

6971 Doar Road | P.O. Box 520 | Awendaw, SC 29429

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Katharine Watkins | Town Administrator

Donna F. Steed | Clerk/Treasurer



Town Council

Paul Brown | Wendy Helms

Grace Gasper | Rodney Porcher

Kent Prause | John Timmons

**Town of Awendaw
Special Called Planning Commission Meeting
Agenda - VIRTUAL**

Monday, January 12th, 2026

6:00 PM, via Zoom

Zoom Instructions

[https://us02web.zoom.us/j/83391926698?](https://us02web.zoom.us/j/83391926698?pwd=HM25R0UusC318AFdr5nnxWfWa7JGIF.1)

[pwd=HM25R0UusC318AFdr5nnxWfWa7JGIF.1](https://us02web.zoom.us/j/83391926698?pwd=HM25R0UusC318AFdr5nnxWfWa7JGIF.1)

Meeting ID: 833 9192 6698

Passcode: 195718

One tap mobile

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A. Prayer, Pledge of Allegiance & Reading of the Civility Pledge

B. Call to Order and Roll Call

C. Public Comments –

The public comment period will be limited to a total of 25 minutes. Each speaker will have up to 2 minutes. No individual may speak more than once until all others wishing to comment have had an opportunity.

D. Old Business –

a. Vested Rights Draft Ordinance – Action Item (Recommendation ONLY)

E. New Business –

a. Planned Development Regulations - Discussion

H. Closing Remarks –

I. Adjournment

Next Meeting – TBD (January 20th, 2026)

IN ACCORDANCE WITH THE FREEDOM OF INFORMATION ACT, THE PRINT MEDIA WERE DULY NOTIFIED, ALONG WITH A HARD COPY POSTED AT CITY HALL. • SHOULD YOU HAVE QUESTIONS OR COMMENTS, PLEASE CONTACT PLANNING AT (843) 931-8125.

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Staff Report

Subject: Vested Rights Ordinance
Prepared for: Planning Commission
Date: January 12, 2026

Background

The State of South Carolina passed the Vested Rights Act in 2004, which became effective on July 1, 2005. This act required local governing bodies to revise or propose a vested right provision within their local ordinances that conform to the statutory requirements in the Act. Furthermore, failure to adopt a vested rights policy automatically requires the local government to default to the minimum standards outline in S.C. Code Section 6-29-1560.

The Town of Awendaw did not adopt a vested rights ordinance prior to the enactment of the Vested Rights Act. The Town currently must default on the State's minimum requirements. At the October Planning Commission meeting, staff were asked to draft a vested rights ordinance for further discussion. The Planning Commission stipulated that the vested rights ordinance should limit the number of annual extensions allowed from five (5) to two (2).

Staff Findings

Staff have drafted a vested rights ordinance for the Planning Commission's consideration for recommendation to Town Council with the following key points:

1. The proposed ordinance limits the annual extensions of the vesting period of a site-specific development plan from five (5) to two (2); and,
2. Contains provisions for when a vested right is established; and,
3. Creates a framework for how extensions will be reviewed and administered; and,
4. Includes conditions and limitations outlined in State Law; and,
5. Outlines edits following the discussion on December 15, 2025, those changes are captured in **RED**; and,
6. Areas of concern that were discussed are **HIGHLIGHTED**.

Staff will defer to legal counsel regarding the viability of the implementation and adoption of this ordinance. Staff drafted the ordinance to conform with the Planning Commission's limit on the annual extensions allowed and with legal authority from State law.

Potential Motions

The Planning Commission may:

1. Motion to recommend the amended language to Town Council for approval based on staff recommendations.
2. Motion to recommend the amended language to Town Council for approval based on staff recommendations with additional changes (as determined by the commission).
3. Motion to defer a recommendation for further amendments.
4. Take no action.

Attachments:

- Staff report
- Draft Vested Rights Ordinance – with edits from 12/15/2025

AN ORDINANCE OF THE TOWN OF AWENDAW, SOUTH CAROLINA, TO AMEND TITLE XV: LAND USAGE, CHAPTER 153: ZONING CODE, GENERAL PROVISIONS OF THE CODE OF THE TOWN OF AWENDAW, SOUTH CAROLINA, BY AMENDING SECTION 153.009 DEFINITIONS, ADOPTING A NEW SECTION 153.051 VESTED RIGHTS, ALONG WITH NEW SECTIONS 152.052 THROUGH 153.060 THERETO, PROVIDING FOR VESTED RIGHTS ORDINANCE AND PROCEDURE.

WHEREAS, the Planning Commission made a recommendation to adopt a Vested Rights Ordinance on December 15, 2025;

WHEREAS, by Act No. 287 of 2004, known as the Vested Rights Act and codified at S.C. Code 6-29-1510 to -1560, the South Carolina General Assembly established vested rights;

WHEREAS, the Town of Awendaw seeks to adopt a vested rights ordinance pursuant to S.C. Code 6-29-1530 implementing limitations to the total annual extensions allowed with prospective application to site-specific development plans that are approved by the Town following adoption and effective date of this ordinance;

WHEREAS, the Town of Awendaw wishes to promote sustainable development and current best practices within the Town's municipal limits;

WHEREAS, consistent with the goals and objectives of the current Comprehensive Plan adopted on August 7, 2025 and in recognition of the Town's commitment to sustainable growth and development, it is essential to ensure that future planned or phased developments are strategically aligned with the community's evolving needs. This alignment is crucial not only for addressing immediate requirements but also for fostering long-term benefits that enhance the Town's infrastructure, economic vitality, and environmental sustainability. By prioritizing developments that serve the best interests of public health, safety, and welfare, the Town aims to create a harmonious balance between growth and quality of life, thereby securing a prosperous future for all residents;

WHEREAS, Town Council is authorized to adopt ordinances and amend the Town of Awendaw Code of Ordinances from time to time;

WHEREAS, Town Council now believes it is in the best interest of its citizens to now act as provided herein; and,

NOW THEREFORE, be it ordered and ordained by the Council of the Town of Awendaw, SC and it is ordained by the authority of said Council that the Town of Awendaw Code of Ordinances shall be and hereby is amended as stated herein above and as provided herein below:

VESTED RIGHTS

SECTION 153.051 TITLE & EFFECTIVE DATE

- (A) Title. This Ordinance is hereby officially known and cited as the Vested Rights Ordinance of the Town of Awendaw, South Carolina. References herein to “the Ordinance” or “this Ordinance” shall be interpreted as references to this Vested Rights Ordinance.
- (B) Effective Date. This Ordinance shall take effect and be in force from and after the date of its adoption by the Town Council of the Town of Awendaw, adopted this [REDACTED] day of [REDACTED], 2026. This Ordinance shall apply prospectively to any site-specific development plans approved by the Town after the adoption and effective date of this Ordinance.

SECTION 153.052 AUTHORITY; CONFLICT; ABROGATION; SEVERANCE

- (A) Authority. This Ordinance is enacted pursuant to the authority conferred upon the Town of Awendaw by the South Carolina General Assembly to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.
- (B) Conflict of Law. This Ordinance shall be constructed so as to not conflict with any provision of state or federal law. However, the provisions of this Ordinance shall control if more restrictive than other local, state, or federal laws or regulations
- (C) Abrogation. This Ordinance is not intended to repeal, abrogate, annul, impair, or interfere with any existing vested rights established pursuant to law.
- (D) Severance. If any portion of this Ordinance is legally invalid by a court of competent jurisdiction, all remaining provisions shall continue to be of full force and effect.

SECTION 153.053 PURPOSE

The Town of Awendaw hereby finds and declares that the public interest and general welfare of the residents of the Town of Awendaw will be served through the creation of clear and fair procedures for the determination of vested rights of real property for future land development activities. These procedures will follow the Town of Awendaw’s goals and objectives to encourage sustainable development for the betterment of the community. These regulations seek to require planned and phased development to be reassessed in more frequent intervals to ensure sound and reasonable planning for future development.

AMENDMENT TO SECTION 153.009 DEFINITIONS (TO BE ADDED TO EXISTING)

"APPROVED" or **"APPROVAL"** means a final action by the local governing body or an exhaustion of all administrative remedies that results in the authorization of a site-specific development plan or a phased development plan.

"BUILDING PERMIT" means a written warrant or license issued by a local building official that authorizes the construction or renovation of a building or structure at a specified location.

"CONDITIONALLY APPROVED" or **"CONDITIONAL APPROVAL"** means an interim action taken by a local

governing body that provides authorization for a site-specific development plan or a phased development plan but is subject to approval.

"LANDOWNER" means an owner of a legal or equitable interest in real property including the heirs, devisees, successors, assigns, and personal representatives of the owner. "Landowner" may include a person holding a valid option to purchase real property pursuant to a contract with the owner to act as his agent or representative for purposes of submitting a proposed site-specific development plan or a phased development plan pursuant to this article.

"LOCAL GOVERNING BODY" means: (a) the Town Council of the Town of Awendaw, (b) a county or municipal body authorized by statute or by the Town of Awendaw to make land-use decisions.

"PERSON" means an individual, corporation, business or land trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any legal entity as defined by South Carolina laws.

"PHASED DEVELOPMENT PLAN" means a development plan submitted to a local governing body by a landowner that shows the types and density or intensity of uses for a specific property or properties to be developed in phases, but which do not satisfy the requirements for a site-specific development plan.

"REAL PROPERTY" or **"PROPERTY"** means all real property that is subject to the land use and development ordinances or regulations of the Town of Awendaw, and includes the earth, water, and air, above, below, or on the surface, and includes improvements or structures customarily regarded as a part of real property.

"SITE-SPECIFIC DEVELOPMENT PLAN" means a development plan submitted to a local governing body by a landowner describing with reasonable certainty the types and density or intensity of uses for a specific property or properties. The plan may be in the form of the following plans or approvals: planned unit development; subdivision plat; preliminary or general development plan; variance; conditional use or special use permit plan; conditional or special use district zoning plan; or other land-use approval designations as are used the Town of Awendaw.

"VESTED RIGHT" means the right to undertake and complete the development of property under the terms and conditions of a site-specific development plan or a phased development plan as provided in this ordinance and in the zoning ordinances and local land development ordinances and regulations adopted by the Town of Awendaw. A landowner's rights are only considered vested in the types of land use and density or intensity of uses defined in the site-specific development plan.

SECTION 153.054 ADMINISTRATION

- (A) The provisions of this Ordinance shall be administered and enforced by the Town of Awendaw Planning Director, the Board of Zoning Appeals, or the Planning Commission, or by such other officials, officer, or department as may be designated by the Town Council.
- (B) The Planning Director shall institute, or cause to be instituted, such actions necessary to ensure compliance with these provisions, and/or the conditions placed upon any permit or other approval.
- (C) The Town Council, Board of Zoning Appeals, Planning Commission and the Planning Director shall have the authority to cause whatever actions are necessary at a site or location where a

violation of this Ordinance has occurred to ensure that it is returned to its original quality and function, and the same cause of action shall be at no cost to the Town of Awendaw and shall be assessed to the violator.

SECTION 153.055 ESTABLISHMENT OF VESTED RIGHTS

- (A) A vested right is established for two years upon the final approval or conditional approval of a site-specific development plan by the local governing body or the Planning Director.
- (B) A minimum of two years is granted notwithstanding any other timeline requirements currently in effect for identified site-specific development plans.
- (C) Phased development plans remain subject to review and approval of all phases prior to any portion of the project being vested.
- (D) A site-specific development plan or phased development plan for which a variance, regulation, or special exception is necessary does not confer a vested right until the variance, regulation, or special exception is obtained.
- (E) Vested rights cannot be waived as a condition of approval or conditional approval.

SECTION 153.056 OVERVIEW OF REVIEW, APPROVAL, AND APPEAL PROCESS

- (A) A site-specific development plan ~~may~~ **must** be deemed administratively complete by the Planning Director before approval may be granted in any form.
 - (1) When determining administrative completeness, the Planning Director may use the regulations set forth in Title XV of the Awendaw Code of Ordinances to determine if an application meets Town standards.
- (B) Unless otherwise specified, the application, review, and approval process for currently identified site-specific development plans ~~should~~ **shall** be followed according to the processes set forth in Title XV of the Awendaw Code of Ordinances.
- (C) Where a procedure is not currently in effect, or until Title XV of the Awendaw Code of Ordinances is later amended to include procedures, the following process is to be followed:
 - (1) Applications are to be submitted with the following items:
 - (a) A complete application form for the request; and
 - (b) A plat of survey of the subject property, if available, or a tax map that identifies the subject property; and
 - (c) A concept plan that includes the following information:
 - 1. The proposed means of access to a public road;
 - 2. Surrounding land uses;
 - 3. All adjacent roads;
 - 4. A preliminary map and analysis of natural resources present on the subject property and surrounding property; and
 - 5. A conceptual layout of the proposed land use, which shall be overlaid on the preliminary natural resources map, and which shall show streets, lots, parks and other facilities **located** to protect natural resource areas.
 - (2) Review, Approval and Appel Process

- (a) Once an application has been deemed administratively complete by the Planning Director, and fees have been received, the Planning Director shall compile a staff report (which may include the comments and recommendations of the Water Department and other affected agencies, if applicable) that reviews the application in light of all applicable requirements of Title XV of the Awendaw Code of Ordinances. This report shall be forwarded to the Planning Commission.
 - (b) Within the 60 days of the Planning Commission's receipt of a complete application and staff report, the Planning Commission shall review the proposed land use and act to approve, approve with conditions or deny the land use, based on whether it complies with all applicable requirements of Title XV of the Awendaw Code of Ordinances.
 - (c) Any person with a substantial interest in the proposed land use decision of the Planning Commission or any officer or agent of the Town may appeal the Planning Commission decision to the Circuit Court in Charleston County. Appellants shall file with the Court of Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 days of appellant's actual notice of the Planning Commission's decision.
- (D) Once final or conditional approval is granted for the site-specific development plan, by ~~the~~ either the local governing body or the Planning Director, and its approval is not overturned in a Circuit Court, vested rights are established for two (2) years **from the date of final approval**.

SECTION 153.057 EXTENSIONS AND APPLICATION REQUIREMENTS

- (A) As more specifically set forth in subsection B of this Section, a landowner of real property with a vested right may apply for a one-year annual extension of the vested right so long as a complete application is received by the Planning Director prior to the expiration of the vesting period. The applicant ~~may~~ **shall** apply for a total of two (2) one-year annual extensions of the vested rights.
- (B) A request for an extension of a person's vested rights must be submitted in writing to the Planning Director **within a reasonable amount of time** prior to the expiration of the vesting period by the owner of the real property or their designate agent. If the property in question has been subsequently subdivided or sold, the requestor must individually apply to receive an extension of their vested rights for each parcel.
- (C) The vesting extension request shall be accompanied by all the following items:
 - (1) Application
 - (a) A completed extension request form;
 - (b) A copy of ~~the~~ **a formal approval for the site-specific development** ~~approval letter~~ granted by the local governing body or designated officer;
 - (c) A written explanation of the justification for the extension; and
 - (d) An administrative processing fee.
 - (2) Administrative Processing Fee

- (a) An administrative processing fee is required to be paid with all vesting extension requests as follows:
 - 1. For the first annual extension request, the administrative processing fee is \$200.
 - 2. For the second annual extension request, the administrative processing fee is \$100.
- (D) Approval of the first or second annual extensions will follow the same requirements set forth in Section 153.056 (C)(2) of this Chapter.
- (E) Failure to timely submit a complete application and an administrative processing fee for the annual extension will result in forfeiture of one's vested site-specific development plan.

SECTION 153.058 TERMINATION, REVOCATION, AND ANNEXATION

- (A) A vested right established under a conditionally approved site-specific development plan or conditionally approved phased development plan may be terminated by the Planning Commission upon its determination, following public notice and public hearing, that the landowner has failed to meet the terms of the conditional approval.
- (B) A vested right to a site-specific development plan or phased development plan is subject to revocation by Town Council upon its determination, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval.
- (C) If real property having a vested site-specific development plan or vested phased development plan is annexed, Town Council after a recommendation from the Planning Commission must determine, after notice and public hearing in which the landowner is allowed to present evidence, if the vested right is effective after annexation.

SECTIONS 153.059 PRECLUSIONS

- (A) A validly issued building permit does not expire or is not revoked upon expiration of a vested right, except for public safety reasons or as prescribed by the applicable building code.
- (B) A vested site-specific development plan or vested phased development plan is subject to later enacted federal, state, or local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific construction project authorized by the building permit to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit.
- (C) A vested site-specific development plan or vested phased development plan is subject to later overlay zoning that imposes site plan-related requirements but does not affect allowable types, height as it affects density or intensity of uses, or density or intensity of uses.
- (D) A change in the zoning district designation or land-use regulations made subsequent to vesting that affect real property does not operate to affect, prevent, or delay development of the real

property under a vested site-specific development plan or vested phased development plan without consent of the landowner.

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Staff Report

Subject: Planned Developments
Prepared for: Planning Commission
Date: January 12, 2026

Background

Planned Developments (PD) or Planned Unit Developments (PUD) have been an identified land use and development strategy within the Town of Awendaw or “Town”. The Town has approved 28 Planned Developments since 2000. In 2023 the Town amended its regulations that pertain to PDs. The Town has been within a moratorium since 2024 which prohibits rezonings. As outlined in the moratorium revisions to the Planned Development regulations are necessary before any more may be authorized.

Staff at the direction of the Planning Commission began working on these amendments to the Planned Development regulations. The goal is to allow mixed use districts but still maintain the cultural and environmental appearance of the Town of Awendaw.

Staff Findings

Staff have drafted these amendments for the Planning Commission’s consideration for recommendation to Town Council with the following key points:

1. The proposed amendments require the mixture of various land use strategies; and,
2. Unified requirements for environmental preservation; and,
3. Refines the Traffic impact analysis for these developments or infrastructure; and,
4. Includes modified language to match the goals and priorities of the Comprehensive plan; and,
5. Proposed edits are captured in **RED**; and,
6. Areas of further discussion are **HIGHLIGHTED**.

Staff will defer to legal counsel regarding the viability of the implementation and adoption of these amendments. Staff drafted the amendments to update the necessary sections to promote more sustainable development within our allowed mixed-use districts.

Potential Motions

The Planning Commission may:

1. Motion to recommend the amended language to Town Council for approval based on staff recommendations.
2. Motion to recommend the amended language to Town Council for approval based on staff recommendations with additional changes (as determined by the commission).
3. Motion to defer a recommendation for further amendments.
4. Take no action.

Attachments:

- Staff report
- Amendments to the Planned Development Regulations

PLANNED DEVELOPMENT ZONING DISTRICT PROVISIONS

§ 153.045 STATEMENT OF INTENT.

Planned developments (PDs) are developments ~~having a mix of uses~~ **shall be mixed use** that are planned and developed under unified control and following more flexible standards and procedures to achieve innovative site design, improved appearance, greater compatibility of uses, increased preservation of natural and scenic features, improved service by community facilities, better functioning of vehicular access and circulation and otherwise higher quality development than could be achieved through base zoning district regulations. The purpose of this subchapter is to provide a uniform mechanism for amending the official zoning map to establish any of the planned development zoning districts established by this subchapter. ~~The town wants to use these sparingly~~ **It is the intent of this Ordinance that PD Districts should be used sparingly.**

(A) Support a higher quality of life and achieve a higher quality of development, environmental sensitivity, energy efficiency and provision of public services;

(B) Reduce the inflexibility of zoning district standards that sometimes results from the strict application of the base district regulations and development standards established in this subchapter;

(C) To achieve the objectives of the Comprehensive Plan by allowing flexibility in development that will exhibit innovative site planning for a mixture of residential, commercial and institutional uses as reflected in the planned development map, which becomes the zoning district map for the property;

(D) Allow greater freedom and flexibility in selecting:

(1) The form and design of development;

(2) The ways by which pedestrians, cyclists and vehicular traffic circulate;

(3) How the development will be located and designed to respect the natural features of the land and protect the environment;

(4) How to design amenities to be applied; and

(5) The location and integration of open space and civic space into the development.

(E) Preserve natural and scenic features;

(F) Encourage a greater mix of land uses within the same development, including a mix of nonresidential development, residential development, lot sizes and densities and intensities;

(G) Allow more efficient use of land, with smaller networks of streets and utilities;

(H) Provide pedestrian connections within the site and to the public right-of-way;

(I) Encourage the provision of centrally-located open space amenities on the site;

(J) Promote development forms and patterns that respect the character of established surrounding neighborhoods and/or other types of land uses, and promote development form that respects and takes advantage of a site's natural and human-made features, such as roadways, parks, ponds, wetlands, floodplains, trees and historic resources; and

(K) Promote better site design principles to conserve natural areas, including preservation of tree canopy, reduced use of impervious surfaces and better managed urban runoff into the Intercoastal Waterway.

(Ord. 20-8, passed 12-7-2000; Ord. 23-05, passed 6-1-2023)

§ 153.046 APPLICABILITY.

The procedures and standards in this section apply to the review of applications to amend the official zoning map to establish a planned development (PD) zoning district. A PD district is established by an amendment to the official zoning map to PD zoning district that is defined by a PD plan and a development agreement. Once the PD is approved, the applicant must receive approval for any site plans or subdivisions before development to ensure substantial compliance with the approved PD plan.

(A) *Administrative procedures.*

(1) Any request about the establishment of a planned development (PD) zoning district or changes to an existing PD district shall be considered an amendment to the Zoning Ordinance and be administered and processed accordingly per the provisions of this subchapter.

(2) All data about the PD shall be submitted to the Planning Commission for review, public hearing and recommendation, then forwarded to Town Council for final action. If approved by the Council, all information about the proposal shall be adopted as an amendment to the Zoning Ordinance, as the standards of development for that particular planned development district. If the owner or developer is not in agreement with the Planning Commission's findings, they may request approval from the Town Council. A building or zoning permit shall not be issued for construction until a final plat for the PD phase in which the permit is being requested has been submitted to and approved by the Zoning Administrator.

(B) *Standards for qualification as a planned development.* Development proposed for a planned development (PD) shall meet certain basic standards to qualify for consistency with the intent of a planned development.

(1) *Minimum size.* The minimum size for a PD district shall be ten acres

(2) *Minimum width.* The PD site must have a minimum width between any two opposite lines of 200 linear feet

(3) *Eligible street.* The PD shall exit onto a major paved road or arterial and have a minimum frontage width on said arterial of 80 feet. A PD may not have the primary vehicular access point onto a local or unpaved street. Eligible streets for a PD primary frontage include, but may not be limited to

(a) Highway 17;

(b) Doar Road;

(c) Seewee Road;

(d) Bulls Island Road;

(e) Broomstraw Hill Road;

(f) 15 Mile Landing Road;

(g) Steed Creek Road;

(h) State Road S-10-98;

(i) I'on Swamp Road;

(j) White Road;

- (k) Maxville Road;
- (l) Porcher School Road;
- (m) Alston Dingle Road;
- (n) Louis McNeil Road;
- (o) Thames Road;
- (p) Jones Road;
- (q) Union Road;
- (r) Light Keepers Lane;
- (s) Limehouse Road;
- (t) Come About Way;
- (u) (?) Bulls Bay
Boulevard;
- (v) Guerin's Bridge Road;
- (w) Theodore Brunson Road;
- (x) FS Road 5158;
- (y) Flatfield Farm Road;
- (z) Pointing Brittany Lane;
- (aa) Cedar Plantation Lane;
- (bb) Clayfield Road; and
- (cc) FS Road 260-B.

(4) *Mixed use standard.* A PD shall demonstrate a mixed-use concept. The developer shall be responsible for illustrating how that shall be accomplished in order to meet the standard requirement.

(5) *Minimum centrally-located open space required.* A PD shall contain a minimum of ~~40%~~ 20% open space of net gross upland (developable area) centrally-located open space. The space must be large and useable by the residents of the PD. Drainage ponds, and wetlands, roads, access, drainage or utility easements, right of ways, buffers, ditches, federal, state, or local property may will not qualify to meet this requirement.

(6) *Impervious Surface limitations.* A PD shall be limited to 60% of gross upland (developable area) for impervious lot coverage. Pervious surface calculations may include designed open spaces as identified above and buffers.

(7) *Traffic impact analysis.* Any PD proposing more than ~~80~~ 20 dwelling units shall prepare a traffic impact analysis.

(67) *Minimum number of vehicular access points to the public road.* The minimum number of vehicular access points to the public road is one per ~~150~~ 40 parcels. A second access point may must be required by the Planning Commission if it feels it will help alleviate the traffic study indicates a potential safety concern.

(78) ~~Residential building~~ **Land use types.** A PD district may contain any mixture of residential building **land use** types including, but not limited to:

- (a) Single-family ~~Residential detached large lot~~;
- (b) Single-family ~~detached small lot~~ **Multifamily**;
- (c) Duplex units **General Commercial**;
- (d) **Institutional or Civic**;
- (e) **Parks**

(8 9) **Maximum residential density.** ~~Four~~ **One** dwelling units per acre ~~except within 300 feet of the OCRM critical line, where the maximum residential density shall be one unit per acre.~~

(109) **Term.** ~~A PD shall stay in effect for five years from the date of Council adoption of the PD document.~~ **A PD shall remain active following its approval as prescribed in the Vest Rights section of the Zoning Code. Following any expiration of a Vested Right, Planned Development is subject to review by the Town Council as listed in the aforementioned section of the Code of Ordinance.**

(101) **Minimum Intercoastal Waterway property impervious surface.** Any PD property that is located within the first 300 feet from the OCRM critical line shall incorporate no more than 20% impervious surface, including roads, buildings and parking lots and any other paved surfaces.

(112) ~~Traffic impact analysis.~~ Any PD proposing more than 80 ~~20~~ dwelling units shall prepare a traffic impact analysis.

(13) **Tree Preservation.** Any PD shall include a survey with all significant trees identified as outlined in the Tree Preservation Section of the Code of Ordinance.

(124) **Clear cutting.** Clear cutting of the existing pine tree canopy is **prohibited for pines of 24" diameter at breast height** ~~strongly discouraged~~ but may be permitted on a case-by-case basis if a **landscaped 2535-foot-wide** undisturbed buffer (except for required ingress and egress) is employed **along all project exterior property lines**; otherwise, clear-cutting is not allowed as part of the PD.

(13) **Development impact fee.** The town requires that a development impact fee of \$3,000 (**study justifying such as required by state law was never done or has been lost ??**) per dwelling unit be paid to the town upon the issuance of a certificate of occupancy.

(15) **Lighting Requirements.** Any PD shall include a lighting plan and specifications.

(14 16) **Development agreement.** The Town Council may require the execution of a development agreement to establish other development conditions not covered in a PD document.

(157) **Other provisions.** ~~Any other provisions the Town Council determines are relevant and necessary to the development of the planned development.~~ **The Town of Awendaw Zoning and Development regulations will apply to all areas of the Development not otherwise covered by this section.**

(Ord. 20-8, passed 12-7-2000; Ord. 23-05, passed 6-1-2023)

§ 153.047 ZONING ORDINANCE STANDARDS.

(A) Certain town-wide Zoning Ordinance standards may not be modified by the text of a planned development. These ordinances are important to promote the public health, safety and general

welfare of the citizens of the town. The Town Council may, at its sole discretion, require more stringent adherence to these controls.

(B) The following may not be modified by a property owner or developer in the PD:

- (1) Sections 153.080 through 153.130;
- (2) Sections 153.275 through 153.283;
- (3) Sections 153.210 and 153.211;
- (4) Sections 153.195 and 153.196;
- (5) Sections 153.255 through 153.263;
- (6) Section 153.302;
- (7) Section 153.310; and
- (8) Any other section having to do with life/safety (i.e., police, fire and building).

(Ord. 23-05, passed 6-1-2023)

§ 153.048 STATE PLANNING REQUIREMENTS.

The project meets the requirements of S.C. Code § 6-29-720(C)(4) and § 6-29-740 of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended.

(Ord. 23-05, passed 6-1-2023)

§ 153.049 REQUIRED ELEMENTS OF THE PLANNED DEVELOPMENT DOCUMENT.

The following are the required elements of the planned development document:

(A) The name of the planned development, not duplicating the name of any other planned development or subdivision, the final plat of which has been recorded in the town;

(B) A statement of the objective of the proposed development;

(C) The total acreage of the planned development broken down into total acreage, total highland acreage, total freshwater wetland acreage and total jurisdictional wetland or marsh area;

(D) A table of the proposed land uses including: (why just "residential" emphasis)

(1) A table of proposed maximum ~~and average~~ residential land use densities for each residential land use required;

(2) The maximum total acreage of each residential land use; and

(3) The maximum allowable number of each type of residential dwelling unit requested.

(E) All dimensional and lot standards proposed, for each land use type designated;

(F) An analysis of the impact of the proposed development on existing public facilities and services (e.g., streets, water, sewer, stormwater and the like). Any proposed future improvements to these facilities and services to be made as part of the PD shall also be included;

(G) A traffic impact analysis (plus 20 dwelling units) that assesses the buildout impact on existing streets. On-site and off-site improvements recommended by the traffic analysis shall be included in the PD document;

(H) A development schedule with a generalized phasing schedule, if appropriate. The phasing schedule shall include the total number of dwelling units and the total acreage of each residential use, the total gross floor area of any nonresidential use and the percentage and acreage of open space to be included in each phase;

(I) A statement indicating how all roads and alleys will be owned and maintained;

(J) A detailed narrative statement defining the proposed stormwater system design approach and system integration within the proposed plan. The statement should include conceptual stormwater system design configuration, including site specific natural and human-made features (e.g., wetlands, ditches, ponds, rivers and the like) incorporated within the stormwater management system; system components; component purpose/function; stormwater system ownership; and party(ies) responsible for maintenance. A compliance statement is required referencing applicable State Department of Health and Environmental ~~Services Control~~ (SCDHECS) and the County Stormwater Program criteria;

(K) A statement of inclusion and compliance with processes included in the town's municipal code that is not mentioned in the planned development guidelines;

(L) A statement of agreement to proceed with proposed development per the provisions of these zoning regulations, applicable provisions of the town's Comprehensive Plan and with such conditions as may be attached to any rezoning to the applicable PD district; and

(M) Letters of coordination from all agencies from which the applicant must:

(1) Obtain permits; or

(2) Obtain services and/or facilities; and

(3) Any other information that the Zoning Administrator determines is necessary to determine whether or not an application complies with the standards established in this section.

(Ord. 23-05, passed 6-1-2023)

§ 153.050 MASTER PLAN CONTENTS.

The following shall be included in the proposed site master plan. Multiple site master plans may be submitted. Master plans shall be drawn to scale.

(A) The general location and amount of land proposed for each land use including single-family residential, industrial, institutional, office, commercial, common open space/recreation, street use and the like; plan shall be in full color;

(B) Conceptual lot/property lines;

(C) Pedestrian and motor traffic circulation;

(D) Location, acreage and type of all wetlands as they exist before development. The location and acreage of all wetlands to propose developed upon;

(E) A tree survey. Shall conform with the standards of the Zoning Ordinance;

(F) Colored architectural conceptual elevations for each type of residential and nonresidential unit;

(G) The general location, size and capacity of all existing and proposed water and sewer lines;

(H) Areas to be included in each phase of development, including the location of all common open space areas;

(I) The location of all construction entrances;

(J) A colored landscape master plan, including the location and composition of all screening and buffering materials as well as preserved **significant** trees as outlined in the Code of Ordinance;

(K) Stormwater plan to provide a graphic representation of existing and proposed stormwater system components and use best management practices that maximize on-site infiltration in smaller, more numerous ponds versus a large central pond;

(L) A utility plan with the location of any on-site natural areas, buffers, trees and sidewalks that may be impacted by utility facilities including the existing and proposed location of any easements or rights-of-way; and

(M) Any other information that the Zoning Administrator determines is necessary to determine whether the application complies with the standards established in this subchapter.

(Ord. 23-05, passed 6-1-2023)