



**SECOND AMENDMENT TO THE AMENDED AND  
RESTATED DEVELOPMENT AGREEMENT  
BY AND BETWEEN  
KIAWAH RESORT ASSOCIATES, L.P., ET AL AND  
THE TOWN OF KIAWAH ISLAND**

WHEREAS, the Town of Kiawah Island and Kiawah Resort Associates, L.P. and its related entities (respectively referred to as "Town" and "Property Owner"), entered into an Amended and Restated Development Agreement on December 5, 2013 (hereinafter the "Agreement"), effective that same date, recorded at Book 0377, Page 802, in the Office of the Register of Deed for Charleston County; and

WHEREAS, the Town of Kiawah Island and Kiawah Resort Associates, L.P. and its related entities (respectively referred to as "Town" and "Property Owner"), entered the First Amendment to the Agreement on or about June 4, 2019, recorded at Book 0804, page 670, in the Office of the Register of Deed for Charleston County; and,

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

WHEREAS, the Parties desire to amend the Agreement to change the maximum number of Dwelling Units in a multifamily building on one portion of the Real Property, specify the maximum total number of Dwelling Units for that same portion of the Real Property, and prescribe supplemental development standards for that same portion of the Real Property.

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

- a. "Parcel 13A" as shown and designated in the graphics attached to replacement Exhibit 13.2, attached hereto, shall constitute a portion of Parcel 13 and shall be subject to the Agreement, as amended hereby; and,
- b. Existing Exhibit 13.2 is removed and replaced with the attached Exhibit 13.2 titled "Parcel-Specific Development Standards" dated 08.05.19; and,
- c. Existing Exhibit 13.3 is hereby removed and replaced with the attached Exhibit 13.3 titled "Table of General Lot Standards" dated 07.26.19; and,
- d. Notwithstanding any of the terms and conditions of the Agreement and Exhibits thereto, as amended, or of the Town's Land Development Regulations to the contrary:
  - i. The Property Owner may have up to a total of 84 Dwelling Units on Parcel 13A, which shall be comprised of (A) up to 80 Dwelling Units within up to 6 residential buildings, two (2) of which buildings may contain up to but not more than twenty (20) Dwelling Units per building, two (2) of which buildings may contain up to but not more than twelve (12) Dwelling Units per building, and the remainder of which buildings may contain up to but not more than eight (8) Dwelling Units per building; and (B) up to 4 Membership Lodge guest Dwelling Units as part of a Private Club.
  - ii. Pursuant to Exhibit 13.2.2 attached to replacement Exhibit 13.2, portions of Parcel 13A shall be subject to a reduced "Limited Height Zone A" and "Limited Height Zone B" as located and described therein, the remainder of Parcel 13A being subject to the standard maximum height limitations for Parcel 13 as set forth in Exhibit 13.2.

- iii. The building cover (as defined in the Town's Land Development Regulations) of the combined residential buildings and amenity buildings on Parcel 13A shall not exceed 25%.

All other terms, conditions, and provisions of the Agreement and First Amendment shall remain in full force and effect.

Capitalized terms used but not defined herein shall have the meanings ascribed thereto in the Agreement.

The Agreement, as amended by the First Amendment and this Second Amendment, shall be binding upon and inure to the benefit of Property Owner and its successors in title to the Real Property.

IN WITNESS WHEREOF, this Second Amendment to the Agreement has been entered and enacted this 6<sup>th</sup> day of August, 2019.

[Signature pages to follow]



PROPERTY OWNER

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

KIAWAH RESORT ASSOCIATES, L.P.  
(SEAL)

By: Coral Canary GP, L.L.C.  
a Delaware limited liability company  
(CORP. SEAL)

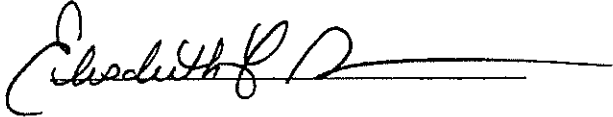
Its: General Partner



By:  \_\_\_\_\_

Jordan Phillips

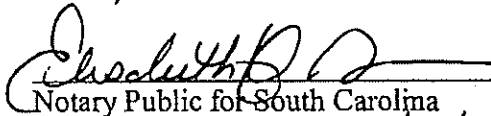
Its: Vice-President



STATE OF SOUTH CAROLINA )  
  )  
COUNTY OF CHARLESTON    )

ACKNOWLEDGMENT

THE FOREGOING INSTRUMENT was acknowledged before me by KIAWAH RESORT ASSOCIATES, L.P., by Coral Canary GP, L.L.C., a Delaware limited liability company, its General Partner, by Jordan Phillips, its Vice-President, this 21<sup>st</sup> day of August, 2019.

 (SEAL)  
Notary Public for South Carolina  
My commission expires: 12/10/2020

ELISABETH F. NIMMONS  
Notary Public for South Carolina  
My Commission Expires: 12-10-2020



Exhibit 13.2: Parcel-Specific Development Standards  
1/14/2013

Revised 08.05.19

Parcel #	Parcel Description	Use Type (1)	Approx. Acres(2)	Maximum Gross Density (3)	Total Units (4)	Existing Units (5)	Maximum New Units (6)	Maximum F.A.R. W/Transfer (7)	Maximum Height/Stories/Feet (8)	Parcel Open Space (9)
2	Mingo North	R-2-C	8.27	3	12	0	12	0.20	2.5/35	30
3	Mingo South	R-2-C	4.40	3	13	0	13	0.20	2.5/35	30
4	Little Rabbit	R-2-C	4.50	4	18	0	18	0.25	2.5/35	30
5	Rabbit North	R-2-C	6.20	3	19	0	19	0.20	2.5/35	30
6	Klawah River Commons	R-2-C	9.16*	6	55	0	55	0.25	4/50	30
7	Sales Center	C	2.37	-	-	-	-	0.25	4/50	30
8	Parway Gate	C	1.20	-	-	-	-	0.25	2.5/35	30
9	Beachwalker Office Park	R-2-C	1.75	6	10	0	10	0.25	2.5/35	30
10	Marsh Point Residual	R-2-C	0.66	6	4	0	4	0.20	2.5/35	30
11	Beachwalker Lagoon	R-3-C	5.94	10	60	0	60	0.25	4/50	30
12A	Beachwalker Park	R-3-C (15)	8.70	12	104	0	104	0.20	4/65 (10)	30
12B	Captain Sam's	R-1 (15) (16)	159.34 (20)	2.5	50	0	50	-	2.5/40	40
13	Beachwalker Ocean (31)									
	Parcel 13A	R-3, C (15) (30)	13.81	12	84	0	84 (28)	0.20	4/65 (10) (29)	30
	Remainder of Parcel 13	R-3, C (15)	11.28	12	150	0	150	0.20	4/65 (10)	30
15	Utility Tracts	U	34.36	-	-	-	-	0.25	2.5/35	30
16	Settlement (27)	R-2, C (14) (15) P/R	289.60	3	869	121	80	-	4/50	40
18	Captain Maynards	R-1	11.38	1.5	17	6	11	-	2.5	40
21	East Beach Lagoon	R-3	3.00	8	24	24	0	-	4/50	40
22	East Beach Interior (19)	R-2 (15)	33.22	6	199	23	176	-	4/50	40
23	Governor's Marsh	R-2 (15)	12.73	6	76	16	60	-	2.5/40	40
26	Vanderhorst Mansion	R-1	18.34	1.5	28	1	27	-	(11)	30
30	Preserve	R-1	278.30	2	557	163	0	-	2.5/40	50
31	Eagle Point	R-1	18.32	1.5	27	0	0	-	2.5/40	50
32	Eagle Point	R-1	14.96	1.5	22	0	0	-	2.5/40	50
34	Summer Islands	R-1	30.96	1	31	-	0	-	2.5/40	50
37	Club Cottage Lane	R-2 (15)	8.20	4	33	11	0	-	2.5/40	50
41	Osprey Beach 2	R-1, C (15)	21.73	2	43	21	2	(12)	2.5/45	40
42	Other Island	R-1	109.10	1	109	100	0	-	2.5/40 (21)	50
43	Ocean Park	R-2 (17) (15)	240.42	1.5	360	11	349	-	2.5/40 (21)	50
44	Bear Island	R-2 (17)	149.05	(13)	2	0	0	-	2.5/40	50
50	Freshfields Village PD	FVPD	57.06	(25)	200	0	200	(26)	3.0/55	30
60	Casique (27)	R-2/PD/P/R	343.45	4	275	98	177	-	2.5/40	30
70	Tract III-A (Freshfields Utility Tract)	U	4.28	-	-	-	-	0.25	2.5/35	30

Parcel 6 Klawah River Commons: The approximate area has been corrected from an error in the 2005 DA to 9.16 acres. This does not have an impact on the maximum allowable vested unit count limit.





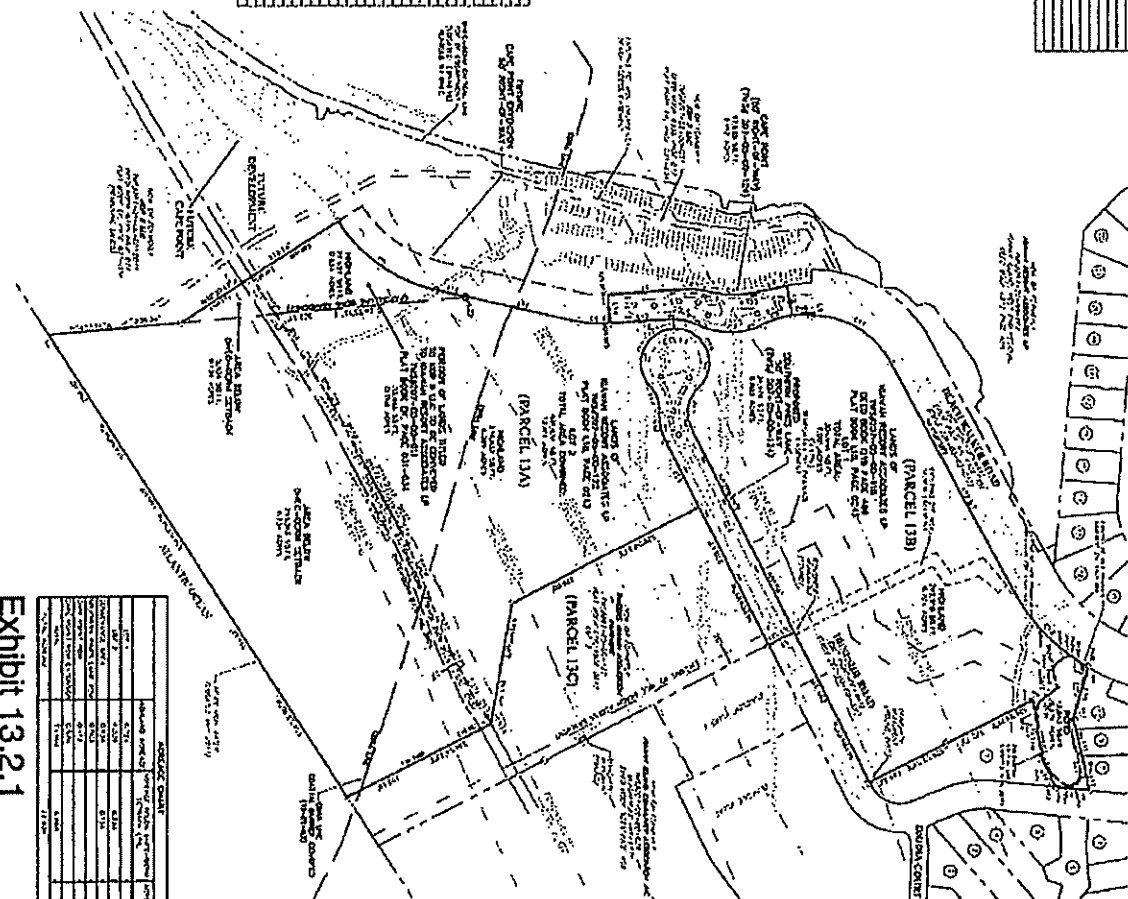


**STATE OF SOUTH CAROLINA**  
**DEPARTMENT OF REVENUE**  
**REGISTERED PROFESSIONAL ENGINEER**  
**REGISTERED SURVEYOR**

Parcel No.	Area (Acres)	Owner	Remarks
121	0.15	...	...
122	0.15	...	...
123	0.15	...	...
124	0.15	...	...
125	0.15	...	...
126	0.15	...	...
127	0.15	...	...
128	0.15	...	...
129	0.15	...	...
130	0.15	...	...
131	0.15	...	...
132	0.15	...	...
133	0.15	...	...
134	0.15	...	...
135	0.15	...	...
136	0.15	...	...
137	0.15	...	...
138	0.15	...	...
139	0.15	...	...
140	0.15	...	...
141	0.15	...	...
142	0.15	...	...
143	0.15	...	...
144	0.15	...	...
145	0.15	...	...
146	0.15	...	...
147	0.15	...	...
148	0.15	...	...
149	0.15	...	...
150	0.15	...	...

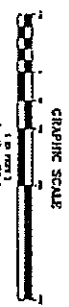
PLANNING AND SITE USE ONLY

Parcel No.	Area (Acres)	Owner	Remarks
151	0.15	...	...
152	0.15	...	...
153	0.15	...	...
154	0.15	...	...
155	0.15	...	...
156	0.15	...	...
157	0.15	...	...
158	0.15	...	...
159	0.15	...	...
160	0.15	...	...
161	0.15	...	...
162	0.15	...	...
163	0.15	...	...
164	0.15	...	...
165	0.15	...	...
166	0.15	...	...
167	0.15	...	...
168	0.15	...	...
169	0.15	...	...
170	0.15	...	...



**ASBESTOS CONTROL**

Parcel No.	Area (Acres)	Owner	Remarks
121	0.15	...	...
122	0.15	...	...
123	0.15	...	...
124	0.15	...	...
125	0.15	...	...
126	0.15	...	...
127	0.15	...	...
128	0.15	...	...
129	0.15	...	...
130	0.15	...	...
131	0.15	...	...
132	0.15	...	...
133	0.15	...	...
134	0.15	...	...
135	0.15	...	...
136	0.15	...	...
137	0.15	...	...
138	0.15	...	...
139	0.15	...	...
140	0.15	...	...
141	0.15	...	...
142	0.15	...	...
143	0.15	...	...
144	0.15	...	...
145	0.15	...	...
146	0.15	...	...
147	0.15	...	...
148	0.15	...	...
149	0.15	...	...
150	0.15	...	...
151	0.15	...	...
152	0.15	...	...
153	0.15	...	...
154	0.15	...	...
155	0.15	...	...
156	0.15	...	...
157	0.15	...	...
158	0.15	...	...
159	0.15	...	...
160	0.15	...	...
161	0.15	...	...
162	0.15	...	...
163	0.15	...	...
164	0.15	...	...
165	0.15	...	...
166	0.15	...	...
167	0.15	...	...
168	0.15	...	...
169	0.15	...	...
170	0.15	...	...



**NOTICE TO CONTRACTORS**  
 The owner hereby warrants that the plat is a true and correct copy of the original as filed in the office of the Register of Deeds for Charleston County, South Carolina. The owner also warrants that the plat is a true and correct copy of the original as filed in the office of the Register of Deeds for Charleston County, South Carolina.

**NOTICE TO ADJOINING OWNERS**  
 The owner hereby warrants that the plat is a true and correct copy of the original as filed in the office of the Register of Deeds for Charleston County, South Carolina. The owner also warrants that the plat is a true and correct copy of the original as filed in the office of the Register of Deeds for Charleston County, South Carolina.

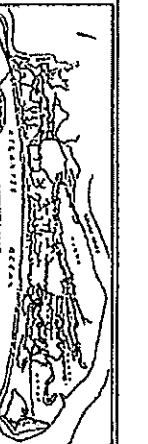
**NOTICE TO THE PUBLIC**  
 The owner hereby warrants that the plat is a true and correct copy of the original as filed in the office of the Register of Deeds for Charleston County, South Carolina. The owner also warrants that the plat is a true and correct copy of the original as filed in the office of the Register of Deeds for Charleston County, South Carolina.

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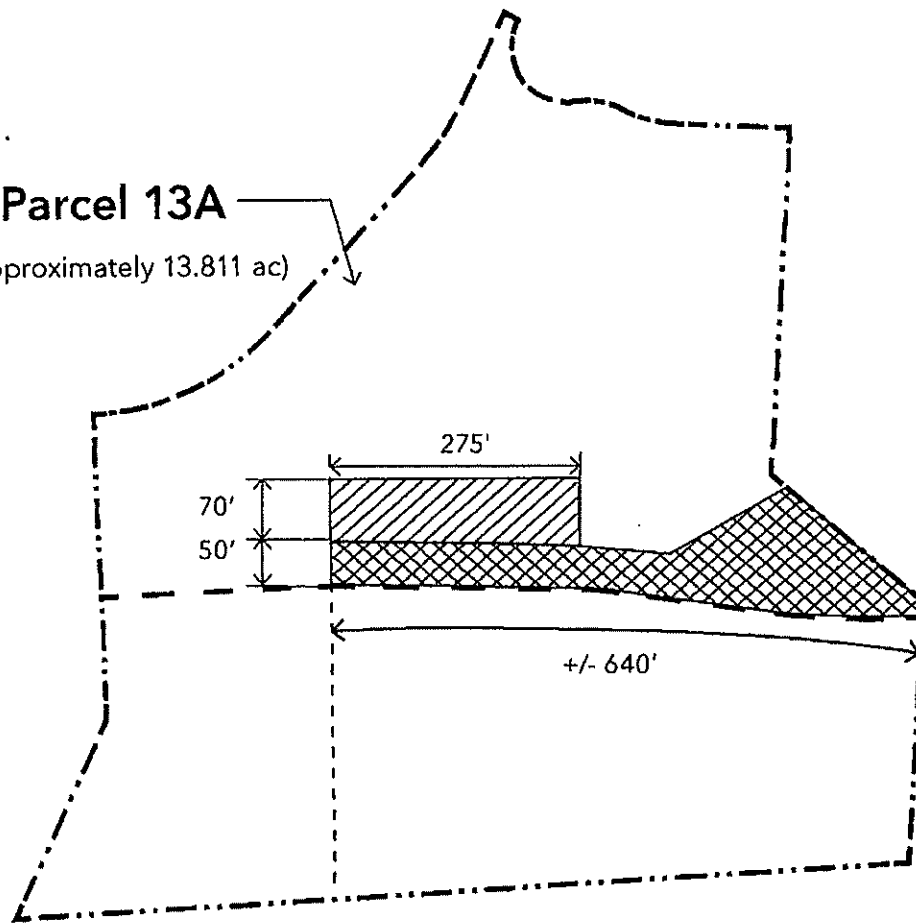



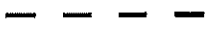

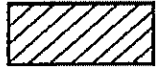
**A PRELIMINARY SUBDIVISION PLAT**  
**TMS#207-05-00-0011, TMS#207-05-00-001, 118, 122, 123 AND 124**  
**BEACHWALKER EAST**  
**KIAWAH RESORT ASSOCIATES LP AND KOP II LLC**  
**LOCATED IN THE TOWN OF KIAWAH ISLAND**  
**CHARLESTON COUNTY, SOUTH CAROLINA**

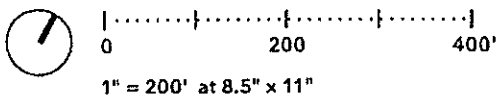
**DWA surveying**  
 1035-B Jenkins Road  
 Charleston, SC 29407  
 (843) 785-9330

NO.	DATE	DESCRIPTION	BY
1	4-11-11	DESIGN FOR THE PROJECT	...
2	12-16-11	DESIGN FOR THE PROJECT	...
3	12-16-11	DESIGN FOR THE PROJECT	...
4	12-16-11	DESIGN FOR THE PROJECT	...

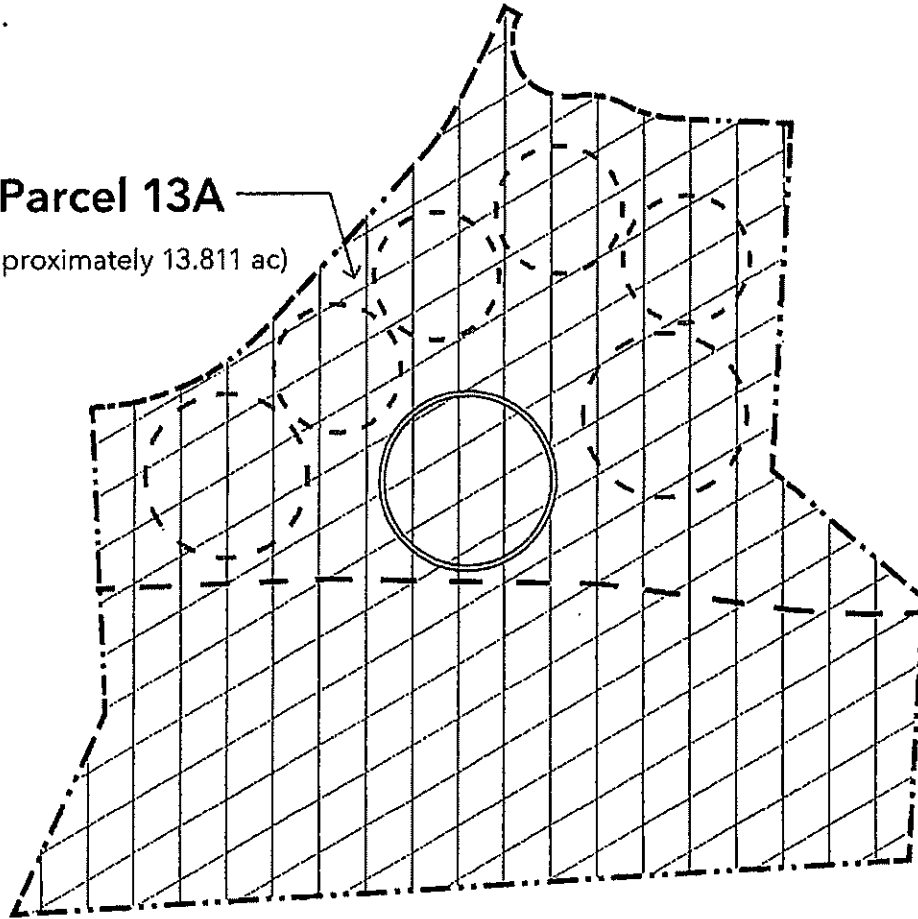
**Parcel 13A**  
 (Approximately 13.811 ac)

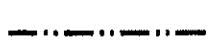

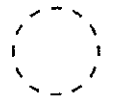
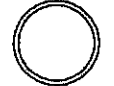
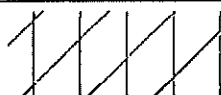


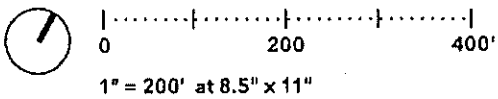
	Parcel 13A Boundary
	DHEC-OCRM 2009 Baseline
	Limited Height Zone A Structures within Limited Height Zone A are restricted to 25' in Height.
	Limited Height Zone B Structures within Limited Height Zone B are restricted to 35' in Height.



**Parcel 13A**  
 (Approximately 13.811 ac)



	Parcel 13A Boundary
	DHEC-OCRM 2009 Baseline
	Residential Buildings
	Amenity/Club/ Member Lodge Units
	Use Type R-3
Maximum Building Cover: 25%	



DRAFT 07.26.19

Exhibit 13.3: Table of General Lot Standards  
11.15.2013

R-1 Residential <sup>1)</sup>

Single Family Detached Dwellings

Density: 3.0 D.U./Acre

Lot Size (sq. ft.)	Maximum % Coverage	Lot Dimensions		Setback <sup>3) 4)</sup>			Height <sup>5)</sup>	
		Width <sup>2)</sup>	Depth	Front	Side	Rear	Floors	Feet
8,000-11,999	40	60	100	25	10	25	2.5	40
12,000 +	33	75	100	25	20	25	2.5	40

R-2 Residential <sup>1)</sup>

Attached and Detached Dwellings (no greater than 6 D.U./Building)

Density: 6.0 D.U./Acre and 4.0 D.U./Acre <sup>7)</sup>

Lot Size (sq. ft.)	Maximum % Coverage	Lot Dimensions		Setback <sup>3) 4)</sup>			Height <sup>5)</sup>	
		Width <sup>2)</sup>	Depth	Front	Side <sup>8)</sup>	Rear <sup>9)</sup>	Floors	Feet <sup>10)</sup>
6,000-7,999	50	55	85	20	7/5	20/15	2.5	40/35
8,000-11,999	40	60	100	25	10/5	25/15	2.5	40/35
12,000 +	33	75	100	25	20/5	25/15	2.5	40/35

R-3 Residential <sup>1)</sup>

Attached and Detached Dwellings (no greater than 7 D.U./Building) <sup>15)</sup>

Density: 12.0 D.U./Acre

Lot Size <sup>6)</sup> (sq. ft.)	Maximum % Coverage	Lot Dimensions		Setback <sup>3) 4)</sup>			Height <sup>5)</sup>	
		Width <sup>1)</sup>	Depth	Front	Side	Rear	Floors	Feet
2,000-3,999	60	20	65	10	3	10	2.5	40
4,000-5,999	50	30	75	15	7	15	2.5	40
6,000-7,999	50	55	85	20	7	20	2.5	40
8,000-11,999	40	60	100	25	10	25	2.5	40
12,000 +	33	75	100	25	20	25	2.5	40

CSQ-PD <sup>1)</sup>

Single Family Detached Dwellings

Density: 4.0 D.U./Acre <sup>11)</sup>

Lot Size <sup>6)</sup> (sq. ft.)	Maximum % Coverage <sup>13)</sup>	Lot Dimensions		Setback <sup>3) 4)</sup>			Height <sup>5)</sup>	
		Width <sup>1)</sup>	Depth	Front <sup>12)</sup>	Side <sup>14)</sup>	Rear	Floors	Feet
6,000-7,999	60	60	85	10/5	5/0	10	2.5	35
8,000-11,999	50	60	100	10/5	5/0	10	2.5	35
12,000 +	40	75	100	25	5/0	25	2.5	35

**C Commercial (Klawah Island)**  
All Uses as Permitted in Exhibit 13.1  
F.A.R.: 0.20-0.25 <sup>7)</sup>

Lot Size (sq. ft.)	Maximum % Coverage	Lot Dimensions		Setback			Height	
		Width	Depth	Front	Side	Rear	Floors	Feet
20,000	70	150	120	25	20	25	2.5	35

Notations:

- 7) F.A.R. Standards on Individual Parcels as indicated in Exhibit 13.2.

**C Commercial (Freshfields Village PD)**  
All Uses as Permitted in Exhibit 13.1

Lot Size (sq. ft.)	Maximum % Building Coverage	Lot Dimensions		Setback			Height	
		Width	Depth	Front	Side	Rear	Floors	Feet
4,000	40	50	-	0	0	0	3.0	55

Notations:

- 1) For residential districts R-1, R-2, R-3 and CSQ-PD only (not including C-Commercial), the ARB shall prescribe and determine Lot area, Lot width, Lot depth, Lot coverage, setback and yard requirements, and may adjust the criteria set forth in the Table of General Lot Standards attached as Exhibit 13.3 provided the ARB determines that exceptional circumstances exist with respect to a particular Lot based on unusual configuration, topographic conditions or unique tree cover, or other material considerations. The ARB approved deviation from a particular standard on Exhibit 13.3 shall not:
  - A. Exceed 20% of the standards for lot dimensions and setbacks.
  - B. Exceed 10% of the standards for maximum % coverage and height in feet, excluding number of floors.
- 2) Lot width may be reduced to a minimum of 20 feet at street R.O.W. for flag lots, or 15 feet for lots on cul-de-sacs.
- 3) A minimum distance between structures, on adjoining properties, must be no less than 20 feet for lots greater than 8,000 sq. ft. and 14 feet for lots 4,000-7,999 sq. ft. Zero lot lines are permitted at the discretion of the ARB.
- 4) On corner and double frontage lots, front setback standards will apply to each lot line that borders a street right-of-way, the remaining lot lines will be subject to side setbacks standards, except when the lot adjoins open space of a minimum of 23 feet, then corner side yard may be reduced to 3 feet.
- 5) Height standards are determined by individual parcel guidelines as indicated on Exhibit 13.2. A maximum height of 45 feet from Ground Floor Level is permitted on lots meeting specific criteria in Exhibit 13.2 on Parcels 12A, 12B, 13, 41, 42 and 43.
- 6) Lot area required for each Dwelling Unit may be reduced to 2,000 square feet provided that open space is provided equivalent to the amount by which each Lot is reduced. Such equivalent open space shall be provided within 1,000 feet of each such Lot so reduced.
- 7) Density limit of 4.0 D.U./Acre pertains to Cassique Parcel 60.
- 8) Setback of 5 ft. pertains to Cassique Parcel 60.
- 9) Setback of 15 ft. pertains to Cassique Parcel 60.
- 10) Height of 35 ft. pertains to Cassique Parcel 60.
- 11) Total dwelling unit cap not to exceed 120 for parcels with CSQ-PD designation. Any parcel not to exceed 4 D.U./Acre.
- 12) Any wall up to 8 ft. above finish grade may be located within any of the required setbacks, provided vision site triangles at street intersections are maintained. Setback of 5 ft. pertains to the garage/studio units.
- 13) The garden courtyard concept coverage includes house, garage, and pool cavity.
- 14) Setback of 0 ft. pertains to the garage/studio units.
- 15) **Number of Dwelling Units within a building may be increased to no greater than 20 D.U./Building within Parcel 13A as described with specific conditions in Exhibits 13.2, 13.2.1, 13.2.2 and 13.3.3.**

# RECORDER'S PAGE



**NOTE:** This page **MUST** remain with the original document

**Filed By:**

KIAWAH DEVELOPMENT PARTNERS, INC  
 1 KIAWAH ISLAND PKWY  
 KIAWAH ISLAND SC 29455-5650

<b>RECORDED</b>		
Date:	September 9, 2019	
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