

# Ordinance 2016-01

AN ORDINANCE TO REPLACE ARTICLE 12, SECTIONS 12-173.PD, PLANNED DEVELOPMENT DISTRICT (a) AND TO ADD SUBPARAGRAPH (b)

WHEREAS, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 authorizes local government to utilize various zoning and planning techniques; and,

WHEREAS, the Town of Kiawah Island wishes to amend Article 12, Sections 12-173, PD, Planned Development District (a) and (b) so as to provide for “single use” Planned Development Districts; and,

**WHEREAS**, the Town of Kiawah Island Planning Commission reviewed the proposed amendment and addition to the Municipal Code of the Town of Kiawah Island, South Carolina; and,

**WHEREAS**, The Town held the required public hearing on January 15, 2016 before Council for the Town of Kiawah Island.

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 Section 12-73 (a) and add (b) PD, Planned Development District.

## Section 2. Ordinance

Article 12, Section 12-73 (a) PD, Planned Development District shall be replaced with the following:

(a) The South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended (Planning Act) authorizes local governments to utilize zoning and planning techniques (not limited to those found in the Planning Act) for implementation of the goals specified in S.C. Code Ann. Section 6-29-720 (2007). The Town of Kiawah Island hereby establishes a zoning and planning technique called a “Planned Development” zoning district. The “Planned Development” zoning district incorporates provisions of the planning technique called “planned development district” referred to in the Planning Act and identified in this ordinance and the additional provisions found in this Article that expands, varies and/or differs from the provisions found in the references to planned development

districts in the Planning Act. A “Planned Development,” as applied herein, is a type of zoning district (PD) and a type of development plan. PD zoning districts are inextricably linked to Planned Development plans, in that no rights of development apply to a PD zoning designation other than those of the approved Planned Development plan.

Planned development provisions are intended to encourage innovative site planning for residential, commercial, institutional, and/or industrial developments within planned developments. Planned developments may provide for variations from other ordinances and the regulations of other established zoning districts concerning use, setbacks, lot size, density, bulk, and other requirements to accommodate flexibility in the arrangement of uses for the general purpose of promoting and protecting the public health, safety, and general welfare. A Planned Development as used in this ordinance is intended to apply the flexibility and variation provisions of the Planning Act provided in the planned development zoning district provision, along with the additional regulatory and procedural provisions of this Article.

Article 12, Section 12-73 (b) PD, Planned Development District is added as follows:

(b) Purpose and intent. The purpose of this district is to promote development under a single overall plan pursuant to special regulations allowing broad land use and site design flexibility in development of property that proposes a single or multiple uses(s). A planned development accommodates other than what could be accomplished under traditional zoning standards. It is intended to encourage efficient land use, building patterns, circulation systems, and utility location; to preserve natural resources, landscape features and other amenities; and to encourage innovative design, architectural styles, building forms and site relationships. This district allows more flexibility in land use and site design while meeting the overall goals of the comprehensive plan.

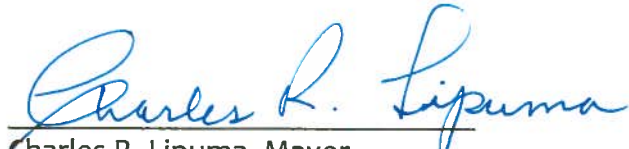
### SECTION 3 Severability

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 second reading approval.

PASSED, APPROVED, AND ADOPTED BY COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS 15<sup>th</sup> DAY OF JANUARY, 2016.

  
Charles R. Lipuma, Mayor

  
Petra Reynolds, Town Clerk

First Reading Approval: January 5, 2016

Second Reading Approval: January 15, 2016