

Consideration of an Ordinance Amending Title 16 of the Municipal Code of the Town of Hilton Head Island, the Land Management Ordinance, to Amend Floor Area Ratio Requirements within the Forest Beach Neighborhood Character Overlay District.

**Town Council – May 7, 2024**



## RECOMMENDATION:

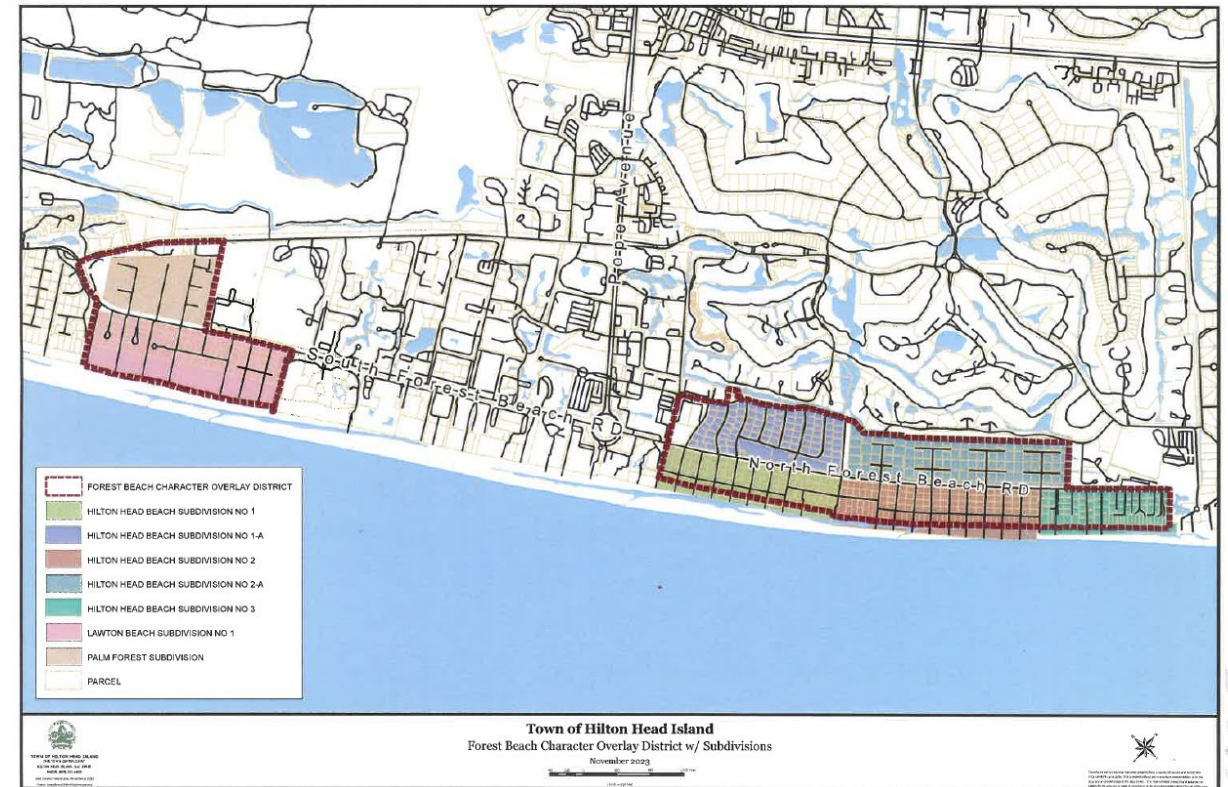
That the Town Council consider a proposed Ordinance Amending Title 16 of the Municipal Code of the Town of Hilton Head Island, the Land Management Ordinance, to Amend the Floor Area Ratio Requirements (FAR) requirements within the Forest Beach Neighborhood Character Overlay (FB-NC-O) District.

## OVERVIEW:

An amendment proposes to adjust the FAR requirements from 0.55 to 0.45 within the FB-NC-O District.

## PUBLIC REVIEW:

- Public Planning Committee – January 11, 2024 – 4-0
- Town Council – February 20, 2024 – 7-0 – 1<sup>st</sup> Reading
- Planning Commission – April 17, 2024 – 6-0



## PROPOSED FB-NC-O DISTRICT FAR AMENDMENT:

- The amendment proposes reducing the maximum FAR from 0.55 to 0.45 for single-family homes within the FB-NC-O District in the following manner:

### FLOOR AREA RATIO

#### 16-3-106 Overlay Zoning Districts

#### H. Forest Beach Neighborhood Character Overlay (FB-NC-O) District

#### 4. District Regulations

#### d. Floor Area Ratio

The maximum **gross floor area** is limited to 0.55 0.45 times the area of the **lot** containing the **single-family** residence up to a maximum of 5,000 square feet. The **gross floor area** shall include covered porches and all enclosed space with a ceiling height of seven feet or greater except as follows:

- i. Areas beneath the **structure** utilized solely for parking and storage. All such areas must be hydrostatically vented if required by the Building **Official**.
  - ii. The first 600 square feet of covered porches.
  - iii. Attic space as defined by the latest adopted edition of the IBC.
- Reducing FAR to 0.45 is consistent with existing FAR requirements in Folly Field and Holiday Homes Neighborhood Character Overlay Districts



## BACKGROUND:

- LMO Purpose and Intent (Section 16-1-103)

...to **guide the development and use of property in accordance with the Town's Comprehensive Plan and existing and future needs of the Town...**

- A. Promote the public health, safety, and general welfare, while recognizing the rights of real property owners, by **adopting a comprehensive zoning ordinance for the Town and providing for administrative procedures and development standards.**
- B. Prevent the **overcrowding of land and avoid undue concentration of population by creating zoning districts consistent with the character and desired development form of each area of the Town and each area's suitability for particular development and uses** by adopting an Official Zoning Map consistent with the zoning districts.
- C. Through the zoning districts, **regulate the areas and dimensions to be occupied by buildings and structures.**



## BACKGROUND:

- LMO Purpose and Intent (Section 16-1-103) continued...
  - D. Provide for the safe, orderly, and convenient movement of vehicular, pedestrian, and bicycle traffic.
  - E. Minimize risk to life and property from natural disaster, fire, panic, and other dangers.
  - F. Facilitate the adequate provision of transportation, water, sewerage, drainage, schools, parks, and other public facility improvement requirements by regulating, as appropriate, the impact of development on community infrastructure.
  - G. Ensure orderly development** with concurrent provision of appropriate and necessary public facility infrastructure that is consistent with the capacity of public facility infrastructure systems to serve development.
  - H. Provide for the imposition of impact fees to finance the expansion, maintenance, and repair of the Town's transportation systems to meet growth-related demand.
  - I. Protect designated corridors, natural resource areas, historic areas, scenic areas, and the Town's general aesthetic by establishing conservation and corridor overlay zoning districts, as appropriate, and regulations related to ensure maintenance of quality aesthetics and environmental standards.**
  - J. Assist to achieve the goals, objectives, and policies of the Town of Hilton Head Island Comprehensive Plan.
  - K. Carry out such other purposes in the public interest as may be specifically cited in the LMO and Comprehensive Plan.



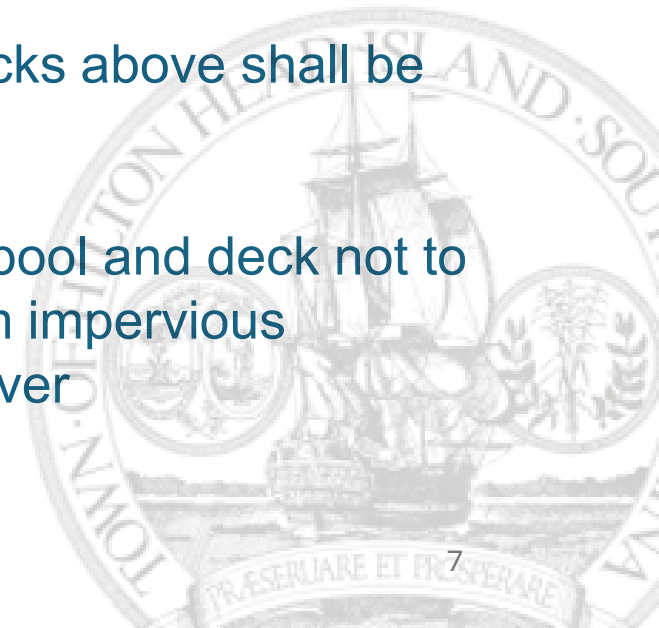
## BACKGROUND:

- FB-NC-O District Purpose and Intent is to **“protect the single-family residential character of the district and in particular the development and redevelopment of lots within the district.”**
- FB-NC-O District was officially adopted in April of 2001 establishing a floor area ratio (FAR) of 0.65. No FAR existed previously.
- On August 5, 2003, the FB-NC-O District FAR regulations were reduced from 0.65 to 0.55 additional regulations, as outlined below:
  - ✓ Increasing setback and buffers
  - ✓ Requiring a buffer landscape plan
  - ✓ Limiting the amount of impervious paving
  - ✓ Reducing the Floor Area Ratio from 0.65 to 0.55, with a maximum limit of 5,000 square feet
  - ✓ Adding a minimum lot size of 7,000 square feet and a minimum lot width of 70-feet
  - ✓ Provided for increase parking requirements based on the number of bathrooms
  - ✓ Revised the definition of dwelling units to account for guest suites.
- The FB-NC-O District was subsequently amended in 2016 and 2017.



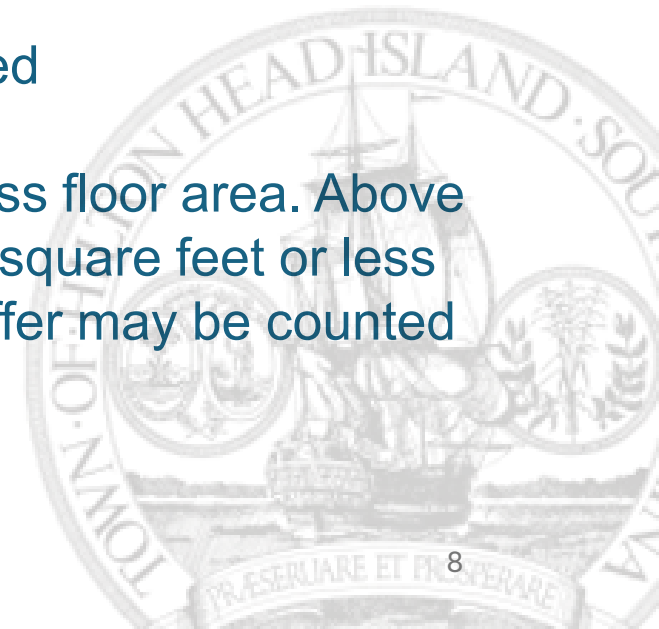
## BACKGROUND:

- The current FB-NC-O District requirements manage:
  - **Setbacks**
    - Side adjacent use setbacks shall be 10 feet for lots with a width of 70 feet and above. For lot widths less than 70 feet, the side adjacent use setback shall be equal to 12 percent of the lot width rounded to the closest whole number.
    - Rear adjacent use setbacks shall equal 10 percent of the lot depth or 10 feet, whichever is greater.
  - **Buffers**
    - A 20-foot street buffer and side and rear buffers equal to the setbacks above shall be required.
  - **Impervious Cover**
    - All site paving shall be pervious with the exception of a swimming pool and deck not to exceed 500 square feet unless the site complies with the maximum impervious cover requirements for the RSF-5 District. Spaced wood decking over a pervious surface is considered pervious.



## BACKGROUND:

- The current FB-NC-O District requirements are:
  - **FAR-** The maximum gross floor area is limited to 0.55 up to a maximum of 5,000 square feet, including covered porches and all enclosed space with a ceiling height of seven feet or greater except:
    - Areas beneath the structure utilized solely for parking and storage
    - The first 600 square feet of covered porches
    - Attic space
  - **Minimum Lot Size and Width**
    - Lots less than 7,000 square feet in size or 70 feet in width prohibited
  - **Parking**
    - Two parking spaces are required for up to 2,000 square feet of gross floor area. Above 2,000 square feet, one additional space is required for each 1,000 square feet or less of gross floor area. Driveway paving not located in the required buffer may be counted for parking.





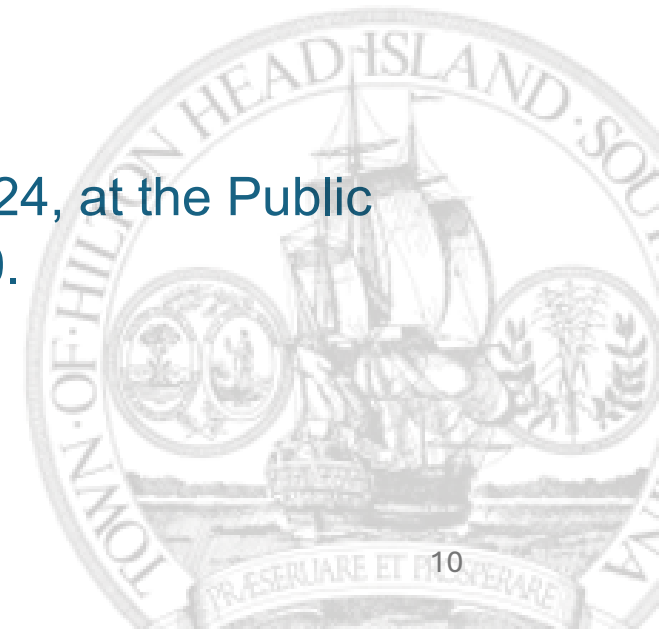
## BACKGROUND:

- The Town of Hilton Head Island conducted a critical review of the LMO in a code assessment in January 2023. The code assessment identified core strengths, weaknesses, opportunities, and threats of existing code regulations.
- Following the code assessment, the Town Council identified an LMO Amendments Plan to address development and design standards and to specifically address and prioritize single-family development mass, scale, and parking.
- Code amendments were drafted to address single-family dwelling parking and floor area ratio. These amendments have been under public review and consideration since July 2023.



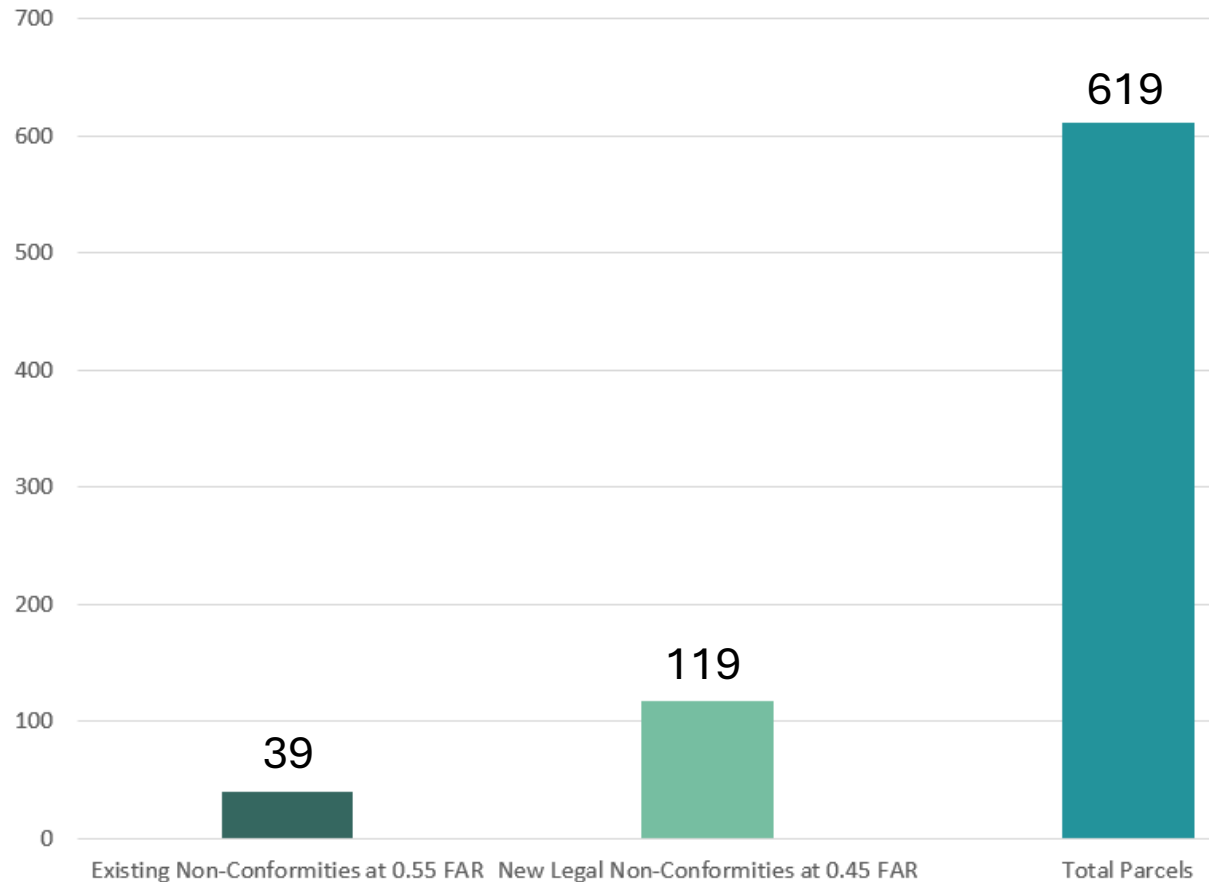
## BACKGROUND:

- On January 11, 2024, the Public Planning Committee discussed amendments to the Land Management Ordinance related to parking, FAR, and mass and scale for single family dwellings. Concluding discussion, the Public Planning Committee voted 4-0 to amend Section 16-3-106.H.4.d for the FB-NC-O District to reduce the FAR from 0.55 to 0.45 to address single-family development mass and scale.
- On February 20, 2024, the Town Council held a first reading considering an ordinance to amend the FAR requirements within the FB-NC-O District.
- The Town Council voted 7-0 to approve the first reading.
- The proposed amendment was presented for consideration on April 17, 2024, at the Public Hearing by the Planning Commission. The Planning Commission voted 6-0.



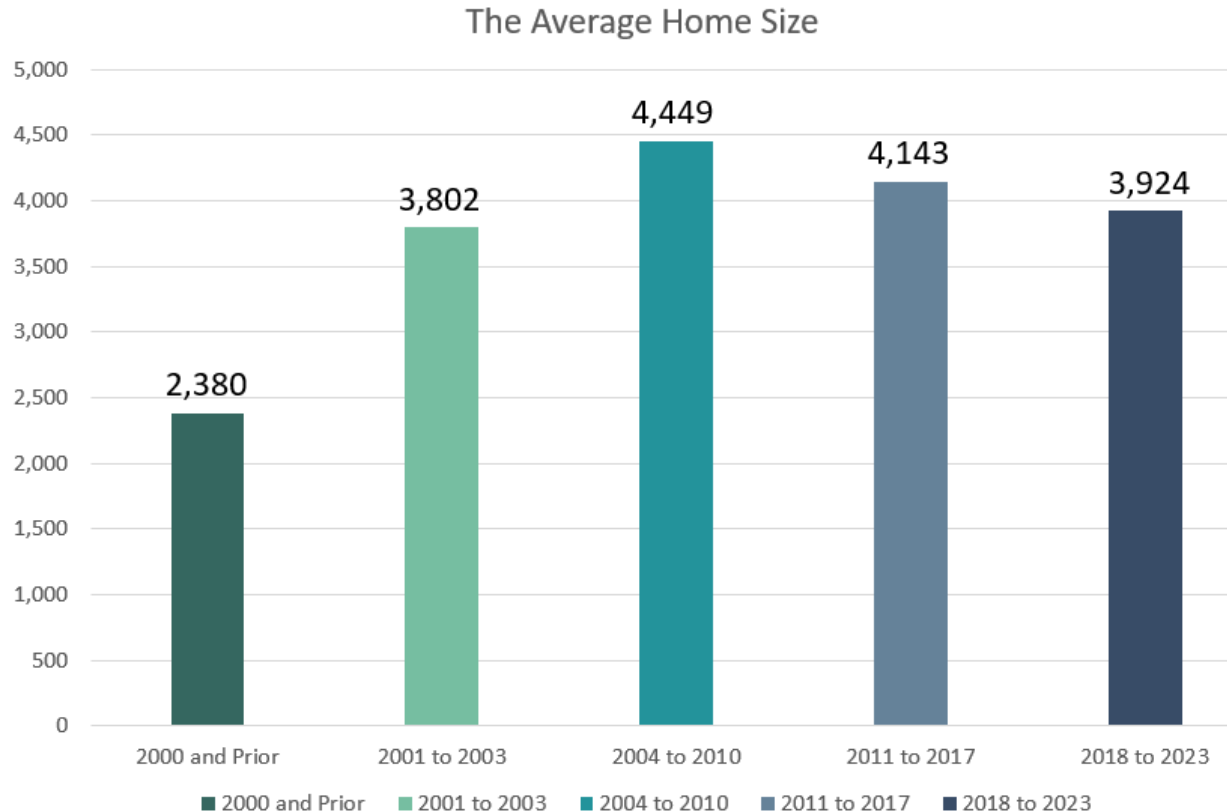
## DATA ANALYSIS:

- At 0.55 FAR there are 39 existing non-conforming properties
- Reducing the FAR to 0.45 would result in approximately 119 additional legal nonconforming properties.
- The total number of parcels 619.
- If adopted, there would be 158 legal nonconforming structures, or 25.5% of the total parcels in the District.



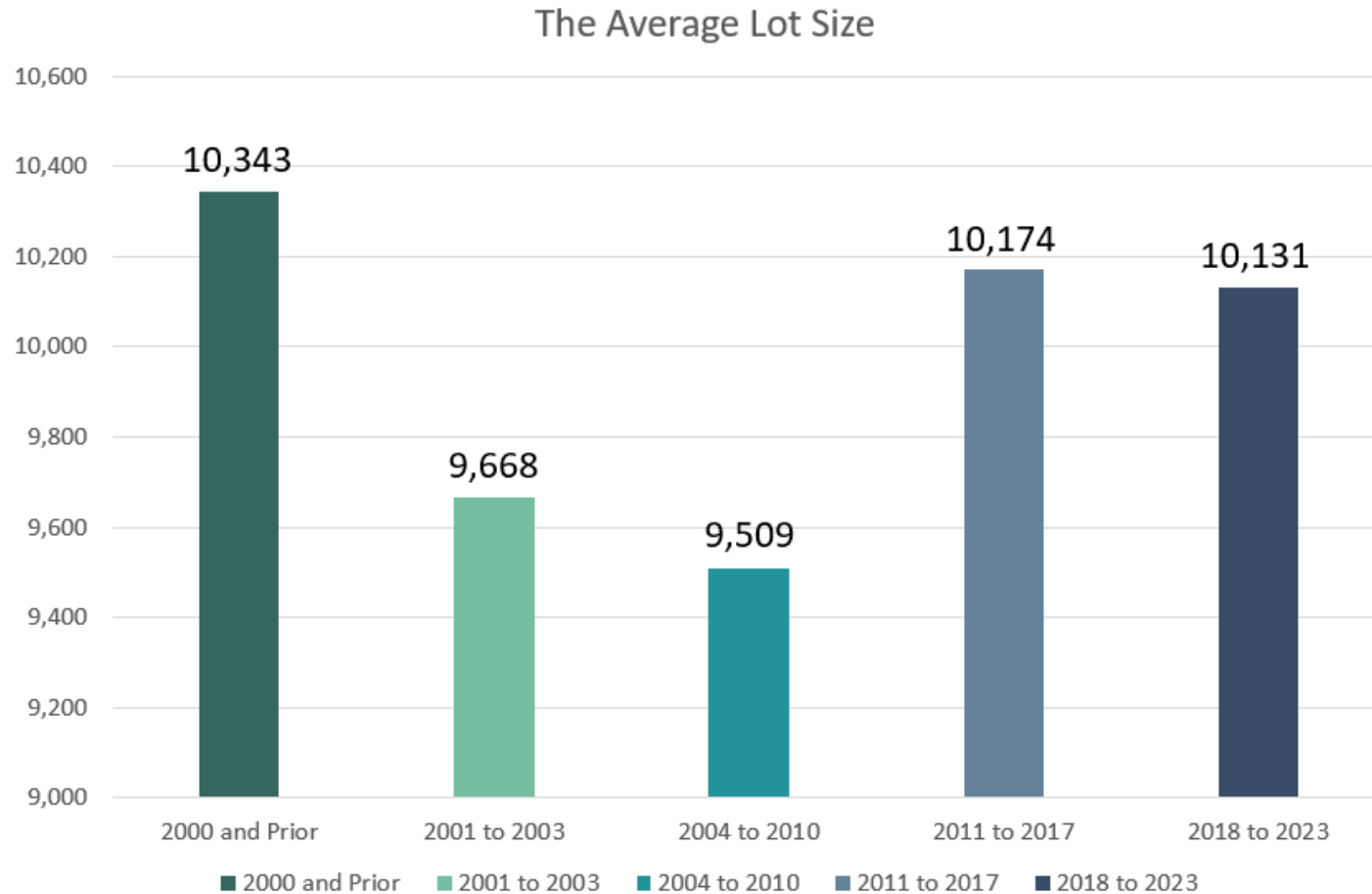
## DATA ANALYSIS:

- Out of 619 parcels, 450 (or 72.6%) of homes were built before 2001, the year when the FB-NC-O District was created.
- Minimum home size is 690 square feet, with a maximum of 7,469 square feet.
- Average home size in the FB-NC-O District between 2000 and prior, 2001-2003, 2004-2010, 2011-2017, 2018-2023 have changed over time



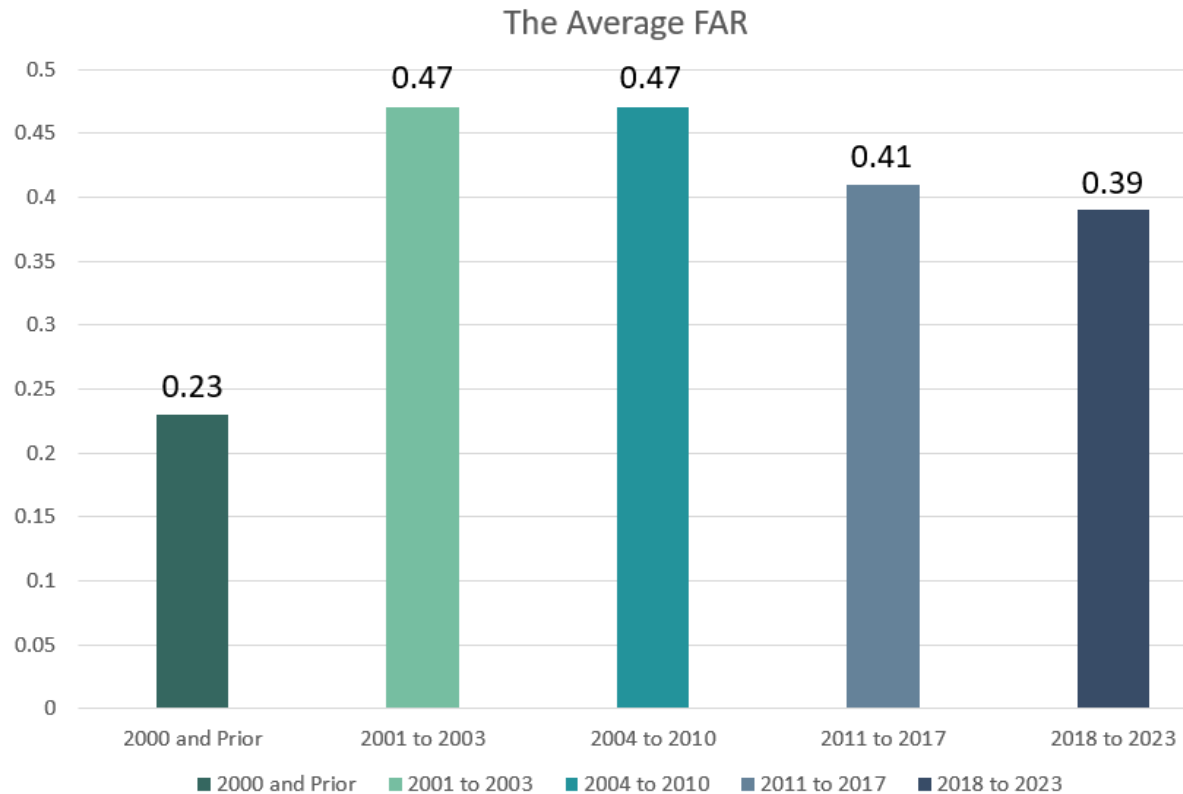
## DATA ANALYSIS:

- Minimum lot size is 1,126 square feet, with a maximum of 30,034 square feet.
- Average lot size in the FB-NC-O District between 2000 and prior, 2001-2003, 2004-2010, 2011-2017, 2018-2023 ranges from 9,509 square feet to 10,343 square feet



## DATA ANALYSIS:

- Minimum FAR is 0.06, with a maximum of 0.89.
- Average FAR in the FB-NC-O District between 2000 and prior, 2001-2003, 2004-2010, 2011-2017, 2018-2023 ranges from 0.23 to .0.47



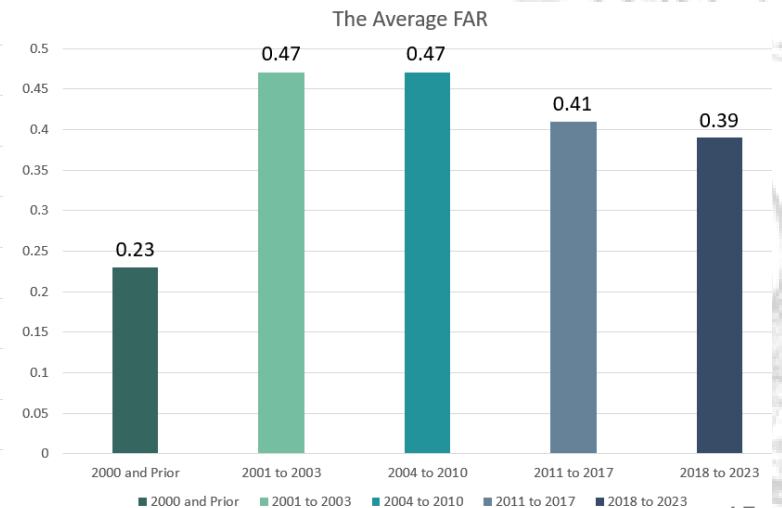
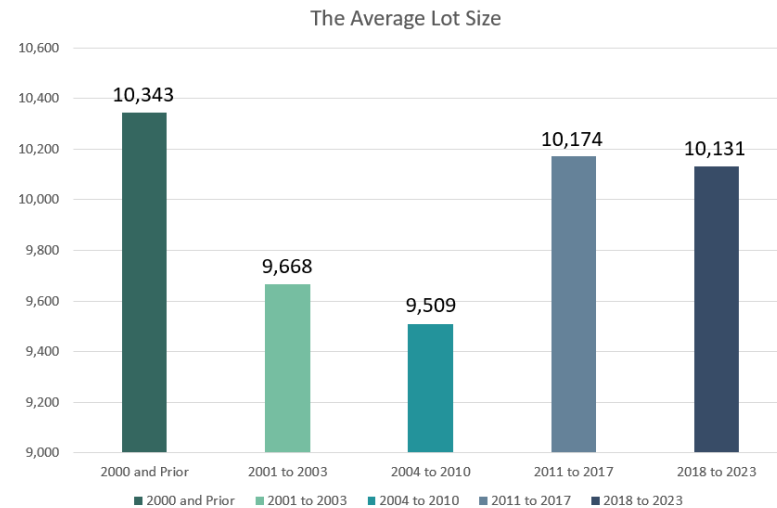
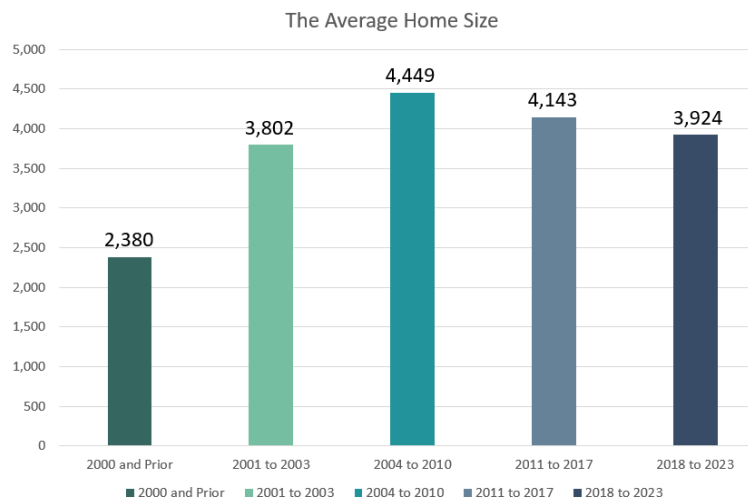
## DATA ANALYSIS:

- Side by side charts illustrate average FAR from 2011 to present is 0.41 or less
  - Average lot sizes also increased
  - Second largest average home size for all years reviewed
- Between 2004-2010, home sizes were largest with average lot sizes at their lowest
  - 58 homes were built (or 9.3%).

Collectively, this may help to explain the sense of a greater mass and scale within the neighborhood.

\*nearly 73% of the housing stock was built prior to 2001 with potential for redevelopment.

- Note: lots platted in 2000 and prior constitutes the largest average size in the district (10,343 square feet)



## DATA ANALYSIS:

- The Lawton Beach Subdivision has a total number of 83 lots.
- There are 0 undeveloped lots within the subdivision.
- There were 66 lots developed prior to 2001.
- There were 4 lots developed between 2001 and 2002.
- There are 13 lots that were built in the years 2003 and later.
- The minimum home size is 968 square feet.
- The average home size is 2,895 square feet.
- The maximum home size is 6,321 square feet (permitted prior to overlay maximum square footage created in 2003).
- The minimum lot size in the Lawton Beach Subdivision is 6,492 square feet.
- The average lot size is 9,220 square feet.
- The maximum lot size is 14,766 square feet.
- The minimum FAR is 0.11.
- The average FAR is 0.31.
- The maximum FAR is 0.62 (approved prior to overlay FAR requirements).
- There are 3 lots that are legal nonconformities.
- There are 11 lots that would become legally nonconforming if the FAR was reduced to 0.45.

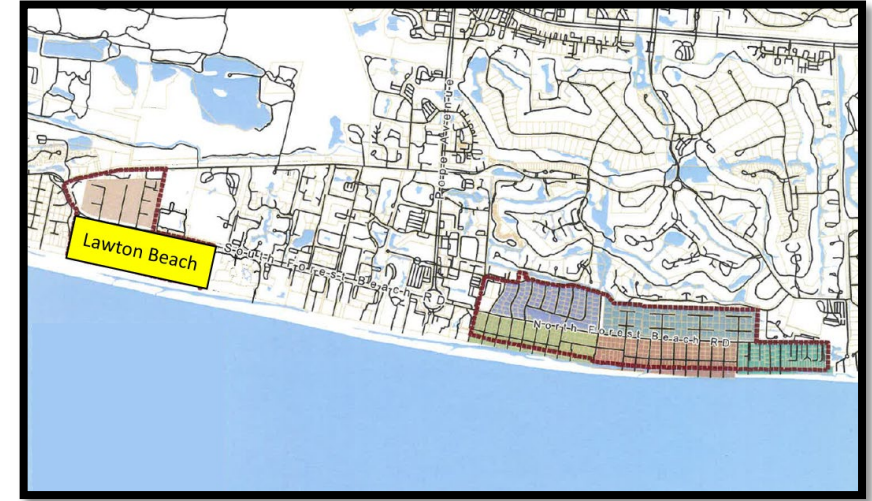


Figure 1- FB-NC-O - Lawton Beach Subdivision





## DATA ANALYSIS:

- The Palm Forest Subdivision has a total number of 57 lots.
- There are 0 undeveloped lots within the subdivision.
- There were 35 lots developed prior to 2001.
- There were 6 lots developed between 2001 and 2002.
- There were 16 lots that were developed in the years 2003 and later.
- The minimum home size is 845 square feet.
- The average home size is 2,592 square feet.
- The maximum home size is 4,944 square feet.
- The minimum lot size in the Palm Forest Subdivision is 7,764.2 square feet.
- The average lot size is 15,202 square feet.
- The maximum lot size is 25,628 square feet.
- The minimum FAR is 0.05.
- The average FAR is 0.18.
- The maximum FAR is 0.37.
- There are 0 lots that are legal nonconformities.
- There are 0 lots that would become legally nonconforming if the FAR was reduced to 0.45.



Figure 2- FB-NC-O – Palm Forest Subdivision



## DATA ANALYSIS:

- The HHI #3 Subdivision has a total number of 77 lots.
- There are 3 undeveloped lots within the subdivision.
- There were 45 lots developed prior to 2001.
- There were 5 lots developed between 2001 and 2002.
- There were 23 lots developed in the years 2003 and later (1 lot is missing year-built data).
- The minimum home size is 1,292 square feet.
- The average home size is 3,097 square feet.
- The maximum home size is 6,293 square feet (permitted prior to overlay maximum square footage created in 2003).
- The minimum lot size in the HHI #3 Subdivision is 6,556 square feet.
- The average lot size is 9,018 square feet.
- The maximum lot size is 15,422 square feet.
- The minimum FAR is 0.10.
- The average FAR is 0.34.
- The maximum FAR is 0.88 (approved prior to overlay FAR requirements).
- There are 8 lots that are legal nonconformities.
- There are 18 lots that would become legally nonconforming if the FAR was reduced to 0.45.

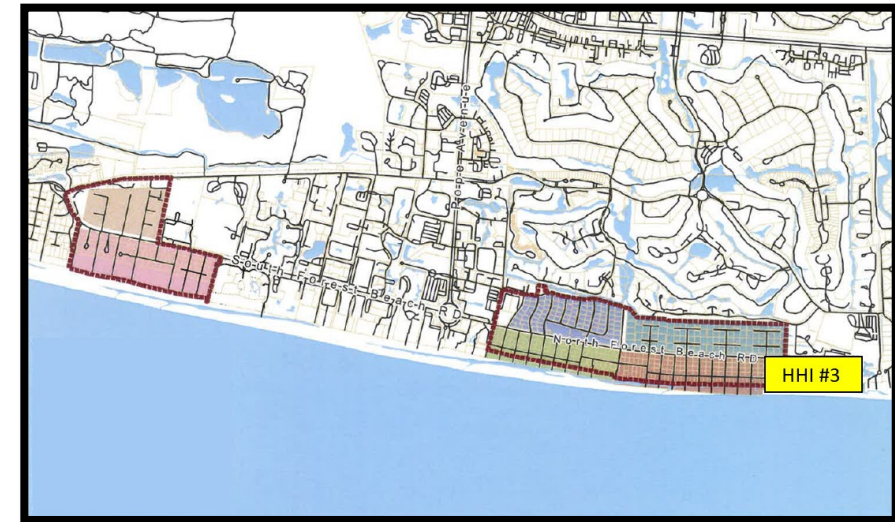


Figure 3- FB-NC-O – HHI #3 Subdivision



## DATA ANALYSIS:

- The HHI #2A Subdivision has a total number of 92 lots.
- There is 1 undeveloped lot within the subdivision.
- There were 80 lots developed prior to 2001.
- There was 1 lot developed between 2001 and 2002.
- There were 10 lots developed in the years 2003 and later.
- The minimum home size is 1,244 square feet.
- The average home size is 2,363 square feet.
- The maximum home size is 4,506 square feet.
- The minimum lot size in the HHI #2A Subdivision is 10,532 square feet.
- The average lot size is 14,190 square feet.
- The maximum lot size is 30,034 square feet.
- The minimum FAR is 0.08.
- The average FAR is 0.17.
- The maximum FAR is 0.41.
- There are 0 lots that are currently legal nonconformities.
- There are 0 lots that would become legally nonconforming if the FAR was reduced to 0.45.

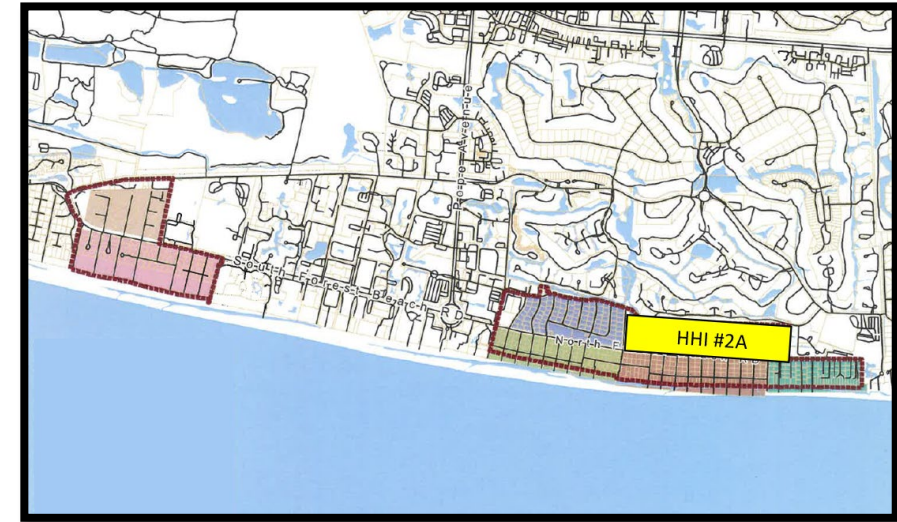


Figure 4- FB-NC-O – HHI #2A Subdivision



## DATA ANALYSIS:

- The HHI #2 Subdivision has a total number of 116 lots.
- There is 1 undeveloped lot within the subdivision.
- There were 80 lots developed prior to 2001.
- There were 3 lots developed between 2001 and 2002.
- There were 32 lots developed in the years 2003 and later.
- The minimum home size is 1,176 square feet.
- The average home size is 3,023 square feet.
- The maximum home size is 7,469 square feet (approved c/o in 2000 prior to overlay maximum square footage created in 2003).
- The minimum lot size in the HHI #2 Subdivision is 6,493 square feet.
- The average lot size is 8,362 square feet.
- The maximum lot size is 19,008 square feet.
- The minimum FAR is 0.13.
- The average FAR is 0.37.
- The maximum FAR is 0.75 (approved prior to overlay FAR requirements).
- There are 10 lots that are currently legal nonconformities.
- There are 34 lots that would become legally nonconforming if the FAR was reduced to 0.45.

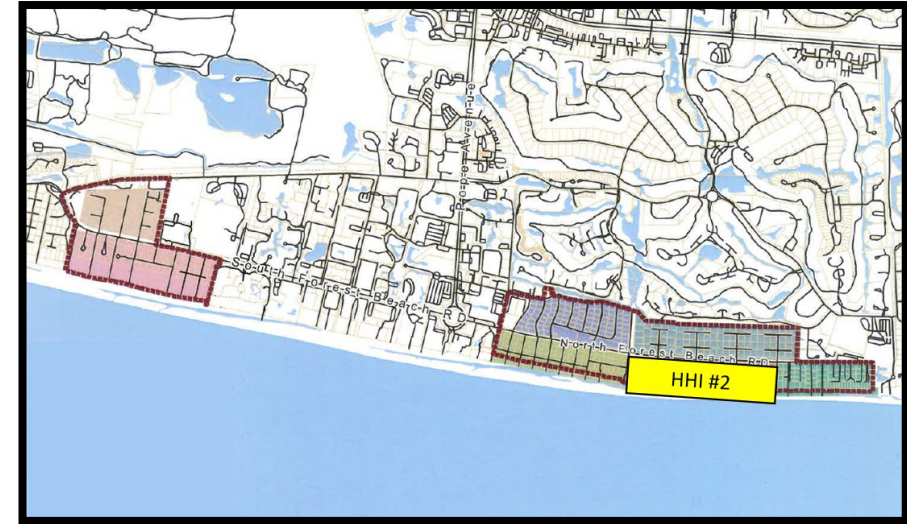


Figure 5- FB-NC-O – HHI #2 Subdivision



## DATA ANALYSIS:

- The HHI #1A Subdivision has a total number of 87 lots.
- There is 1 undeveloped lot within the subdivision.
- There were 77 lots developed prior to 2001.
- There were 0 lots developed between 2001 and 2002.
- There were 9 lots developed in the years 2003 and later.
- The minimum home size is 690 square feet.
- The average home size is 2,204 square feet.
- The maximum home size is 4,992 square feet.
- The minimum lot size in the HHI #1A Subdivision is 7,199 square feet.
- The average lot size is 9,310 square feet.
- The maximum lot size is 13,093 square feet.
- The minimum FAR is 0.08.
- The average FAR is 0.24.
- The maximum FAR is 0.76 (approved prior to overlay FAR requirements).
- There are 3 lots that are currently legal nonconformities.
- There are 6 lots that would become legally nonconforming if the FAR was reduced to 0.45.

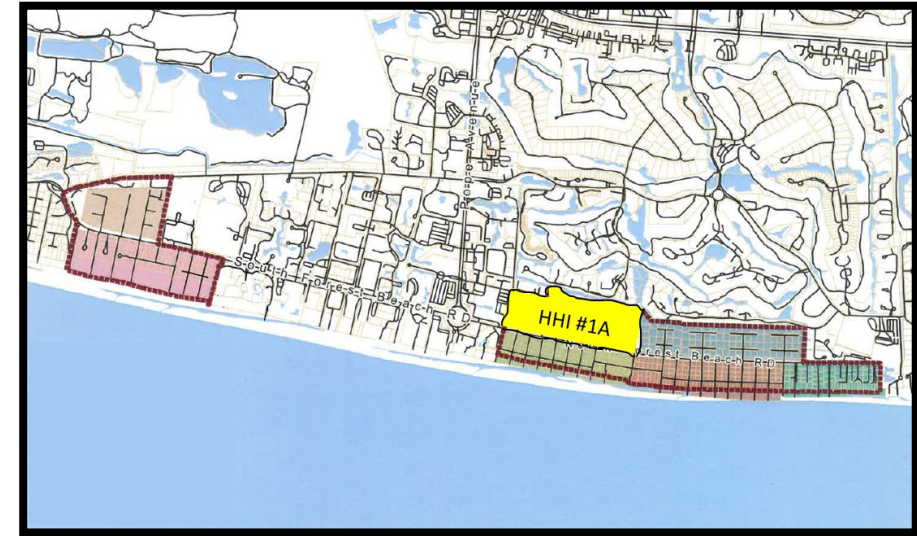


Figure 6- FB-NC-O – HHI #1A Subdivision



## DATA ANALYSIS:

- The HHI #1 Subdivision has a total number of 106 lots.
- There are 0 undeveloped lots within the subdivision.
- There were 67 lots developed prior to 2001.
- There were 6 lots developed between 2001 and 2002.
- There were 29 lots developed in the years 2003 and later (4 lots missing year-built data).
- The minimum home size is 756 square feet.
- The average home size is 3,361 square feet.
- The maximum home size is 7,032 square feet (approved c/o in 1994 prior to overlay maximum square footage created in 2003).
- The minimum lot size in the HHI #1 Subdivision is 6,498 square feet.
- The average lot size is 8,239 square feet.
- The maximum lot size is 11,269 square feet.
- The minimum FAR is 0.09.
- The average FAR is 0.41.
- The maximum FAR is 0.86 (approved prior to overlay FAR requirements).
- There are 15 lots that are currently legal nonconformities.
- There are 50 lots that would become legally nonconforming if the FAR was reduced to 0.45.

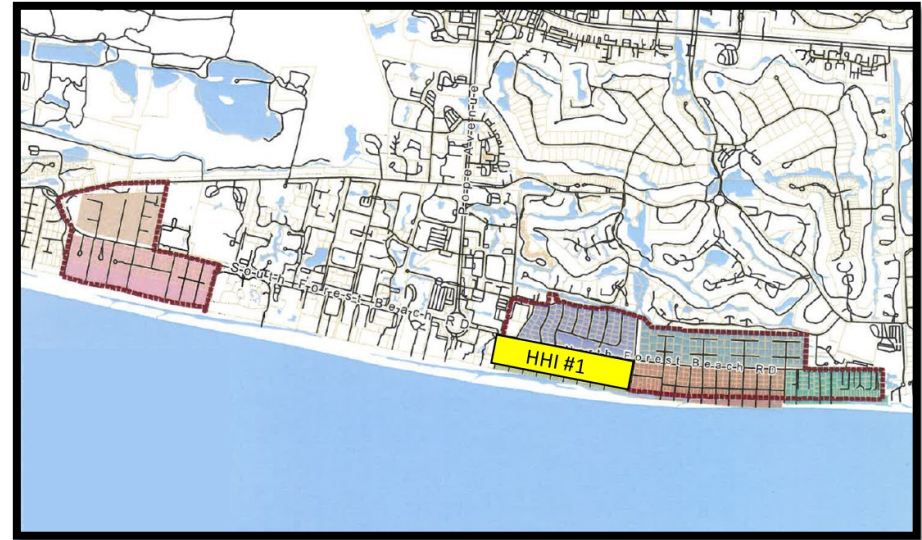


Figure 7- FB-NC-O – HHI #1 Subdivision





Photo in Forest Beach along Forest Beach Road looking towards the beach

## Lawton Beach Subdivision



- Home size: 4,682 square feet
- Lot size: 8,747 square feet
- Built in 2004
- 0.53 FAR



- Home size: 4,980 square feet
- Lot size: 12,008 square feet
- Built in 2019
- 0.41 FAR



## Palm Forest Subdivision



- Home size: 2,543 square feet
- Lot size: 10,252 square feet
- Built in 2020
- 0.24 FAR



- Home size: 3,509 square feet
- Lot size: 9,366 square feet
- Built in 2021
- 0.37 FAR

## HHI #2 Subdivision



- Home size: 4,395 square feet
- Lot size: 7,997 square feet
- Built in 2021
- 0.55 FAR



- Home size: 3,775 square feet
- Lot size: 8,317 square feet
- Built in 2007
- 0.45 FAR

## HHI #1A Subdivision



- Home size: 4,095 square feet
- Lot size: 8,520 square feet
- Built in 2006
- 0.48 FAR



- Home size: 4,992 square feet
- Lot size: 10,693 square feet
- Built in 2006
- 0.49 FAR

## HHI #1 Subdivision



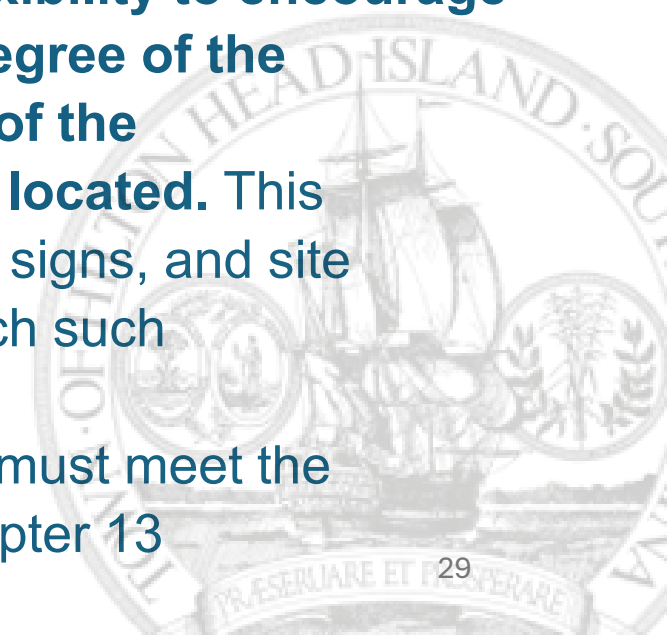
- Home size: 4,353 square feet
- Lot size: 8,000 square feet
- Built in 2021
- 0.54 FAR



- Home size: 3,597 square feet
- Lot size: 8,062 square feet
- Built in 2006
- 0.45 FAR

## NONCONFORMING STRUCTURES:

- Chapter 16-7 provides standards for nonconformities.
  - Nonconformities Chapter reads as follows, “the zoning regulations and development standards established by this Ordinance are designed to guide the future development and redevelopment of land within the Town by encouraging and regulating site development and appropriate groupings of compatible and related uses that promote and protect the public health, safety, and general welfare. **While the Town recognizes the continued existence of nonconformities is generally inconsistent with the purpose and intent of this Ordinance, it also recognizes this Ordinance needs to provide flexibility to encourage redevelopment of nonconforming development if it lessens the degree of the nonconformity and if redevelopment is consistent with the goals of the Comprehensive Plan and the district in which the development is located.** This Chapter provides for the regulation of nonconforming uses, structures, signs, and site features, and specifies those circumstances and conditions under which such nonconformities are allowed to continue and redevelop.”
- If a structure is legally nonconforming, to redevelop, expand or relocate, it must meet the requirements of Chapter 16-7 or Chapter 16-9 Disaster Recovery and Chapter 13



## NONCONFORMING STRUCTURES:

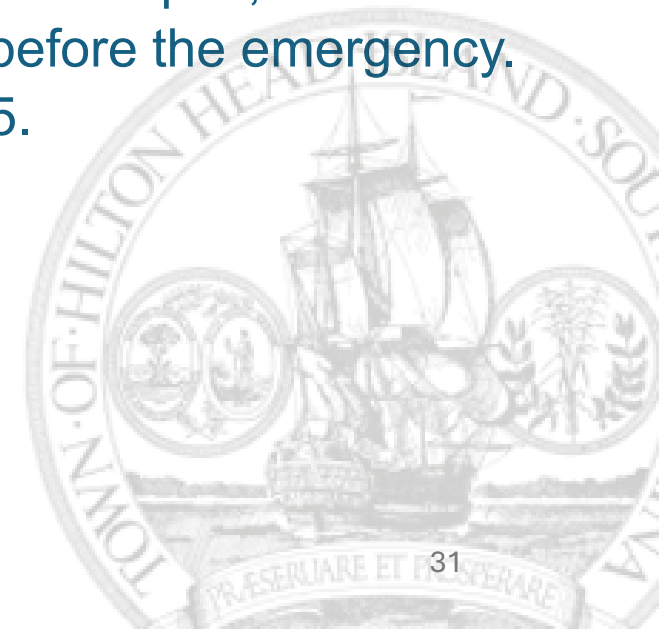
Chapter 16-7 outlines standards for nonconformities within the Town

- Redevelopment, expansion, or relocation of legally nonconforming structures must adhere to Chapter 16-7 and typically must meet the Substitutions of nonconformities for Redevelopment requirements listed below:
  - Will not include any new **development** that increases the amount of encroachment into any required buffer or setback;
  - Will not increase the **impervious cover** on the **site** over the maximum allowed for the district or the existing **impervious cover**, whichever is greater;
  - Will lessen the extent of existing **nonconforming site features** to the greatest extent possible;
  - Will not have an adverse impact on the public health, safety or welfare; and
  - Will lessen the extent of nonconformities related to any existing **nonconforming structure** on the **site** to the greatest extent possible.



## **NONCONFORMING STRUCTURES:**

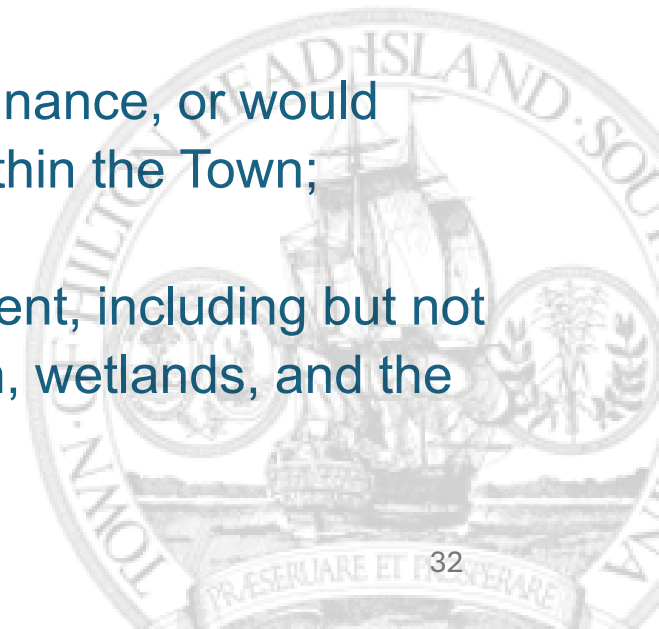
- Chapter 16-9 Disaster Recovery aims to expedite the rebuilding process post-natural disaster, allowing landowners to repair or reconstruct damaged structures without full review under normal ordinance procedures.
  - Applies to structures damaged in events declared as a State of Emergency and takes precedence over nonconformity regulations. However, alterations beyond pre-disaster conditions require compliance with standard permitting provisions.
- In Chapter 13 – Disaster Emergency, applies to structures damaged or destroyed in emergencies declared by the mayor, as defined in the Town’s municipal Code. Repair, reconstruction, or rebuilding must adhere to the state or condition existing before the emergency. Alterations beyond pre-emergency conditions require permits under Title 15.



## REVIEW STANDARDS:

Section 16-2-103.B.3 provides text amendment review standards that may be considered when determining to adopt or deny a proposed text amendment. The review standards may be used to weigh the relevance of and consider whether and the extent to which the proposed Text Amendment meets the following:

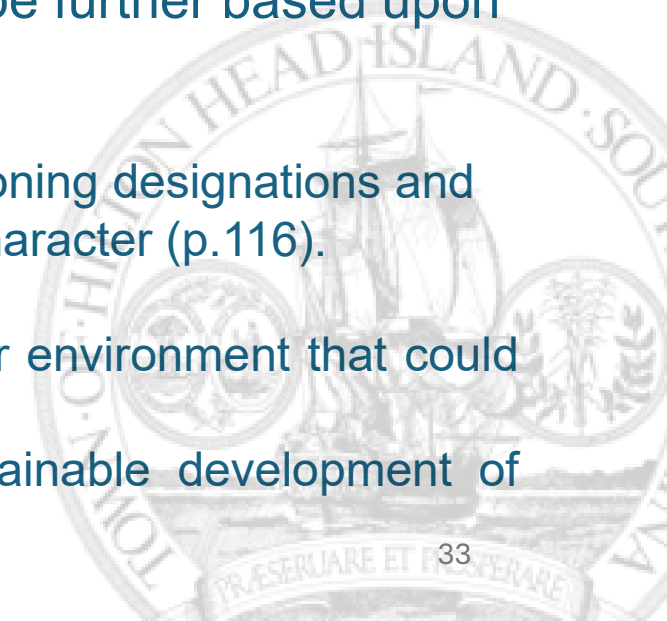
- In accordance with *Our Plan*;
- Required by changed conditions;
- Addresses a demonstrated community need;
- Consistent with the purpose and intent of the zoning districts in this ordinance, or would improve compatibility among uses and ensure efficient development within the Town;
- Would result in a logical and orderly development pattern; and
- Would not result in significant adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.





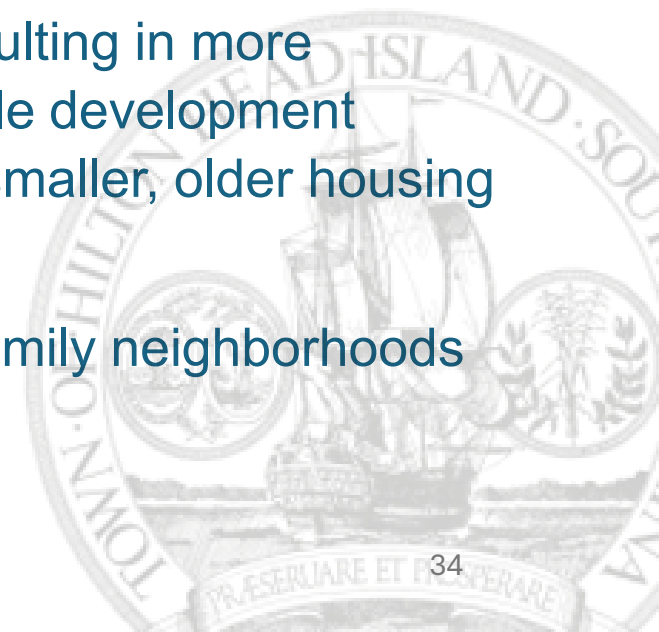
## REVIEW STANDARDS:

- The proposed amendment would result in a logical and orderly development pattern already represented within the community and demonstrates the evolving community needs and preferences.
- There is a demonstrated community need, as the Forest Beach Property Owners Association (POA) is in support of the proposed amendment.
- Reducing the FAR in the FB-NC-O District would also make the district consistent with the Folly Field and Holiday Homes Neighborhood Character Overlay Districts which both have 0.45 FAR.
- Throughout *Our Plan*, there is overlap in key ideas, goals and strategies. The proposed text amendment to reduce the FB-NC-O District FAR from 0.55 to 0.45 should be further based upon the *Our Plan* goals and themes as discussed below.
  - **The Pursuit of Excellence**
    - Connected Strategies include providing appropriate modifications to the zoning designations and land use regulations to meet community needs while maintaining island character (p.116).
  - **The Environment and Sustainability**
    - Opportunities for the Environment include interpreting the future climate or environment that could impact the human footprint and presence on the Island (p.124).
    - Economic Strategies include encouraging and offering options for sustainable development of structures and sites (p.127).



## SUMMARY:

- The proposed amendment reduces the FAR from 0.55 to 0.45 within the Forest Beach Neighborhood Character Overlay District.
- This amendment aims to address concerns regarding single-family development mass and scale.
- The proposed reduction aligns with existing FAR requirements in other overlay districts and reflects *Our Plan* goals, emphasizing modification of the zoning designation reflecting community input to maintain island character as represented in the Forest Beach POA and response. The FAR reduction may result in building footprint reduction, resulting in more pervious surface, and provides a mechanism for achieving more sustainable development patterns. Lowering the FAR would also help lessen redevelopment risk of smaller, older housing stock replaced with larger homes out of character with the district.
- The Planning Commission also supported reducing FAR within all single-family neighborhoods to .45 on July 27, 2023.



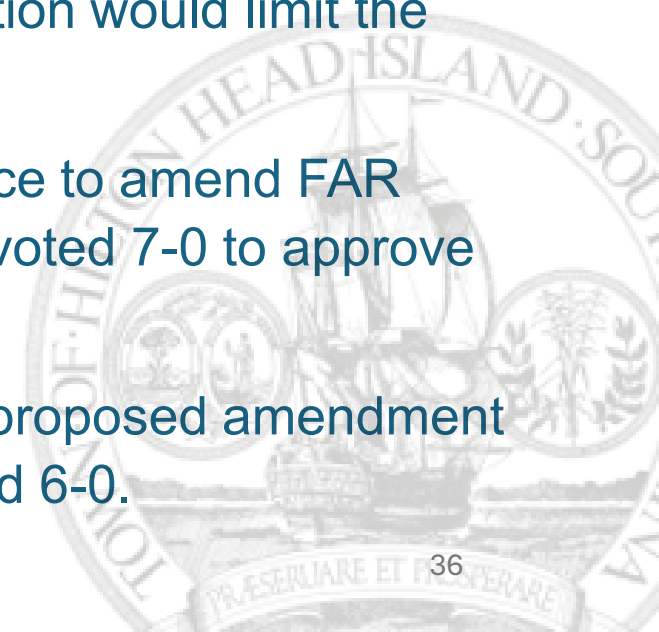
## SUMMARY:

- In January 2023, the Town of Hilton Head Island conducted a critical review of the LMO in a code assessment. The code assessment identified core strengths, weaknesses, opportunities, and threats of existing code regulations.
- Following the code assessment, the Town Council identified an LMO Amendments Plan to address development and design standards to specifically address and prioritize single-family development mass, scale, and parking.
- Code amendments were drafted to address single-family dwelling parking and single-family FAR. These amendments have been under public review and consideration since July 2023.



## SUMMARY:

- The purpose of the proposed FAR amendment is to regulate the volume and bulk of homes more efficiently based on the ratio of the structure's size in relation to the property size. The proposed amendment reduces the current FAR and would limit the gross floor area that a single-family residence could have on a parcel of land.
- On January 11, 2024, the Public Planning Committee discussed amendments concerning parking, FAR, and mass and scale for single-family dwellings. They voted 4-0 to amend Section 16-3-106.H.4.d for the FB-NC-O District, reducing the FAR from 0.55 to 0.45 to address concerns regarding single-family development mass and scale. This reduction would limit the gross floor area permitted for a single-family residence on a parcel of land.
- On February 20, 2024, the Town Council held a first reading on an ordinance to amend FAR requirements within the FB-NC-O District. The Town Council unanimously voted 7-0 to approve the first reading.
- On April 17, 2024, the Planning Commission held a Public Hearing on the proposed amendment to reduce the FAR in the FB-NC-O District. The Planning Commission voted 6-0.



# QUESTIONS?

