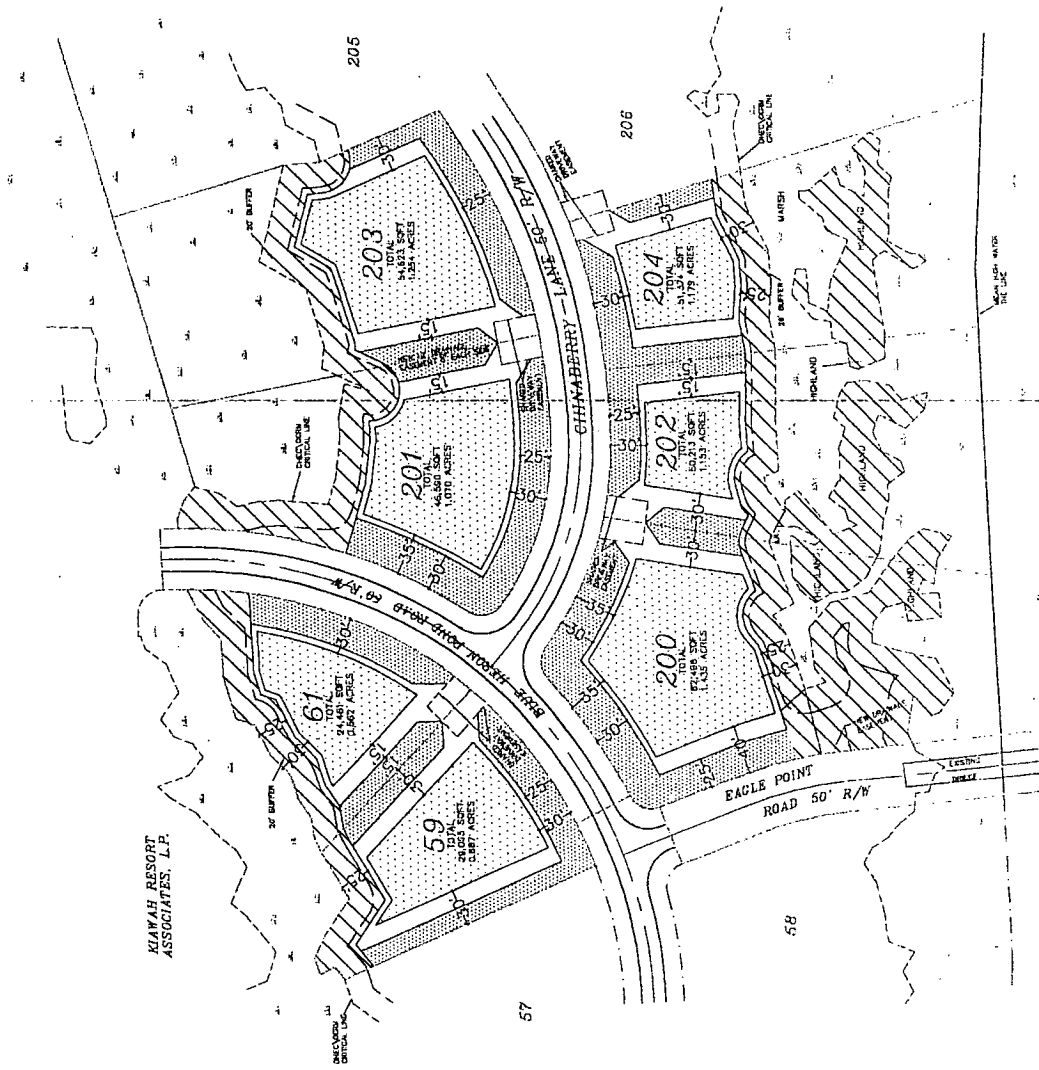


KIAWAH RESORT ASSOCIATES, L.P.

58

57

# BLUE HERON POND ROAD and CHINABERRY LANE



BUILDABLE AREA

PRESERVATION ZONE

SELECTIVE CLEARING ZONE

This area will remain natural, undisturbed and free from any development including driveways and fill, unless specifically approved by the A.R.B.

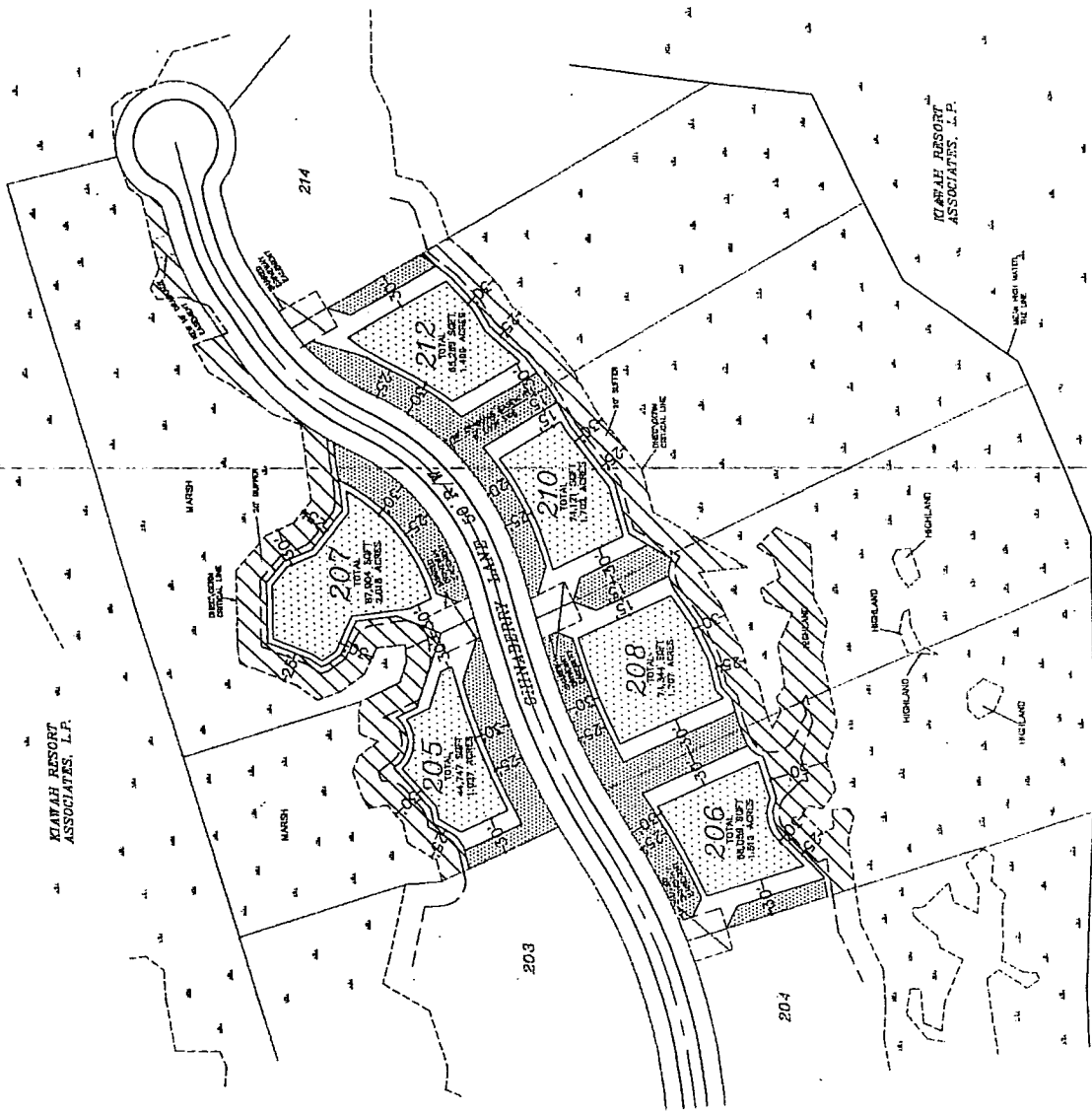
This zone is generally between the designated setback lines and either the property line or the D.H.E.C.-O.C.R.M. Critical Line.  
 • Line of setback in this zone shall be preserved until the home is completely framed.  
 • Removal or alteration of vegetation between the home (or other structure) and the critical line shall be accomplished only after on-site A.R.B. approval.

Scale : 1" = 100'  
REVISED : March 1, 2001

KIAWAH RESORT  
ASSOCIATES, L.P.

KIAWAH RESORT  
ASSOCIATES, L.P.

CHINABERRY LANE



KATAH RESORT  
ASSOCIATES, L.P.

KATAH RESORT  
ASSOCIATES, L.P.

□ BUILDABLE AREA

▨ PRESERVATION ZONE

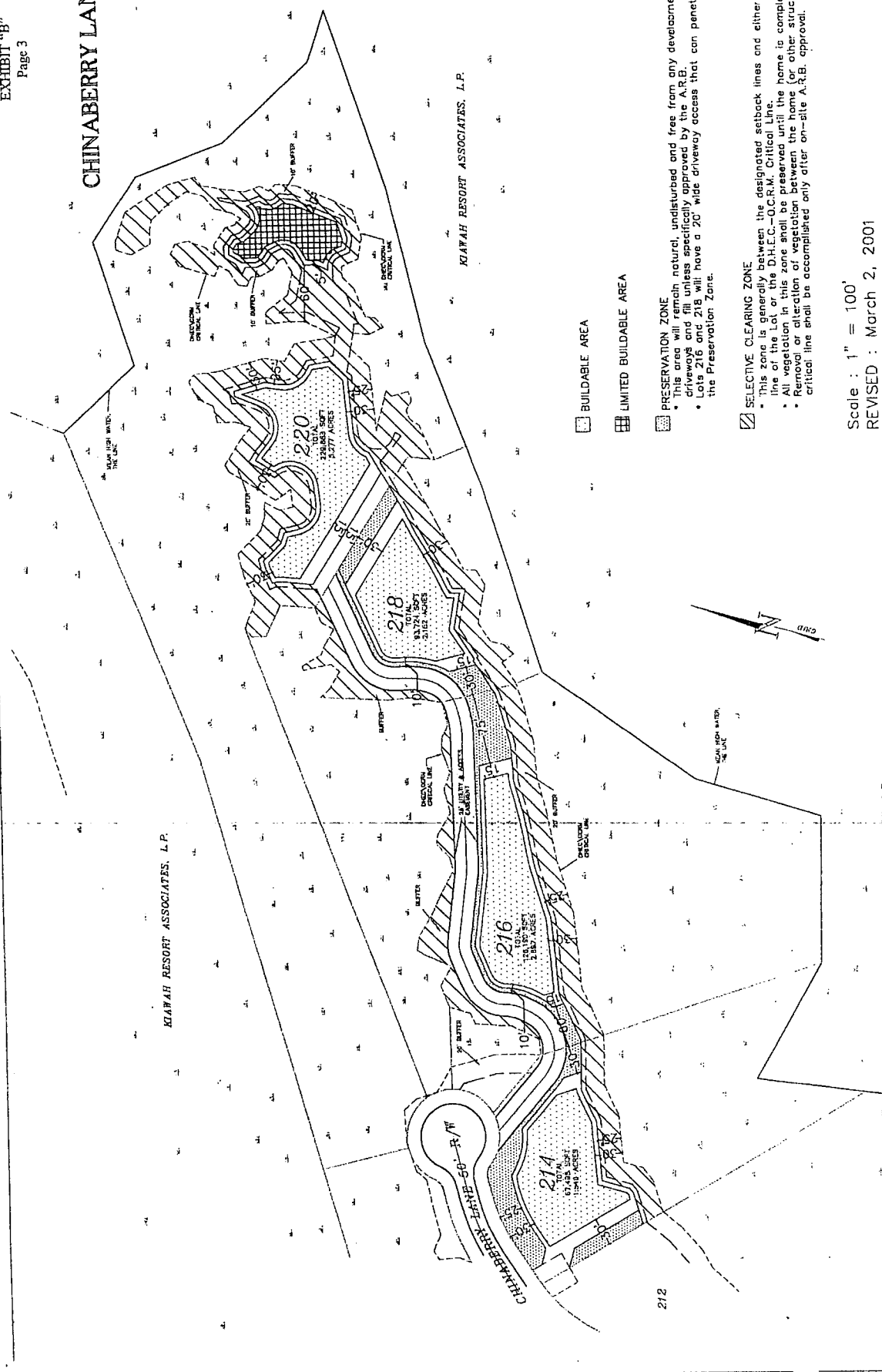
▧ SELECTIVE CLEARING ZONE

This area will remain natural, undisturbed and free from any development including driveways and fill unless specifically approved by the A.R.B.

This zone is generally between the designated setback lines and either the property line or the Lot on the D.H.E.C.-O.C.R.M. Critical Line.  
All vegetation in this zone shall be preserved until the home is completely framed.  
Removal or alteration of vegetation between the home (or other structure) and the critical line shall be accomplished only after on-site A.R.B. approval.

Scale : 1" = 100'  
REVISED : March 1, 2001

CHINABERRY LANE



▨ BUILDABLE AREA

▩ LIMITED BUILDABLE AREA

▤ PRESERVATION ZONE

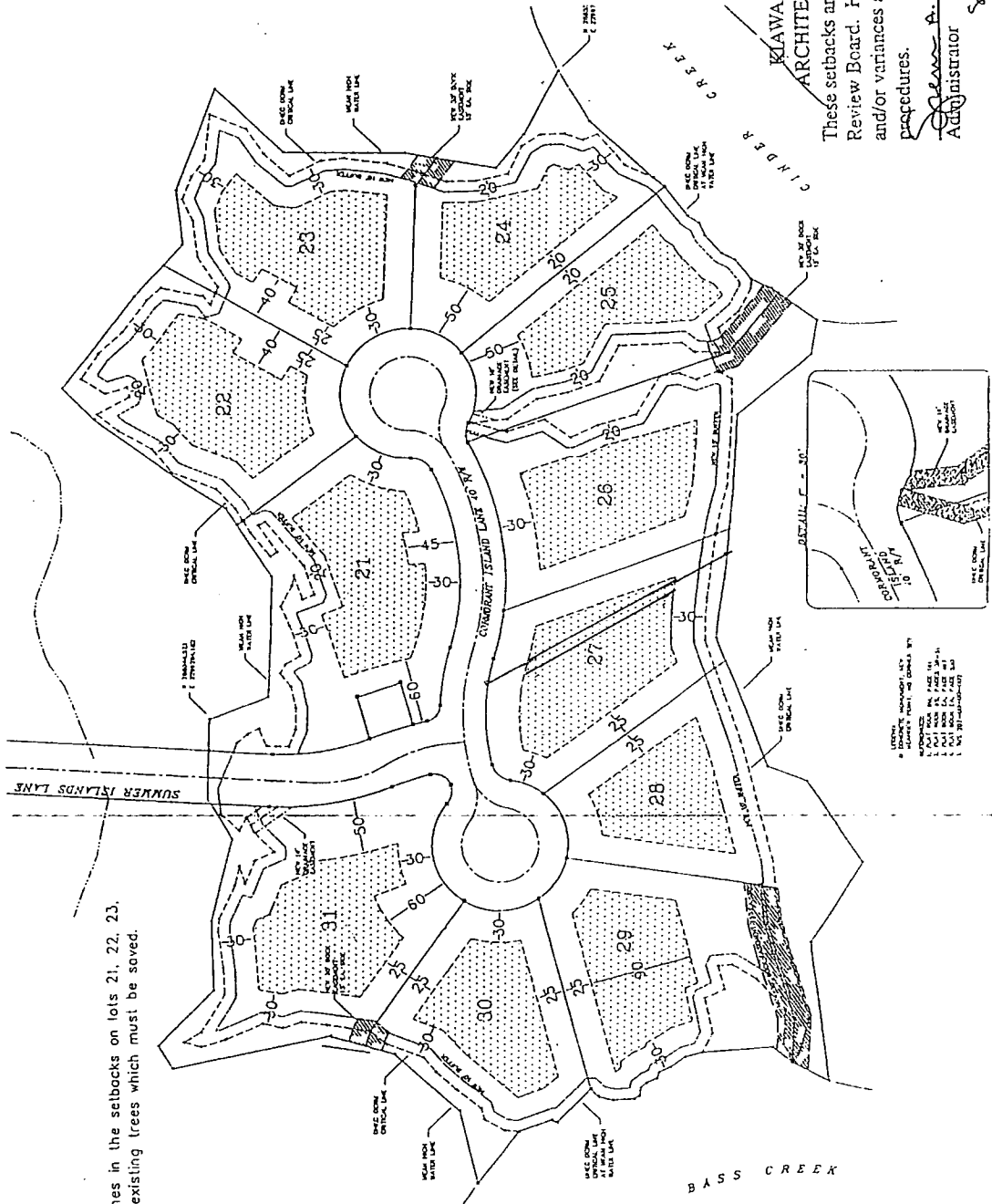
This area will remain natural, undisturbed and free from any development including driveways and fill unless specifically approved by the A.R.B.  
 • Lots 216 and 218 will have a 20' wide driveway access that can penetrate the Preservation Zone.

▧ SELECTIVE CLEARING ZONE

This zone is generally between the designated setback lines and either the property line of the Lot or the D.H.E.C.-O.C.R.M. Critical Line. The home is completely framed. All vegetation in this zone shall be preserved between the home (or other structure) and the critical line shall be accomplished only after on-site A.R.B. approval.

Scale : 1" = 100'  
 REVISED : March 2, 2001

**WILLOW ISLAND LANE**  
*Covenant Island Lane*



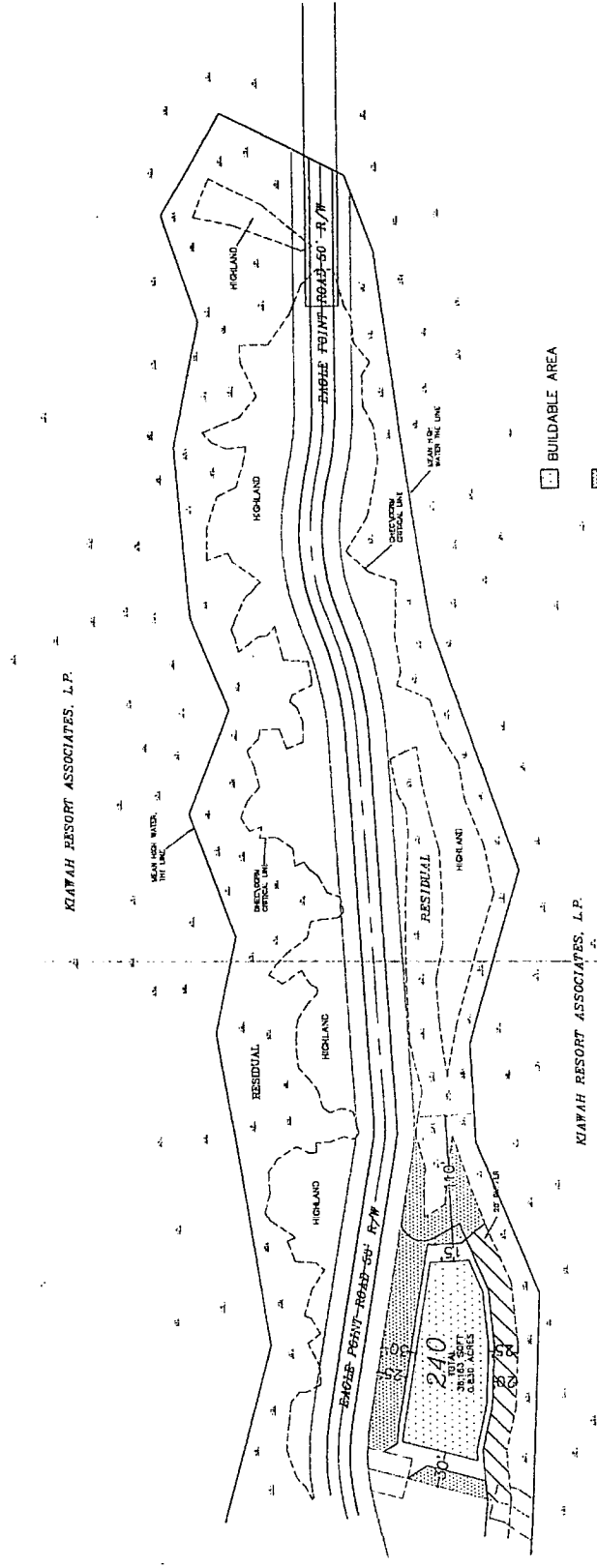
Note: Irregular notches in the setbacks on lots 21, 22, 23, and 31 reflect existing trees which must be saved.

**KAWAH RESORT ASSOCIATES**  
**ARCHITECTURAL REVIEW BOARD**  
 These setbacks are as proposed by the Architectural Review Board. However, they are subject to revision and/or variances as per the covenants and ARB procedures.  
 Administrator Gregory A. Nix Date April 20th 1997  
 Scale: 1" = 100'

- LEGEND:
- 1. EXISTING IMPROVEMENTS
  - 2. PROPOSED IMPROVEMENTS
  - 3. PROPOSED SETBACKS
  - 4. PROPOSED EASEMENTS
  - 5. PROPOSED WATER EASEMENTS
  - 6. PROPOSED WATER EASEMENTS
  - 7. PROPOSED WATER EASEMENTS
  - 8. PROPOSED WATER EASEMENTS
  - 9. PROPOSED WATER EASEMENTS
  - 10. PROPOSED WATER EASEMENTS



EAGLE POINT ROAD



□ BUILDABLE AREA

▨ PRESERVATION ZONE

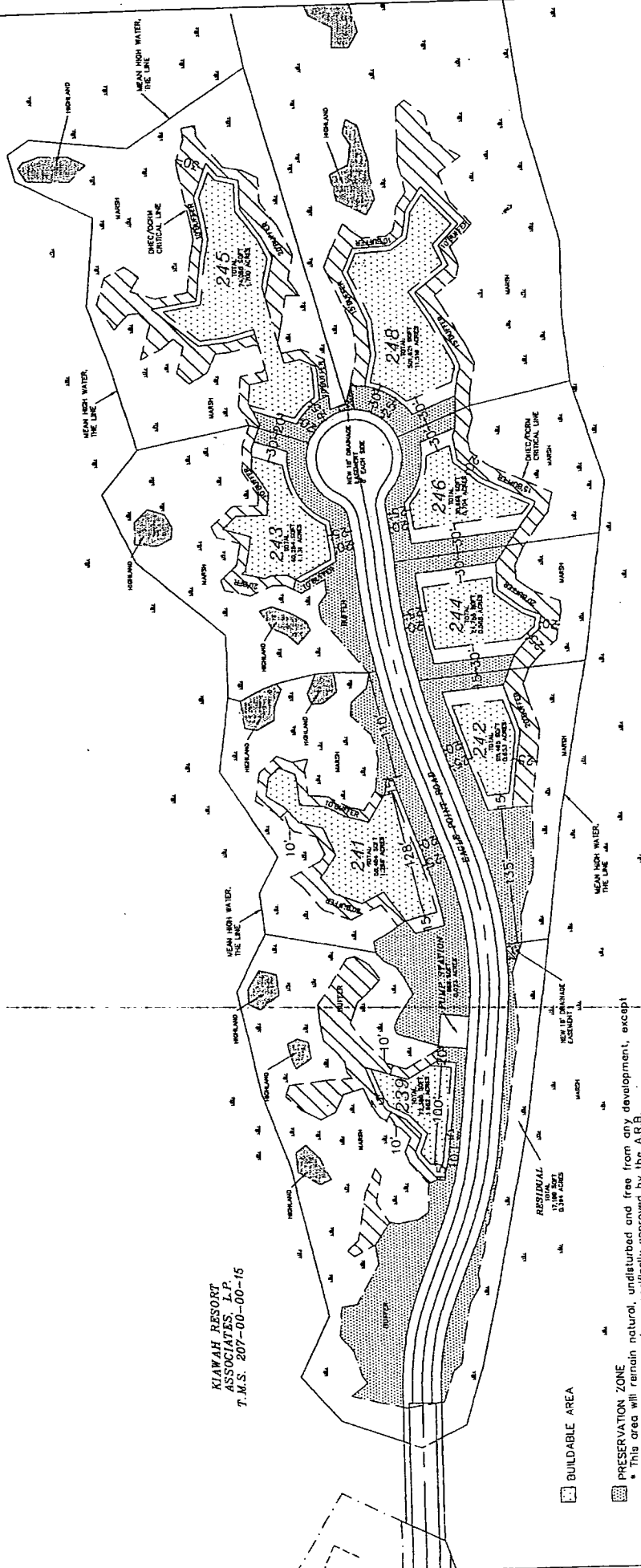
- This area will remain natural, undisturbed and free from any development including driveways and fill unless specifically approved by the A.R.B.

▩ SELECTIVE CLEARING ZONE

- This zone is generally between the designated setback lines and either the property line of the Lot or the D.M.E.C.-C.R.M. Critical Line.
- All vegetation in this zone shall be preserved until the home is completely formed.
- Removal or alteration of vegetation between the home (or other structure) and the critical line shall be accomplished only after on-site A.R.B. approval.

Scale : 1" = 100'  
REVISED : March 2, 2001

# EAGLE POINT ROAD



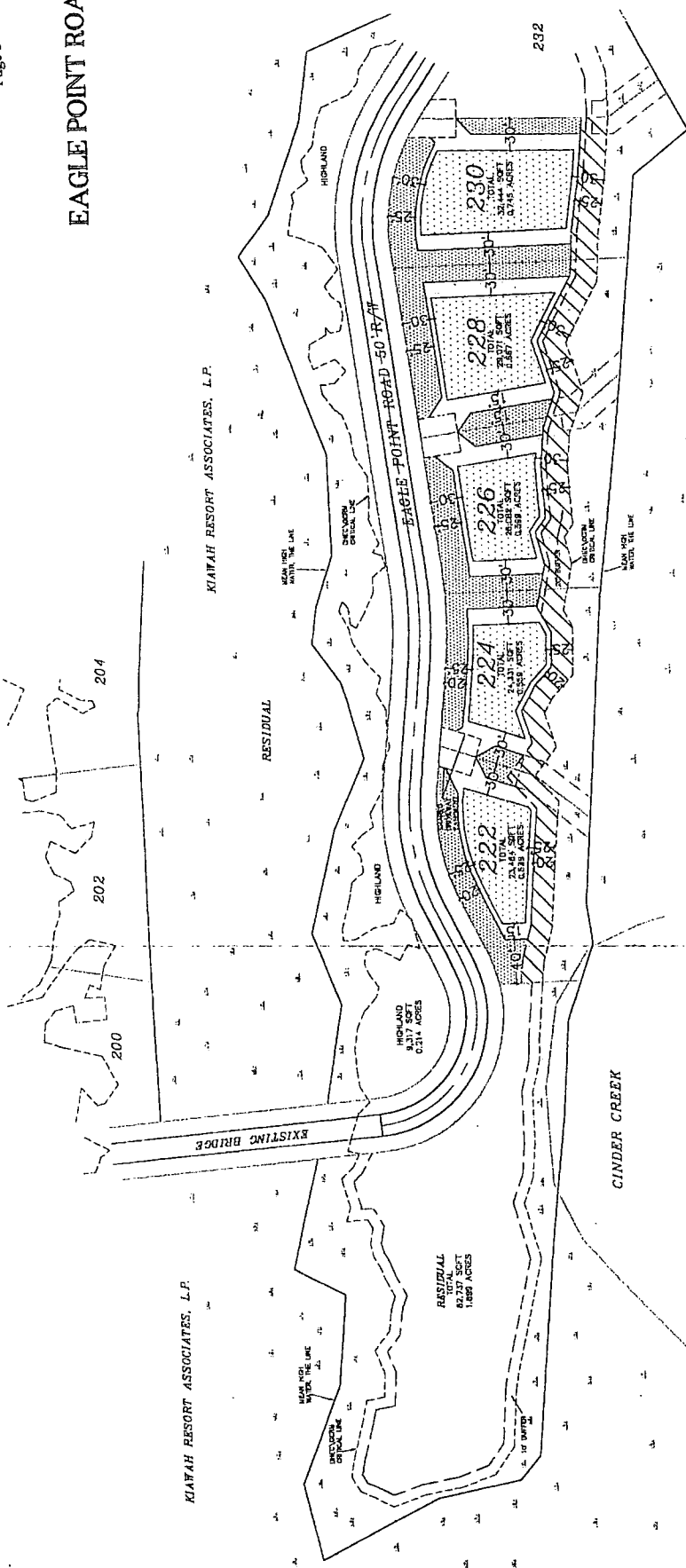
KIAWAH RESORT  
ASSOCIATES, L.P.  
T.M.S. 207-00-00-15

KIAWAH RESORT  
ASSOCIATES, L.P.  
T.M.S. 207-00-00-15

- BUILDABLE AREA
- PRESERVATION ZONE
  - \* This area will remain natural, undisturbed and free from any development, except for driveway access unless specifically approved by the A.R.B.
- ▨ SELECTIVE CLEARING ZONE
  - \* This zone is generally between the designated setback lines and either the property line or the D.M.E.C.-O.C.R.M. Critical Line.
  - \* All vegetation in this zone shall be preserved until the home is completely framed.
  - \* Removal or alteration of vegetation between the home (or other structure) and the critical line shall be accomplished only after on-site A.R.B. approval.

Scale : 1" = 100'  
REVISED : October 12, 2004

EAGLE POINT ROAD



KIWAH RESORT ASSOCIATES, L.P.

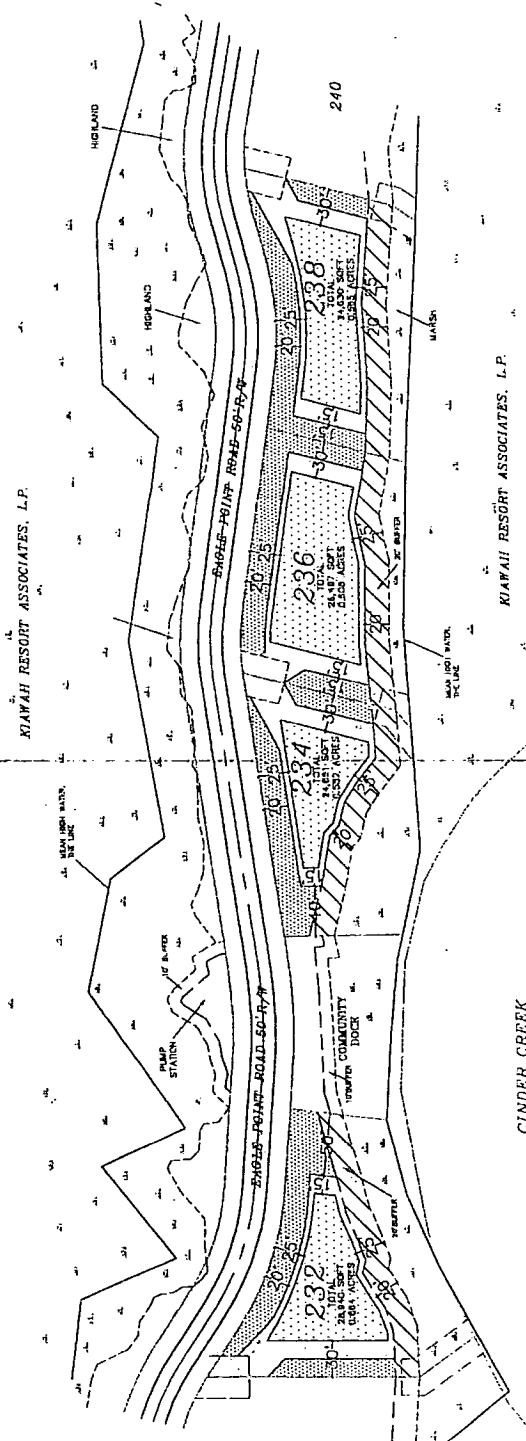
BUILDABLE AREA

PRESERVATION ZONE  
\* This area will remain natural, undisturbed and free from any development including driveways and fill unless specifically approved by the A.R.B.

SELECTIVE CLEARING ZONE  
\* This zone is generally between the designated setback lines and either the property line of the Lot or the D.H.E.C. Critical Line.  
\* All vegetation in this zone shall be preserved until the home is completely framed.  
\* Removal or alteration of vegetation between the home (or other structure) and the critical line shall be accomplished only after on-site A.R.B. approval.

Scale : 1" = 100'  
REVISED : March 2, 2001

EAGLE POINT ROAD



■ BUILDABLE AREA

▨ PRESERVATION ZONE

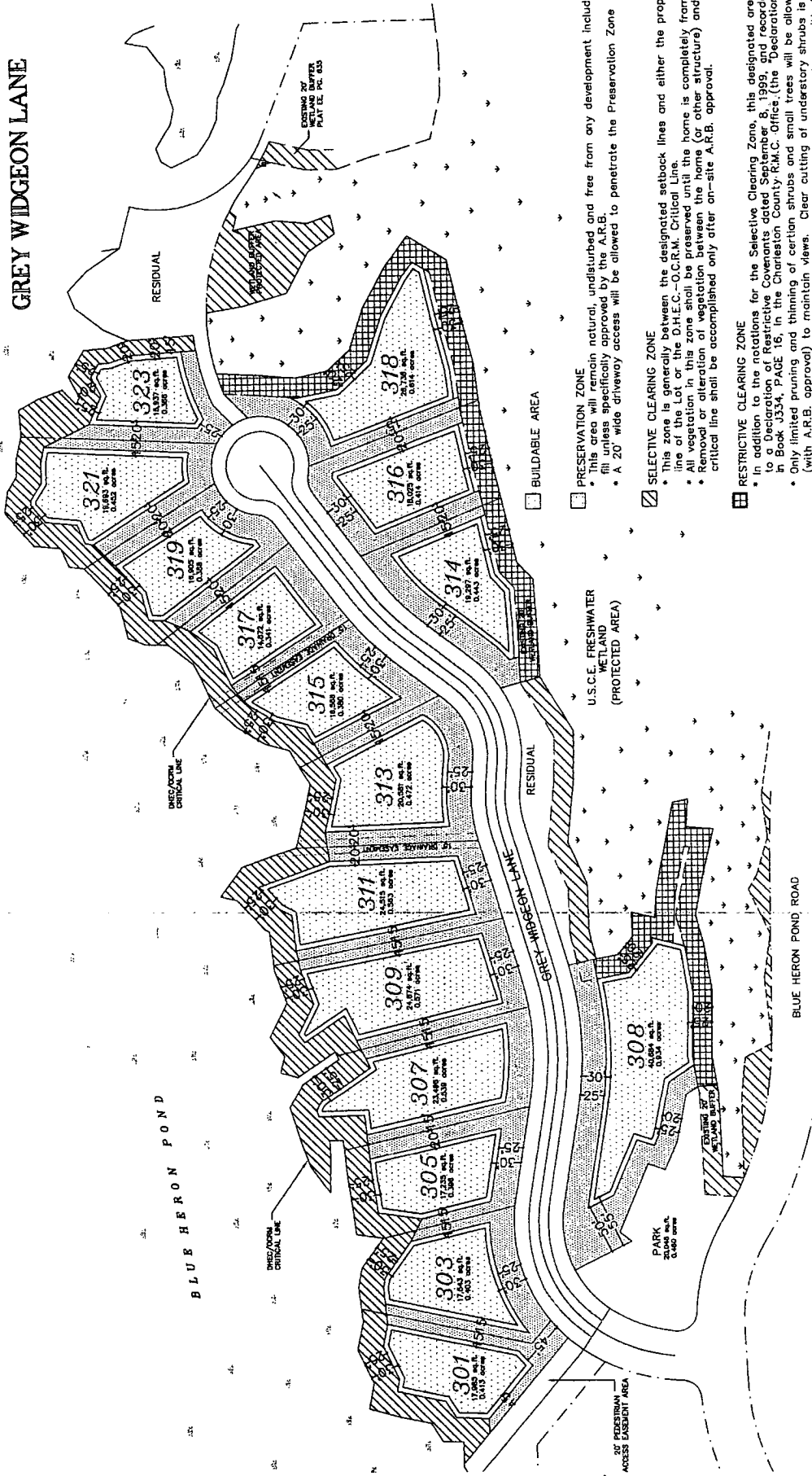
This area will remain natural, undisturbed and free from any development including driveways and fill unless specifically approved by the A.R.B.

▧ SELECTIVE CLEARING ZONE

- This zone is generally between the designated setback lines and either the property line of this Lot or the D.H.E.C.-O.C.R.M. Critical Line.
- Vegetation in this zone shall be preserved until the home is completely framed.
- Removal or alteration of vegetation between the home (or other structure) and the critical line shall be accomplished only after an in-situ A.R.B. approval.

Scale : 1" = 100'  
REVISED : March 2, 2001

# GREY WIDGEON LANE

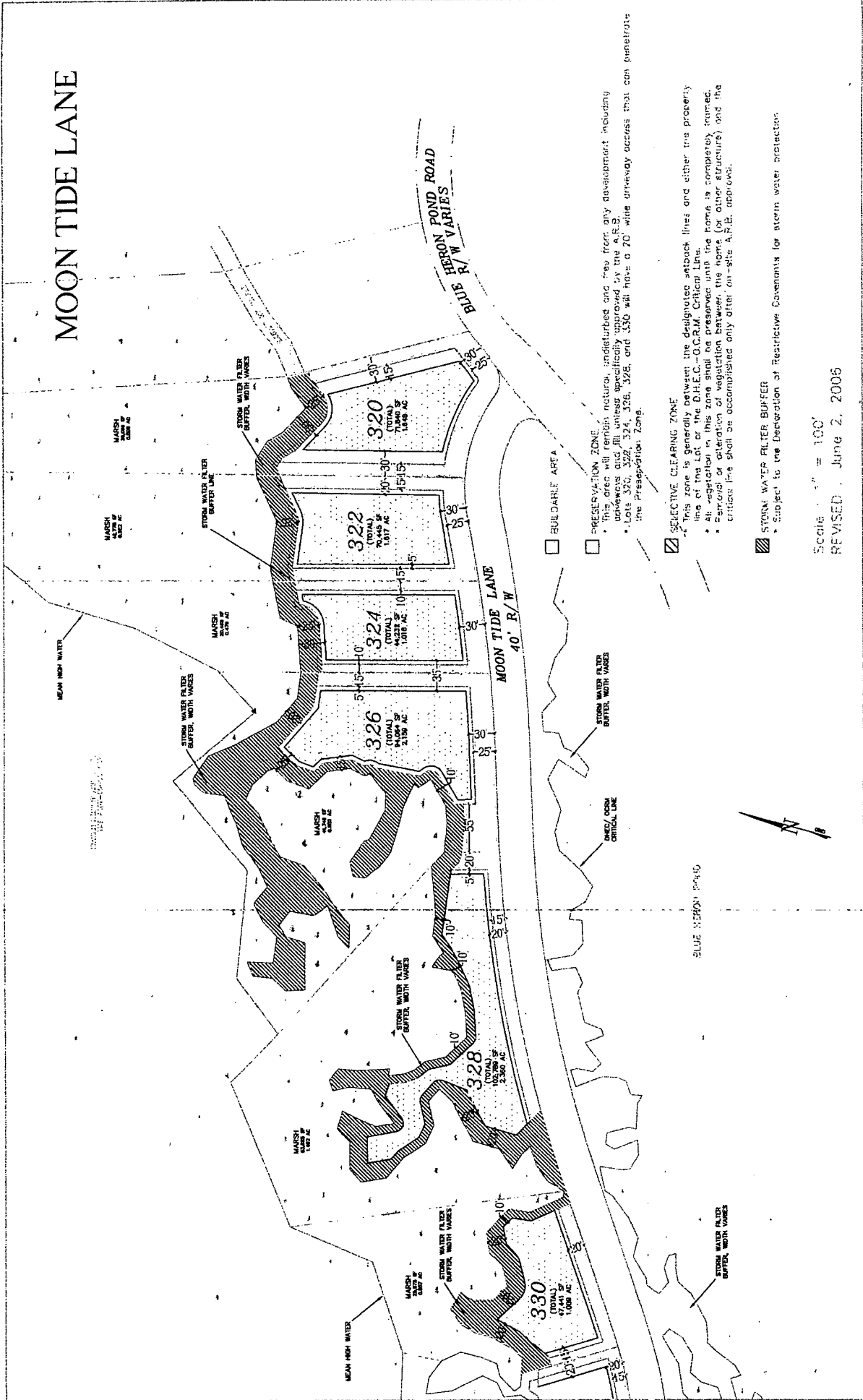


- BUILDABLE AREA
- PRESERVATION ZONE
  - This area will remain natural, undisturbed and free from any development, including fill unless specifically approved by the A.R.B.
  - A 20' wide driveway access will be allowed to penetrate the Preservation Zone
- SELECTIVE CLEARING ZONE
  - This zone is generally between the designated setback lines and either the property line of the Lot or the D.H.E.C. O.C.R.M. Critical Line.
  - All vegetation in this zone shall be reserved until the home is completely framed.
  - Removal or clearing of vegetation between the home (or other structure) and the critical line shall be accomplished only after on-site A.R.B. approval.
- RESTRICTIVE CLEARING ZONE
  - In addition to the notations for the Selective Clearing Zone, this designated area is subject to a Declaration of Restrictive Clearing Zone, recorded September 8, 1999, and recorded in Book 0334, PAGE 16, the Charleston County R.M.C. Office, (the "Declaration")
  - Only limited pruning and thinning of certain shrubs and small trees will be allowed (with A.R.B. approval) to maintain views. Clear cutting of understory shrubs is prohibited
  - Reference must be made to the Declaration for specific details as to permitted and prohibited activities with in the Restrictive Clearing Zone.

Scale : 1" = 100'  
 REVISED : May 23, 2005



# MOON TIDE LANE



**PRESERVATION ZONE**

- This area will remain natural, undisturbed and free from any development including driveways and fill unless specifically approved by the A.R.S.
- Lots 320, 322, 324, 326, 328, and 330 will have a 70' wide driveway access that can penetrate the Preservation Zone.

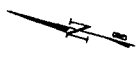
**SELECTIVE CLEARING ZONE**

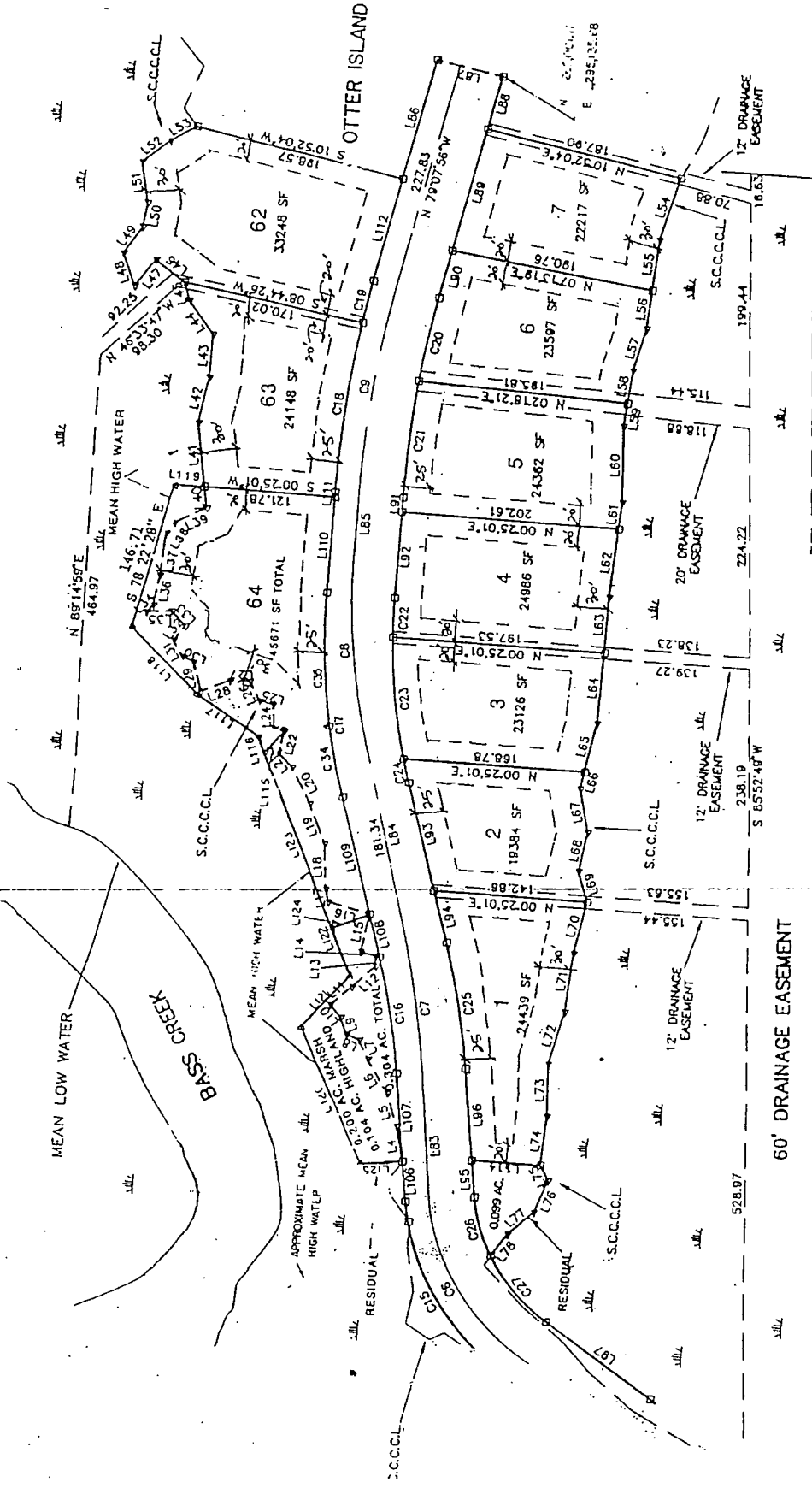
- This zone is generally between the designated setback lines and either the property line of the lot or the D.H.E.C.-O.C.P.M. Critical Line.
- At separation in this zone shall be preserved until the home is completely framed.
- Removal or alteration of vegetation between the home (or other structure) and the critical line shall be accomplished only after on-site A.R.S. approval.

**STORM WATER FILTER BUFFER**

Subject to the Declaration of Restrictive Covenants for storm water protection.

Scale: 1" = 100'  
 REVISED: June 2, 2005





KIAWAH RESORT ASSOCIATES  
 ARCHITECTURAL REVIEW BOARD

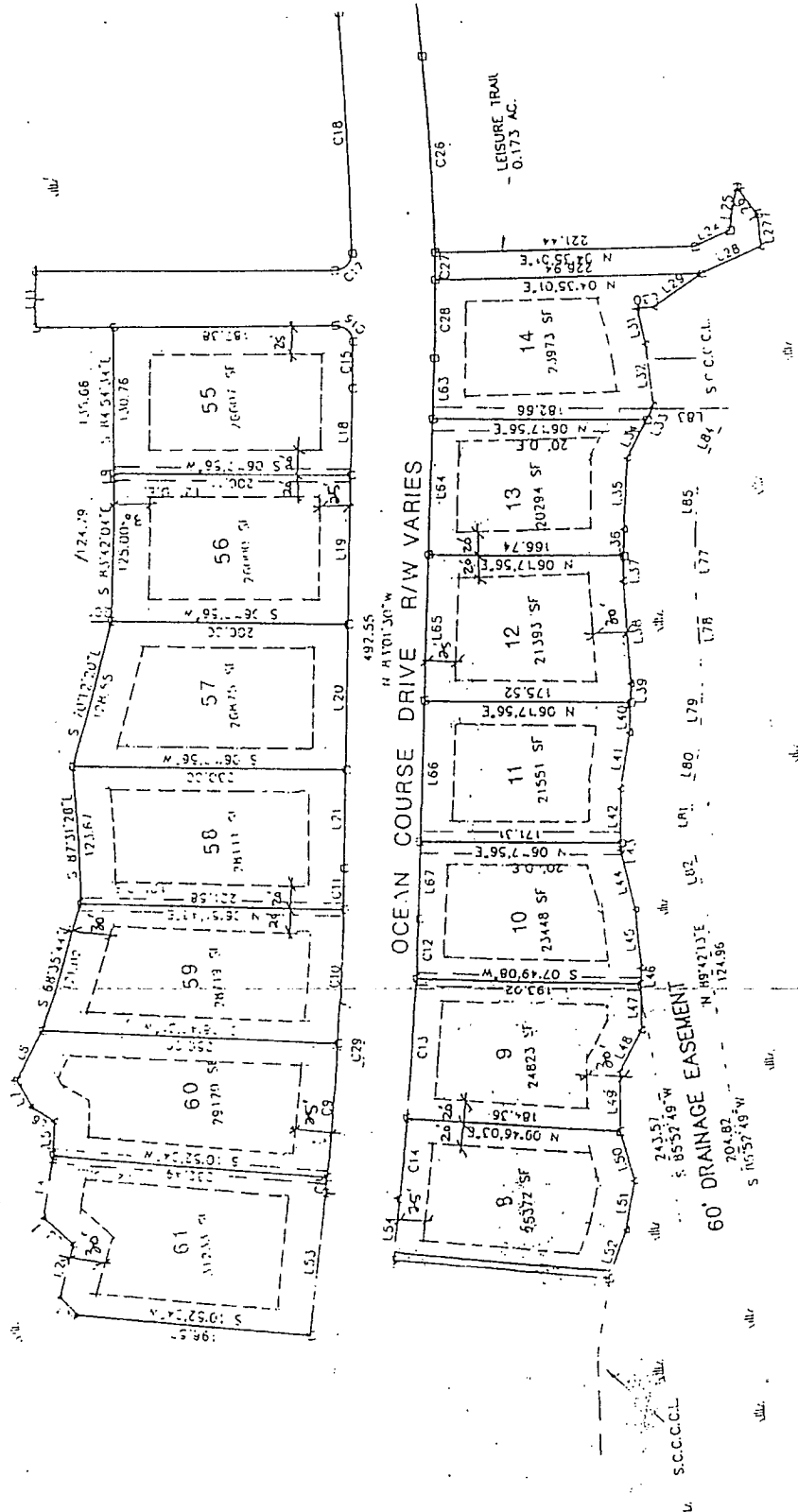
These setbacks are as proposed by the Architectural Review Board. However, they are subject to revision and/or variances as per the covenants and ARB procedures.

*James A. Nash* April 30 1997  
 Administrator Date

Scale: 1" = 100'



OCEAN COURSE DR



KIAWAH RESORT ASSOCIATES  
ARCHITECTURAL REVIEW BOARD

These setbacks are as proposed by the Architectural Review Board. However, they are subject to revision and/or variances as per the covenants and ARB procedures.

Administrator A. Nash April 30<sup>th</sup> 1997  
Date

SCALE: 1" = 100'

KIAWAH RESORT ASSOCIATES

PLAN

48-53\*  
 Rec'd Satbacks and  
 SU and not 30'

ACREAGE CHART

S1, LOTS	31.656 AC.
RESIDUAL	9.313 AC.
TOTAL	32.039 AC.

SHEET 2	17.884 AC.
SHEET 3	6.667 AC.
SHEET 4	7.488 AC.
TOTAL	32.039 AC.

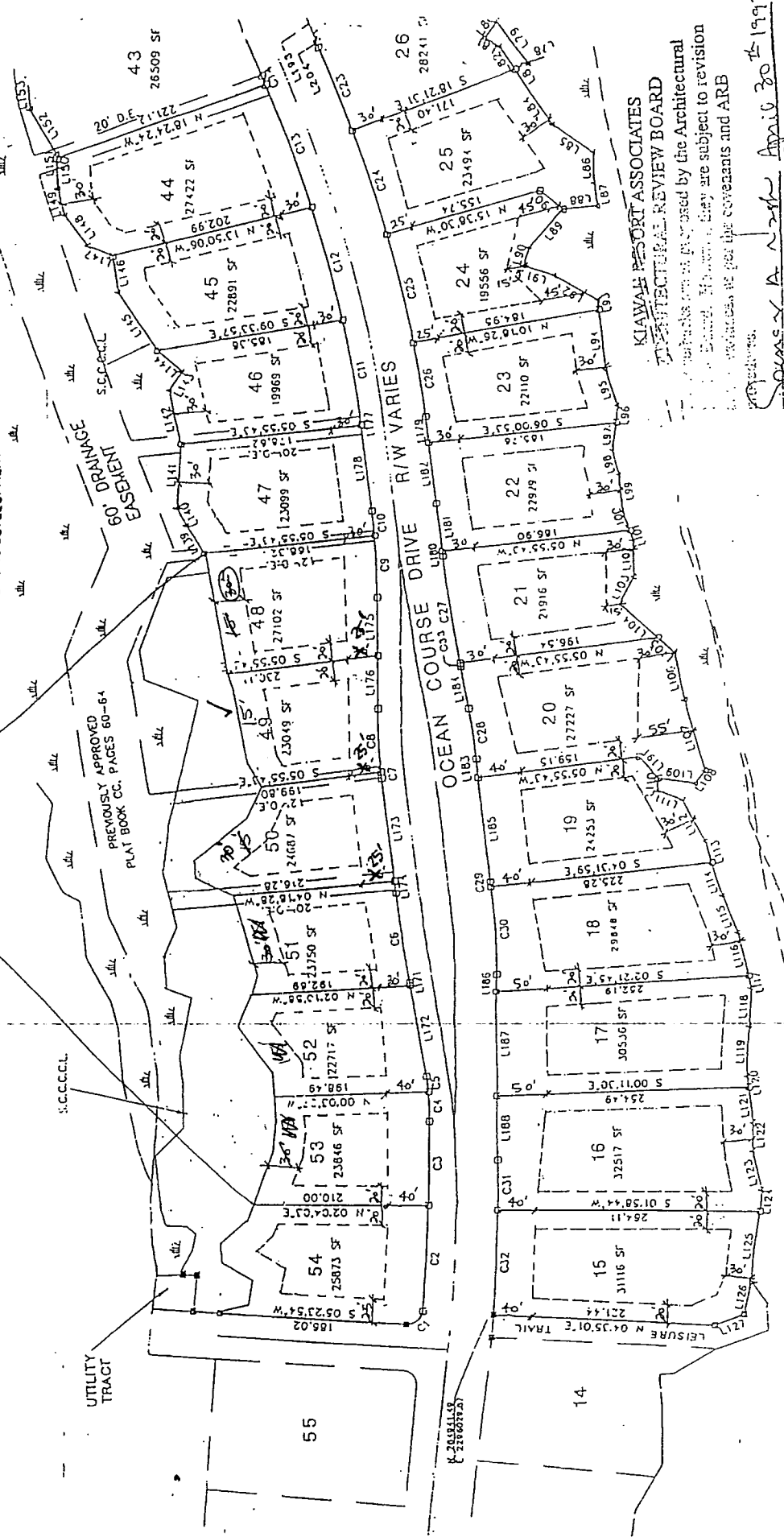
KIAWAH RESORT ASSOCIATES  
 FUTURE DEVELOPMENT

60' DRINKING  
 EGRESS

PREVIOUSLY APPROVED  
 PLAT BOOK CC, PAGES 60-64

UTILITY  
 TRACT

OCEAN COURSE DRIVE  
 R/W VARIES



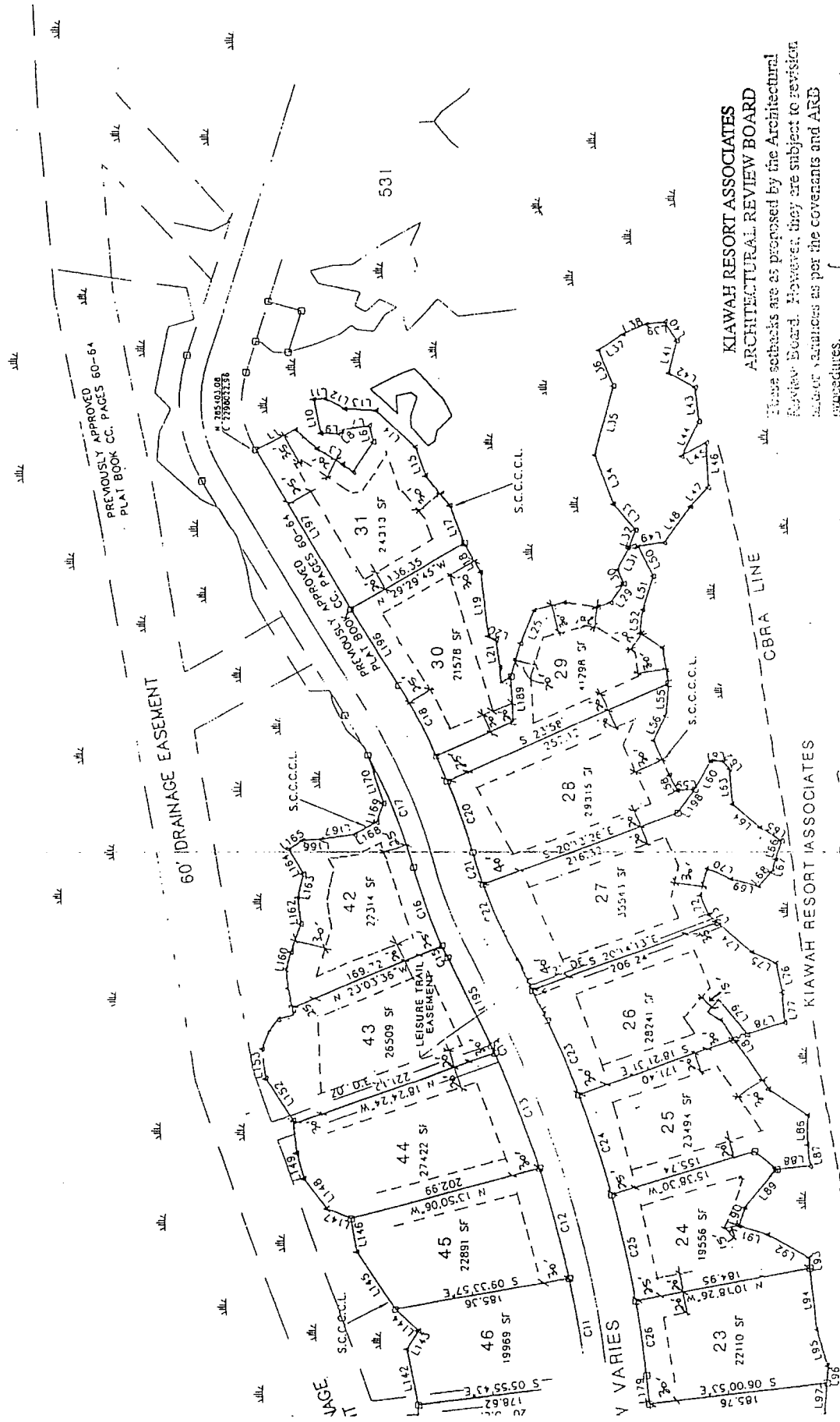
KIAWAH RESORT ASSOCIATES  
 ARCHITECTURAL REVIEW BOARD

This plan was prepared by the Architectural Review Board. It is subject to revision. It is subject to the covenants and ARB requirements.

Approved: April 30, 1997 Date  
 Administrator

Scale: 1" = 100'

# OCEAN COURSE DR



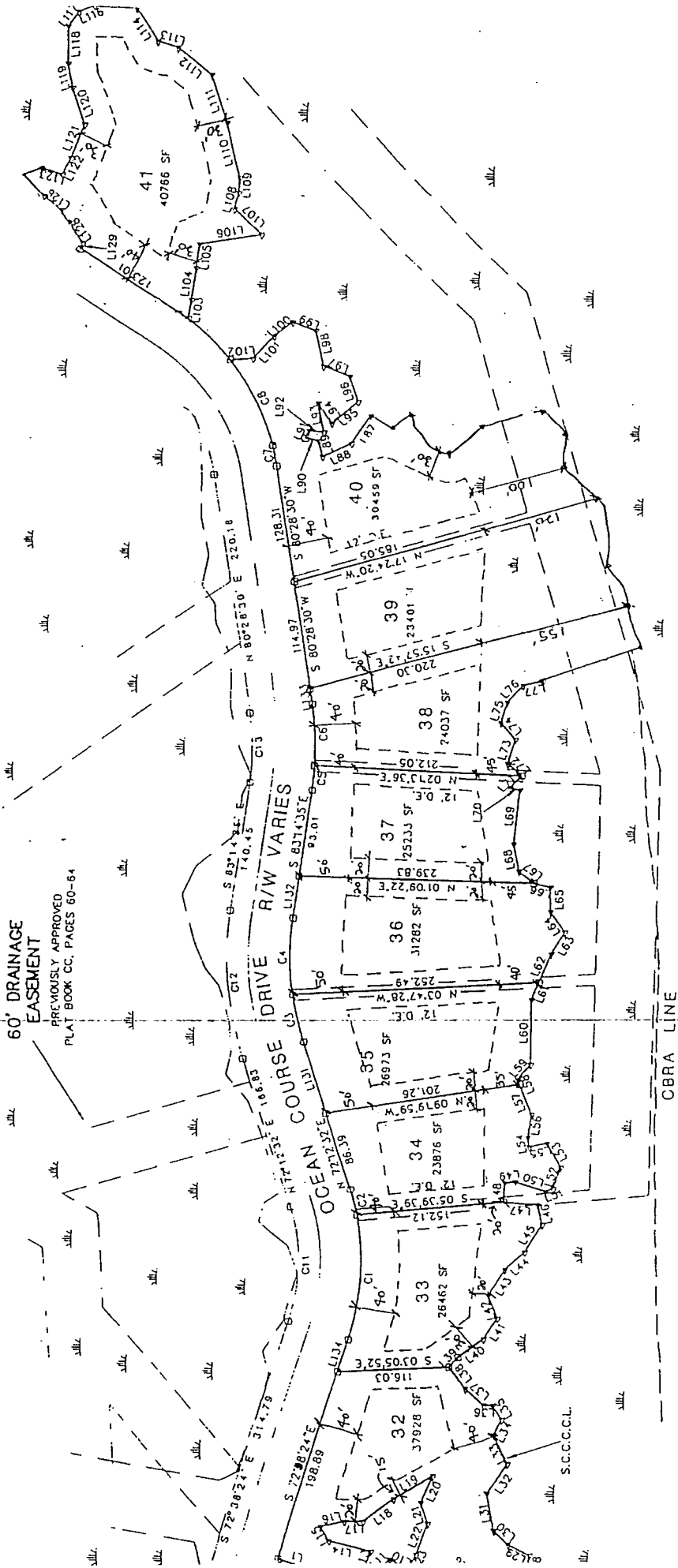
KIWAH RESORT ASSOCIATES  
 ARCHITECTURAL REVIEW BOARD  
 These setbacks are as proposed by the Architectural Review Board. However, they are subject to revision should variances as per the covenants and ARB procedures.

Approved: James A. Nash Admin. 20th 1997  
 Date  
 Administrator  
 Scale: 1" = 100'

# OCEAN COURSE DRIVE

60' DRAINAGE EASEMENT

PREVIOUSLY APPROVED PLAT BOOK CC, PAGES 60-64



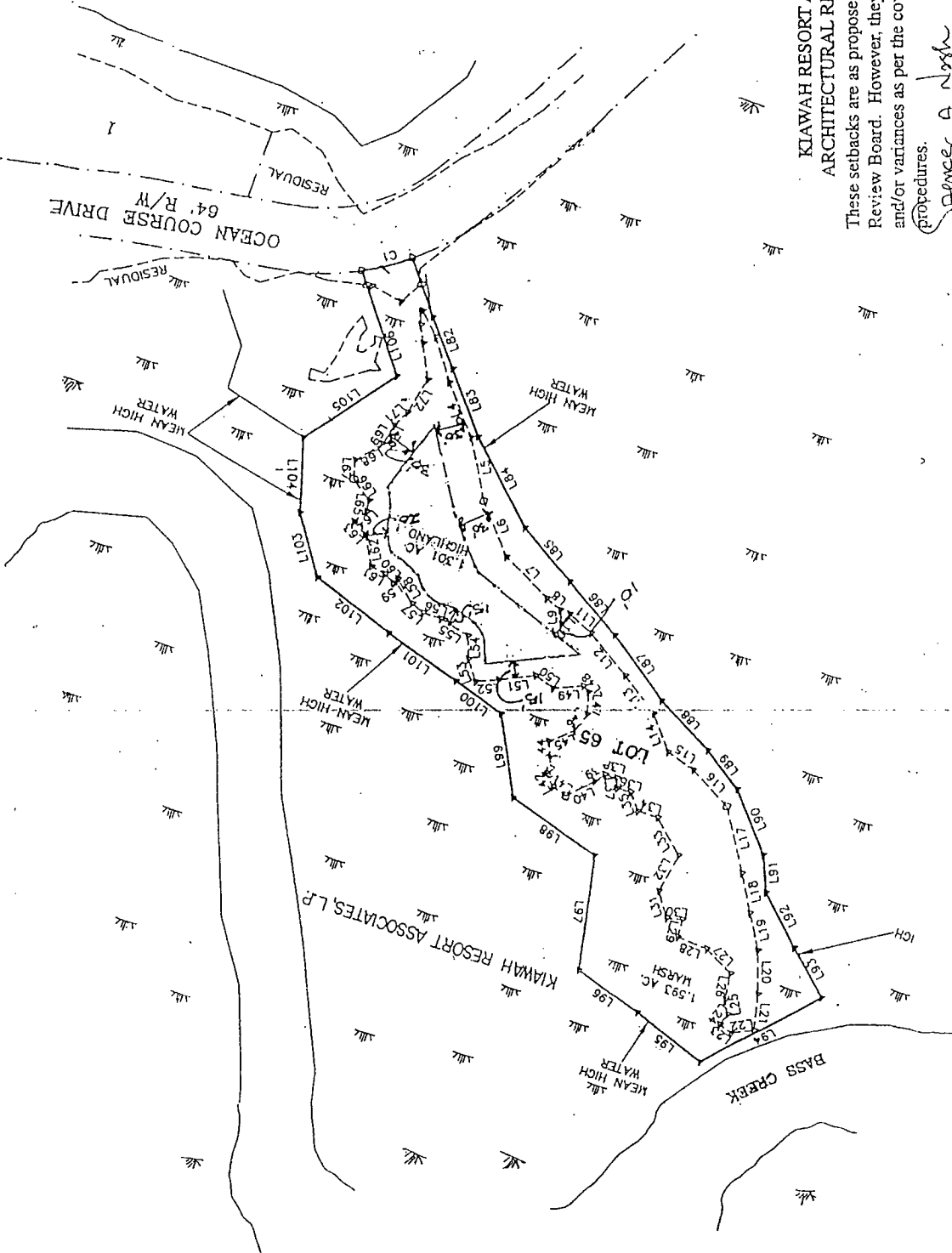
KIAWAH RESORT ASSOCIATES  
ARCHITECTURAL REVIEW BOARD

These setbacks are as proposed by the Architectural Review Board. However, they are subject to revision and/or variances as per the covenants and ARB procedures.

Approved: James A. Nash Date: 9.2.97

Administrator  
Scale: 1" = 100'

OCEAN COURSE DR



**KIWAH RESORT ASSOCIATES  
ARCHITECTURAL REVIEW BOARD**

These setbacks are as proposed by the Architectural Review Board. However, they are subject to revision and/or variances as per the covenants and ARB procedures.

\_\_\_\_\_  
 Spencer A. Nash  
 Administrator

\_\_\_\_\_  
 April 20<sup>th</sup> 1996  
 Date

Scale: 1" = 100'

**PLAN SOURCE DK**

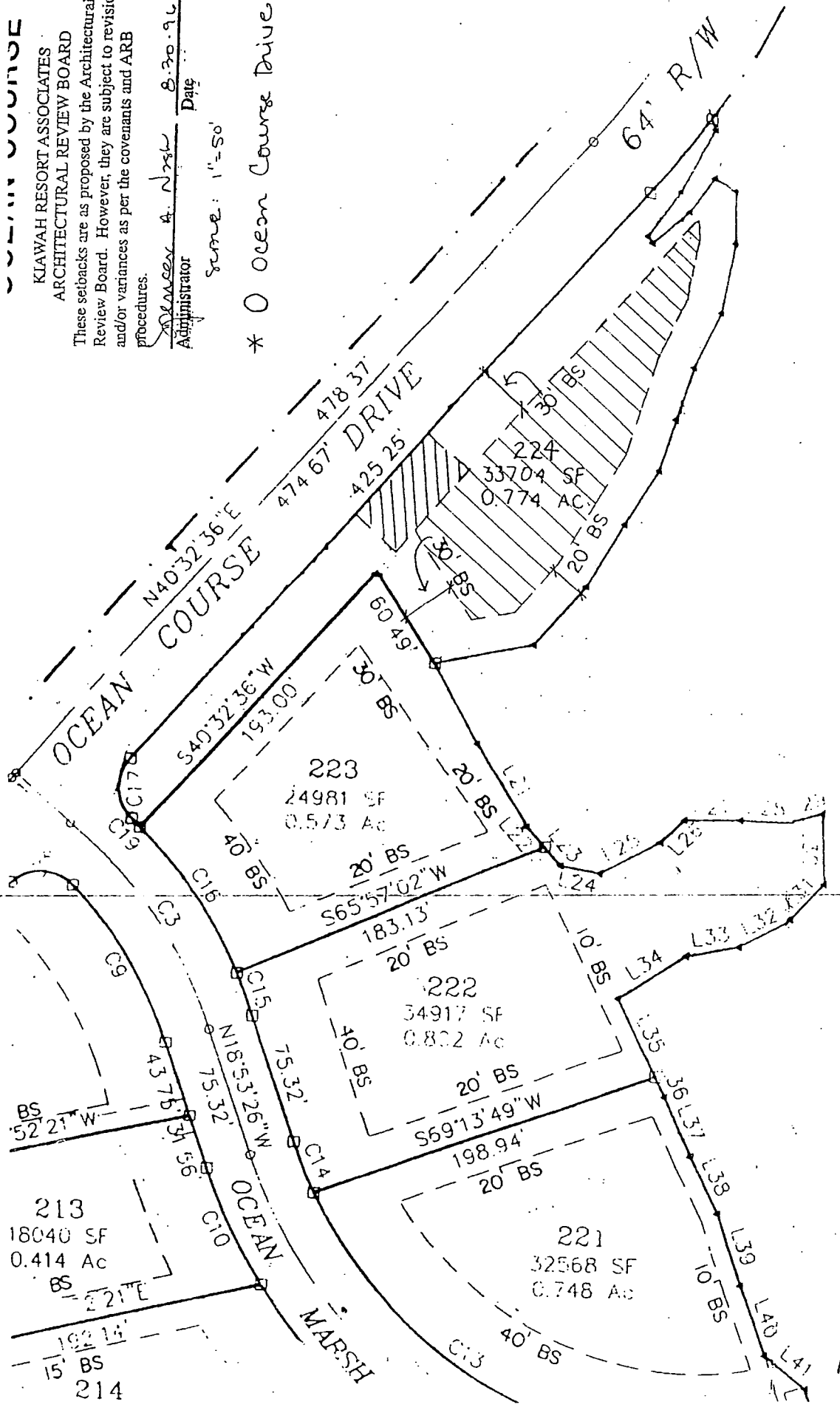
**KIAWAH RESORT ASSOCIATES  
ARCHITECTURAL REVIEW BOARD**

These setbacks are as proposed by the Architectural Review Board. However, they are subject to revision and/or variances as per the covenants and ARB procedures.

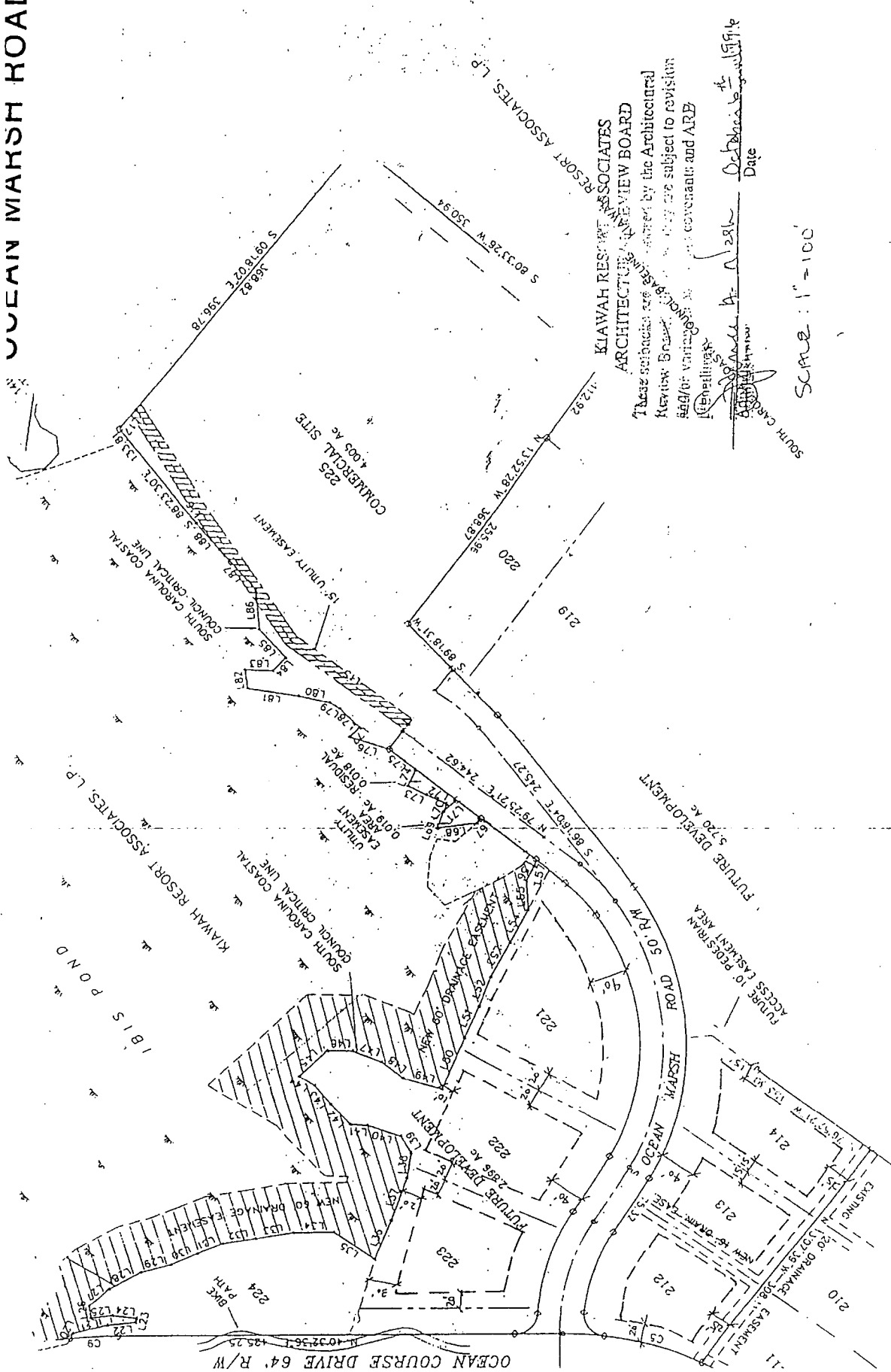
Project Administrator: A. Nish Date: 8.30.96

Scale: 1"=50'

\* Ocean Course Drive



OCEAN MARSH HOAL



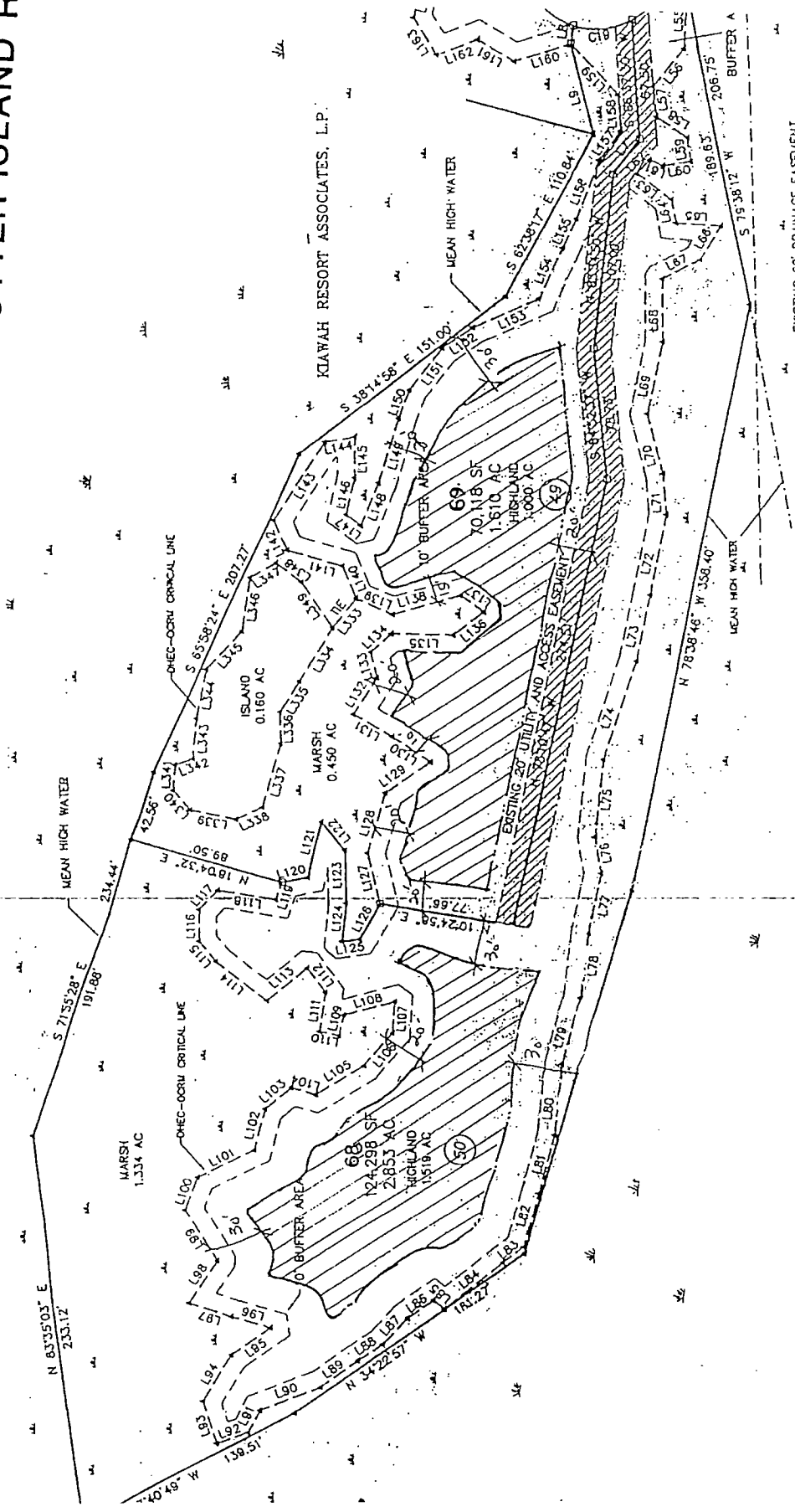
KIAWAH RESORT ASSOCIATES  
ARCHITECTURAL REVIEW BOARD

These submissions are approved by the Architectural Review Board subject to revision and/or variations as per the covenants and AREP (C) Planning Commission

Approved: [Signature] Date: October 15, 1994

SCALE: 1" = 100'

# VIEK ISLAND RD



KIAWAH RESORT ASSOCIATES  
 ARCHITECTURAL REVIEW BOARD

These setbacks are as proposed by the Architectural Review Board. However, they are subject to revision and/or variances as per the covenants and ARB procedures.

*Spencer A. Nam* Administrator  
*October 20 1995* Date

EXISTING 60' DRAINAGE EASEMENT  
 PREVIOUSLY APPROVED PLAT BK. CO. PG. 178

KIAWAH RESORT ASSOCIATES, L.P.

Scale: 1" = 60'

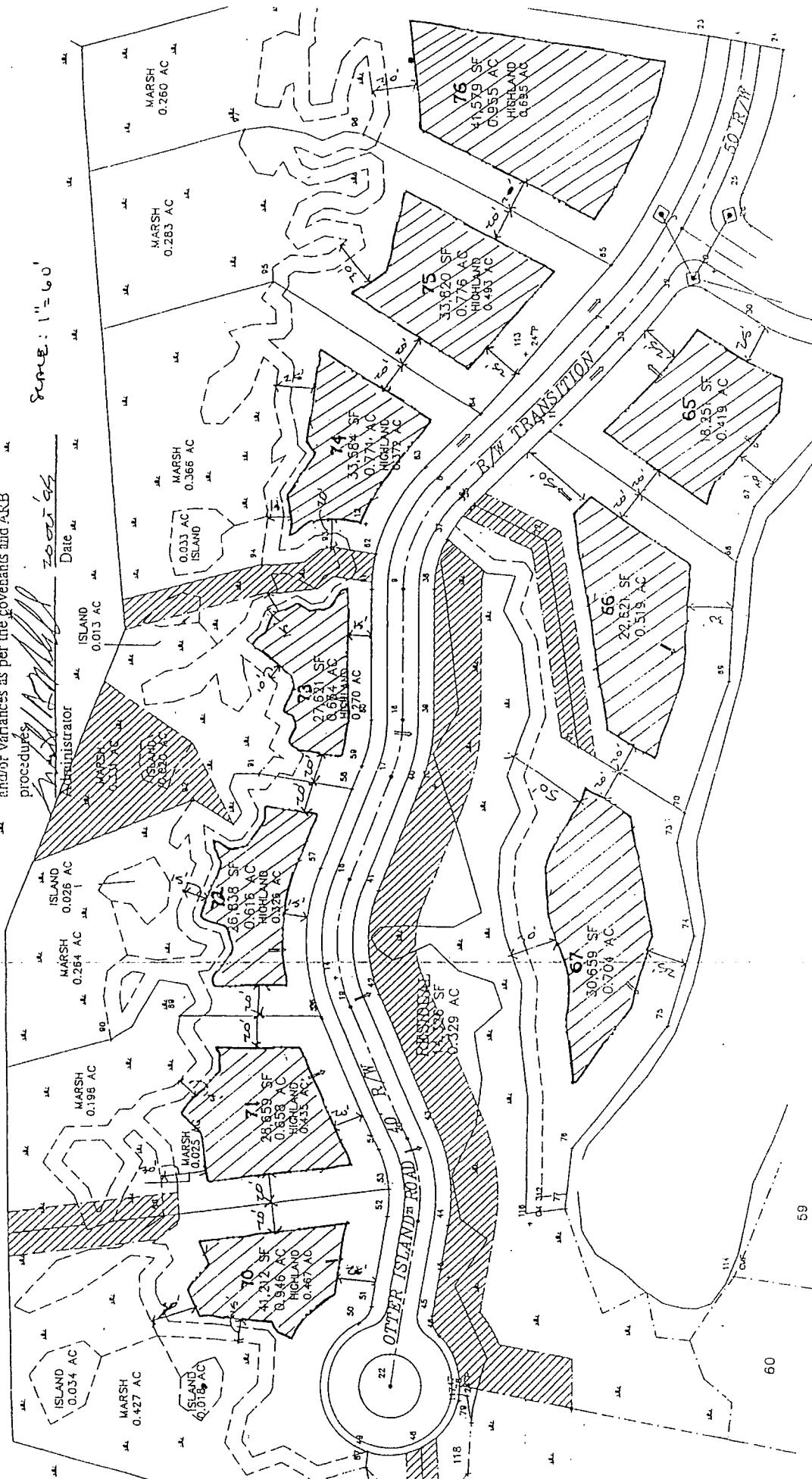


# OTTER ISLAND RD

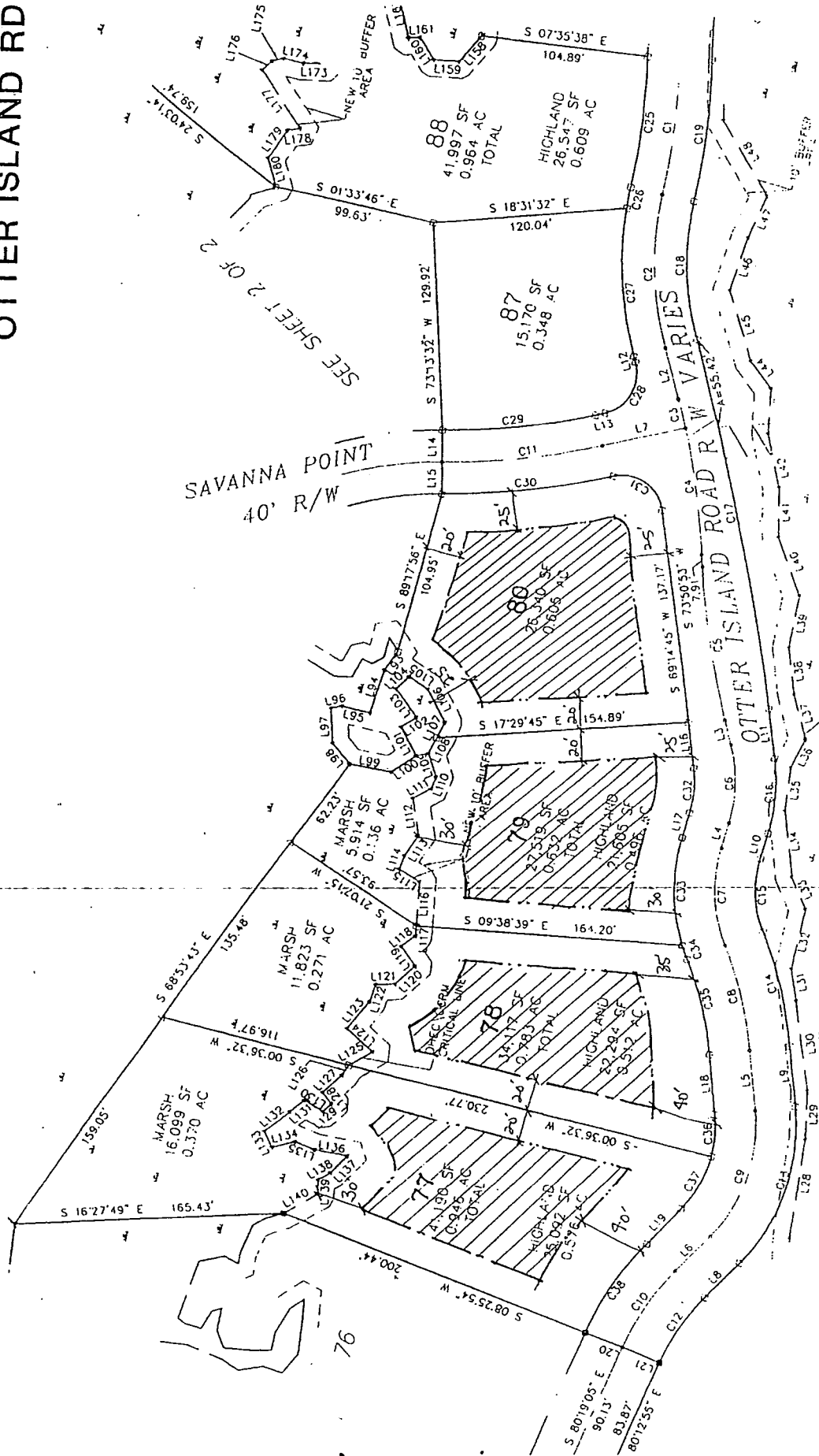
## KIAWAH RESORT ASSOCIATES ARCHITECTURAL REVIEW BOARD

These setbacks are as proposed by the Architectural Review Board. However, they are subject to revision and/or variances as per the covenants and ARB procedures.

DATE: 11-6-01



# OTTER ISLAND RD



KLAWAH RESORT ASSOCIATES  
 ARCHITECTURAL REVIEW BOARD

These setbacks are as proposed by the Architectural Review Board. However, they are subject to revision and/or variances as per the covenants and ARB procedures.

*Spencer A. Nash*  
 Administrator

October 20 1985  
 Date

EXISTING 60' DRAINAGE EASEMENT  
 PLAT BOOK CL, PAGE 60 - 66

SEE SHEET 2 OF 2

SAVANNAH POINT  
 40' R/W

OTTER ISLAND ROAD R/W VARIES

OTTER ISLAND ROAD

76

77

78

79

80

81

82

83

84

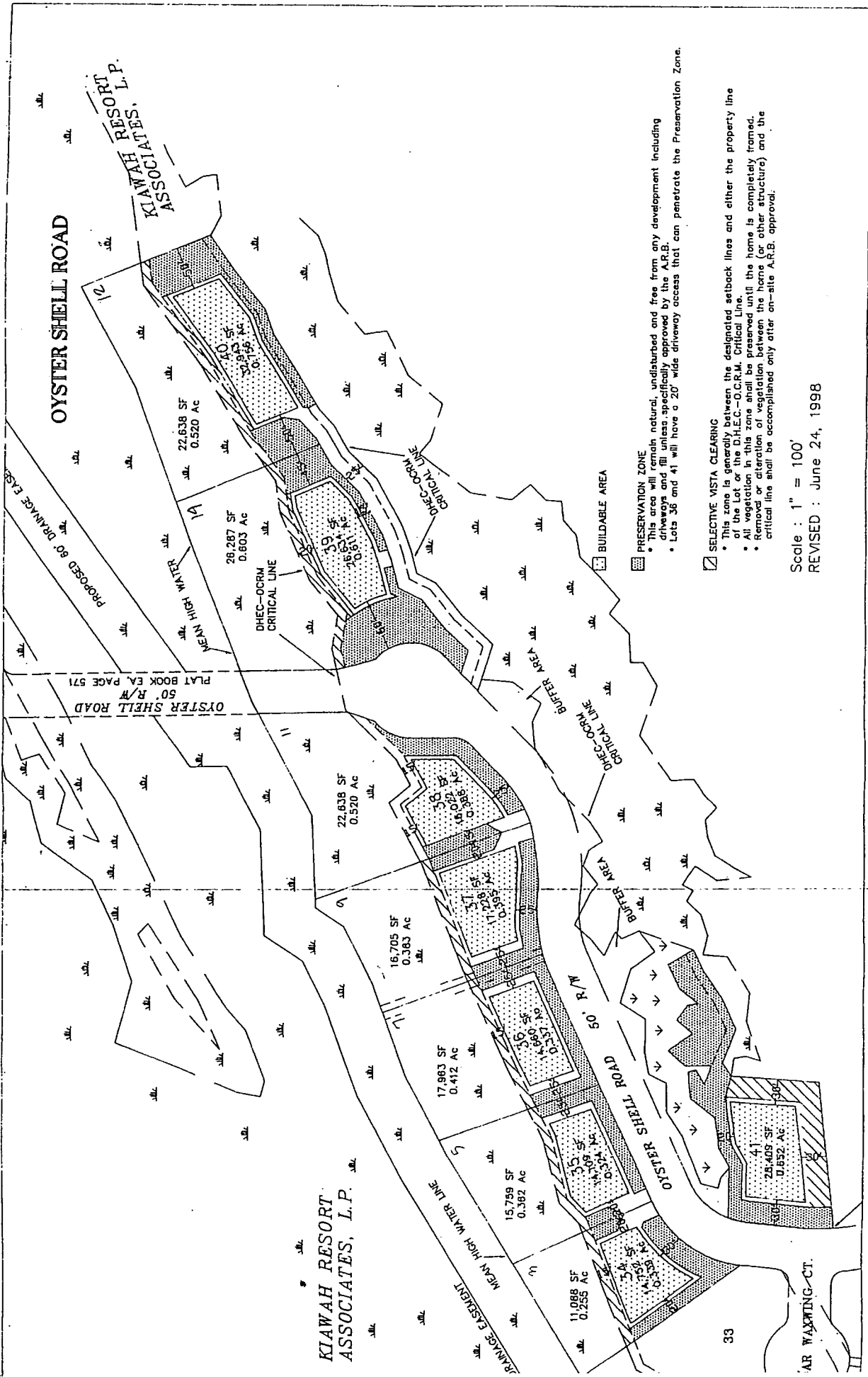
85

86

87

88





OYSTER SHELL ROAD

KIAWAH RESORT ASSOCIATES, L.P.

OYSTER SHELL ROAD  
50' R/W  
PLAT BOOK EA, PAGE 571

KIAWAH RESORT ASSOCIATES, L.P.

**PRESERVATION ZONE**  
 • This area will remain natural, undisturbed and free from any development including driveways and fill unless specifically approved by the A.R.B.  
 • Lots 36 and 41 will have a 20' wide driveway access that can penetrate the Preservation Zone.

**SELECTIVE VISTA CLEARING**

- This zone is generally between the designated setback lines and either the property line of the Lot or the D.H.E.C.-O.C.R.M. Critical Line.
- All vegetation in this zone shall be preserved until the home is completely framed.
- Removal or alteration of vegetation between the home (or other structure) and the critical line shall be accomplished only after on-site A.R.B. approval.

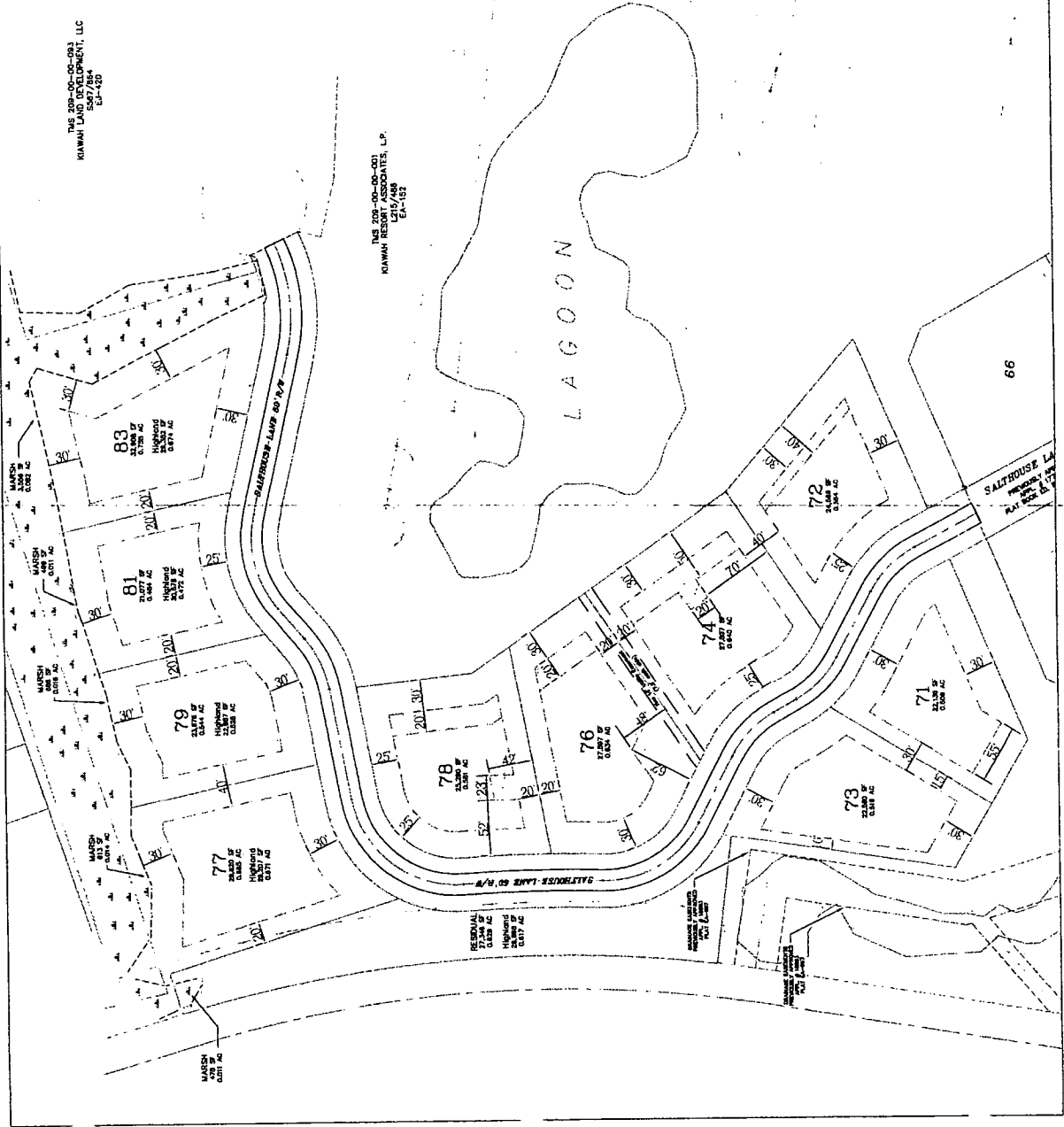
Scale : 1" = 100'  
 REVISED : June 24, 1998

# SALTHOUSE LANE



THIS 2006-00-003  
KIWAH LAND DEVELOPMENT, LLC  
EA-148

THIS 2006-00-001  
KIWAH RESORTS, L.P.  
EA-152



- Buildable Area
- Limited Buildable Area
- 15' Driveway Location To Be Scaled Off Drawing

Scale : 1" = 100'  
Revised: October 20, 2006

**TOWN OF KIAWAH ISLAND  
ORDINANCE 2013-1**

**AN ORDINANCE TO ADD ARTICLE 12, SECTION 12A-216 (G.),  
REDUCTIONS TO OCRM CRITICAL LINE SETBACKS**

**WHEREAS**, Article 12, of the Municipal Code contains land use regulations including setback requirements, and;

**WHEREAS**, Article 12, Section 12A-216 provides for, among other things, minimum setbacks from the OCRM critical line, and;

**WHEREAS**, because of the dynamic nature of the land upon which the OCRM critical line is drawn periodically the existing high ground footprint of certain properties upon which structures are or may be built is subject to the dynamic nature of the OCRM critical line, and;

**WHEREAS**, the Town believes it is in the best interest of the citizens and property owners subject to the dynamic nature of the OCRM critical line to have an opportunity to seek an administrative adjustment of the set back requirements should certain conditions exist.

**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.

This Ordinance is adopted to add Article 12, Section 12A-216 (G.) of the Municipal Code so as to allow for an adjustment to the OCRM critical line setback should certain conditions exist.

Section 2. Ordinance.

Article 12, Section 12A -216 (G.), Reductions to OCRM Critical Line Setbacks is added as follows:

The OCRM Critical Line Setback depth for a parcel may be reduced up to a minimum depth of fifteen (15) feet on residential zoned properties when all of the following criteria and conditions have been met:

1. As of the time the current platted parcel is submitted for development or for changes or additions to the existing development on the parcel, the parcel contains not more than 0.5 highland acres of buildable area; and

2. The Parcel has an OCRM Critical Line delineation depicted on the most recently approved and recorded subdivision plat for that parcel, which OCRM Critical Line delineation is five or more years old (expired); and
3. A new and current OCRM Critical Line delineation has been established for the parcel which has changed the linear boundary of the parcel from that depicted on the subdivision plat referred to in subsection (2) above, and fifty percent (50%) or more of the new linear boundary has, in the aggregate, moved toward the highland; and
4. Said new linear boundary of the parcel has also resulted in a decrease in the amount of buildable area contained within the parcel of 25% or more, when the amount of such buildable area as it existed on the subdivision plat referred to in subsection (2) above is compared to such buildable area as defined by said new linear boundary; and
5. The twenty-five per cent (25%) or more reduction in the buildable area of the parcel, relied upon for the above described reduction in depth of the OCRM Critical Line Setback, has been solely the result of change in the parcel's linear boundary occasioned by the change in the parcel's OCRM Critical Line delineation as described in subsections (3) and (4) above; and
6. A plan and depiction of a minimum ten (10) foot vegetated buffer, to be located within the newly established OCRM Critical Line Setback and using existing or native plant material, is submitted for approval by the Planning Director, and, following approval, such buffer is incorporated into the parcel.

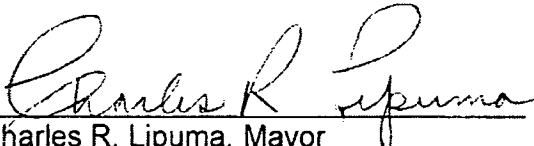
### Section 3. Severability.


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 persons, property or circumstances.

### Section 4. Effective Date and Duration

This Ordinance shall become effective on the date of its enactment.

PASSED, APPROVED AND ADOPTED BY THE COUNCIL FOR THE TOWN  
OF KIAWAH ISLAND ON THIS 5<sup>th</sup> DAY OF MARCH, 2013.

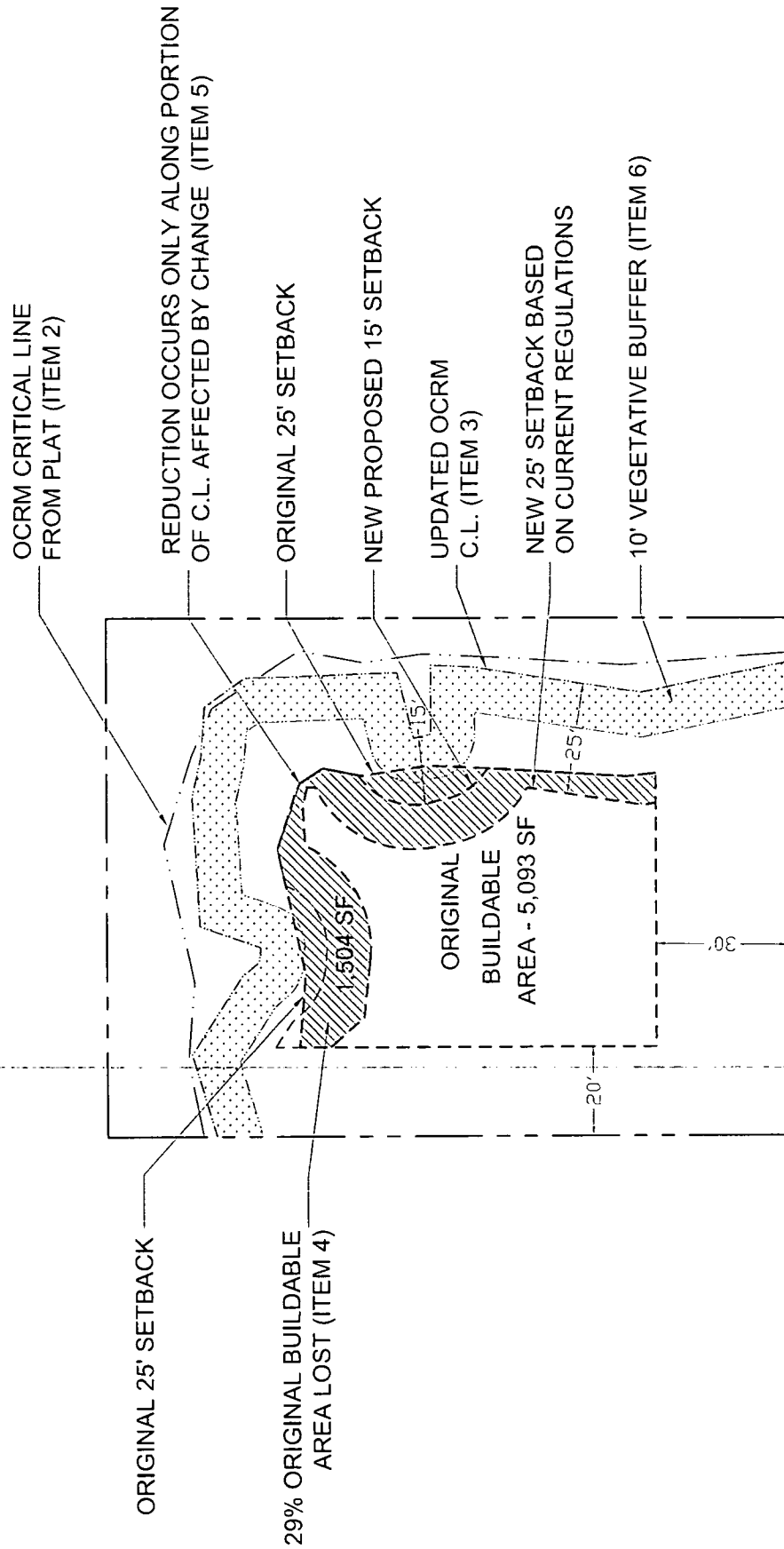
  
\_\_\_\_\_  
Charles R. Lipuma, Mayor

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

First Reading: February 5, 2013

Second Reading: March 5, 2013





# CRITICAL LINE CHANGE TYPICAL LOT EXAMPLE

N.T.S.

# Exhibit 3

## Summary Listing

### Tracts:

1. Mingo Point (Parcel 1)
2. Beachwalker Office Park (Parcel 9)
3. Strawmarket (Parcel 14)
4. Heron Park Grille (Parcel 19)
5. East Beach Ocean (Parcel 20)
6. Willet Island (Part of Parcel 43)
7. Tract Adjacent to Ocean Course Maintenance (Part of Parcel 43)

### Subdivisions/Lots:

1. 1A, 1B Eugenia Avenue
2. Rhett's Bluff
  - Shoolbred Court 40, 100-101
  - Rhett's Bluff Road 95
  - New Settlement/River Marsh 41, 51-69, 73-75, 78-79
3. Ocean Green
  - Silver Moss Circle 1-18
4. Vanderhorst Plantation
  - Marsh Edge Lane 28
  - Sweet Grass Lane 16
  - Sanderling Court 193, 197
  - Belted Kingfisher 185
  - Horned Grebe 206
  - Yellowthroat Lane 181, 182, 208, 209, 216, 218
  - Fish-Hawk Lane 221-226, 229, 230, 233, 234
  - Piping Plover Lane 586-595, 597-602
  - Whimbrel Road 566-568, 573, 575-581, 583-585
  - Bufflehead Drive 564-565
  - Goldeneye Drive 90, 91, 97
  - Marsh Cove Road 285-303
  - Snowy Egret Lane 401, 406, 408-411, 413-420, 422, 424
  - Virginia Rail Road 728-730
  - Governor's Drive 335, 193, 194
5. The Preserve
  - Terrapin Island 1-15
6. Falcon Point
  - Falcon Point Road 1-7, 11-20B, 65-67
  - Marsh Wren Court 21-26
  - Salt Cedar Lane 29, 34, 36, 38-42, 45, 48, 51-64

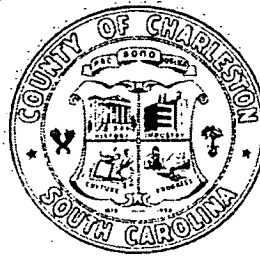
7. Down Island

- Governor's Drive 19
- Marsh Cottage Lane 20, 23, 24, 26, 28-30
- Osprey Cottage Lane 800-805
- Ocean Oaks 300-312, 400-413

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