Town of Hilton Head Island
Planning Commission
Wednesday, June 4, 2014
9:00 a.m. Benjamin M. Racusin Council Chambers
AGENDA

As a Courtesy to Others Please Turn Off All Cell Phones and Pagers during the Meeting.

1. Call to Order

2. Pledge of Allegiance to the Flag

3. Roll Call

4. Freedom of Information Act Compliance
Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

5. Approval of Agenda

6. Approval of Minutes – Special April 23, 2014 meeting and regular May 21, 2014 Meeting

7. Appearance by Citizens on Items Unrelated to Today's Agenda

8. Unfinished Business
None

9. New Business

Public Hearing *(In the event that the public hearing is not completed and closed on June 4, 2014, it will be continued at the next following regular or special meeting of the Planning Commission)*

a) Repeal of existing Land Management Ordinance and Adoption of a new Land Management Ordinance as part of Title 16 of the Municipal Code. *Presented by: Jim Gant, LMO Rewrite Committee, and Curtis Coltrane, Esq.*

Public Hearing *(In the event that the public hearing is not completed and closed on June 4, 2014, it will be continued at the next following regular or special meeting of the Planning Commission)*

b) Repeal of existing Official Zoning Map and Adoption of a new Official Zoning Map as part of Title 16 of the Municipal Code. *Presented by: Jim Gant, LMO Rewrite Committee, and Curtis Coltrane, Esq.*

Public Hearing *(In the event that the public hearing is not completed and closed on June 4, 2014, it will be continued at the next following regular or special meeting of the Planning Commission)*

c) Amend Title 16 (Land Management Ordinance) of the Municipal Code, specifically Chapter 5, Article XVIII (Impact Fees). The only change to this article will be to re-number it in conjunction with the Land Management Ordinance Rewrite project. *Presented by: Jim Gant, LMO Rewrite Committee, and Curtis Coltrane, Esq.*

d) Adoption of Amendments to the Rules of Procedure. *Presented by: Jayme Lopko*

10. Commission Business

Nominating Committee

11. Chairman's Report

12. Committee Reports

13. Staff Reports

14. Adjournment

Please note that a quorum of Town Council may result if four or more of their members attend this meeting.

TOWN OF HILTON HEAD ISLAND
Special Planning Commission Workshop Meeting
Wednesday, April 23, 2014
4:00p.m – Benjamin M. Racusin Council Chambers

Commissioners Present: Chairman Gail Quick, Vice Chairman David Bennett, Alex Brown, Terry Ennis, Bryan Hughes, Tom Lennox, Barry Taylor and Brian Witmer

Commissioners Absent: Judd Carstens

Town Council Present: Bill Harkins

Town Staff Present: Teri Lewis, LMO Official
Charles Cousins, Director Community Development
Shawn Colin, Deputy Director Community Development
Jayme Lopko, Senior Planner & Planning Commission Coordinator
Kathleen Carlin, Secretary

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1. Call to Order

2. Freedom of Information Act Compliance
Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

3. Unfinished Business
Coligny Project Area Input Results & Planning Commission Recommendations

Chairman Quick stated that on April 2, 2014 the Planning Commission held a public workshop to solicit public input to be presented to Town-engaged consultants in designing a revised concept plan for the Coligny Area. The concept plan will be based on the following elements approved by Town Council:

- Destination park and playground,
- Surface parking,
- Children's museum,
- Streetscape improvements,
- Roadway and intersection improvements and
- Pedestrian improvements.

Chairman Quick introduced the members of the Joint Planning Commission/Town Staff Design Team (Commissioner Terry Ennis, Commissioner Alex Brown, Vice Chairman David Bennett, Commissioner Tom Lennox, and Town staff, Shawn Colin, Shea Farrar, and Jennifer Ray.) Chairman Quick then requested that Commissioner Ennis present comments on behalf of the Design Team.

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Commissioner Ennis presented background details regarding the Coligny Project Area Input Results & Planning Commission Recommendations. Mr. Ennis stated that there were three focus groups at the April 2, 2014 Workshop meeting. The purpose of the focus groups was to consolidate the massive amount of data received from the public.

At the workshop, participants were invited to join three interactive focus groups based on the following elements, through which individual comments were solicited and recorded. The three focus groups were:

(A) Destination Park & Playground and Children's Museum.
(B) Streetscape Elements & Pedestrian Improvements Including Roadway and Intersection Improvements.
(C) Surface & Other Parking and Pedestrian/Bicycle improvements.

Following the workshop, public comments were reviewed and used to identify common themes and preliminary recommendations for area improvements. These along with the detailed list of comments from each group are included.

Commissioner Ennis stated that the Planning Commission will review these themes today, which will then be forwarded to the consultants as recommendations, along with any additional public input received at this meeting. Commissioner Ennis then requested comments from Commissioner Alex Brown.

Commissioner Brown presented comments on Coligny parking and the movement of vehicular and pedestrian traffic (this will be key to the success of the project.) Vice Chairman Bennett presented statements regarding the Master Plan for the Coligny area, the need for a "Sense of Arrival", opening vistas to ocean views, and the need for pedestrian/bicycle area (i.e. Complete Streets), slowing down the pace of traffic and the need for safe access to the beach.

Commissioner Lennox presented statements regarding the Destination Park & Playground and Children's Museum. Following these presentations, Chairman Quick presented statements in support of "Quick Action" items. Chairman Quick then requested public comments and the following citizens presented comments:

(1) Mr. Peter Ovens presented statements in support of the H.A.W.K. pedestrian system; (2) Mr. David Martin, Piggly Wiggly business owner, presented statements in concern of security issues associated with inadequate parking; (3) (unidentified resident) of the Coligny area questioned the status of the USCB location and the H.A.W.K. pedestrian system; (4) Resident, Ms. Jenny Siroddy, presented statements in support of taking care of the "Quick Action" items; (5) (unidentified resident) of the North Forest Beach area, presented statements in concern of current traffic and safety issues; (6) (unidentified resident) of the area presented statements in concern of traffic and safety issues; (7) Mr. David Ames, presented public comments in support of the "Quick Action" items (8) Mr. Jack Alderman presented statements in support of the "Quick Action" items specifically related to vehicular and pedestrian safety; (9) Mr. Henry Sanders, resident, presented statements in support of the Planning Commission's proposed improvements (with the exception of a proposed parking structure.); (10) Mr. Frank Babbel presented statements in support of the H.A.W.K. pedestrian plan; "alternative route" signs should be implemented to help avoid traffic congestion; (11)

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Mr. Tom Sharp presented statements in support of the proposed improvements to the Coligny area. This completed all public comments and Chairman Quick closed the public comment portion of the meeting. Following final comments by the Planning Commission, Chairman Quick requested that a motion be made.

Commissioner Ennis made a **motion** that the Planning Commission's Chair **endorse** the transmittal of recommendations from the April 2, 2014 Workshop coupled with the additions captured today and follow up through staff for onward transmission or transmittal to the Town-approved consultants for consideration of the concept plan of Coligny. Commissioner Taylor **seconded** the motion and the motion **passed** with a vote of 8-0-0.

4.Adjournment

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TOWN OF HILTON HEAD ISLAND
Planning Commission Meeting
Wednesday, May 21, 2014
9:00a.m – Benjamin M. Racusin Council Chambers

Commissioners Present: Chairman Gail Quick, Vice Chairman David Bennett, Alex Brown, Judd Carstens, Terry Ennis, Bryan Hughes, Tom Lennox, Barry Taylor and Brian Witmer

Commissioners Absent: None

Town Council Present: John McCann

Town Staff Present: Teri Lewis, LMO Official
Charles Cousins, Director Community Development
Shawn Colin, Deputy Director Community Development
Brian Hulbert, Staff Attorney; Nicole Dixon, Senior Planner
Jayme Lopko, Senior Planner & Planning Commission Coordinator
Kathleen Carlin, Secretary

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1. Call to Order

2. Pledge of Allegiance to the Flag

3. Roll Call

4. Freedom of Information Act Compliance
Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and Town of Hilton Head Island requirements.

5. Approval of Agenda
The agenda was **approved** as presented by general consent.

6. Approval of Minutes
The Planning Commission **approved** the minutes of the regular May 7, 2014 meeting as submitted by general consent.

7. Appearance by Citizens on Items Unrelated to Today's Agenda
None

8. Unfinished Business
None

9. New Business
None

10. Commission Business
Status of Coligny Area Improvement Project Chairman Quick introduced the topic and requested that Commissioner Terry Ennis present introductory remarks. Commissioner Ennis presented a very brief history of the Coligny Area Improvement Project. The Planning Commission held a Coligny Area Improvement Project Workshop on April 2, 2014. This was Phase 1 of the project and the Planning Commission received a good deal

of public input regarding priority items. The next phase will be the Conceptual Phase and will include the issue of vehicular and pedestrian circulation. At the Special Planning Commission meeting held on April 23, 2014, the Planning Commission and the public discussed several issues that should be considered "quick issue" items. The second phase is in progress and the Planning Commission looks forward to hearing back from the consultant on several issues. Following this introduction, Chairman Quick requested that the staff make their presentation.

Ms. Jennifer Ray made the presentation on behalf of staff. Ms. Ray stated that the staff and Ms. Kyle Theodore, Project Manager with Wood + Partners, have met to discuss the Coligny Area Improvements. The consultant has received all of the documentation relative to the Coligny Area Improvements. Ms. Kyle Theodore is available today to present the status of "Quick Action" items. Ms. Theodore will also review some data on traffic counts, parking counts, and enhanced parking plans. Ms. Ray then requested that Ms. Theodore make her presentation.

Ms. Kyle Theodore stated that Wood + Partners is the prime consultant for the Coligny District Improvement project. Ms. Theodore presented a brief introduction of other key members of the Team.

Ms. Theodore presented an in-depth overhead review of the enhanced parking plans. Commissioner Ennis and Ms. Theodore discussed several issues including traffic counts and parking counts.

Ms. Theodore presented statements regarding several "Quick Action" items including the H.A.W.K pedestrian system, traffic assessment, signage considerations, increasing the availability of beach drop off areas, incremental parking improvements, and the shuttle concept to off-site properties. Ms. Theodore also presented statements regarding the proposed pathway along Lagoon Road, stormwater retention, the immediate need for new bike racks in the park.

Ms. Theodore also discussed the proposed enhancement to the Town's public parking lot. A redesigned plan approach was also reviewed. Lastly, Ms. Theodore discussed the issue of sign improvements (including the location of signage) as related to parking improvements and traffic direction. Ms. Theodore and the Planning Commission discussed the proposed addition of 27 new parking spaces in the existing Coligny beach lot.

The Planning Commission briefly discussed the merits of the two proposed plans. Most Planning Commissioners stated that they like the second plan (enhanced parking plan.) Following their discussion, Chairman Quick requested that a motion be made.

Vice Chairman Bennett made a **motion** to **forward** the parking enhancement plan to Town Council with a recommendation of **approval**. Vice Chairman Bennett recommended adding gravel, performing necessary grading, and doing enhancements to the green area as well as doing the capacity study on the additional lot that was discussed. Commissioner Hughes **seconded** the motion and the motion **passed** with a vote of 8-1-0.

The Planning Commission thanked Ms. Kyle Theodore and Ms. Jennifer Ray for their presentation.

Following Commission Business, Vice Chairman Bennett **recommended** that the Planning Commission **move** to go into Executive Session for the purpose of discussing matters related to personnel. Commissioner Ennis **seconded** the motion and the motion **passed** with a vote of 9-0-0. The Planning Commission went into Executive Session at 3:45p.m. The Planning Commission resumed their business meeting at 4:18p.m.

11. Chairman's Report

None

12. Committee Reports

LMO Rewrite Committee Update - Presentation of Land Management Ordinance (LMO) Rewrite Draft Chapter 5 (Development & Design Standards); Chapter 6 (Natural Resources); and Chapter 7 (Non-Conformities)

Chairman Quick requested that Mr. Jim Gant make his presentation on behalf of the LMO Rewrite Committee. Mr. Gant stated that the Prep Team held a public meeting on May 12, 2014. Today's presentation will be a review of Draft Chapter 5 (Development & Design Standards); Chapter 6 (Natural Resources); and Chapter 7 (Non-Conformities) as well as committee recommendations.

Mr. Gant presented brief background comments regarding the objectives and guiding principles for the LMO Rewrite process. Mr. Gant presented comments regarding the specific charters from Town Council concerning Design Standards and Natural Resources. The following is a brief recap of the presentation. For complete details, please refer to Mr. Gant's *(attached)* report.)

Design Standards and Natural Resources – (a) develop specific design standards for selected zoning districts; (b) review non-district specific design standards and natural resource standards; (c) eliminate outdated requirements, (d) create flexibility where appropriate.

Non-Conformities – (a) evaluate policy on non-conformities; (b) develop framework to facilitate improvement of existing non-conforming sites.

Components of Design Standards: (a) adjacent setback and buffer; (b) open space; (c) mobility, street and pathway; (d) traffic analysis, (e) parking and loading; (f) site lighting; (g) storm water management and erosion, etc.,

Buffers: (a) eliminate buffer requirements between adjoining properties with similar uses; (b) created five different buffer options to provide for narrower but more densely planted buffer screen, creating flexibility while preserving "edge" conditions. The five buffer types depend on property use and location.

Parking – created requirement for bicycle parking (4 bike spaces for every 10 auto spaces) for all multifamily and non-residential development. Create one electrical charging station in each multifamily and non-residential development.

Lighting – proposes to implement some minor lighting increases in the Coligny district.

Stormwater Management – Hold to existing water quality standards.

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Signs for commercial properties – The regulation of signs behind the gates in PD-1s will be left to the PD-1s and their POAs instead of the Town.

The goal for the Coligny district is to encourage workability in the commercial area and to encourage outdoor uses.

Natural Resources Requirements – Mr. Gant reviewed several issues including tree preservation, the opening of view corridors, maintaining the Town's existing high water quality.

Lastly, Mr. Gant discussed minor changes to buffer requirements and the committee's goal of eliminating non-conformities.

Mr. Jim Gant will present the draft LMO (Chapter 1 – Chapter 10) to the Planning Commission at the public hearing on Wednesday, June 4, 2014 at 9:00a.m. Curtis Coltrane, Esq., will assist in the presentation.

The Planning Commission thanked Mr. Gant for his presentation.

13. Staff Reports

None

14. Adjournment

There being no further business, the meeting was adjourned at 4:45p.m.

Submitted By:	Approved By:
_____	_____
Kathleen Carlin Secretary	Gail Quick Chairman

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TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Planning Commission
VIA: Jayme Lopko, AICP, *Senior Planner and PC Coordinator*
FROM: Teri B. Lewis, AICP, *LMO Official*
DATE May 22, 2014
SUBJECT: LMO Rewrite Draft Document and Draft Zoning Map

Recommendation
The Land Management Ordinance (LMO) Rewrite Committee recommends that the Planning Commission forward the attached documents to Town Council with a recommendation of approval.

Staff recommends that the Planning Commission forward the attached documents to Town Council with a recommendation of approval.

Summary
The Town, as part of the LMO Rewrite Project, is proposing to take the following actions:

- The Town proposes to repeal portions of Title 16 (Land Management Ordinance) of the Municipal Code. The only portion that is not proposed to be repealed is Title 16, Chapter 5, Article XVIII (Impact Fees).
- The Town proposes to adopt a new Land Management Ordinance as part of Title 16 of the Municipal Code.
- The Town proposes to repeal the Official Zoning Map as referenced in Title 16 (Land Management Ordinance) of the Municipal Code.
- The Town proposes to adopt a new Official Zoning Map as part of Title 16 of the Municipal Code.
- The Town proposes to amend Title 16 (Land Management Ordinance) of the Municipal Code, specifically Chapter 5, Article XVIII (Impact Fees). The only change to this article will be to re-number it in conjunction with the Land Management Ordinance Rewrite project.

Background
Town Council adopted a resolution in March 2011, the effect of which was to appoint a committee to lead the effort to rewrite the LMO. The Committee, working with staff, a consultant and numerous experts has created a document that is easier to read and enables redevelopment while at the same time holding true to the values and characteristics of Hilton Head Island.

Please contact me at (843) 341-4698 or at teril@hiltonheadislandsc.gov should you have any questions regarding this project.

Town of HILTON HEAD ISLAND

Land Management Ordinance

Public Hearing Draft

April 2014

CLARION

OPTICOS

WARD EDWARDS

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Chapter 1 General Provisions

Commentary:

Title 16 Chapter 1: General Provisions, contains important general provisions that are relevant to the LMO as a whole. Some of the separate provisions already exist in the Town's current LMO, while others do not. Specifically, this chapter includes sections that:

- Establish the Land Management Ordinance (LMO), or official name of the document (Section 16-1-101);
- Identify the statutory authority of the Town to adopt the LMO (Section 16-1-102);
- Provide the general purpose and intent of the Town Council in establishing the LMO (Section 16-1-103);
- Set out who is subject to the LMO (Section 16-1-104);
- Identify Town-adopted plans that serve as policy guides to administration of the LMO (Section 16-1-105);
- Clarify that the stricter provision applies if ordinance provisions conflict with other regulations of the LMO (Section 16-1-106);
- Formally adopt and incorporate by reference the Official Zoning Map (Section 16-1-107);
- Establish rules governing the rights of development approved under previous ordinances and pending development applications submitted before the effective date of the new LMO (Section 16-1-108); and
- Provide a severability provision (Section 16-1-109).

This commentary box and the footnotes included in this draft are provided for reference purposes and will not be included in the adopted LMO.

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Chapter 16-1: General Provisions

Sec. 16-1-101. Ordinance[1]

This Ordinance shall be officially known as the "Land Management Ordinance of the Town of Hilton Head Island" and may be referred to as the "LMO" or "this Ordinance," and may be cited as Title 16 of the ***Municipal Code*** of the Town of Hilton Head Island (1983), as amended. Individual chapters of this Ordinance may be cited as Title 16 Chapter [chapter #], as appropriate. Individual sections of this Ordinance may be cited by reference to the section number as follows: "Sec. 16-[chapter #]-[section, subsection, and paragraph #]", as appropriate.

Sec. 16-1-102. Authority

A. General[2]

The ***Town Council*** is authorized to adopt the LMO in accordance with the enabling authority in Title 6 of the Code of Laws of South Carolina (1976), as amended, including but not limited to Chapter 7 and Chapter 29 of Title 6 of the Code, and including all provisions located elsewhere in the Code citing any applicable authority.

B. References to Code of Laws of South Carolina[3]

Whenever any provision of the LMO refers to or cites a section of the Code of Laws of South Carolina and that section is later amended, this Ordinance shall be deemed amended to refer to the amended section.

Sec. 16-1-103. Purpose and Intent[4]

The purpose and intent of the LMO is to guide the ***development*** and use of property in accordance with the Town's Comprehensive Plan and existing and future needs of the Town in order to protect, promote, and improve the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the ***landowners*** and residents of the Town. The LMO is enacted and designed to exercise the full range of authority available to the Town in accordance with the enabling authority in Title 6 of the Code of Laws of South Carolina, and including all provisions located elsewhere in the Code granting any applicable authority, to:

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.

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[1] This section carries forward Sec. 16-1-101 of the current LMO, with minor changes to clarify language.

[2] This subsection carries forward Sec. 16-1-102 of the current LMO.

[3] This new subsection states when the LMO refers to or cites a section of the Code of Laws of South Carolina, and that section is later amended or superseded, the LMO shall be deemed amended. It is included so that "as amended" does not have to be included every time the Code of Laws of South Carolina is cited in the LMO.

[4] This section carries forward Sec. 16-1-103 of the current LMO, with minor changes to clarify language.

C. Through the zoning districts, regulate the areas and dimensions to be occupied by ***buildings*** and ***structures***.

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***.

Sec. 16-1-104. Applicability and Jurisdiction[5]

A. General Applicability[6]

The provisions of the LMO shall apply to the ***development*** of all ***land*** within the Town together with such ***adjacent*** unincorporated areas of Beaufort County that the ***Town Council*** and the Beaufort County Council jointly agree shall be governed by this Ordinance, unless expressly exempted by a specific section, subsection, or paragraph of this Ordinance.

B. Development Activities Constituting Development[7]

1. Except as otherwise provided in subsection C below, the following ***development*** activities, whether public or private, are considered ***development*** under the LMO and shall comply with the procedures and standards of the LMO.

a. The establishment, re-establishment or change in ***use*** of a ***structure*** or ***land***, whether temporary or permanent, unless expressly exempted by this Ordinance.

[5] This important section identifies the applicability of the LMO in terms of "where," "what," and "who."

[6] This subsection establishes "where" the LMO applies (within the Town and such adjacent areas the Town and County agree it should). Although no adjacent areas of jurisdiction have yet been established, this provision preserves the authority to apply the LMO to any that may be identified in the future.

[7] This subsection carries forward Sec. 16 1-105 of the current LMO, with some minor changes to clarify language and removal of subjective clauses requiring improper exercise of the Official's discretion in determining whether certain types of activities qualify as "development.".

b. A ***building*** activity involving the ***construction***, reconstruction, or alteration of the size of a ***structure***, unless expressly exempted by this Ordinance.

c. An increase in the intensity of ***land use***, such as an increase in the number or size of nonresidential or residential ***use***s in a ***structure*** or on ***land***, or in the number of parking spaces or amount of ***impervious cover***, unless expressly exempted by this Ordinance.

d. Commencement of any ***filling*** or excavating operation on a ***parcel*** of ***land*** or ***filling*** or dredging of intertidal or underwater ***land***.

e. Material alteration of a shore, bank, or floodplain of the ocean or other ***natural water body***.

f. The ***construction*** or extension of any utility service line or facility.

g. The ***subdivision*** of ***land*** within the Town except in accordance with paragraph C.5 below.

2. Development as defined in the LMO shall include all other activities associated with it unless otherwise expressly specified in this Ordinance. The change or ***repair*** of a ***structure*** or site infrastructure (e.g., parking, ***access*** drives) may result in ***development*** as defined in this Ordinance.

C. Activities Not Constituting Development[8]

The following activities are not considered ***development*** under the LMO, unless specifically stated otherwise in this Ordinance, and determined so by the ***Official***. Except for paragraph 1 below, if any of these activities necessitates the recording of documents or plats, such documents and plats shall be submitted to the ***Official*** for review and stamping prior to recording.

1. A transfer of title to ***land*** not involving the division of ***land*** into separate ***parcels***.

2. The creation or termination of leases and ***easements*** concerning ***development*** of ***land***, or other rights.

3. The recording of any documents or plats expressly for the purposes of reference or attachment to a publicly recorded document when such recording does not result in ***subdivision*** of ***land*** into ***parcels***. Such recording may include, but is not limited to, documents such as master deeds or covenants, or plats for mortgage or HUD filing purposes only.

4. The combination or recombination of portions of previously platted ***lots*** where the total number of ***lots*** is not increased and the resultant ***lots*** comply with all standards of this Ordinance.

5. The division of ***land*** into ***parcels*** of five acres or more where no new ***street*** is involved.

6. The combination or recombination of entire ***lots of record*** where no new ***street*** or change in existing ***streets*** is involved.

[8] This subsection carries forward the first part of Sec. 16-1-106 of the current LMO, with minor changes to clarify language. It establishes "what" kinds of activities are generally exempt from LMO regulation. Subsections 4, 5, and 6 are divisions of ***land*** that are statutorily exempted from local subdivision regulation.

D. Exemption of Homes for the Handicapped[9]

This Ordinance does not apply to a home providing 24-hour care to nine or fewer mentally or physically handicapped ***persons*** in accordance with S.C. Code Ann. § 6-29-770(E).

E. Application to Governmental Units[10]

1. The provisions of this Ordinance shall apply to ***development*** by the Town or its agencies and departments, or on ***land*** owned or otherwise controlled by the Town.
2. To the extent allowed by law, the provisions of the LMO shall also apply to ***development*** by any county, state, or federal government or its agencies, departments, or corporate services, or on ***land*** owned or otherwise controlled by a county, state, or federal government.

F. Appropriate Development Permits or Approvals Required[11]

No ***development*** shall occur until the permits or ***development*** approvals have been obtained by the ***person*** required to obtain them, as set forth in this Ordinance.

G. Compliance with Code Required[12]

Development shall not occur except in accordance with the requirements of this Ordinance and all other applicable Town, ***State***, and federal ***ordinances***, laws, statutes, and regulations. Development undertaken without approval of all permits and ***development*** approvals required is a violation of this Ordinance.

Sec. 16-1-105. Relationship to Comprehensive Plan and Planning Policies[13]

A. Relationship to Comprehensive Plan

In addition to the purposes stated in Sec. 16-1-103, Purpose and Intent, the LMO is intended to ensure that all ***development*** within the Town's jurisdiction is in accordance with the Town of Hilton Head Island Comprehensive Plan, and that the LMO implements the planning policies adopted as part of the Town of Hilton Head Island Comprehensive Plan and furthers the general health, safety, and welfare of the Town's citizens.

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[9] This subsection restates an exemption from zoning regulation found in S.C. Code Ann. § 6-29-770(E).

[10] This new subsection clarifies that the LMO applies to development undertaken by the Town, as well as development undertaken by other governmental units, to the extent allowed by law.

[11] This new subsection clarifies that no development may occur unless the appropriate permits and development approvals are granted in accordance with the LMO.

[12] This new subsection states that no land subject to the requirements of these provisions may be developed except in compliance with the provisions of the LMO and all other applicable Town, state, and federal ordinances, laws, statutes, and regulations. It is included to establish a clear foundation for enforcement of the LMO.

[13] This section modifies Chapter 1, Article II (Comprehensive Plan) of the current LMO by deleting a number of the subsections outlining the requirements for a comprehensive plan established by state law. The key elements of the current Article II are carried forward: the requirement that the LMO be in accordance with the Comprehensive Plan; Sec. 16-1-205 of the current LMO, which sets out the general planning policies that must be considered in the review of development applications; and Sec. 16-1-208 of the current LMO, which sets down the statutory requirement that no public project be constructed or authorized in the Town until its location, character, and extent is submitted to the Planning Commission for review and comment as to its consistency with the Comprehensive Plan.

B. General Planning Policies

In considering applications for ***development***, the advisory and decision-making bodies shall be guided by the following general planning policies. Development shall be permitted only:

1. In a coordinated, adjusted, and harmonious manner for the public welfare and with consideration of the need for clean air and water.

2. In accordance with present and future needs, and which best promote the public health, safety, morals, order, convenience, prosperity, and general welfare.

3. Through a process of efficiency and economy that considers:

- **a.** Adequate provisions for traffic;
- **b.** Promotion of safety from fire, hurricane, or other dangers;
- **c.** Adequate provision for light and air,
- **d.** Promotion of the healthful and convenient ***density*** and distribution of population,
- **e.** Promotion of good civic design, appearance, and arrangement,
- **f.** Wise and efficient expenditure of public funds, and
- **g.** Adequate and efficient provision of public utilities and public services.

4. Through the preservation of the ***tree*** canopy throughout all developed areas in the Town.

5. Through the reduction of the dangers of hurricanes, including the dangers of overwash or other damage to or interference with evacuation routes.

6. In accordance with the values represented by a broad consideration of the public welfare, including aesthetic, environmental, spiritual, and other values of the community as a whole, in addition to the traditional consideration of ***land*** and property rights.

C. Public Project Review

No public project shall be constructed or authorized in the Town until the location, character, and extent of it is submitted to the ***Planning Commission*** for review and comment in accordance with Sec. 16-2-103.Q, Public Project Review.

Sec. 16-1-106. Relationship with Other Laws, Covenants, or Deed Restrictions

A. Conflicts with Other LMO Standards[14]

1. When any LMO provision is inconsistent with another LMO provision, or a provision found in other adopted codes or ***ordinances*** of the Town, the more restrictive provision shall govern unless the terms of the more restrictive provision specify

[14] This subsection carries forward Sec. 1-1-107 of the current LMO, with some reorganization and minor changes to clarify language.

otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

2. When there is a conflict between an overlay zoning district and an underlying ***base zoning district***, the provisions of the overlay district shall control. When there is a conflict between two overlay districts and one of the districts is the Redevelopment Overlay District, the provisions of the Redevelopment Overlay District shall control.

3. When it is possible to implement, administer, or construe a particular provision in more than one way, it shall be implemented, administered, or construed in a way that eliminates or minimizes conflicts with other provisions of the LMO.

B. Relationship to Restrictive Covenants or Deed Restrictions[16]

In accordance with S.C. Code Ann. § 6-29-1145, Town applications for ***land development*** permits or approvals other than those authorizing the ***building*** or placement of a ***structure*** on a ***tract*** or ***parcel*** of ***land*** shall ask whether the subject ***tract*** or ***parcel*** of ***land*** is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the proposed activity. If the Town has actual notice of such a restrictive covenant, whether from the **application** or other source, the Town shall not issue the permit unless the Town receives written confirmation and proof from the ***applicant*** that the restrictive covenant has been released for the ***tract*** or ***parcel*** of ***land*** by action of the appropriate authority or property holders, or by court order. The issuance of a permit does not affect the **applicant's** obligations under any recorded covenants.

Sec. 16-1-107. Official Zoning Map [17]

A. Establishment and Maintenance

1. ***Land*** subject to the LMO is divided into the various base and ***overlay zoning districts*** established in Chapter 16-3: Zoning Districts. The location and boundaries of the zoning districts are shown on the ***Official Zoning Map***. The ***Official Zoning Map***, including all the notations thereon, as may be amended from time to time, is incorporated herein by reference and made part of the LMO. The ***Official Zoning Map*** shall be the final authority as to the status at any given time of the zoning district classification of ***land*** in the Town.

2. The original and all revised versions of the ***Official Zoning Map*** shall be certified as such on the face of the map by the signature of the ***Official***, and shall be kept on file, in either hardcopy or digital form, at Town Hall. Copies of the ***Official Zoning Map*** shall be made available for public inspection at Town Hall during normal business hours.

B. Changes

1. Changes made in zoning district boundaries or other matters portrayed on the Official Zoning Map shall be made in accordance with Sec. 16-2-103.C, Zoning Map Amendment (Rezoning).

[16] This subsection modifies Sec. 1-1-109 of the current LMO to mirror the language in S.C. Code Ann. § 6-29-1145.

[17] This new section establishes the Official Zoning Map, states how changes to the map are to be accomplished, and identifies who is responsible for making interpretations on the Official Zoning Map. It builds on Sec. 16-4-102 of the current LMO.

2. The ***Official*** shall enter changes onto the ***Official Zoning Map*** within a reasonable period of time after a map amendment is approved by the ***Town Council***. Where the ***ordinance*** enacting a zoning district boundary change contains wording explaining or clarifying the location of the new boundary, the ***Official*** may enter on the ***Official Zoning Map*** notations reflecting the ***ordinance*** wording.

C. Zoning District Boundaries

1. The following criteria shall be used to determine the location of zoning district boundaries as shown on the ***Official Zoning Map***:

a. Where any district boundary is indicated on the ***Official Zoning Map*** as approximately following the Town boundary line, then such Town boundary line shall be construed to be such district boundary line.

b. Where district boundary lines are so indicated that they approximately follow property or ***lot*** lines, such property or ***lot*** lines shall be reasonably construed to be such boundary lines.

c. Where a district boundary line divides a ***parcel*** or ***lot***, the location of any such district boundary lines, unless indicated by dimensions shown on the ***Official Zoning Map*** or as may be more completely described in narrative form in this Ordinance, shall be measured according to the scale on the ***Official Zoning Map*** and ***land*** so divided shall be considered to be in separate districts.

d. Unless otherwise indicated, district boundaries follow natural features such as marsh edges, stream banks, wetlands, or the OCRM critical line.

e. District boundaries shall be the center lines of ***streets*** or highways or parallel to their ***rights-of-way***, property lines, streams or other bodies of water or said lines extended at such distance there from as indicated on the ***Official Zoning Map***. If no distance is given, such distances shall be measured according to the scale on the ***Official Zoning Map*** or as defined elsewhere in this Ordinance.

2. Should any uncertainty arise with regard to the location of a zoning district boundary, the ***Official*** shall be responsible for interpreting the ***Official Zoning Map*** in accordance with Sec. 16-2-103.R, Written Interpretation.

Sec. 16-1-108. Transitional Provisions

A. Effective Date[18]

The LMO shall take effect and be in force on *[insert effective date of this Ordinance]*.

B. Transition to New Zoning Districts[19]

On *[insert effective date]*, ***land*** zoned with a zoning district classification from the previous LMO shall be translated to one of the zoning district classifications in this LMO as set forth in

[18] The effective date will be entered here and at all subsequent references to *[insert effective date]* during the adoption process.

[19] This subsection builds on Sec. 16-1-304 of the current LMO. It outlines how the zoning districts will be transitioned from the current LMO to the revised LMO.

Chapter 16-3: Zoning Districts. Table 16-1-108.B, Zoning District Transition Table, summarizes the translation of the zoning districts used in the previous ***ordinance*** to the zoning districts used in this LMO.

TABLE 16-1-108.B: ZONING DISTRICT TRANSITION TABLE	
ZONING DISTRICT IN FORMER LMO	**NEW ZONING DISTRICT**
CONSERVATION AND PARKS/RECREATION DISTRICTS	
CON Conservation District	**CON** Conservation District
PR Parks and Recreation District	**PR** Parks and Recreation District
RESIDENTIAL DISTRICTS	
RS-2 Residential Single-Family District (2 units/acre)	**RSF-3** Residential Single-Family-3 District
RS-3 Residential Single-Family District (3 units/acre)	
RS-4 Residential Single-Family District (4 units/acre)	**RSF-5** Residential Single-Family-5 District
RS-5 Residential Single-Family District (5 units/acre)	
RS-6 Residential Single-Family District (6 units/acre)	**RSF-6** Residential Single-Family-6 District
RM-4 Low to Moderate Density Residential District (4 units/acre)	**RM-4** Low to Moderate Density Residential District
RM-8 Residential Moderate Density District (8 units/acre)	**RM-8** Moderate Density Residential District
RM-12 Moderate to High Density Residential District (12 units/acre)	**RM-12** Moderate to High Density Residential District
MIXED-USE AND BUSINESS DISTRICTS	
CCW Coligny Commercial Walking District	**CR** Coligny Resort District [NEW]
CFB Central Forest Beach District	
DCW Dunnagans Commercial Walking District	**SPC** Sea Pines Circle District [NEW]
CC Commercial Center District[20]	
	CC Community Commercial District
	MS Main Street District [NEW]
WMU Water Front Mixed-Use District	**WMU** Waterfront Mixed Use District
SMU- Stoney Mixed-Use District	**S** Stoney District
MMU Marsh Front Mixed-Use District	**MF** Marshfront District
	MV Mitchelville District [NEW]
NC Neighborhood Commercial District	**NC** Neighborhood Commercial District
OCIL Office/Light Commercial/Light Industrial District	**LC** Light Commercial District [NEW]
OL Office/Institutional Low Intensity District	
RD Resort Development District	**RD** Resort Development District
OM Office/Institutional Moderate Intensity District	**MED** Medical District [NEW]
IL Light Industrial/Commercial Distribution District	**IL** Light Industrial District
PD-1 Planned Development Mixed-Use District	**PD-1** Planned Development Mixed Use District
OVERLAY DISTRICTS	
AZ Airport Overlay District	**AOD** Airport Overlay District
COR Corridor Overlay District	**COR** Corridor Overlay District
PD-2 Planned Development Overlay District	**PD-2** Planned Development Overlay District
FB-NCOD Forest Beach Neighborhood Character Overlay District	**FB-NCOD** Forest Beach Neighborhood Character Overlay District
FF-NCOD Folly Field Neighborhood Character Overlay District	**FF-NCOD** Folly Field Neighborhood Character Overlay District
HH-NCOD Holiday Homes Neighborhood Character Overlay District	**HH-NCOD** Holiday Homes Neighborhood Character Overlay District
RO Redevelopment Overlay District	**RO** Redevelopment Overlay District
CSPDAA&TAOD Critical Storm Protection and Dune Accretion	**CPA-O** Coastal Protection Area Overlay District

[20] Current CC in the vicinity of Sea Pines Circle is proposed to be reclassified as SPC. Current CC zoning in the vicinity of Matthews Rd. is proposed to remain classified as CC.

TABLE 16-1-108.B: ZONING DISTRICT TRANSITION TABLE	
ZONING DISTRICT IN FORMER LMO	**NEW ZONING DISTRICT**
Area and Transition Area Overlay District	**TA-O** Transiton Area Overlay District

C. Violations Continue[21]

Any violation of previous Town ***development*** regulations replaced by this LMO shall continue to be a violation under this LMO, and be subject to the penalties set forth in Chapter 16-8: Enforcement, unless the ***development*** complies with the express terms of this LMO.

D. Nonconformities

If any ***use***, ***structure***, ***lot***, sign, or other site feature was legally established on the date of its ***development***, but does not fully comply with the standards of this LMO, then that ***use***, ***structure***, ***lot***, sign, or other site feature shall be considered nonconforming and subject to the provisions of Chapter 16-7: Nonconformities. If a ***use***, ***structure***, ***lot***, or site feature that was legally nonconforming under a prior LMO becomes conforming under this LMO, it shall no longer be deemed nonconforming or subject to the provisions of Chapter 16-7: Nonconformities.

E. Policy Regarding Prior Development Approvals[22]

Land development plans and ***subdivision*** plats submitted to and approved by the Town prior to the adoption of this Ordinance shall have expiration dates governed as follows:

1. The Vested Rights Act

The expiration of a phased ***development*** plan or a site specific ***development*** plan, as defined in the Vested Rights Act, S.C. Code Ann. § 6-29-1510 et seq., approved by the Town prior to *[insert effective date]* is governed by the Vested Rights Act.

2. Other Approvals

Any ***land development*** plan or ***subdivision*** plat approved by the Town prior to [*[insert effective date]* that is not subject to the Vested Rights Act, S.C. Code Ann. § 6-29-1510, shall expire on the later of (i) a definite expiration date contained in the approval or permit itself, or (ii) two years from the issuance date of the approval or permit.

3. The Development Agreement Act

Subject to the terms of South Carolina Development Agreement Act, S.C. Code Ann. § 6-31-10, this Ordinance applies to any ***Development Agreement*** previously approved by the Town or any other government entity.

[21] This new subsection clarifies that any violations under the old LMO continue to be violations of the LMO rewrite unless the rules have changed and development in violation under the old LMO now conforms to the requirements of the LMO rewrite.

[22] This section replaces language in Sec. 16-1-301 of the current LMO with new language that details the specifics of prior development approvals.

F. Continued Effectiveness of PUD Master Plans[23]

1. PUD Master Plan Incorporated into Official Zoning Map

Where a PUD Master Plan that was granted approval prior to *[insert effective date]* has been incorporated into the ***Official Zoning Map*** in accordance with Sec. 16-3-105.O.2, Included PUDs and Master Plans, the provisions of Sec. 16-3-105.O.2 shall govern the development and implementation of the PUD Master Plan.

2. Conditional Use Review Granted Prior to Effective Date

Where a ***conditional use*** review was granted prior to *[insert effective date]*, and the ***development*** is listed in Sec. 16-3-106.G.5, PD-2 Listed Master Plans, the ***development*** shall be considered a PD-2 Planned Development Overlay District, and the provisions of Sec. 16-2-103.D, Planned Unit Development (PUD) District, shall govern the development, implementation, or amendment of the PD-2 Master Plan.

G. Pending Applications[24]

1. Option for Review Under Prior Standards or this LMO

If an **application** for a permit or ***development*** approval is submitted before *[insert effective date]*, but is still pending approval or denial as of that date, the **application** shall be reviewed and decided, at the applicant's option, wholly in accordance with the requirements of the LMO in effect when the **application** was accepted, or wholly in accordance with the requirements put into effect by this LMO (but not in accordance with a mix of provisions from both sets of ***development*** standards).

2. Review Under Prior Standards

If the applicant elects to have the pending **application** reviewed in accordance with the requirements of the prior LMO, the Town shall review and make a final decision on the **application** in accordance with any time periods established by the prior LMO. If the **application** is approved and the approval or subsequent authorization of the approved ***development*** expires or becomes invalid (e.g., for failure to comply with time limits or the terms and conditions of approval), any subsequent ***development*** of the site shall be subject to the requirements of this LMO.

3. Development Approved Under Prior Standards May be Nonconforming

To the extent a pending **application** is approved in accordance with the requirements of the prior LMO and proposes ***development*** that does not comply with this LMO, the subsequent ***development***, although allowed, shall be legally nonconforming and subject to the provisions of Chapter 16-7: Nonconformities.

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[23] This subsection carries forward Sec. 16-1-303 of the current LMO.

[24] This new section addresses applications that are in the "development review pipeline" when the revised LMO is adopted.

H. Development with Prior Permits and Development Approvals [25]

1. Completion of Development with Prior Approved Permits and Development Approvals (Other than PUD/Master Plans)

Development with approved permits or ***development*** approvals issued prior to *[insert effective date]*, other than PUD/Master Plans, (which are addressed in Sec. 16-1-108.F, Continued Effectiveness of PUD Master Plans) may be carried out in accordance with the terms and conditions of the permit or ***development*** approval and the procedures and ***development*** standards in effect at the time of approval, provided the permit or approval does not expire and otherwise remains valid. If the permit or ***development*** approval expires, is revoked (e.g., for failure to comply with time limits or the terms and conditions), or otherwise becomes invalid, any subsequent ***development*** of the site shall be subject to the procedures and standards of this LMO.

2. Permits and Development Approvals Granted Prior to [insert effective date] May Be Amended Under this LMO

Nothing in this LMO prevents the holder of an approved permit or ***development*** approval issued prior to [insert effective date] from seeking to amend the permit or ***development*** approval under the procedures and standards of this LMO, or from seeking a new permit altogether.

3. Development Under Prior Permits and Development Approvals May Be Nonconforming

To the extent a prior permit or ***development*** approval authorizes ***development*** that does not comply with this LMO, the subsequent ***development***, although allowed, shall be nonconforming and subject to the provisions of Chapter 16-7: Nonconformities.

Sec. 16-1-109. Severability

It is the legislative intent of the ***Town Council*** in adopting this LMO that all provisions shall be liberally construed to implement the Town ***Comprehensive Plan*** and guide ***development*** in accordance with the existing and future needs of the Town as established in the ***Comprehensive Plan*** and this LMO, and promote the public health, safety, and welfare of ***landowners*** and residents of the Town. If any section, subsection, paragraph, sentence, clause, or phrase of this LMO is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity and continued enforcement of any other section, subsection, paragraph, sentence, clause, or phrase of this LMO. The ***Town Council*** hereby declares that it would have adopted this LMO and any section, subsection, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases of the LMO is declared invalid by a court of competent jurisdiction.

[25] This new section establishes rules governing development projects with approved permits and development approvals at the time of adoption of the revised LMO (except for PUD/Master Plans, which are addressed in prior provisions).

Chapter 2 Administration

Commentary

Title 16 Chapter 2: Administration, attempts to better consolidate and streamline all matters related to the procedural review of development applications in the LMO. It also sets forth the general and **application** specific review procedures. There are three major sections in the chapter:

Section 16-2-101, Summary Table of Review Procedures, summarizes the development review responsibilities of the development boards (Town Council, Planning Commission, Board of Zoning Appeals, and Design Review Board) as well as the Town staff (Official) review responsibilities. Chapter 2: Review and Decision Making Bodies, in the current LMO, which summarizes these responsibilities in text (along with establishing rules that govern the Town boards) is moved to Appendix A of the Ordinance.

Section 16-2-102, Standard Procedures, builds on and refines the current set of common review procedures that apply to all development applications. It addresses:

- Pre-**application** steps (pre-**application** conference with staff and neighborhood meetings);
- **Application** submittal;
- Staff review responsibilities and how actions are taken;
- Scheduling and notice of hearings;
- Advisory review and decision-making rules; and
- Post-decision actions, limitations, and effects.

Section 16-2-103, **Application** Specific Review Procedures, supplements the standard procedures with specific rules and procedures for the individual development applications. Even though the structure and framework for development review in the revised LMO refines and builds on current procedures, most of the current development procedures are carried forward, with the following changes:

- The current administrative expedited procedure for reviewing certain applications for Development Plan Review is formalized as a Minor Development Plan Review procedure (and the current standard Development Plan Review is retained as a Major Development Plan Review), and the current Abbreviated Development Plan Review procedure is changed to a separate Small Residential Development Review procedure;
- The Corridor Review procedure is divided into two procedures, Minor and Major;
- An Administrative Adjustment procedure is added;
- Review of Wetlands and Tree Protection standards are incorporated into Development Plan review;
- The Wetlands Alteration Permit and Natural Resources Permit are carried forward, but only for development that is not subject to Development Plan Review; and
- The appeal boards for zoning and subdivision/development plans are distinguished.

This commentary box and the footnotes included in this draft are provided for reference purposes and will not be included in the adopted LMO.

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Chapter 16-2: Administration

Sec. 16-2-101. Summary Table of Review Procedures

Table 16-2-101, Summary Table of Development Review Procedures, identifies the Town boards and staff responsible for making recommendations or decisions on applications reviewed under this Ordinance, as well as the role each plays in the Town's review of applications. It also identifies those applications that require a hearing. A textual summary of the ***development*** review responsibilities of the Town's boards established in accordance with state law by this Ordinance (***Planning Commission***, ***Board of Zoning Appeals***, and ***Design Review Board***), as well as staff responsibilities (the ***Official***), is set down in Appendix A: Advisory and Decision Making Bodies and Persons, which is incorporated herein by reference. The specific rules that govern the Town's boards with review responsibilities are also included in Appendix A.

TABLE 16-2-101: SUMMARY TABLE OF DEVELOPMENT REVIEW PROCEDURES

R = Recommendation D = Decision A = Appeal < > = Hearing < >* = Public Hearing E = Encouraged

PROCEDURE		PRE-APPLICATION CONFERNCE	REVIEW AND DECISION-MAKING AUTHORITIES				
			OFFICIAL	DESIGN REVIEW BOARD	PLANNING COMMISSION	BOARD OF ZONING APPEALS	TOWN COUNCIL
ORDINANCE AMENDMENTS							
Text Amendment (Sec. 16-2-103.B)			R		<R>		D
Zoning Map Amendment (Rezoning) (Sec. 16-2-103.C)		E	R		<R>		D
PUD District/Master Plan (Sec. 16-2-103.D)		E	R		<R>		D
DEVELOPMENT APPROVALS AND PERMITS							
Special Exception (Sec. 16-2-103.E)			R			<D>*	
Subdivision Review (Sec. 16-2-103.F)	Minor	E	D		A		
	Major	E	D		A		
Development Plan Review (Sec. 16-2-103.G)	Minor	E	D		A		
	Major	E	D		A		
Small Residential Development Review (Sec. 16-2-103.H)			D		A		
Corridor Review (Sec. 16-2-103.I)	Minor		D	<A>			
	Major		R	D			
Traffic Impact Analysis Plan Review			D		A		
Natural Resources Permit (Sec. 16-2-103.J)			D			<A>	
Wetlands Alteration Permit (Sec. 16-2-103.L)			D			<A>	
Sign Permit (Sec. 16-5-114.E)	Administrative Review		D	<A>			
	DRB Review			D			
Development Project Name Review (Sec. 16-2-103.N)			D		A		
Street/Vehicular Access Easement Name Review (Sec. 16-2-103.O)	New name		R		D		
	Modified name		R		<D>*		
Certificate of Compliance (Sec. 16-2-103.P)			D			<A>	
Public Project Review (Sec. 16-2-103.Q)		E	R		<D>*		
RELIEF PROCEDURES							
Written Interpretation (Sec. 16-2-103.R)			D			A	
Variance (Sec. 16-2-103.S)			R			<D>*	

TABLE 16-2-101: SUMMARY TABLE OF DEVELOPMENT REVIEW PROCEDURES R = Recommendation D = Decision A = Appeal < > = Hearing < >* = Public Hearing E = Encouraged						
PROCEDURE	PRE-APPLICATION CONFERNCE	REVIEW AND DECISION-MAKING AUTHORITIES				
		OFFICIAL	DESIGN REVIEW BOARD	PLANNING COMMISSION	BOARD OF ZONING APPEALS	TOWN COUNCIL
Appeal of ***Official***'s Decision to ***Board of Zoning Appeals*** (Sec. 16-2-103.T)					<D>	
Appeal of ***Official***'s Decision to ***Planning Commission*** (Sec. 16-2-103.U)				<D>		
Appeal of ***Official***'s Decision to Design Review Board (Sec. 16-2-103.V)			<D>			

Sec. 16-2-102. Standard Review Procedures

A. General

This section describes the procedural steps and other rules that are generally applicable to applications reviewed under this Ordinance. These standard procedures shall apply to all applications unless expressly exempted or alternative procedures are specified in Sec. 16-2-103, Application Specific Review Procedures. Flow charts in Sec. 16-2-103 depict those procedural steps that apply to the review of the particular type of **application**.

B. Pre-Application Conference[26]

1. Purpose

The purpose of a pre-**application** conference is to provide an opportunity for the ***applicant*** to determine the submittal requirements and the procedures and standards applicable to an anticipated **application**. A pre-**application** conference is also intended to provide an opportunity for Town staff to become familiar with, and offer the applicant preliminary comments about, the scope, features, and impacts of the proposed ***development***, as it relates to Ordinance standards.

2. Applicability

A pre-**application** conference is encouraged, but not required, before submittal of particular **application** types as identified in Sec. 16-2-101, Summary Table of Review Procedures.

[26] This subsection carries forward Section 16-3-102 of the current LMO, which strongly encourages, but does not require, a pre-**application** conference when a development **application** is subject to review by an advisory or decision-making board. It adds provisions establishing the procedure to follow when a pre-**application** conference is conducted, including minimum submission requirements for the applicant, a provision on the pre-**application** conference itself, and a requirement that the Official prepare a written summary of the issues discussed at the pre-**application** conference.

3. Procedure

a. Request and Scheduling

Requests for a pre-**application** conference shall be submitted to the ***Official***, who shall determine which Town staff members will conduct the conference, schedule the conference at the earliest reasonable time, and notify the applicant of the time and place of the conference.

b. Information Submitted For Conference

Before a pre-**application** conference is held, the applicant shall submit to the ***Official*** a narrative describing the scope of the proposed ***development***, a conceptual ***site plan***, and any other information reasonably requested by the ***Official***.

c. Conference Actions

Town staff shall review the materials submitted by the ***applicant*** prior to the conference, and at the conference ask the applicant questions about the proposed **application**, as appropriate, and identify any concerns or other factors the applicant should consider about the **application**.

d. Written Summary

Within five days after completion of the pre-**application** conference, the ***Official*** shall provide the ***applicant*** a brief summary of any issues discussed at the conference that were not addressed by materials and information given the applicant before or at the conference.

4. Effect

Discussions held during the pre-**application** conference constitute preliminary discussions about an **application** and are not binding on the Town. Processing times for review of applications do not begin until a formal **application** is submitted.

C. Application Submittal[27]

1. Authority to Submit Applications[28]

Unless expressly stated otherwise in the LMO, applications reviewed under this Ordinance shall be submitted by the owner(s) of the ***land*** on which ***development*** is proposed or a ***person*** authorized in writing to submit the **application** on behalf of the ***landowner***(s).

[27] As discussed in Section 2.2.9 of the Code Assessment, this new section consolidates Sec. 16-3-104, and -107 of the current LMO, but without the currently required check-in conference.

[28] This new subsection expressly identifies who may submit development applications—landowners or their representatives There are several exceptions to this general rule (e.g., text amendments and zoning map amendments—where applications may be initiated by the Town Council, the Planning Commission, and the Town Manager). These exceptions are identified in the next section on the specific review procedures (Sec. 16-2-103, Application Specific Review Procedures).

2. Application Fees

The ***Town Council*** shall establish **application** fees from time to time, to defray the cost of processing an **application**.[30]

3. Application Submittal[31]

Applications shall be submitted to the ***Official*** in the form established by Appendix E: Application Submittal Requirements, together with the applicable **application** fee.

4. Application Revision[32]

An ***applicant*** may revise an **application** in response to staff review comments on the **application**, or in response to review comments from an advisory body or a decision-making body prior to any final action on the **application**. All revised applications shall be submitted to the ***Official***. If the ***Official*** determines that the revisions include significant or substantial changes warranting re-review by staff for compliance with this LMO, the ***Official*** may refer the **application** for additional review as if it were a new **application**.

5. Application Withdrawal

a. An ***applicant*** may withdraw an **application** at any time before it is decided by submitting a written request to withdraw the **application** to the ***Official***.

b. An ***applicant*** who has paid the appropriate fee in accordance with this subsection, but chooses to withdraw the **application** prior to any review or action taken on the **application**, is entitled to a refund of 50 percent of the fees paid, upon written request to the ***Official***.

D. Staff Review and Action[33]

1. Staff Review and Opportunity to Revise Application

Upon receipt of an **application**, the ***Official*** shall distribute it to all appropriate staff for review and comment. The ***Official*** shall review the **application**, relevant support material, and any comments or recommendations from other review agencies to

[30] Section 16-3-105 C. of the current LMO is carried forward, but included in new Sec. 16-2-102.C.5, Application Withdrawal.

[31] Sec. 16-3-108 of the current LMO requires the Administrator (Official) to determine whether an **application** is complete before accepting it for review. As part of the Town's recent efforts to streamline development review procedures for commercial development, Town staff has adopted the practice of combining review of applications for completeness with review of applications for compliance with applicable standards. Town staff states that this practice works well, and has not created any delays or other problems due to any needs to complete applications mid-stream during staff review. Therefore, this draft incorporates the staff's current practice and does not carry forward current requirements that applications be complete before being accepted for review.

[32] This new paragraph establishes rules for the revision of applications, either after Town staff review, or after an advisory or decision-making body review. It establishes that if significant substantive changes are made to the **application**, the **application** must begin the review process anew. This avoids the potential situation where an **application** is revised so substantially as to create new noncompliance issues that the staff and advisory body don't have a chance to identify and respond to.

[33] This new subsection outlines the procedure for staff review of applications. The first paragraph allows staff discretion in allowing applicant response to informal staff comments. The second paragraph requires preparation of a staff report on an **application**, which may include recommended conditions of approval to address compliance deficiencies. The third paragraph establishes general rules for the distribution of the staff report.

which the **application** was referred. If deficiencies in complying with applicable standards of the LMO are identified, the ***Official*** shall notify the applicant of such deficiencies and provide the ***applicant*** a reasonable opportunity to discuss the deficiencies and revise the **application** to address them, in accordance with Sec. 16-2-102.C.4, Application Revision.

2. Applications Subject to Advisory or Decision-Making Body Review

a. Staff Report[34]

If an **application** is subject to staff review and recommendation to an advisory or decision-making body (see Sec. 16-2-101, Summary Table of Review Procedures), the ***Official*** shall, following completion of staff review, prepare a written staff report that addresses the **application**'s compliance with applicable review standards and recommends action on the **application**, including any recommended conditions of approval.

b. Distribution and Availability of Application and Staff Report[35]

After completion of the staff report, the ***Official*** shall transmit the **application** and staff report to the appropriate advisory or decision-making body. The ***Official*** shall also provide the ***applicant*** a copy of the staff report and make the **application** and staff report available for examination by the public at the Town Hall during normal business hours.

3. Applications Subject to Official's Decision[36]

a. Decision

If an **application** is subject to staff review and a final decision by the ***Official*** (see Sec. 16-2-101, Summary Table of Review Procedures), the ***Official*** shall, following completion of staff review, either approve the **application**, approve the **application** subject to conditions, or disapprove the **application**. The decision shall be based on the review standards set forth in Sec. 16-2-103, Application Specific Review Procedures.

b. Conditions of Approval

Any conditions of approval shall be limited to those deemed necessary to ensure compliance with the standards of the LMO. All conditions of approval shall be expressly described in the permit or ***development*** approval.

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[34] This paragraph consolidates the staff review and report requirements in Sections 16-3-1402 (text amendments), -1503 (zoning map amendments), -1605 (rezoning to RO district), -1703 (PUD rezonings), -1803 (special exceptions), -1006 (corridor conceptual plans), -1203 (public project reviews), and -1904 (variances). It clarifies that staff reports conclude whether the **application** complies with applicable standards and recommend how the **application** should be decided, and include conditions of approval.

[35] This new subsection states Town staff's implicit responsibilities to schedule any required public hearing and transmit the **application** and the staff report to the Town board that will next review the **application**, as well as to the applicant. It also informs other users of the LMO that the **application** and staff report will be available for public review at Town Hall.

[36] This section consolidates the staff review and decision requirements in Sections 16-3-203 (written interpretations), -308 (development plan reviews), -407 (tree protection approvals), -505 (wetland alterations), -606 (subdivisions), and -704 (certificates of compliance) of the current LMO. It identifies the decisions Town staff may take on the **application**, including authority to impose conditions of approval.

E. Hearing Scheduling and Notice

1. Hearing Scheduling

a. When an **application** is subject to a hearing (see Sec. 16-2-101, Summary Table of Review Procedures), the ***Official*** shall ensure that the hearing on the **application** is scheduled for a regularly scheduled meeting of the body conducting the hearing or a meeting specially called for that purpose by such body.

b. The hearing on the **application** shall be scheduled so there is sufficient time for a staff report to be prepared and for the hearing notice requirements to be satisfied under state law.

2. Hearing Notice

a. General Notice Requirements

i. Notice of a hearing on an **application** shall be as required by the South Carolina Code of Laws and as shown in Table 16-2-102.E.2, Hearing Notice Requirements. In computing the required time periods, the day the notice is published or postmarked shall be excluded and the day of the hearing shall be included.[37]

ii. A copy of the hearing notice provided in accordance with this paragraph shall be maintained in the office of the ***Official***.

[37] This measurement provision mirrors that in S.C. Code Ann. § 15-29-10.

TABLE 16-2-102.E.2: HEARING NOTICE REQUIREMENTS[38]			
APPLICATION OR APPROVAL	NOTICE REQUIREMENT		
	PUBLISHED NOTICE	MAIL NOTICE[39]	POSTED NOTICE[40]
Text Amendment	Publish notice of the hearing no less than 30 calendar days before the hearing date	None	None
Zoning Map Amendment PUD District/Master Plan	Publish notice of the hearing no less than 15 calendar days before the hearing date	Mail notice of the hearing to the owner(s) of ***land*** subject to the **application** (if not the applicant), and owners of record of properties within 350 feet of the subject ***land*** [1,2], no less than 15 calendar days before the hearing date	Post conspicuous notice of the hearing on or ***adjacent*** to the ***land*** subject to the **application** no less than 15 days before the hearing date, with at least one such notice being visible from each public thoroughfare that abuts the subject ***land***
Special Exception Variance	Publish notice of the hearing no less than 15 calendar days before the hearing date	Mail notice of the hearing to the owner(s) of ***land*** subject to the **application** (if not the applicant), and owners of record of properties within 350 feet of the subject ***land*** [1,2], no less than 15 calendar days	Post conspicuous notice of the hearing on or ***adjacent*** to the ***land*** subject to the **application** no less than 15 days before the hearing date, with at least one such notice being visible from each public

[38] The current LMO requires hearing notices in addition to that statutorily required (see below). These notice requirements carry forward the current notice requirements with a few modifications.

South Carolina Code of Laws 6-29-1130 sets out minimum published notice requirements for text amendments of land development regulations of 30 days.

South Carolina Code of Laws 6-29-760(A) sets out minimum notice requirements for text amendments and rezonings. It requires a 15-day published notice of text amendment and rezoning hearings for both and posted notice of rezoning hearings. The current LMO requires a 30-day published notice of text amendment and rezoning hearings, 30-day mailed notice to owners of property within 350 feet of the site for rezoning hearings, and 30-day posted notice of rezoning hearings.

South Carolina Code of Laws 6-29-800(D) sets out minimum notice requirements for special exceptions, variances, and appeals heard by the Board of Zoning Appeals. It requires 15-day published notice only. The current LMO requires a 30-day published notice, 30-day mailed notice to owners of property within 350 feet of the site, and 30-day posted notice.

South Carolina Code of Laws 6-29-890(C) sets out minimum notice requirements for appeals heard by the Design Review Board. It requires only reasonable published notice. The current LMO requires a 30-day published notice. We propose replacing the 30-day notice with a 15-day notice. The shorter time period still provides "reasonable" notice and matches that statutorily required for hearings on LMO amendments.

South Carolina Code of Laws 6-29-1200 sets out minimum notice requirements for changes to street/access easement names. It requires only reasonable published notice. The current LMO requires a 30-day published notice, 30-day mailed notice to owners of property addressed along the street/access easement, and 30-day posted notice. We propose that the LMO specify a 15-day published notice requirement, which would match the requirements for other published notices.

For hearings on public project applications, the current LMO also requires 30-day published notice and 30-day mailed notice to owners of property abutting the site. The statute authorizing such review (South Carolina Code of Laws 6-29-540) contains no requirement for a public hearing. However, the draft LMO continues to require a public hearing notification.

[39] State statutes do not require mailed notices for hearings on applications for rezonings & PUDs, Public Project Review, Special Exceptions, Variances, and Modification to Street/Vehicular Access Easement Names. The statute requires due notice for -Appeals (except to the appellant). In accordance with the LMO Rewrite Committee's request), these mailed notice provisions carry forward current mailed notice requirements, reducing the current 30-day time period to 15 days to match that required for other notices.

[40] State statutes do not require posted notices for hearings on applications for Special Exceptions, Variances, or Modification of Street/Vehicular Access Easement Name. In accordance with the LMO Rewrite Committee's request, these posted notice provisions carry forward current posted notice requirements reducing the current 30-day time period to 15 days to match that required for other notices.

TABLE 16-2-102.E.2: HEARING NOTICE REQUIREMENTS[38]			
APPLICATION OR APPROVAL	NOTICE REQUIREMENT		
	PUBLISHED NOTICE	MAIL NOTICE[39]	POSTED NOTICE[40]
		before the hearing date	thoroughfare that abuts the subject ***land***
Modification of Street/Vehicular Access Easement Name	Publish notice of the hearing no less than 15 calendar days before the hearing date	Mail notice of the hearing to all owner(s) of ***land*** that fronts on the ***street*** or vehicular ***access*** easement proposed for a modified name [1] no less than 15 calendar days before the hearing date	Post conspicuous notice of the hearing on or ***adjacent*** to the ***street*** or vehicular ***access*** easement proposed for a modified name no less than 15 days before the hearing date
Appeal of ***Official***'s Decision to ***Board of Zoning Appeals***	Publish notice of the hearing no less than 15 calendar days before the hearing date	Mail notice of the hearing to the appellant and the applicant for the decision being appealed (if different from the appellant) no less than 15 calendar days before the hearing date	None
Public Project Review	Publish notice of the hearing no less than 15 calendar days before the hearing date	Mail notice of the hearing to all owner(s) of ***land*** directly ***contiguous*** to the proposed development[1], via first class mail, no less than 15 calendar days before the hearing date	None
Appeal of ***Official***'s Decision to ***Design Review Board***	Publish notice of the hearing no less than 15 calendar days before the hearing date	Mail notice of the hearing to the appellant and the applicant for the decision being appealed (if different from the appellant) no less than 15 calendar days before the hearing date	None

NOTES:
1. As identified in the latest Beaufort County ad valorem tax record.
2. Where properties within 350 feet of the subject ***land*** are part of a townhouse, condominium, or timeshare ***development***, the notice shall also be mailed to the president or manager of the property owners' association for the ***development***.

b. Published Notice Requirements

The ***Official*** shall be responsible for preparing a required notice of the hearing and publishing it in a newspaper of general circulation in the Town.

c. Mailed Notice Requirements

The ***applicant*** shall be responsible for preparing a required notice of the hearing and mailing it by first-class mail to those ***persons*** listed as mailed notice recipients in Table 16-2-102.E.2, Hearing Notice Requirements.

d. Posted Notice Requirements[41]

i. The ***Official*** shall be responsible for preparing a required notice of the hearing and posting it on the ***land*** subject to the **application**.

ii. The ***Official*** shall ensure that the posted notice is maintained on the ***land*** subject to the **application** until completion of the noticed hearing(s). It shall be a violation of this Ordinance for any ***person*** to remove, mar, scratch, obliterate, or in any manner deface, hide from view, or tamper with posted hearing notices.

e. Notice Content[42]

i. Published and Posted Notices

All required published and posted notices of a hearing shall, at a minimum:

01. Identify the **application** by name or **application** number;

02. State the type of **application** and the nature and scope of the proposed ***development*** or action;

03. Identify the location of the ***land*** subject to the **application** by ***street*** address or legal description, and include a location map.

04. State the date, time, and place of the hearing and state that interested ***persons*** may appear, speak, and submit evidence or comments at the hearing; and

05. State how additional information about the **application** may be obtained and how and where comments on the **application** may be submitted before the hearing.

ii. Mailed Notices

All required mailed notices of a hearing shall, at a minimum:

01. Identify the **application** by name or **application** number;

02. State the type of **application** and the nature and scope of the proposed ***development*** or action;

03. Identify the location of the ***land*** subject to the **application** by ***street*** address or legal description, and include a location map;

04. State the date, time, and place of the hearing and state that interested ***persons*** may appear, speak, and submit evidence or comments at the hearing; and

05. State how additional information about the **application** may be obtained and how and where comments on the **application** may be submitted before the hearing.

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[41] This adds a requirement that posted notices be maintained and that removing or defacing posted notices is a violation of the LMO.

[42] This paragraph carries forward Sec. 16-3-111 D.1 and 2 of the current LMO, and provides additional detail about the content that is to be included in published and written notices.

3. Request to Defer Hearing[43]

a. Before Hearing Notice

An ***applicant*** may submit to the ***Official*** a written request to defer the hearing on an **application** as long as required notice of the hearing on an **application** has not yet been provided. The ***Official*** may approve such a request upon good cause shown and defer the hearing to a later date.

b. After Hearing Notice

Where required notice of the hearing on an **application** has already been provided, the ***applicant*** may request the body scheduled to hold the hearing to defer the hearing. The body may grant the request and concurrently set a new hearing date for the **application** for good cause shown. The ***applicant*** shall bear the cost of any additional notice required as a result of the request for deferral.

F. Advisory Body Review and Recommendation[44]

If an **application** is subject to a recommendation by the ***Planning Commission*** (see Sec. 16-2-101, Summary Table of Review Procedures), the ***Planning Commission*** shall review and act on the **application** in accordance with the following procedures.

1. General

The ***Planning Commission*** shall hold any required public hearing (see Sec. 16-2-101, Summary Table of Review Procedures) and consider the **application**, relevant support materials, staff report, and any public comments. It shall then recommend one of the decisions authorized for the particular type of **application**, based on the review standards applicable to the **application** type, as set forth in Sec. 16-2-103, Application Specific Review Procedures.

2. Clearly State Factors for Decision

The ***Planning Commission***'s recommendation shall state the factors considered in making the recommendation and the basis or rationale for the recommended decision.

3. Timing

The ***Planning Commission*** shall take action within any time period specified in Sec. 16-2-103, Application Specific Review Procedures, for the type of **application**;

[43] This new subsection establishes basic rules for considering requests for review boards to defer public hearings on applications. It is intended to discourage applicants who ask that a public hearing be deferred simply to avoid or wear down anticipated opposition or avoid an anticipated adverse decision. The distinction between treatment before and after the hearing notice is provided reflects the idea that it is not fair to all the people who show up at a public hearing to delay their opportunity to speak on the **application**. The general reference to "good cause shown" reflects the fact many potentially justifiable reasons for deferral may be applicable (e.g., hurricane, illness, or possibly a delay in the acquisition of requested new information or evidence).

[44] This new section outlines the procedures for review of a development **application** by any Town board acting in an advisory capacity (i.e., the Planning Commission on Text Amendment, Zoning Map Amendment, and PUD District/Master Plan applications).

otherwise, it shall take action as promptly as possible in consideration of the interests of the ***applicant***, affected parties, and citizens of the Town.

4. Delivery of Recommendation to Town Council

The ***Official*** shall prepare a report of the ***Planning Commission***'s deliberations and recommendations, which shall be delivered to the ***Town Council*** within a reasonable period of time before its consideration of the **application**.

G. Decision-Making Body Review and Decision[45]

If an **application** is subject to a final decision by the ***Town Council***, the ***Planning Commission***, the ***Board of Zoning Appeals***, or the ***Design Review Board*** (see Sec. 16-2-101, Summary Table of Review Procedures), such decision-making body shall review and make a final decision on the **application** in accordance with the following procedures.

1. Review and Decision

a. General

The decision-making body shall hold any required hearing (see Sec. 16-2-101, Summary Table of Review Procedures) and consider the **application**, relevant support materials, staff report, any advisory body recommendations, and any public comments. It shall then make one of the decisions authorized for the particular type of **application**, based on the review standards applicable to the **application** type, as set forth in Sec. 16-2-103, Application Specific Review Procedures.

b. Remand

Before making its decision, the decision-making body may remand the **application** to the appropriate Town staff, or the ***Town Council*** may remand the **application** to the ***Planning Commission***, for consideration of any issue.

c. Clearly State Factors for Decision

Unless stated otherwise in this Ordinance, decisions of the ***Planning Commission***, ***Board of Zoning Appeals***, and ***Design Review Board*** shall clearly state the factors considered in making the decision and the basis or rationale for the decision.

d. Timing

The decision-making body shall take action within any time limit specified in Sec. 16-2-103, Application Specific Review Procedures, for the type of **application**; otherwise, it shall take action as promptly as possible in consideration of the interests of the applicant, affected parties, and citizens of the Town.

[45] This new section outlines the procedures for all decision-making body review of a development **application** under the LMO (the Town Council, Planning Commission, Board of Zoning Appeals, and Design Review Board).

2. Conditions of Approval[46]

Conditions of approval may be recommended by an advisory body or included in the approval by the decision-making body, as appropriate. Conditions of approval shall be limited to those deemed necessary to ensure compliance with the review standards for the particular type of **application**. All conditions of approval shall be separately set forth in the statement of approval.

H. Post-Decision Actions and Limitations

1. Notice of Decision

Within five business days after a final decision on an **application** is made by the ***Official*** or a decision-making body other than the ***Town Council***, the ***Official*** shall provide the applicant a written copy of the decision. A copy of the decision shall also be made available to the public at Town Hall during normal business hours.

2. Appeals[47]

a. Sec. 16-2-103.T, Appeal of Administrative Decisions and Written Interpretations to Board of Zoning Appeals, Sec. 16-2-103.U, Appeal of Official's Decision to Planning Commission, and Sec. 16-2-103.V, Appeal of Official's Decision to Design Review Board, authorize and set forth procedures for internal Town appeals of various decisions, determinations, and interpretations by the ***Official***.

b. The following decisions shall constitute final decisions of the Town, and a party aggrieved or adversely affected by such a decision may appeal the decision to the courts in accordance with applicable state law:

i. A final decision by the ***Planning Commission*** on applications for Public Project Review or Street/Vehicular Access Easement Name Review.

ii. A final decision of the ***Planning Commission*** on applications appealing decisions by the ***Official*** on applications for Subdivision Review, Major or Minor Development Plan Review, Small Residential Development Review, or Development Project Name Review.

iii. A final decision by the ***Board of Zoning Appeals*** on applications for Special Exceptions and Variances.

iv. A final decision by the ***Board of Zoning Appeals*** on applications appealing any order, requirement, decision, or determination made by the ***Official*** in the enforcement of this LMO (e.g., minor deviations of PUD master plans, Natural Resources Permits, Wetland Alteration Permits, Administrative Adjustments, and Written Interpretations).

v. A final decision by the ***Design Review Board*** on applications for Major Corridor Review or a Sign Permit.

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[46] This new section establishes the general rules for the inclusion of conditions of approval in a development approval or permit. These limitations on conditions reflect general due process principles. For administrative decisions, applicable standards are generally the LMO's objective standards. For legislative and quasi-judicial decisions, applicable standards may also include more general or discretionary standards addressing issues like impacts on adjacent properties and the public as a whole.

[47] This new section identifies both internal appeal procedures and final Town decisions that may be appealed to the courts.

vi. A final decision by the ***Design Review Board*** on applications appealing decisions by the ***Official*** on applications for Minor Corridor Review or a Sign Permit.

I. Effect of Permit or Development Approval[48]

Approval of any **application** in accordance with this Ordinance authorizes only the particular ***use***, plan, or other specific activity approved, and not any other ***use***, plan, or other specific activity.

J. Vesting and Expiration of Development Approval or Permit[49]

1. Vested Rights for Approvals of Site Specific Development Plans[50]

a. General

Approval or conditional approval of an **application** for a Special Exception, Major or Minor Subdivision Review, Major or Minor Development Plan Review, Small Residential Development Review, and a Variance shall constitute approval of a site specific ***development*** plan that establishes a ***vested right*** in accordance with the Vested Rights Act, S.C. Code Ann. § 6-29-1510 et seq. The ***vested right*** shall expire two years after the approval unless the ***vested right*** period is extended in accordance with subparagraph b below.

b. Extensions of Vested Right Period

Within 60 days before the expiration of the original two-year ***vested right*** period or any extension thereof, a ***developer*** or ***landowner*** may submit to the ***Official*** a written request for an additional annual extension of the ***vested right*** period. The ***Official*** shall approve requests for up to five annual extensions of the ***vested right***.

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[48] This new section clearly establishes that permit or development approval is limited to the specific activity approved in the permit or approval.

[49] This section builds on Sec. 16-3-116 of the current LMO, but includes a specific expiration period for a permit or development approval where one is not included in the permit or development approval itself or established in Sec. 16-2-103, Application Specific Review Procedures.

[50] Section 16-3-310 of the current LMO includes vested rights provisions that expand on statutory provisions in South Carolina's Vested Rights Act. This paragraph modifies those provisions to include only those provisions required by the Vested Rights Act—thus relying on that act's provisions to define further the nature of the vested right created by approval of a site specific development plan. The act only requires local governments to identify what local development approvals constitute approval of a site specific development plan and provide a process for at least five annual extensions of the vest right period. The first subparagraph identifies permits and approvals constituting approval of a site specific development plan, which are the same permits and approvals identified as such in the current LMO except for PUD Master Plans for PD-2 districts (but not PD-1 districts).

Sec. 16-2-103.D.7 of the current LMO provides that an approval of any PUD District and associated Master Plan does not expire. Although the current LMO's vested right provisions reference phased development plans, they do not distinguish them from site specific development plans in terms of identification or length of the vested right period (the Vested Rights Act allows local regulations to establish up to a 5-year vested right period for approved phased developments). To avoid the confusion of using two terms for a single class of approvals, this paragraph omits any reference to phased development plans.

2. Expiration of Other Approvals

a. General

Except for approval of Text Amendments, Zoning Map Amendments, and Street/Vehicular Access Easement Names, and approvals subject to the ***vested right*** provisions in paragraph 1 above, ***development*** approvals granted in accordance with this Ordinance shall expire as stated in Sec. 16-2-103, Application Specific Review Procedures. If no expiration period is stated in Sec. 16-2-103, for a particular type of permit or ***development*** approval, the permit or ***development*** approval shall expire if a ***Building Permit*** authorizing the approved ***development*** is not obtained within two years after the date of the permit or ***development*** approval. A change in ownership of the ***land*** shall not affect the established expiration time period. The filing of an appeal shall extend the established expiration date of the permit or approval for a period of two years from the date of the final decision on the appeal.

b. Extension of Expiration Time Period

Except as otherwise provided in Sec. 16-2-102.J and Sec. 16-2-103, Application Specific Review Procedures, for the particular type of permit or ***development*** approval, the ***Official*** may, on a showing of good cause, grant written requests for one or more extensions of the expiration date for up to a cumulative total of one year. Any further extension requests may only be granted, on a showing of good cause, by the decision-making body or ***person*** that granted the permit or ***development*** approval.

K. Limitation on Subsequent Similar Applications[51]

1. In the event that an **application** is denied, an **application** requesting the same or a substantially similar plan for ***development*** shall not be re-submitted for one year from the date of the decision..

2. The ***Official***, upon request by the applicant, may allow re-submission of the **application** after six months from the date of the decision upon a determination that:

a. Significant physical, economic, or ***land use*** changes have taken place on the ***land*** that was the subject of the original **application** or on ***land*** within the immediate vicinity; or

b. A significant LMO text amendment has been adopted that substantially changes conditions and the review standards relevant to the ***development*** of the ***land*** subject to the original **application**.

[51] This subsection carries forward Sec. 16-3-114 of the current LMO, with refinements to clarify language and provide additional standards to the Official's decision as to when a waiver of the time limits on re-submittal of an **application** is appropriate.

Sec. 16-2-103. Application Specific Review Procedures

A. Overview

1. General

This section sets forth supplemental procedures, review standards, and related information for applications reviewed under this Ordinance, as listed in Sec. 16-2-101, Summary Table of Review Procedures.

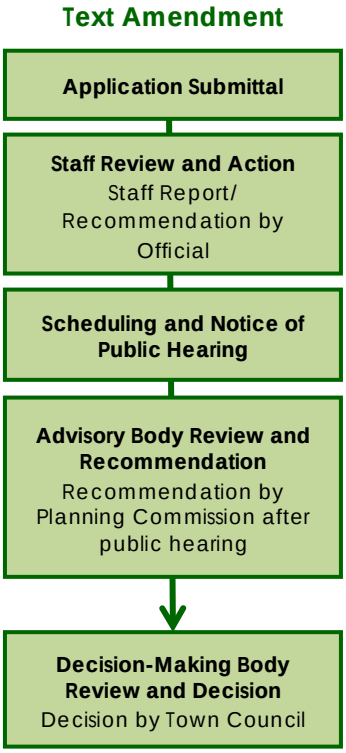
2. Structure of Procedures

For each type of **application** reviewed under this Ordinance, the following subsections state the purpose of the subsection and type of permit or ***development*** approval, and whether each of the steps in the standard procedure set forth in Sec. 16-2-102, Standard Review Procedures, is applicable, optional, or not applicable. They also include, for each step, any variations of, or additions to, the standard procedures. This is followed by the review standards for the **application**, and provisions addressing expiration and amendment.

B. Text Amendment[52]

1. Purpose

The purpose of this section is to state the procedure for proposing Text Amendments to this Ordinance to Town Council for its consideration and decision.



2. Text Amendment Procedure

a. Application Submittal

An **application** to amend the text of this Ordinance may be filed by the persons identified in Section 16-2-102(C), the Planning Commission or the Town Manager, and any ***Application*** shall comply with the requirements of Section 16-2-102(C).

b. Staff Review and Action

On receiving an **application**, the ***Official*** shall review the **application**, prepare a staff report with a recommendation for action on the **application**, and transmit the **application** and staff report to the ***Planning Commission*** in accordance with Sec. 16-2-102.D. The ***Official***'s recommendation shall be based on the

[52] This subsection builds on Chapter 3, Article XIV (Amendments to Text of Ordinance) of the current LMO. There are no changes in the procedures for review of text amendments. Other changes are noted in footnotes.

standards in Sec. 16-2-103.B.3, Ordinance Text Amendment Review Standards.

c. Hearing Scheduling and Notice

A public hearing on the **application** shall be scheduled before the Planning Commission, and all required notices shall be provided in accordance with Sec. 16-2-102.E.

d. Advisory Body Review and Recommendation

The ***Planning Commission*** shall review the **application** and staff report, hold a public hearing on the **application**, and make a recommendation for action on the **application** in accordance with Sec. 16-2-102.F. The ***Planning Commission***'s recommendation shall be based on the standards in Sec. 16-2-103.B.3, Ordinance Text Amendment Review Standards.

e. Decision-Making Body Review and Decision

i. The ***Town Council*** shall review the **application**, staff report, and ***Planning Commission*** recommendation, and make a final decision on the **application**. No change in or departure from the text amendment as recommended by the ***Planning Commission*** may be made by the ***Town Council*** unless the change or departure is first submitted to the ***Planning Commission*** for review and recommendation in accordance with state law. The ***Town Council's*** decision shall be one of the following:

01. Adopt an ***ordinance*** approving the Text Amendment; or

02. Adopt a resolution denying the Text Amendment.

ii. If the ***Town Council*** proposes any changes or departures from a Text Amendment as recommended by the ***Planning Commission***, it shall first remand the **application** to the ***Planning Commission*** for review of and a recommendation on the proposed changes and departures. The ***Planning Commission*** shall deliver its recommendation on the proposed changes and departures to the ***Town Council*** within 30 days after the remand; if the ***Planning Commission*** fails to do so, it is deemed to have recommended approval of the proposed changes and departures.[54]

f. Post-Decision Actions and Limitations

The ***Official*** shall provide notice of the final decision on the **application** in accordance with Sec. 16-2-102.H.1.

3. Ordinance Text Amendment Review Standards[55]

In determining whether to recommend that ***Town Council*** adopt or deny the proposed text amendment, the ***Planning Commission*** may weigh the relevance of and consider whether and the extent to which the proposed Text Amendment:

a. Is in accordance with the ***Comprehensive Plan***;

[54] South Carolina Code of Laws 6-29-760(A) requires the LMO to place a deadline of no more than 30 days for the Planning Commission to review and make a recommendation on any changes from its original recommendation proposed by the Town Council.

[55] Chapter 3, Article XIV (Amendments to the Text of Ordinance) of the current LMO does not include review criteria for text amendments. This draft includes review criteria (standards), which we recommend including in the LMO.

b. Is required by changed conditions;

c. Addresses a demonstrated community need;

d. Is 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;

e. Would result in a logical and orderly ***development*** pattern; or

f. Would not result in significantly 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.

4. Expiration

Any text amended in accordance with this subsection is subject to further amendment or repeal in accordance with the Text Amendment procedures set forth in this subsection.

C. Zoning Map Amendment (Rezoning)[56]

1. Purpose

The purpose of this section is to state the procedure for proposing Zoning Map Amendments to this Ordinance to ***Town Council*** for its consideration and decision.

2. Zoning Map Amendment (Rezoning) Procedure

a. Pre-Application Conference[58]

Prospective ***applicants*** for a Zoning Map Amendment (unless the ***Town Council***, ***Planning Commission***, or Town Manager) are encouraged to request and hold a pre-**application** conference with Town staff in accordance with Sec. 16-2-102.B and the following.

i. ***Applicants*** proposing rezoning to the Redevelopment Overlay (RO) District shall provide the ***Official*** the following additional information prior to the conference:

01. The **application**;

02. A narrative addressing the reasons for the requested rezoning;

03. A ***site plan*** of the proposed redevelopment that shows all physical ***improvements*** and natural features, including but not limited to ***structures***, parking, setbacks, buffers, wetlands, significant ***trees***,

[56] The subsection builds on Chapter 3, Article XV (Amendments to Zoning Map (Rezoning)) of the current LMO. There are no changes in the procedures for review of zoning map amendments. The biggest change in this procedure is it integrates the procedures and standards for the RO Redevelopment Overlay district, since the RO district is adopted and applied as a rezoning. Other substantives changes are noted in footnotes.

[58] As noted earlier, the RO District procedures and standards in Sec. 16-3-1602 and -1603 of the current LMO are integrated into this section. They require concept review of the proposed RO District, including the requirement that the applicant receive approval of a conceptual landscape plan from the Design Review Board before submitting a formal **application**.

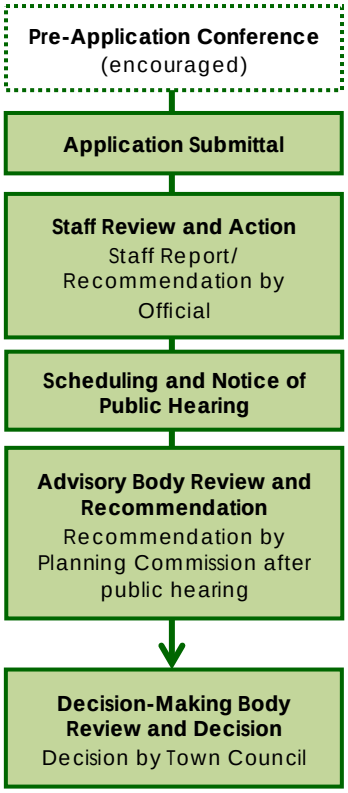
impervious cover, ***open space***, ***height*** of ***structures***, and ***density*** of site;

04. An ***as-built survey***;

05. A ***tree*** and topography plan showing all existing ***trees*** six inches in diameter and larger.

ii. If a proposed rezoning to the RO District involves ***land*** within the Corridor Overlay (COR) District, the ***applicant*** shall submit a conceptual landscape plan for review and approval by the ***Design Review Board*** prior to submittal of the rezoning **application**. The ***Design Review Board***'s review and decision on the conceptual landscape plan shall be based on the standards in Sec. 16-2-103.C.3, Zoning Map Amendment (Rezoning) Review Standards.

Map Amendment (Rezoning)



b. Application Submittal

An **application** for a Zoning Map Amendment may be filed by the ***persons*** identified in Sec. 16-2-102.C.1, the ***Planning Commission*** or the Town Manager, and any ***Application*** shall comply with the requirements of Sec. 16-2-102.C.

c. Staff Review and Action

On receiving an **application**, the ***Official*** shall review the **application** and prepare a staff report with a recommendation for action on the **application** in accordance with Sec. 16-2-102.D. The ***Official***'s recommendation shall be based on the standards in Sec. 16-2-103.C.3, Zoning Map Amendment (Rezoning) Review Standards.

d. Hearing Scheduling and Notice

A public hearing on the **application** shall be scheduled before the ***Planning Commission***, and all required notices shall be provided in accordance with Sec. 16-2-102.E.

e. Advisory Body Review and Recommendation

The ***Planning Commission*** shall review the **application** and staff report, hold a public hearing on the **application**, and make a recommendation for action on the **application** in accordance with Sec. 16-2-102.F. The ***Planning Commission***'s recommendation shall be based on the standards in Sec. 16-2-103.C.3, Zoning Map Amendment (Rezoning) Review Standards.

f. Decision-Making Body Review and Decision

i. The ***Town Council*** shall review the **application**, staff report and ***Planning Commission*** recommendation, and make a final decision on the **application**. No change in or departure from the Zoning Map

Amendment as recommended by the ***Planning Commission*** may be made by Town Council unless the change or departure is first submitted to the ***Planning Commission*** for review and recommendation in accordance with state law. The ***Town Council's*** decision shall be one of the following:

01. Adopt an ***ordinance*** approving the Zoning Map Amendment; or

02. Adopt a resolution denying the Zoning Map Amendment.

ii. If the ***Town Council*** proposes any changes and departures from a Zoning Map Amendment as recommended by the ***Planning Commission***, it shall first remand the **application** to the ***Planning Commission*** for review of and a recommendation on the proposed changes and departures. The ***Planning Commission*** shall deliver its recommendation on the proposed changes and departures to the ***Town Council*** within 30 days after the remand; if the ***Planning Commission*** fails to do so, it is deemed to have recommended approval of the proposed changes and departures. [59]

g. Post-Decision Actions and Limitations

The ***Official*** shall provide notice of the final decision on the **application** in accordance with Sec. 16-2-102.H.1.

3. Zoning Map Amendment (Rezoning) Review Standards[60]

In determining whether to recommend that ***Town Council*** approve or deny a proposed Zoning Map Amendment (Rezoning), the ***Planning Commission*** may weigh the relevance of and consider the following:

a. If the proposed Zoning Map Amendment is for reclassification of ***land*** to a district other than the Redevelopment Overlay (RO) District, whether and the extent to which the proposed zoning:

i. Is in accordance with the ***Comprehensive Plan***;

ii. Would allow a range of ***uses*** that are compatible with the ***uses*** allowed on other property in the immediate vicinity;

iii. Is appropriate for the ***land***;

iv. Addresses a demonstrated community need;

v. Is consistent with the overall zoning program as expressed in future plans for the Town;

vi. Would avoid creating an inappropriately isolated zoning district unrelated to ***adjacent*** and surrounding zoning districts;

vii. Would allow the subject property to be put to a reasonably viable economic ***use***;

[59] See footnote 54.

[60] The review standards for the traditional rezoning build on the review criteria in Section 16-3-1505 of the current LMO; additional review criteria are added, based on best practices and what communities consider when deciding on a rezoning. As noted earlier, this section also incorporates a rezoning to RO District; consequently, the review standards also include review standards for a RO District rezoning, which builds on and refines the current review criteria in Section 16-3-1607, and reference modifications allowed in Sec. 16-3-106.K in exchange for compensating public benefits.

viii. Would result in ***development*** that can be served by available, adequate, and suitable public facilities (e.g., ***streets***, potable water, sewerage, stormwater management); and

ix. Is appropriate due to any changed or changing conditions in the affected area.

b. If the proposed Zoning Map Amendment is for reclassification of ***land*** to the Redevelopment Overlay (RO) District, whether and the extent to which:

i. The proposed plan for ***development*** constitutes redevelopment, as defined by this Ordinance;

ii. The proposed plan for ***development*** is in accordance with the ***Comprehensive Plan***;

iii. The plan for ***development*** and general layout of the site are consistent with the general purpose of the R-O District, as expressed in Sec. 16-3-106.K, Redevelopment Overlay (R-O) District;

iv. The ***lands*** surrounding the proposed RO District can be planned and developed or redeveloped in substantial compatibility with the plan for ***development***;

v. The proposed plan for ***development*** clearly lessens the number or extent of nonconformities on the site**;**

vi. If the site has nonconforming ***density*** or intensity, the proposed plan for ***development*** demonstrates that the nonconforming ***density*** or intensity creates the inability to meet other current standards in this Ordinance;

vii. The proposed plan for ***development*** demonstrates that the design and layout of the site complies with the dimensional, ***development*** and design, and natural resource protection standards in Chapter 16-5: Development and Design Standards, and Chapter 16-6:, Natural Resource Protection, or modifications to such standards approved in accordance with Sec. 16-3-106.K, Redevelopment Overlay (R-O) District; and

viii. The proposed RO District is not detrimental to the public health, safety, and welfare.

4. Expiration

Any Zoning Map Amendment (Rezoning) shall not expire, but the amended ***Official Zoning Map*** is subject to further amendment or repeal, in accordance with the map amendment and PUD District/Master Plan procedures set forth in this subsection.

D. Planned Unit Development (PUD) District[61]

1. Purpose

The purpose of this section is to state the procedure for proposing Planned Unit Development zoning for property within the Town to ***Town Council*** for its consideration and decision.

2. Scope

A planned unit ***development*** is established by amendment of the ***Official Zoning Map*** to a planned unit ***development*** zoning district classification that is defined by a master plan.

3. PUD District/Master Plan Review Procedure

a. Pre-Application Conference

Prospective ***applicants*** for rezoning to a PUD District are encouraged to request and hold a pre-**application** conference with Town staff in accordance with Sec. 16-2-102.B.

b. Application Submittal

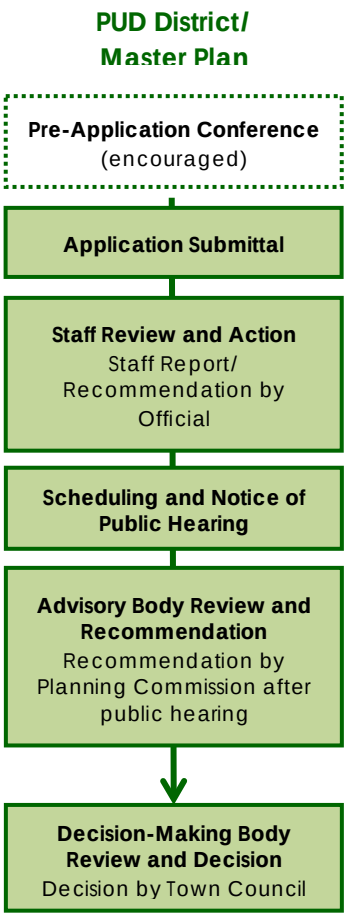
An **application** for Planned Unit Development Zoning may be filed by the ***persons*** identified in Sec. 16-2-102 (C), the Town Manager or the Planning Commission and any ***Application*** shall be in accordance with Sec. 16-2-102.C.

c. Staff Review and Action

On receiving an **application**, the ***Official*** shall review the **application** and prepare a staff report with a recommendation for action on the **application** in accordance with Sec. 16-2-102.D. The ***Official***'s recommendation shall be based on the standards in Sec. 16-2-103.D.4, PUD District /Master Plan Review Standards.

d. Hearing Scheduling and Notice

A public hearing on the **application** shall be scheduled before the ***Planning Commission*** and all required notices shall be provided in accordance with Sec. 16-2-102.E.



[61] This section builds on Chapter 3, Article XVIII (Planned Unit Development Review) of the current LMO. There are no changes in the procedures for review of planned unit developments (PUDs). Changes are noted in footnotes.

e. Advisory Body Review and Recommendation

The ***Planning Commission*** shall review the **application** and staff report, hold a public hearing on the **application**, and make a recommendation for action on the **application** in accordance with Sec. 16-2-102.F. The ***Planning Commission***'s recommendation shall be based on the standards in Sec. 16-2-103.D.4, PUD District /Master Plan Review Standards.

f. Decision-Making Body Review and Decision

i. The ***Town Council*** shall review the **application**, staff report, and ***Planning Commission*** recommendation, and make a final decision on the **application**. No change in or departure from the PUD/Master Plan Amendment as recommended by the ***Planning Commission*** may be made by the Town Council unless the change or departure is first submitted to the Planning Commission for review and recommendation in accordance with state law. The ***Town Council's*** decision shall be one of the following:

01. Adopt an ***ordinance*** approving the PUD District/Master Plan as submitted; or

02. Adopt a resolution denying the PUD District/Master Plan.

If the ***Town Council*** proposes any changes or departures from a PUD District/Master Plan as recommended by the ***Planning Commission***, it shall first remand the **application** to the ***Planning Commission*** for review of and a recommendation on the proposed changes and departures. The ***Planning Commission*** shall deliver its recommendation on the proposed changes and departures to the ***Town Council*** within 30 days after the remand; if the ***Planning Commission*** fails to do so, it is deemed to have recommended approval of the proposed changes and departures. [62]

g. Post-Decision Actions and Limitations

The ***Official*** shall provide notice of the final decision on the **application** in accordance with Sec. 16-2-102.H.1.

4. PUD District /Master Plan Review Standards[63]

In determining whether to recommend that ***Town Council*** adopt a proposed PUD zoning district classification and Master Plan, the ***Planning Commission*** may consider and weigh the standards of Sec. 16-2-103.C.3, Zoning Map Amendment (Rezoning) Review Standards, and the extent to which the proposed PUD District and Master Plan complies with the standards of Sec. 16-3-105.O, Planned Development Mixed-Use (PD-1) District, or Sec. 16-3-106.G, Planned Development Overlay (PD-2) District.

[62] See footnote 54.

[63] This subsection builds on Sec. 16-3-1704 of the current LMO. The actual PUD standards and criteria will be included in the PUD district regulation in Title 16 Chapter 3: Zoning Districts.

5. Designation on Official Zoning Map[64]

Designation of a PUD District on the ***Official Zoning Map*** shall note the ***ordinance*** approving the PUD zoning district classification and Master Plan.

6. Effect of Approval[65]

a. For lands rezoned to a PD District the approved master plan shall be the zoning text for the district.

b. The ***applicant*** may apply for and obtain subsequent ***development*** approvals and permits necessary to implement the Master Plan in accordance with the appropriate procedural standards of this Ordinance.

c. Any subsequent permit or ***development*** approval shall comply with the PUD Master Plan.

7. Expiration

Any approved PUD District/Master Plan shall not expire, but the amended ***Official Zoning Map*** or Master Plan is subject to further amendment or repeal in accordance with map amendment and PUD District/Master Plan procedures set forth in this subsection.

8. Minor Deviations from Approved Master Plan

a. General[66][67]

Subsequent applications for permits and ***development*** approvals within a PUD District may include minor deviations from the approved PUD Master Plan, without the need to amend the PUD District/Master Plan approval, provided, however, that such deviations are limited to the following:

i. Changes that result in a decrease in the ***density*** approved for a specific ***parcel***, either residential or nonresidential;

ii. Change in a ***land use*** designation from ***multifamily*** to ***single-family*** or a change from any ***use*** to ***open space***/passive recreation;

iii. Change in major infrastructure features (e.g. ***streets***/***access***, sewer, water, storm drainage) that are clearly beneficial to the occupants of the Master Plan area. The ***applicant*** requesting such change shall provide reasonable notice of the request to the property owners' association that would be affected by the change and ask that all comments be directed to the ***Official***. Proof of such notification shall be provided to the ***Official***. If after considering comments from affected ***property owners***, the

[64] This new subsection requires that the ordinance approving a PUD and Master Plan be noted on the Official Zoning Map.

[65] This new subsection clarifies the rules governing development of the PUD District/Master Plan. It also clarifies that subsequent approvals must comply with the terms and conditions of the Master Plan.

[66] This subsection incorporates the review criteria in Sec. 16-3-1707 of the current LMO.

[67] Text Amendment 2012-15 describes the need to add the ability to locate a new telecommunications facility on land designated for uses other than single-family residential as a minor amendment to a prior approved PUD master plan. This subsection proposes to allow the addition of building mounted telecommunications equipment or colocation of antenna, and the erection of a new telecommunication towers on lands designated for uses other than single-family uses.

Official determines that the change would not be clearly beneficial to the occupants of the Master Plan area, the ***Official*** shall deny the deviation;

iv. Change in ***land use*** designation from ***single-family*** to ***multifamily*** with no increase in permitted site-specific ***density***;

v. The addition of collocated or building mounted telecommunication antennas; and

vi. The ***construction*** of a new ***monopole telecommunication tower*** on ***land*** not designated for ***single-family use***.

b. Appeal

The ***Official***'s decision on a minor deviation request may be appealed by an aggrieved ***person*** to the ***Board of Zoning Appeals*** in accordance with Sec. 16-2-103.T, Appeal of Administrative Decisions and Written Interpretations to Board of Zoning Appeals.

9. Amendments

A PUD District/Master Plan approval shall be amended, extended, or modified only in accordance with the procedures and standards for its original approval.

E. Special Exception[69]

1. Purpose[70]

The purpose of this section is to state the procedure for seeking a special exception approval.

2. Applicability

Any ***use*** identified as a Special Exception in a zoning district in Chapter 16-3: Zoning Districts, must receive approval of Special Exception in accordance with the procedure and standards of this subsection before it may be developed under this Ordinance.

3. Special Exception Procedure

a. Application Submittal

An **application** for a Special Exception may be submitted by ***persons*** identified in Sec. 16-2-102.C.1, and shall be submitted in accordance with Sec. 16-2-102.C.

b. Staff Review and Action

On receiving an **application**, the ***Official*** shall review the **application** and prepare a staff report with a recommendation for action on the **application** in accordance with Sec. 16-2-102.D. The ***Official***'s recommendation shall be

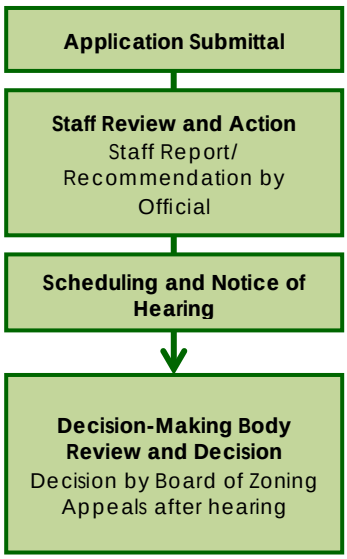
[69] This subsection builds on Chapter 3, Article XVIII (Specific Review) of the current LMO. Current procedures are not changed and the standards of review are reformatted to clarify language. Any other changes are noted in footnotes.
[70] This new section states the purpose of the special exception under the LMO.

based on the standards in Sec. 16-2-103.E.4, Special Exception Review Standards.

c. Hearing Scheduling and Notice

A public hearing on the **application** shall be scheduled, and required notices provided, for the ***Board of Zoning Appeals*** hearing on the **application** in accordance with Sec. 16-2-102.E.

Special Exception



d. Decision-Making Body Review and Decision

i. The ***Board of Zoning Appeals*** shall review the **application** and staff report, hold a hearing on the **application**, and make a final decision on the **application** in accordance with Sec. 16-2-102.G. The Board's decision shall be based on the standards in Sec. 16-2-103.E.4, Special Exception Review Standards, and shall be one of the following:

01. Approve the Special Exception;

02. Approve the Special Exception subject to conditions of approval; or

03. Deny the Special Exception.

ii. The Board's decision shall be in writing and include findings of fact and conclusions of law.

e. Post-Decision Actions and Limitations

i. Notice of Decision

The ***Official*** shall provide notice of the final decision on the **application** in accordance with Sec. 16-2-102.H.1.

ii. Appeal

Appeals from the final decision of the ***Board of Zoning Appeals*** on an **application** for a Special Exception are governed by S.C. Code Ann. § 6-29-820 - 850.

4. Special Exception Review Standards[71]

The ***Board of Zoning Appeals*** shall approve an **application** for a Special Exception if the ***applicant*** demonstrates the proposed Special Exception and associated ***development***:

a. Will be in accordance with the ***Comprehensive Plan***;

[71] This incorporates the review criteria from Sec. 16-3-1805 from the current LMO.

b. Will comply with all regulations and standards that are generally applicable within the zoning district and that are specifically applicable to the particular type of Special Exception;

c. Will be compatible with the intensity, scale, and character of ***development*** existing or planned in the surrounding area;

d. Will not cause undue traffic congestion or create a traffic hazard;

e. Will incorporate preservation and protection of important natural features and not result in significant adverse impacts on the natural environment—including, but not limited to, water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment;

f. Will not generate needs for transportation, water supply, sewage disposal, stormwater management, solid waste collection, fire and police protection, and similar public services that cannot be adequately handled by available or provided infrastructure and facilities;

g. Will not substantially injure the value of surrounding properties; and[72]

h. Will not materially endanger the public health or safety.

5. Effect of Approval[73]

Approval of a Special Exception authorizes only the specific ***use*** approved, and not any other ***development*** or ***use.*** If a Special Exception is a prerequisite to another permit or ***development*** approval that is required to authorize the commencement of ***development*** (e.g.,Variance), then no ***development*** may take place until all required approvals are obtained. Approval of a Special Exception does not guarantee approval of any subsequent ***application***.

6. Expiration

Approval of a Special Exception establishes a ***vested right*** in accordance with Sec. 16-2-102.J.1, Vested Rights for Approvals of Site Specific Development Plans.

7. Amendment[74]

A Special Exception may be modified or amended only in accordance with the procedures and standards established for its original approval.

[72] As a quasi-judicial process, Special Exception decisions are required to be based on evidence. The burden is on the applicant to present substantial and material evidence to show at least a prima facie case for meeting the required standards. If the applicant does that, the burden shifts to others to show the **application** does not comply with the standards. In the case of the common standard that property values not be injured, such evidence may consist of the opinions on landowners on the value of their own property, and/or expert testimony of an appraiser.

[73] This new paragraph sets forth the effect of approval of a Special Exception Permit. It states that approval of the Special Exception Permit does not assure approval of subsequently required permits or approval under this Ordinance.

[74] This new paragraph clarifies when a Special Exception Permit may be amended.

F. Subdivision Review (Minor or Major)[75]

1. Purpose [76]

The purpose of this section is to state the procedure for seeking a Major or Minor Subdivision Review Approval.

The purpose of this subsection is to provide a uniform method for the review and approval of ***subdivision*** of ***land*** and to ensure, in conjunction with Sec. 16-5-115, Subdivision Standards, that ***subdivisions*** promote the health, safety, convenience, order, prosperity and welfare of the present and future residents of the Town by:

a. Providing for the orderly growth and ***development*** of the Town;

b. Coordinating with the existing ***street*** system, transportation plans, and public facilities;

c. Providing ***right-of-way*** for ***street*** and vehicular ***easements***;

d. Avoiding congestion and overcrowding and encouraging proper arrangement of ***streets*** in relation to existing planned ***streets***;

e. Ensuring there is adequate ***open space*** and recreation facilities; and

f. Ensuring there is proper recordation of ***land*** ownership.

2. Applicability

a. General

Approval of either a Minor Subdivision or a Major Subdivision in accordance with the procedures and standards of this subsection is required before any plat of a Major or Minor Subdivision may be recorded in the Office of the Register of Deeds for Beaufort County, South Carolina. No ***land*** in any proposed Major or Minor Subdivision may be sold, transferred, or offered for sale until a final plat for the Major or Minor Subdivision has been approved in accordance with this Ordinance and recorded in the Office of the Register for Beaufort County, South Carolina.

b. Minor and Major Subdivision[77]

i. A Minor Subdivision is a division of ***land*** into five or fewer residential ***lots***.

ii. Any other ***subdivision*** is considered a Major Subdivision.

[75] This subsection builds on Chapter 3, Article VI (Subdivision Review) of the current LMO. There are no changes in the procedures for review of subdivisions.
[76] This new paragraph states the general purpose and intent of subdivision regulation.
[77] This carries forward the definition of minor subdivision from Sec. 16-3-604 of the current LMO.

3. Subdivision Review (Minor or Major) Procedure

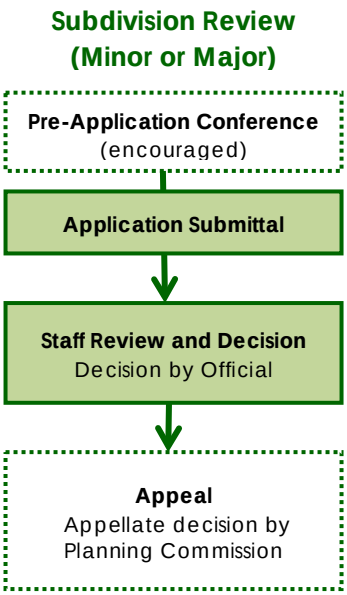
a. Pre-Application Conference

Prospective ***applicants*** for Subdivision Review (Minor or Major) are encouraged to request and hold a pre-**application** conference with Town staff in accordance with Sec. 16-2-102.B.

b. Application Submittal

An **application** for Subdivision Review may be submitted by ***persons*** identified in Sec. 16-2-102.C.1, and shall be submitted (and may be revised or withdrawn) in accordance with Sec. 16-2-102.C.

c. Staff Review and Action



i. On receiving an **application**, the ***Official*** shall review the **application** and prepare a staff report with a recommendation for action on the **application** in accordance with Sec. 16-2-102.D). The ***Official***'s decision shall be based on the standards in Sec. 16-2-103.F.4, Subdivision Review (Minor or Major) Standards, and shall be one of the following:

01. Approve the Subdivision Plan;

02. Approve the Subdivision Plan subject to conditions of approval; or

03. Deny the Subdivision Plan.

ii. The ***Official*** shall decide on the **application** within 60 days after it is submitted, or such extended time agreed to by the ***applicant***. If the ***Official*** fails to take action on the **application** within this time period, the **application** shall be deemed approved, and the Town shall issue the ***applicant*** a letter of approval and written notice to proceed based on the submitted **application**.[78]

d. Post-Decision Actions and Limitations

i. Notice of Decision

The ***Official*** shall provide notice of the final decision on the **application** in accordance with Sec. 16-2-102.H.1.

[78] S.C. Code Ann. § 6-29-1150(A) requires the LMO to set a time limit, not to exceed 60 days after receipt of subdivision plans, for action on such plans. It goes on to provide that failure to act within the prescribed deadline shall constitute approval of the subdivision. The statute does, however, allow extensions of the time period with the agreement of the applicant. Subsection iii establishes a 60-day deadline for action on Subdivisions, which although not included in the current LMO, reflects the Town's current policy.

ii. Appeal

Appeals from the final decision of the ***Official*** on an **application** for Subdivision Review (Minor or Major) are governed by Sec. 16-2-103.U, Appeal of Official's Decision to Planning Commission, and S.C. Code Ann. § 6-29-1150.

4. Subdivision Review (Minor or Major) Standards

An **application** for Subdivision Review (Minor or Major) shall be approved if the ***Official*** finds the ***applicant*** demonstrates the proposed Major or Minor Subdivision complies with:

a. Applicable standards in Sec. Sec. 16-5-115, Subdivision Standards;

b. All other applicable standards and requirements in this Ordinance; and

c. All other applicable requirements in the ***Municipal Code***.

5. Effect of Approval

Approval of a Subdivision (Minor or Major) constitutes approval of a final plat for the ***subdivision***. Recording of the final plat in the Office of the Register of Deeds for Beaufort County, South Carolina creates developable ***lots*** that may be sold or otherwise conveyed and may be developed in accordance with ***development applications*** authorized by this Ordinance.

6. Expiration[79]

Approval of a Minor or Major Subdivision establishes a ***vested right*** in accordance with Sec. 16-2-102.J.1, Vested Rights for Approvals of Site Specific Development Plans.

7. Amendment[80]

An approved Minor or Major Subdivision may be modified or amended only in accordance with the procedures and standards established for its original approval.

[79] This carries forward Sec. 16-3-608 of the current LMO.
[80] This new paragraph establishes rules for amending subdivision approval.

G. Development Plan Review (Minor and Major)[81]

1. Purpose[82]

The purpose of this subsection is to establish the procedures and standards for review of a Development Plan.

2. Applicability

a. General

Unless exempted in accordance with paragraph 3 below, no ***development*** may occur without prior approval of a Development Plan in accordance with this section. Approval of a Development Plan is required before issuance of a ***Building Permit*** for ***development*** subject to Development Plan Review.

b. Minor and Major Development Plans

There are two types of Development Plans: Minor and Major.

i. Approval of a Minor Development Plan is required for the following types of ***development***, provided the ***development*** does not involve any ***wetland alteration***:

01. Accessory ***uses*** and ***structures***;

02. Temporary ***uses*** and ***structures***, including temporary ***construction*** storage and staging; and

03. Any other ***development*** that does not involve ***construction*** of a new ***building*** or addition, such as parking ***lot*** changes, new pools or decks, recreation fields or courts, utility line ***construction***, or changes in general site design.[83]

ii. Approval of a Major Development Plan is required for all other ***development*** subject to Development Plan Review.

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[81] This subsection builds on Chapter 3, Article III of the current LMO. As is discussed in Section 2.2.7 of the Code Assessment there are currently three types of Development Plan Review: Expedited Abbreviated, and Standard. Only the latter two are recognized by the LMO; the Expedited Development Plan Review procedure is established by administrative policy and procedures. At the request of Town staff, this subsection carries forward the Standard Development Plan Review procedure (renamed Major Development Plan Review) and formally recognizes the Expedited Development Plan procedure (renamed (Minor Development Plan Review); the Abbreviated Development Plan Review procedure is revised ass a separate procedure (Small Residential Development Review) in the next subsection.

[82] This new paragraph summarizes the purpose of a development plan. As is discussed in Section 2.2.3 of the Code Assessment, the current LMO consolidates compliance review for nearly all aspects of site development into the Development Plan Review procedure—including review of plans and other information for compliance with the LMO's tree protection and wetlands protection standards in Chapter 6 of the current LMO. However, unlike with all other aspects of development, the LMO requires applicants for Development Plan review to submit separate applications and receive Tree Protection Approval and Wetlands Alteration Approval. As is discussed in the Code Assessment, to address this problem and streamline and simplify development review, this draft of the LMO clarifies that compliance with requirements for tree removal and wetlands alteration is to be conducted during Development Plan Review, and any development that has received approval of a Development Plan is exempted from having to receive a Wetlands Alteration or Natural Resources Permit.

[83] This description is carried forward from Town newsletters and documents describing to the public what the expedited development plan process includes.

3. Exemptions[84]

The following activities or ***uses*** are exempt from Development Plan Review (although they may be reviewed under a separate administrative procedure, or may be governed or prohibited by private covenants and restrictions):

a. The ***construction*** of any public ***street*** or minor utility.

b. The ***maintenance*** of any ***structure***.

c. The ***use*** of ***land***, with or without ***accessory structure***, for purposes of ***agriculture***, raising of crops or animals, forestry, mariculture, and the like.

d. All ***structures*** (including factory-built housing) built or placed on an individual ***single-family*** residential ***lot*** with no other ***dwelling*** on it.

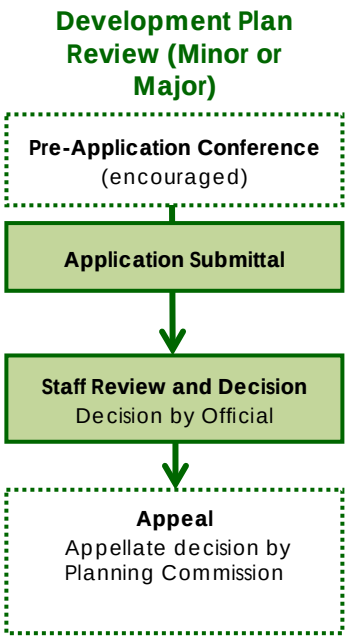
e. Development of two to five ***dwelling units*** on a single ***lot*** (subject to Small Residential Development Review—see Sec. 16-2-103.H)

f. Home occupations (see definition in Sec. 16-10-105, General Definitions).

4. Development Plan Review (Minor or Major) Procedure

a. Pre-Application Conference

Prospective ***applicants*** for Development Plan Review (Minor or Major) are encouraged to request and hold a pre-**application** conference with Town staff in accordance with Sec. 16-2-102.B.



b. Application Submittal

An **application** for Development Plan Review may be submitted by ***persons*** identified in Sec. 16-2-102.C.1, and shall be submitted (and may be revised or withdrawn) in accordance with Sec. 16-2-102.C.

c. Staff Review and Action

i. On receiving an **application**, the ***Official*** shall review and make a final decision on the **application** in accordance with Sec. 16-2-102.D). The ***Official***'s decision shall be based on the standards in Sec. 16-2-103.G.5, Development Plan Review Standards, and shall be one of the following:

01. Approve the Development Plan;

02. Approve the Development Plan subject to conditions of approval; or

03. Deny the Development Plan.

[84] This incorporates language from Sec. 16-3-302 of the current LMO.

ii. The ***Official*** shall decide an **application** for Minor Development Plan Review within ten business days after the **application** is submitted, or such extended time agreed to by the ***applicant***.

iii. The ***Official*** shall decide an **application** for Major Development Plan Review within 60 days after the **application** is submitted, or such extended time agreed to by the ***applicant***.

iv. If the ***Official*** fails to decide an **application** for Development Plan Review within the time period in provision ii or iii above, the **application** shall be deemed approved, and the Town shall issue the ***applicant*** a letter of approval and written notice to proceed based on the submitted **application**.[85]

d. Post-Decision Actions and Limitations

i. Notice of Decision

The ***Official*** shall provide notice of the final decision on the **application** in accordance with Sec. 16-2-102.H.1.

ii. Appeal

Appeals from the final decision of the ***Official*** on an **application** for Development Plan Review (Minor or Major) are governed by Sec. 16-2-103.U, Appeal of Official's Decision to Planning Commission, and S.C. Code Ann. § 6-29-1150.

5. Development Plan Review Standards[86]

An **application** for Development Plan Review (Minor or Major) shall be approved on a finding the ***applicant*** has demonstrated the ***development*** proposed in the Development Plan complies with:

a. The relevant standards and requirements in Chapter 16-3: Zoning Districts, Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection;

b. All other applicable standards of this Ordinance; and

c. All other applicable requirements in the ***Municipal Code***.

[85] S.C. Code Ann. § 6-29-1150(A) requires the LMO to set a time limit, not to exceed 60 days after receipt of development plans, for action on such plans. It goes on to provide that failure to act within the prescribed deadline shall constitute approval of the development plan. The statute does, however, allow extensions of the time period with the agreement of the applicant. The provisions in subparagraphs ii, iii, and iv mirror wording in the statute. They extend the current deadline of five business days for action on Abbreviated Development Plan Reviews to apply to Minor Development Plan Reviews. They also establish a 60-day deadline for action on Major Development Plan Reviews, which although not included in the current LMO, reflects the Town's current policy.

[86] This subsection carries forward the basic review standard in Sec. 16-3-308 of the current LMO, specifying those chapters of the LMO containing most of the relevant standards, and adding a standard for compliance with other relevant requirements of the Municipal Code.

6. Effect of Approval

Approval of a Development Plan (Minor or Major) authorizes the submittal of any other subsequent ***development applications*** that may be required before ***construction*** or other ***development*** authorized by this Ordinance.

7. Expiration[87]

Approval of a Development Plan (Minor or Major) establishes a ***vested right*** in accordance with Sec. 16-2-102.J.1, Vested Rights for Approvals of Site Specific Development Plans.

8. Amendment[88]

An approved Development Plan (Minor or Major) may be modified or amended only in accordance with the procedures and standards established for its original approval.

H. Small Residential Development Review[89]

1. Purpose

The purpose of this subsection is to establish the procedures and standards for review of a Small Residential Development.

2. Applicability

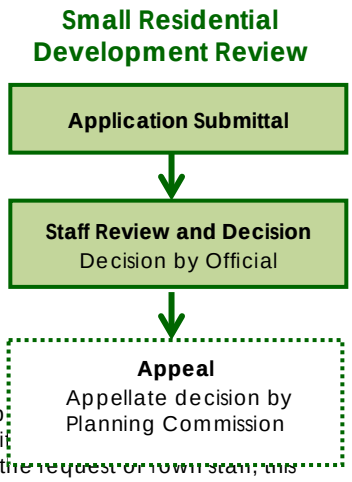
Approval of a Small Residential Development in accordance with this subsection is required for any ***development*** of two to five ***dwelling units*** on a single ***lot***. Approval of a Small Residential Development is required before issuance of a ***Building Permit*** for ***development*** subject to Small Residential Development Review.

3. Small Residential Development Review Procedure

a. Application Submittal

An **application** for Small Residential Development Review may be submitted by ***persons*** identified in Sec. 16-2-102.C.1, and shall be submitted (and may be revised or withdrawn) in accordance with Sec. 16-2-102.C, except that the **application** shall include the following:

i. A ***site plan*** prepared, signed, and sealed by a South Carolina registered ***land*** surveyor showing at least the property



[87] This references the vested right provisions in the standard review procedures.
[88] This new paragraph spells out the procedure for amendment of a Development Plan.
[89] Sec. 16-3-311 of the current LMO sets out provisions pertaining to Abbreviated Develop Assessment recommended that this procedure be combined with the very similar Expedi procedure and be carried forward as a Minor Development Plan Review procedure. At the request of Town staff, this draft instead treats the former Abbreviated Development Plan Review as a review procedure separate from either the Minor or Major Development Plan Review. To avoid confusion, it is given a new name that relates to the limited residential development to which it applies.

boundaries, ***streets***, existing houses and any existing septic systems, locations of proposed house ***sites*** and any proposed septic systems, ***driveways*** from public ***streets*** to existing houses and proposed housing ***sites***, and all applicable setbacks;

ii. Proof of an approved sewage disposal system (either a copy of a septic system design approval by the S.C. DHEC or a copy of a letter from the Public Service District stating it will provide sewer service;

iii. A copy of any required encroachment permit from SCDOT (for a ***State*** street), Beaufort County (for a County street), or the Town (for a Town street)

b. Staff Review and Action

i. On receiving an **application**, the ***Official*** shall review the **application** and prepare a staff report with a recommendation for action on the **application** in accordance with Sec. 16-2-102.D. The ***Official***'s decision shall be based on the standards in Sec. 16-2-103.H.4, Small Residential Development Review Standards, and shall be one of the following:

01. Approve the Small Residential Development;

02. Approve the Small Residential Development subject to conditions of approval; or

03. Deny the **application**.

ii. The ***Official*** shall make a decision on the **application** for Small Residential Development Review within five business days after the **application** is submitted, or such extended time agreed to by the ***applicant***.

iii. If the ***Official*** fails to make a decision on an **application** for Small Residential Development Review within the time period prescribed in provision ii above, the **application** shall be deemed approved, and the Town shall issue the ***applicant*** a letter of approval and written notice to proceed based on the submitted **application**.[90]

c. Post-Decision Actions and Limitations

i. Notice of Decision

The ***Official*** shall provide notice of the final decision on the **application** in accordance with Sec. 16-2-102.H.1.

ii. Appeal

Appeals from the final decision of the ***Official*** on an **application** for Small Residential Development Review are governed by Sec. 16-2-103.U, Appeal of Official's Decision to Planning Commission, and S.C. Code Ann. § 6-29-1150.

[90] This provision carries forward the current deadline of five business days for action on Abbreviated Development Plan Reviews.

4. Small Residential Development Review Standards

An **application** for Small Residential Development Review shall be approved on a finding the ***applicant*** has demonstrated the ***development*** proposed in the Small Residential Development **application** complies with:

a. The relevant standards and requirements in Chapter 16-3: Zoning Districts, Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection;

b. All other applicable standards of this Ordinance; and

c. All other applicable requirements in the ***Municipal Code***.

5. Effect of Approval

Approval of a Small Residential Development authorizes the submittal of any other subsequent ***development applications*** that may be required before ***construction*** or other ***development*** authorized by this Ordinance.

6. Expiration[91]

Approval of a Small Residential Development establishes a ***vested right*** in accordance with Sec. 16-2-102.J.1, Vested Rights for Approvals of Site Specific Development Plans.

7. Amendment[92]

An approved Small Residential Development may be modified or amended only in accordance with the procedures and standards established for its original approval.

I. Corridor Review (Minor and Major)[93]

1. Purpose[94]

The purpose of this section is to establish the procedures and standards for the review and decision on an ***Application*** for Corridor Review approval.

[91] This references the vested right provisions in the standard review procedures.

[92] This new paragraph spells out the procedure for amendment of a Small Residential Development.

[93] This subsection builds on Article X (Corridor Overlay District Review) of the current LMO. As is discussed in Section 2.2.2 of the Code Assessment, the change in the subsection is the division of review into Minor and Major Corridor Reviews with Minor Corridor Reviews decided by the Official (with an appeal to the Design Review Board), and Major Corridor Reviews decided by the Design Review Board. This is being done in an effort to streamline the time and cost associated with the review of development in the Corridor Overlay District. Other changes are noted in footnotes. As such, minor work that appears to be in scale with current development and in-line with the Hilton Head Island Design Guide would be approved by staff, through the Minor Corridor Review process. Development requiring Major Corridor Review would still be subject to review by the Design Review Board, as the process currently stands:

[94] This new paragraph states the general purpose of the Corridor Review procedures.

2. Applicability

a. General

Approval of Corridor Review (Minor or Major) in accordance with this subsection is required before any ***development*** within the Corridor Overlay District.

b. Minor and Major Corridor Review

There are two types of Corridor Review: Major and Minor.

i. Minor Corridor Review is required for the following types of ***development*** within the Corridor Overlay District:

01. ***Multifamily accessory structure***;

02. The addition of minor ***building*** or site elements (railings, awnings, and shutters, landscaping, exterior lighting, fences and walls, dumpster enclosures);

03. The use of the same color(s) on the exterior of an ***accessory structure*** as authorized by a Major Corridor Review approved for the principal ***structure***;

04. Outdoor merchandising; and

05. Any ***development*** within the Corridor Overlay District that is not visible from an arterial street, the OCRM Beachfront Baseline, or the OCRM Critical Line.

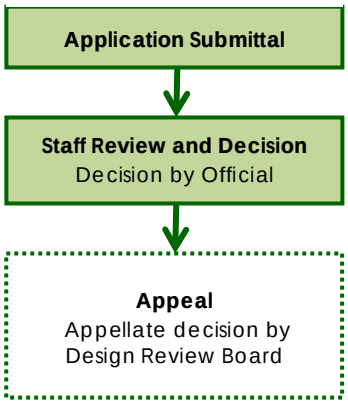
ii. Major Corridor Review is required for all other ***development*** within the Corridor Overlay District.

3. Minor Corridor Review Procedure

a. Application Submittal

An **application** for Minor Corridor Review may be submitted by ***persons*** identified in Sec. 16-2-102.C.1, and shall be submitted (and may be revised or withdrawn) in accordance with Sec. 16-2-102.C.

Minor Corridor Review



b. Staff Review and Action

On receiving an **application**, the ***Official*** shall review and make a final decision on the **application** in accordance with Sec. 16-2-102.D. The ***Official***'s decision shall be based on the standards in Sec. 16-2-103.I.5, Corridor Review (Minor and Major) Standards, and shall be one of the following:

i. Approve the **application**;

ii. Approve the **application** subject to conditions of approval; or

iii. Deny the **application**.

c. Post-Decision Actions and Limitations

i. Notice of Decision

The ***Official*** shall provide notice of the final decision on the **application** in accordance with Sec. 16-2-102.H.1.

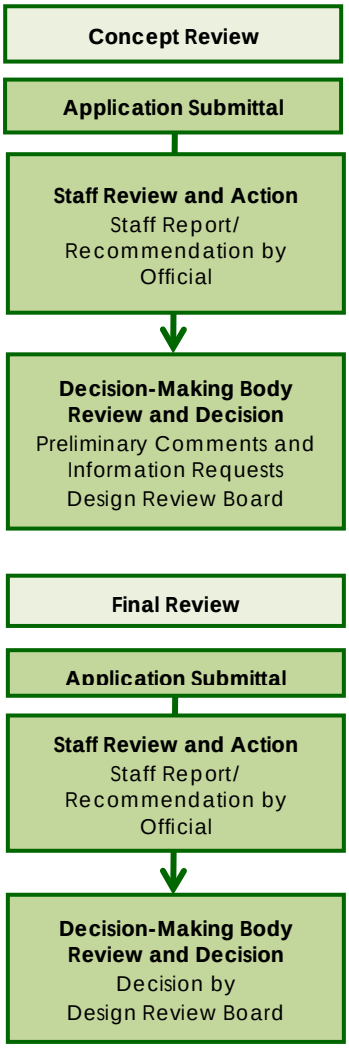
ii. Appeal

Appeals from the final decision of the ***Official*** on an **application** for Minor Corridor Review are governed by Sec. 16-2-103.U, Appeal of Official's Decision to Planning Commission Review Board.

4. Major Corridor Review Procedure

Applications for Major Corridor Review are subject to a two-step procedure: Concept Review and Final Review.

Major Corridor Review



a. Concept Review

i. Application Submittal

An **application** for Major Corridor Concept Review may be submitted by ***persons*** identified in Sec. 16-2-102.C.1, and shall be submitted (and may be revised or withdrawn) in accordance with Sec. 16-2-102.C.

ii. Staff Review and Action

On receiving an **application**, the ***Official*** shall review the **application** and prepare a staff report with a recommendation for comments on the **application** in accordance with Sec. 16-2-102.D. The ***Official***'s recommendation shall be based on the standards in Sec. 16-2-103.I.5, Corridor Review (Minor and Major) Standards.

iii. Decision-Making Body Review and Decision

The ***Design Review Board*** shall review the **application** and staff report and provide the ***applicant*** preliminary comments on the **application** and request such additional information or materials as may be required for final review of the **application**. If the ***Design Review Board*** requests additional information or materials, the ***applicant*** shall provide them to the Board within thirty days. The Board's comments and requests shall be based on the **application**'s compliance

with the standards in Sec. 16-2-103.I.5, Corridor Review (Minor and Major) Standards.

b. Final Review

i. Application Submittal

An **application** for Major Corridor Final Review may be submitted by ***persons*** identified in Sec. 16-2-102.C.1, and shall be submitted in accordance with Sec. 16-2-102.C.

ii. Staff Review and Action

On receiving an **application**, the ***Official*** shall review the **application** and prepare a staff report with a recommendation for action on the **application** in accordance with Sec. 16-2-102.D. The ***Official***'s recommendation shall be based on the standards in Sec. 16-2-103.I.5, Corridor Review (Minor and Major) Standards.

iii. Decision-Making Body Review and Decision

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01. A private architectural review board whose jurisdiction includes the subject site shall submit written notice of any action it takes on the proposed project to the ***Official*** at least seven days before the meeting at which the ***Design Review Board*** conducts its final review of the Corridor Review **application**. The Board shall consider, but is not bound by, the action of such private architectural review board.[95]

02. The ***Design Review Board*** shall review the **application**, staff report, and any notice of action submitted by a private architectural review board, and make a final decision on the **application** in accordance with Sec. 16-2-102.G. The Board's decision shall be based on the standards in Sec. 16-2-103.I.5, Corridor Review (Minor and Major) Standards, and shall be one of the following:

(A) Approve the **application**;

(B) Approve the **application** subject to conditions of approval; or

(C) Deny the **application**.

03. The Board's decision shall be in writing and include findings of fact and conclusions of law.

c. Post-Decision Actions and Limitations

i. Notice of Decision

The ***Official*** shall provide notice of the final decision on the **application** in accordance with Sec. 16-2-102.H.1.

[95] This provision is carried forward from Sec. 16-3-1008 of the current LMO.

ii. Appeal

Appeals from the final decision of the ***Design Review Board*** on an **application** for Major Corridor Review are governed by S.C. Code Ann. § 6-29-900.

5. Corridor Review (Minor and Major) Standards

An **application** for Corridor Review (Minor and Major) shall be approved on a finding the ***applicant*** has demonstrated the proposed ***development*** is consistent with the guidelines in Appendix C: Hilton Head Island Design Guide, which is prepared by the DRB and approved by the ***Town Council***.

6. Effect of Approval[96]

Approval of Corridor Review (Minor or Major) authorizes only the particular ***development*** approved, and not any other ***development.*** In the event that approval of Corridor Review (Minor or Major) is a prerequisite to another permit or approval that is required prior to commencement of ***development***, then no ***development*** may take place until all required approvals are obtained. Approval of Corridor Review (Minor or Major) does not guarantee approval of any subsequent **application** for a permit or ***development*** approval required by this Ordinance.

7. Expiration[97]

a. Where Corridor Review (Major or Minor) is granted for ***development*** for which a Development Plan or Small Residential Development has been concurrently or recently approved, approval of the Corridor Review shall expire at the time of expiration of the associated Development Plan or Small Residential Development approval.

b. Where Corridor Review (Major or Minor) is not associated with approval of a Development Plan or Small Residential Development Review, approval of Corridor Review shall expire one year after the date of approval.

8. Amendment

Approval of Corridor Review (Minor or Major) may be modified or amended only in accordance with the procedures and standards established for its original approval.

J. Traffic Impact Analysis Plan Review[98]

1. Purpose

The purpose of this subsection is to establish procedures and standards for the review and decision on Traffic Impact Analysis Plans, to ensure new ***development*** does not create ***street*** congestion beyond an amount established as acceptable by the Town.

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[96] This new paragraph sets forth the effect of approval of Corridor Review. It states that approval of Corridor Review does not assure approval of subsequently required permits or approval under this Ordinance.

[97] This carries forward language from Sec. 16-3-1008 of the current LMO.

[98] This carries forward Chapter 3, Article XIII (Traffic Impact Analysis Plan) of the current LMO. There are only changes to conform the structure of the section to the new LMO. There are no substantive changes.

2. Applicability

a. The Traffic Impact Analysis Plan, monitoring and mitigation requirements, and procedures set forth in this section are applicable to ***development*** as defined in this Title, except for that specifically exempted in paragraph 4 below.

b. Development Plan approval, with or without conditions or modifications, shall not be granted without the ***applicant*** for Development Plan approval first obtaining Traffic Impact Analysis Plan approval in accordance with this section, unless the ***development*** is exempt.

c. A Building Permit may not be issued for ***development*** undertaken in accordance with a previously issued final ***development*** permit until the ***applicant*** first obtains Traffic Impact Analysis Plan approval, unless the ***development*** is exempt.

3. Trip Generation Rates

Trip generation rates shall be taken from the most current edition of the Institute of Transportation Engineers' Trip Generation Manual (ITE Manual), except that an ***applicant*** may elect to perform, at the ***applicant***'s expense, a trip generation study which may be submitted to the ***Official*** in determining an exemption. The trip generation study shall be undertaken by a qualified traffic engineering firm selected in accordance with Sec. 16-2-103.J.5.a.i.01, and is subject to review and approval by the ***Official***. For proposed ***uses*** not specifically listed in the ITE Manual, the ***Official*** shall determine the most appropriate trip generation rate. The ***Official*** may consider input from the ***applicant*** in making this decision.

4. Exemptions

The following types of ***development*** shall be exempt from the Traffic Impact Analysis Plan and mitigation requirements of this section:

a. Activities and ***uses*** not constituting ***development*** (see Sec. 16-1-104.B, Development Activities Constituting Development, or exempt from Development Plan approval (see Sec. 16-2-103.G.3, Exemptions).

b. Development that would generate fewer than 100 ***peak hour*** trips on the adjacent street.

i. If the proposed ***development*** will be replacing a vacant or occupied ***structure*** on the same site, then for the purpose of determining exemptions, the number of ***peak hour*** trips generated by the proposed ***land use*** shall be reduced by the number of ***peak hour*** trips generated by the most recent legally established ***land use***.

ii. Proof of the most recent principal ***land use*** of a site shall be the responsibility of the ***applicant*** and shall be submitted to the ***Official*** for approval. Absent such proof, the ***peak hour*** trip rate will be based on the lowest trip generation of all the ***uses*** permitted ***by right*** in the site's zoning district.

c. A residential ***development*** generating less than 200 ***peak hour*** trips in which at least 20 percent of the units will qualify and be maintained as affordable housing in accordance with this Ordinance.

5. Traffic Impact Analysis Plan Review Procedure

a. Application Submittal

An **application** for Traffic Impact Analysis Plan Review may be submitted by ***persons*** identified in Sec. 16-2-102.C.1, and shall be submitted (and may be revised or withdrawn) in accordance with Sec. 16-2-102.C and the standards for plan preparation and plan contents below.

i. Plan Preparation

01. Selection of Traffic Engineering Firm

The Traffic Impact Analysis Plan shall be prepared for the ***applicant*** by a qualified traffic engineering firm selected from a list of traffic engineering firms maintained by the Town. The list shall be created through the solicitation by the Town of professional traffic engineers qualified to perform this service. The list shall contain the names of at least three traffic engineering firms.

02. Establishment of Traffic Impact Plan Parameters

(A) Prior to beginning the Traffic Impact Analysis Plan, the ***applicant*** shall supply the ***Official*** with the following:

(1) A written narrative describing the proposed ***land use***(s), size and projected opening date of the project and any phases. The narrative must also identify the Beaufort County Tax Map and ***parcel*** numbers to be occupied by the proposed ***development***;

(2) A site location map; and

(3) A proposed ***site plan*** showing the location of the proposed ***development*** on the site and vehicular ***access*** to public or private ***streets*** or any other ***development***.

(B) Based on this information, along with the ITE Trip Generation Manual and available information on ***land use***, travel patterns and traffic conditions, the ***Official*** will supply in writing to the ***applicant*** or the ***applicant***'s selected engineering firm the parameters to be followed in the study, including the directional split of ***driveway*** traffic, trip distribution, background traffic growth rate, previously approved but not completed projects, and the intersections to be analyzed along with any associated turning movement counts which are available.

ii. Plan Contents

A Traffic Impact Analysis Plan shall include an accurate representation of the following elements:

01. A current ***site plan*** or ***subdivision*** plat identifying vehicular ***access*** to and from existing or proposed ***streets*** and intersections. In addition, a vicinity map shall be provided.

02. A description of the proposed ***development***, including the type of proposed ***land use***, the number of residential units by type, the number of existing and proposed ***lots***, the type of proposed non-residential ***development*** and the amount of such ***development*** measured by ***gross floor area*** or other appropriate unit of measure, the general size and type of accessory ***development*** or facilities, and, for nonresidential ***development***, adequate information to identify the appropriate ***land use*** category for trip generation.

03. Projected vehicular trips to and from the completed ***development***, or any interim ***development*** phases, on the ***adjacent street*** during the ***peak hour***. The percentage of passerby trips, if used in the plan, shall be included, as well as the source of this information.

04. A written narrative setting forth the assumptions upon which any projection, made in developing the Traffic Impact Analysis Plan required under this part, is based. If the assumptions are derived from the ITE Manual, the materials shall be identified. If the assumptions are not from the ITE Manual, appropriate excerpts will be included in the study and the reasoning underlying the assumptions shall be stated in the narrative.

05. The Traffic Impact Analysis Plan shall be based on intersection analysis procedures for signalized intersections and roundabouts as identified in the Transportation Research Board's 1997 Highway Capacity Manual Special Report 209 and utilize computer software which emulates these procedures and is acceptable to the ***Official***. Any analysis involving a roundabout will utilize computer software which is designed to analyze roundabouts and is acceptable to the ***Official***. The results of any required computer analysis shall, at a minimum, indicate compliance or non-compliance with the traffic standards of Sec. 16-5-105, Traffic Analysis Standards.

06. The intersections which must be analyzed in the study are identified as:

(A) Any signalized intersection that serves as a ***development***'s point of vehicular ***access*** to a major arterial. This will include intersections of public and private ***streets*** with major arterials, and ***driveways*** offering direct vehicular ***access*** to a major arterial; and

(B) The first signalized intersection on either side of the ***development***'s primary point of vehicular ***access*** to a major arterial; and

(C) Other signalized intersections on major arterials if within one (1) street mile of the ***development***'s primary point of vehicular ***access*** to a major arterial and when in the opinion of the ***Official*** there is a potential for a significant impact to the intersection's ***level of service*** from site related traffic; and

(D) Any traffic circle or roundabout, when in the opinion of the ***Official***, there is a potential for a significant impact to the circle's ***level of service*** from site related traffic.

07. At a minimum, the results of a computerized analysis projecting the operating conditions of critical intersections relative to the Town's

adopted traffic service level standards. The analysis shall reflect the projected condition of these intersections and movements based on the scheduled opening date of the ***development*** and, where applicable, or other significant phase-in dates of the ***development*** project.

08. If the initial computerized analysis indicates that the Town's ***adopted traffic service level standards*** will be not be met, a mitigation plan based on at least one additional computer analysis. This mitigation plan must show how the Town's ***adopted traffic service level standards*** will be satisfied. ***Applicants*** will only be responsible to mitigate the traffic impact of their proposed ***development***. Acceptable ***roadway*** mitigation measures are limited to the following:

(A) Traffic signal timing adjustments;

(B) Traffic signal phasing adjustments;

(C) Pavement marking revisions;

(D) Adding additional intersection turn lanes not to exceed 4 lanes on minor arterial approaches and 5 lanes on major arterial approaches; and

(E) Geometric ***improvements*** to traffic circles or roundabouts.

b. Staff Review and Action

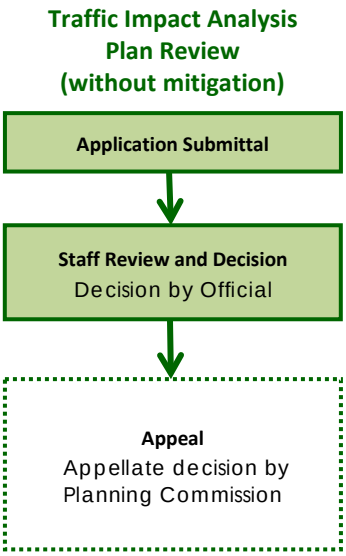
i. No Mitigation Required

For any proposed ***development*** that does not require any mitigation or for which mitigation is limited to adjustments to signal timing, signal phasing, or intersection restriping (see Sec. 16-2-103.J.5.a.ii.08), the ***Official*** shall review and make a final decision on the **application** in accordance with Sec. 16-2-102.D. The ***Official***'s decision shall be based on the standards in Sec. 16-2-103.J.6, Traffic Impact Analysis Plan Standards, and shall be one of the following:

01. Approve the Traffic Impact Analysis Plan as submitted;

02. Approve the Traffic Impact Analysis Plan subject to conditions of approval or modifications; or

03. Deny the Traffic Impact Analysis Plan.



ii. Mitigation Required

Where the proposed ***development*** requires mitigation beyond just adjustments to signal timing, signal phasing, or intersection re-striping (see Sec. 16-2-103.J.5.a.ii.08), the ***Official*** shall review the application and prepare a staff report with a recommendation for action in accordance

with Sec. 16-2-102.D. The ***Official***'s recommendation shall be based on the standards in Sec. 16-2-103.J.6, Traffic Impact Analysis Plan Standards.

c. Decision-Making Body Review and Decision

i. For any proposed ***development*** that requires mitigation beyond just adjustments to signal timing, signal phasing, or intersection re-striping (see Sec. 16-2-103.J.5.a.ii.08), the ***Planning Commission*** shall review and make a final decision on the application in accordance with Sec. 16-2-102.G. The Commission's decision shall be based on the standards in Sec. 16-2-103.J.6, Traffic Impact Analysis Plan Standards, and shall be one of the following:

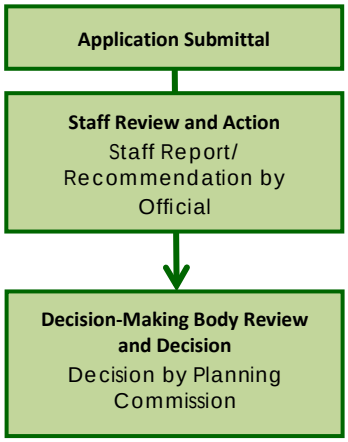
01. Approve the Traffic Impact Analysis Plan as submitted;

02. Approve the Traffic Impact Analysis Plan subject to conditions of approval or modifications; or

03. Deny the Traffic Impact Analysis Plan.

ii. Traffic Impact Analysis Plans containing mitigation other than that allowed in Sec. 16-2-103.J.5.a.ii.08 will not be accepted.

Traffic Impact Analysis Plan Review (with Mitigation)



d. Post-Decision Actions and Limitations

i. Notice of Decision

The ***Official*** shall provide notice of the final decision on the **application** in accordance with Sec. 16-2-102.H.1.

ii. Appeal

01. Appeals from the final decision of the ***Official*** on an **application** for Traffic Impact Analysis Plan Review are governed by Sec. 16-2-103.U, Appeal of Official's Decision to Planning Commission, and S.C. Code Ann. § 6-29-1150.

02. Appeals from the decision of the ***Planning Commission*** on an **application** for Traffic Impact Analysis Plan Review are governed by S.C. Code Ann. § 6-29-1150.

6. Traffic Impact Analysis Plan Standards

The proposed Traffic Impact Analysis Plan shall not be approved unless it is demonstrated the Town's ***street*** system can operate and comply with the Town's ***adopted traffic service level standards***, and the plan complies with Sec. 16-5-106, Traffic Analysis Standards.

7. Expiration of Approval

A Traffic Impact Analysis Plan approval shall expire after one (1) year unless the ***applicant*** submits a complete Development Plan review **application**.

8. Amendment

A Traffic Impact Analysis Plan may be amended only in accordance with the procedures and standards for its original approval.

9. Traffic Mitigation Program Implementation

a. Timing of Implementation

If a traffic mitigation program is part of an approved Traffic Impact Analysis Plan, all approved traffic mitigation ***improvements*** must be implemented prior to issuance of a Certificate of Compliance unless otherwise provided for as part of the approved Traffic Impact Analysis Plan.

b. Responsibility for Costs of Improvement; Reimbursement

i. Except as provided for in provisions ii through iv below, the costs of implementation of an approved mitigation program shall be the responsibility of the ***applicant***.

ii. If an ***applicant*** is required to provide an ***improvement*** that would otherwise be funded by transportation impact fees, a transportation impact fee credit shall be available as provided in accordance with Sec. 16-5-116.K, Offsets to Impact Fees.

iii. If an ***applicant*** is required to provide an ***improvement*** which is eligible for a transportation impact fee credit as provided for in accordance with Sec. 16-5-116.K, Offsets to Impact Fees, and the cost of the ***improvement*** exceeds the amount of the transportation impact fee otherwise calculated to be due in accordance with that section, the ***applicant*** may submit a plan for reimbursement to the ***Town Council*** for action. Such reimbursement plan shall be consistent with the Town's contractual obligations with respect to other planned ***street improvements*** and consistent with the Town's adopted ***Capital Improvements Program*** (CIP).

iv. If an ***applicant*** is required to provide an ***improvement***, other than a site-related traffic ***improvement*** that is eligible for funding with transportation impact fees, or if an ***applicant*** proposes a change in priorities in the adopted CIP, the ***applicant*** may submit a proposal to the ***Town Council*** requesting consideration for inclusion of such ***improvement*** in the CIP or for a shifting of priorities within the CIP, together with a proposed reimbursement plan which is consistent with the requirements of this section.

10. Traffic Monitoring and Evaluation Report

a. Report

Annually, following the preparation of the June intersection turning movement counts, the ***Official*** shall prepare a Traffic Monitoring and Evaluation Report, which shall include each of the following:

i. ***Peak hour*** traffic turning movement counts for an average June weekday for all signalized intersections as measured by the Town;

ii. Twenty-four hour traffic volumes on William Hilton Parkway, Palmetto Bay Road, Pope Avenue, and the Cross Island Parkway as measured by the Town;

iii. Historical trends over the past five years if available for items in paragraph ii above;

iv. Description of the operating conditions, relative to the ***adopted traffic service level standards***, for each signalized intersection and how the operating conditions have changed since the last reporting period;

v. Morning, midday, and afternoon ***peak hour*** volumes for Sea Pines Circle in reports for years evenly divisible by five; and

vi. Recommendations for mitigation ***improvements*** to intersections that fail to meet the traffic standards outlined in Sec. 16-5-106, Traffic Analysis Standards.

b. Certification of Traffic Data

Based on the Traffic Monitoring and Evaluation Report, Traffic Impact Analysis Plans, and such other information as deemed appropriate, the ***Official*** shall certify the traffic data to be used by all ***applicants***, traffic engineers, Town staff and consultants, in performing and reviewing Traffic Impact Analysis Plans. The ***Official*** will certify the traffic volume data on an annual basis or more frequently as deemed appropriate.

c. Planning Commission Action

i. The Traffic Monitoring and Evaluation Report prepared by the ***Official*** as described above shall be forwarded to the ***Planning Commission*** and simultaneously conveyed to the ***Town Council***. Upon receipt of the Report and recommendations from the ***Official***, the ***Planning Commission*** shall give notice and hold a public meeting for the purpose of discussing the Report and recommendations and eliciting public comments.

ii. Following its review, the ***Planning Commission*** shall forward the Traffic Monitoring and Evaluation Report and recommendations, and may forward its own supplemental report and recommendations, to the ***Town Council***.

11. Vehicular Access Analysis

a. All ***development*** shall have an ***access*** analysis undertaken by the ***Official***. This analysis shall be undertaken to ensure that vehicular ***access*** to all proposed developments and ***subdivisions*** is accomplished in a safe manner.

b. This analysis will identify any vehicular ***access improvements*** the ***applicant*** must install at the ***applicant***'s expense, such as deceleration lanes, and shall identify the location of any curb cuts based on, but not limited to sight distances, existing ***roadway*** infrastructure, opposing ***driveways*** locations, and shared vehicular ***access***. This analysis will address requirements for adequate ***driveway*** design including, but not limited to turning radius and stacking distance. The standards in the South Carolina Department of Transportation's Access and Roadside Management Standards Manual shall serve as a guide for this review.

c. The vehicular ***access*** requirements approved by the ***Official*** shall be incorporated on ***development*** or ***subdivision*** plans prior to their approval. If an ***applicant*** is required to provide site-related traffic ***improvements***, the cost of implementing such ***improvements*** shall be borne by the ***applicant*** and no such costs shall be eligible for a credit or offset from any transportation impact fees required in accordance with Sec. 16-5-116.K, Offsets to Impact Fees.

K. Natural Resources Permit[99]

1. Purpose

The purpose of this subsection is to establish the procedures and standards for the review and decision on an **application** for a Natural Resources Permit.

2. Applicability[100]

Except as exempted in Sec. 16-6-104.B.2, Exemptions, no ***person*** shall cut, destroy, cause to be destroyed, move or remove, transplant, prune, or limb any ***tree*** in the Town without first receiving approval of a Natural Resources Permit in accordance with the procedures and standards of this subsection—provided that no Natural Resources Permit shall be required where the proposed ***tree*** removal or alteration is reviewed and authorized in accordance with an approved Subdivision Plan (see Sec. 16-2-103.F), Development Plan (Minor or Major) (see Sec. 16-2-103.G), Small Residential Development (see Sec. 16-2-103.H) or Public Project (see Sec. 16-2-103.Q).

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[99] As is discussed in Section 2.2.3 of the Code Assessment, the current LMO consolidates compliance review for nearly all aspects of site development into the Development Plan Review procedure—including review of plans and other information for compliance with the LMO's tree protection and wetlands protection standards in Chapter 6 of the current LMO. However, unlike with all other aspects of development, the LMO requires applicants for Development Plan Review to submit separate applications and receive Tree Protection Approval and Wetlands Alteration Approval. As is discussed in the Code Assessment, to address this problem and streamline and simplify development review, this draft of the LMO clarifies that compliance with the tree protection standards is to be conducted during Development Plan Review, and any development that has received approval of a Development Plan is exempted from having to receive a Tree Protection Approval (now Natural Resources Permit).

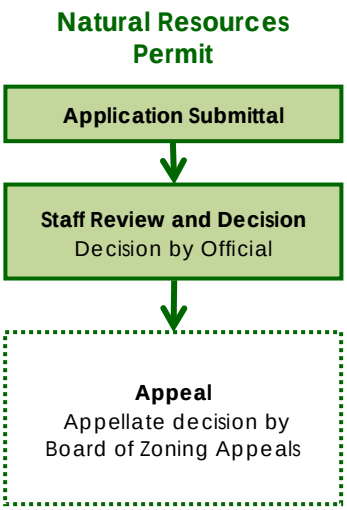
The Natural Resources Permit will be carried forward to ensure development that is exempted from Development Plan Review (e.g., single-family homes, public projects, agricultural activities, home occupations, accessory structures, and nonmaterial temporary uses) complies with the tree protection standards of the LMO. However, because remaining type of development is small-scale and minor in nature, it is the intent that the review process be treated more like the current "approval letter for proposed removal of trees" (Sec. 16-3-403)—even though this development will still be required to comply with the tree protection standards. What this means is that development not subject to Development Plan Review (except exempted development) will be required to receive a Natural Resources Permit. The process will be more streamlined, like the current "approval letter for proposed removal of trees."

[100] This carries forward Sec. 16-3-402 of the current LMO (with exemptions listed in Sec. 16-6-104.B.2). As discussed above, it exempts any tree removal authorized by approval of a Subdivision Plan, Development Plan, Small Residential Development, or Public Project, since tree protection standards will be reviewed as part of those reviews.

3. Natural Resources Permit Review Procedure[101]

a. Application Submittal

An **application** for a Natural Resources Permit may be submitted by ***persons*** identified in Sec. 16-2-102.C.1, and shall be submitted in accordance with Sec. 16-2-102.C. On receiving an **application**, the ***Official*** shall conduct an inspection of the site to assess the accuracy of the ***tree survey*** or related materials, check the condition of ***trees*** to be preserved, and inspect the site for any unusual features or ***specimen trees***. Following the inspection, the ***Official*** shall advise the ***applicant*** of any recommended changes that should be made to the **application** to ensure compliance with the standards of this subsection.[102]



b. Staff Review and Action

On receiving a final **application**, the ***Official*** shall review and make a final decision on the **application** in accordance with Sec. 16-2-102.D. The ***Official***'s decision shall be based on the standards in Sec. 16-2-103.K.4, Natural Resources Permit Review Standards, and shall be one of the following:

i. Approve the Natural Resources Permit;

ii. Approve the Natural Resources Permit subject to conditions of approval; or

iii. Deny the **application**.

c. Post-Decision Actions and Limitations

i. Notice of Decision

The ***Official*** shall provide notice of the final decision on the **application** in accordance with Sec. 16-2-102.H.1.

ii. Appeal

Appeals from the final decision of the ***Official*** on an **application** for a Natural Resources Permit are governed by Sec. 16-2-103.T, Appeal of Administrative Decisions and Written Interpretations to Board of Zoning Appeals, and S.C. Code Ann. § 6-29-800.

4. Natural Resources Permit Review Standards

A Natural Resources Permit shall be approved on a finding the ***applicant*** demonstrates the proposed ***tree*** removal complies with the standards in Sec. 16-6-104, Tree Protection.

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[101] As discussed earlier, the Natural Resources Permit process will be treated more like the current "approval letter for proposed removal of trees." Consequently, the **application** content requirements will be modified accordingly.

[102] This carries forward Sec. 16-3-406 of the current LMO.

5. Effect of Approval[103]

Approval of a Natural Resources Permit authorizes only the particular ***tree*** removal or other activity approved, and not any other ***tree*** removal. In the event that a Natural Resources Permit is a prerequisite to another permit or approval that is required prior to commencement of ***development***, then no ***development*** may take place until all required approvals are obtained. Approval of a Natural Resources Permit does not necessarily guarantee approval of any subsequent ***application***.

6. Expiration[104]

A Natural Resources Permit is valid for a period of one year, unless the ***Official*** approves an extension for good cause in accordance with Sec. 16-2-102.J.2.b, Extension of Expiration Time Period.

7. Amendment[105]

A Natural Resources Permit may be amended only in accordance with the procedures and standards for its original approval.

L. Wetlands Alteration Permit[106]

1. Purpose[107]

The purpose of this subsection is to establish procedures and standards for the review and decision on an **application** for a Wetland Alteration Permit.

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[103] This new paragraph sets forth the effect of approval of a Tree Protection Permit. It states that approval of the Natural Resources Permit does not assure approval of subsequently required permits or approvals under the LMO.

[104] This carries forward the one-year period in Sec. 16-3-409 of the current LMO for tree protection approvals not associated with an approved Development Plan.

[105] This is a new paragraph that provides that changes to an approved Natural Resources Permit require an **application** for a new Natural Resources Permit.

[106] As is discussed above and in Section 2.2.3 of the Code Assessment, the current LMO consolidates compliance review for nearly all aspects of site development into the Development Plan Review procedure—including review of plans and other information for compliance with the LMO's tree protection and wetlands protection standards in Chapter 6 of the current LMO. However, unlike with all other aspects of development, the LMO requires applicants for Development Plan Review to submit separate applications and receive Tree Protection Approval and Wetlands Alteration Approval. As is discussed in the Code Assessment, to address this problem and streamline and simplify development review, this draft of the LMO clarifies that compliance with the wetlands alteration requirements is to be conducted during Development Plan Review, and any development that has received approval of a Development Plan is exempted from having to receive a Wetlands Alteration Permit. The Wetlands Alteration Permit is designed to ensure development that is exempted from Development Plan Review (e.g., single-family homes, public projects, agricultural activities, home occupations, accessory structures, and nonmaterial temporary uses) complies with the wetland alteration standards of the LMO. However, because that remaining type of development is small-scale and minor in nature, it is the intent that the review process will be treated more like the current "approval letter" (Sec. 16-3-501.B). What this means is that development not subject to Development Plan Review (except exempted development) will be required to receive a Wetlands Alteration Permit. The process and **application** process will be more streamlined, like the current approval letter.

[107] This is a new paragraph setting forth the purpose of the Wetlands Alteration Permit. The statement built on Sec. 16-3-501.B (Prohibition on Alteration or Activity without Approval) of the current LMO.

2. Applicability

a. Generally

Unless exempted in accordance with paragraph 3 below, no ***person*** shall undertake any ***development*** constituting a wetland alteration without first receiving a Wetlands Alteration Permit in accordance with the procedures and standards of this subsection.

b. Nationwide Permits[108]

The issuance of Nationwide Permits Nos. 7, 14, 18, 19, 26, and 40 by the U.S. Army Corps of Engineers does not exempt an activity from full compliance with this subsection.

3. Exemptions[109]

The following are exempt from the standards and requirements of this subsection:

a. ***Wetland alteration*** in accordance with an approved Subdivision Plan (see Sec. 16-2-103.F), Development Plan (Minor or Major) (see Sec. 16-2-103.G), Small Residential Development (see Sec. 16-2-103.H)or Public Project (see Sec. 16-2-103.Q);

b. Development on a ***parcel*** of ***land*** that does not contain a wetland;

c. The ***construction*** of any public ***street*** or minor utility.

d. The ***maintenance*** of any ***structure***.

e. The ***use*** of ***land***, with or without ***accessory structure***, for purposes of ***agriculture***, raising of crops or animals, forestry, mariculture, and the like.

f. Building or placing any structure (including factory-built housing) on an individual ***single-family*** residential ***lot*** with no other ***dwellings*** on it.

g. Home occupations (see definition in Sec. 16-10-105, General Definitions).

h. ***Maintenance*** of golf course fairways through wetlands and required ***wetland buffers*** that involve only the cutting or removing of vegetation above the ground (e.g., mowing, rotary cutting), where the ***maintenance*** activity neither substantially disturbs the root system nor involves mechanized pushing, dragging, or other similar activities that re-deposit soil material; and

i. ***Maintenance*** and ***repair*** operations necessary for maintaining previously established flow rates and storage volumes of existing manmade stormwater conveyance systems. (The ***maintenance*** and ***repair*** exemption is not an exemption from stormwater management regulations.)

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[108] This carries forward language from Sec. 16-3-501.D of the current LMO.

[109] This carries forward language from Sec. 16-3-501 of the current LMO. As discussed above, it also clarifies the exemption for any alteration of wetlands that receives approval of a Subdivision Plan, Development Plan, Small Residential Development, or Public Project, since tree protection standards will be reviewed as part of those reviews.

4. Wetlands Alteration Permit Procedure

a. Application Submittal

An **application** for a Wetlands Alteration Permit may be submitted by ***persons*** identified in Sec. 16-2-102.C.1, and shall be submitted in accordance with Sec. 16-2-102.C.

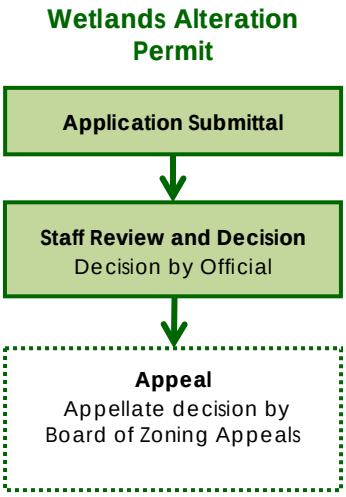
b. Staff Review and Action

On receiving an **application**, the ***Official*** shall review and make a final decision on the **application** in accordance with Sec. 16-2-102.D. The ***Official***'s decision shall be based on the standards in Sec. 16-2-103.L.5, Wetlands Alteration Permit Review Standards, and shall be one of the following:

i. Approve the Wetlands Alteration Permit;

ii. Approve the Wetlands Alteration Permit subject to conditions of approval; or

iii. Deny the **application**.



c. Post-Decision Actions and Limitations

i. Notice of Decision

The ***Official*** shall provide notice of the final decision on the **application** in accordance with Sec. 16-2-102.H.1.

ii. Appeal

Appeals from the final decision of the ***Official*** on an **application** for a Wetlands Alteration Permit are governed by Sec. 16-2-103.T, Appeal of Administrative Decisions and Written Interpretations to Board of Zoning Appeals, and S.C. Code Ann. § 6-29-800.

5. Wetlands Alteration Permit Review Standards[110]

A Wetlands Alteration Permit shall be approved on a finding that the ***applicant*** demonstrates the proposed ***wetland alteration*** complies with the standards in Sec. 16-6-102, Wetland Protection.

6. Effect of Approval[111]

Approval of a Wetlands Alteration Permit authorizes only the ***wetland alteration*** approved by the permit, and not any other activity. In the event that a Wetlands Alteration Permit is a prerequisite to another permit or approval that is required prior to commencement of ***development***, then no ***development*** may take place until all

[110] This carries forth Section 16-6-203 – General Performance Standards Applicable to all Wetlands, from the current LMO.

[111] This new paragraph sets forth the effect of approval of a Wetlands Alteration Permit. It states that approval of the Wetlands Alteration Permit does not assure approval of subsequently required permits or development approvals under this Ordinance.

required approvals are obtained. Approval of a Wetlands Alteration Permit does not necessarily guarantee approval of any subsequent ***application***.

7. Expiration[112]

A Wetlands Alteration Permit is valid for a period of one year, unless the ***Official*** approves an extension for good cause in accordance with Sec. 16-2-102.J.2.b, Extension of Expiration Time Period.

M. Sign Permit[113]

See Sec. 16-5-114.E, Sign Permits.

N. Development Project Name Review[114]

1. Purpose[115]

The purpose of this subsection is to establish the procedures and standards for the review and decision on an **application** for Development Project Review Name.

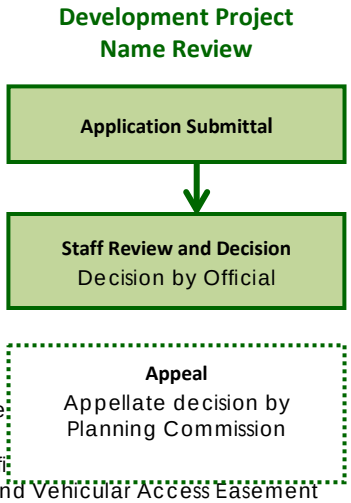
2. Applicability

Development Project Name Approval is required before the approval of a Subdivision Plan, Development Plan, or Small Residential Development for the site where the ***development*** is to be located, and is included as a part of the **application** for a Subdivision Plan, Development Plan or Small Residential Development.

3. Development Project Name Approval Procedure

a. Application Submittal

An **application** for Development Project Name Review may be submitted by ***persons*** identified in Sec. 16-2-102.C.1, and shall be submitted in accordance with Sec. 16-2-102.C). An **application** for Development Project Name Approval shall be submitted in conjunction with any **application** for a Subdivision Plan, Development Plan Review, or Small Residential Development Review.



[112] This carries forth the expiration period from Section 16-3-507 of the current LMO.

[113] Town staff requests that all sign regulations be located together in the same part of the procedures will be combined with the sign standards in Title 16 Chapter 5.

[114] This carries forward Chapter 3, Article XI of the current LMO. However, because the Offi Development Project Names and the Planning Commission reviews and decides Street and Vehicular Access Easement Name Approval, Chapter 3, Article XI, is separated into Development Project Name Approval and Street and Vehicular Access Easement Name Approval. The procedures and standards for Development Project Name Approval are found in this section. The procedures and standards for Street and Vehicular Access Easement Name Approval are found in the next section. Generally, in separating these provisions, we have carried forward the procedures and review standards from the current LMO.

[115] This section carries forth the language from Section 16-3-1101 of the current LMO.

b. Staff Review and Action

On receiving an **application**, the ***Official*** shall review and make a final decision on the **application** in accordance with Sec. 16-2-102.D. The ***Official***'s decision shall be based on the standards in Sec. 16-2-103.N.4, Development Project Name Approval Review Standards, and shall be to approve, modify, or disapprove the proposed new or modified name. Before making a decision, the ***Official*** shall consult with the emergency dispatch offices.

c. Post-Decision Actions and Limitations

i. Notice of Decision

The ***Official*** shall provide notice of the final decision on the **application** in accordance with Sec. 16-2-102.H.1.

ii. Appeal

Appeals from the final decision of the ***Official*** on an **application** for Development Project Name Review are governed by Sec. 16-2-103.U, Appeal of Official's Decision to Planning Commission, and S.C. Code Ann. § 6-29-1150.

4. Development Project Name Approval Review Standards[116]

A proposed new or modified ***development*** project name shall be approved on a finding that the name complies with the following standards:

a. No new ***development*** project name, or proposed modified name of a ***development***, except phases of the same ***development*** project, shall duplicate, be phonetically similar to, or in any way be likely to be confused with an existing ***development*** project name, despite the use of prefixes or suffixes.

b. Names shall be simple, logical, easy to read and pronounce, and clear and brief. Use of frivolous or complicated words or unconventional spellings in names shall not be approved.

c. It is desirable to use names that have some association with Hilton Head Island and specifically with the immediate location of the street or place, such as reference to local history or physiographic features.

d. The proposed name of the ***development*** project shall in all respects emphasize the project's distinctive name rather than the name of the company or corporation that owns the ***development***. This will reduce confusion on the location of separate developments owned by the same company or corporation.

5. Notice of Action[117]

On approving a new or modified ***development*** project name, the ***Official*** shall provide notice of the approved name to emergency dispatch offices, the post

[116] This paragraph carries forth the relevant review criteria (for development naming) from Sec. 16-3-1105 (Criteria for New or Modified Street and Vehicular Access Easement Names) of the current LMO.

[117] This carries forward the notice requirements in Sec. 16-3-1103.A of the current LMO. The applicant would be responsible for notifying tenants, lenders, and other parties with contractual or other ties with the development.

office, and Office of the Register of Deeds for Beaufort County, South Carolina, as well as the ***applicant***.

6. Expiration

Approval of a new or modified ***development*** project name shall not expire, but the name is subject to further modification in accordance with procedures set forth in this subsection.

7. Amendment[118]

A ***development*** project name may be amended only in accordance with the procedures and standards for its original approval.

O. Street/Vehicular Access Easement Name Review[119]

1. Purpose[120]

The purpose of this subsection is to establish procedures and standards for the review and decision on applications for Street/Vehicular Access Easement Name Review.

2. Applicability

All new or modified official ***street*** names and vehicular ***access easements*** in the Town shall be approved in accordance with this subsection, concurrently with or prior to approval of a Subdivision Plan, Development Plan, Small Residential Development, or Public Project for the site where the ***street***(s) or vehicular ***access easements*** will be located.[121]

3. Street/Vehicular Access Easement Name Procedure[122]

a. Application Submittal

An **application** for Street/Vehicular Access Easement Name Review may be submitted by ***persons*** identified in Sec. 16-2-102.C.1, and shall be submitted in accordance with Sec. 16-2-102.C. Such an **application** shall be submitted in conjunction with any **application** for Subdivision Review, Development Plan

[118] This is a new paragraph stating that a development project name may only be amended or modified by going through the same process for its original approval.

[119] This subsection carries forward Chapter 3, Article XI of the current LMO. However, as is discussed in the previous section, because the Official reviews and decides Development Project Names and the Planning Commission reviews and decides Street and Vehicular Access Easement Names, Chapter 3, Article XI is separated into two subsections: Development Project Name Approval and Street and Vehicular Access Easement Name Approval. The procedures and standards for Development Project Name Review are found in the previous subsection. The procedures and standards for Street and Vehicular Access Easement Name Review are found in this subsection. This subsection generally carries forward the procedures and standards for Street and Vehicular Access Easement Name Approval in Chapter 3, Article XI.

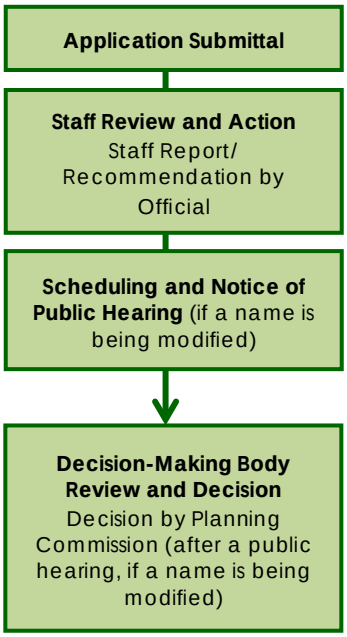
[120] This paragraph carries forward language from Sec. 16-3-1201 (Applicability and Purpose) of the current LMO.

[121] This new paragraph adds a provision stating the street or vehicular access easement name shall be approved prior to approval of a Subdivision Plan, Development Plan, or Small Residential Plan or the site.

[122] This subsection sets forth the procedures for Street and Vehicular Access Easement Name Review in Sec. 16-3-1103 and 1104 of the current LMO.

Review, Small Residential Development Review, or Public Project Review that proposes a ***street*** or vehicular ***access*** easement.[123]

Street/Vehicular Access Easement Name Review



b. Staff Review and Action

On receiving an **application**, the ***Official*** shall review the **application** and prepare a staff report with a recommendation for action on the **application** in accordance with Sec. 16-2-102.D.

c. Hearing Scheduling and Notice

An **application** that proposes to modify a ***street*** or vehicular ***access*** easement name shall be scheduled, and required notice provided, for the ***Planning Commission*** hearing on the **application** in accordance with Sec. 16-2-102.E.

d. Decision-Making Body Review and Decision

The ***Planning Commission*** shall review the **application** and staff report, hold a public hearing (if the ***street*** or vehicular ***access*** easement name is being modified), and make a final decision on the **application** in accordance with Sec. 16-2-102.G). The Commission's decision shall be to approve, modify, or disapprove the proposed new or modified name based on the standards in Sec. 16-2-103.O.4, Street/Vehicular Access Easement Review Standards.

e. Post-Decision Actions and Limitations

i. Notice of Decision

The ***Official*** shall provide notice of the final decision on the **application** in accordance with Sec. 16-2-102.H.1.

ii. Appeal

Appeals from the final decision of the ***Planning Commission*** on an **application** for Street/Vehicular Access Easement Name Review are governed by and S.C. Code Ann. § 6-29-1150.

4. Street/Vehicular Access Easement Review Standards[124]

A proposed new or modified ***street*** or vehicular ***access*** easement name shall be approved on a finding that the name complies with the following standards:

[123] This carries forward Sec. 16-3-1102 E. of the current LMO.

[124] This carries forth the relevant criteria from Sec. 16-3-1105 the current LMO (the criteria for modified or new street or vehicular access names).

a. No new ***street*** or vehicular ***access*** easement, or proposed modification of the name of an existing ***street*** or vehicular ***access*** easement, shall duplicate, be phonetically similar to, or in any way be likely to be confused with an existing ***street*** or vehicular ***access*** easement, despite the use of prefixes or suffixes.

b. Names shall be simple, logical, easy to read and pronounce, and clear and brief. Use of frivolous or complicated words or unconventional spellings in names shall not be approved.

c. It is desirable to use names that have some association with Hilton Head Island and specifically with the immediate location of the street or place, such as reference to local history or physiographic features.

d. Use of a common theme is recommended for names of ***streets*** that are associated with one another, such as those within a residential ***development***.

e. ***Streets*** or vehicular ***access easements*** that continue through an intersection should generally bear the same name, except where the street crosses a major arterial or where existing address points on a ***street*** require that the ***street*** be given a different name.

f. A ***street*** or vehicular ***access*** easement making an approximate right-angle turn where there is no possibility of extending the ***street*** or vehicular ***access*** easement in either direction shall be considered to be continuous and continue the same name. Where there is a choice of direction or a possibility of extending either section in the future, such configuration shall be considered an intersection and the ***street***/ easement segments extending from the intersection shall bear different names.

g. New or modified ***street*** names should generally use Drive, Lane, Place, Road, Street, or Way as suffixes. The following ***street*** designations should only be used if the ***street*** design meets one of the following descriptions. This list is not intended to limit the use of other appropriate suffixes.

i. Alley—A ***street*** providing vehicular ***access*** to the rear of ***lots*** or ***buildings***, usually as a secondary means of vehicular ***access*** to a property.

ii. Avenue—A ***street*** that is continuous.

iii. Boulevard—A ***street*** with a landscaped median dividing the ***roadway***.

iv. Circle—A ***street*** with a complete loop on the end or a side ***street*** that intersects another ***street*** at two ***adjacent*** intersections.

v. Court—A ***street*** terminating in a ***cul-de-sac***, not longer than 1,000 feet in length.

vi. Extension—A section of ***street*** forming an additional length.

vii. Parkway—A ***street*** designated as a collector or arterial street, with a landscaped median reflecting the parkway character implied in the name.

viii. The suffixes Manor, Trace, and Common shall typically be used to name vehicular ***access easements***.

ix. Where natural barriers, intervening ***land uses***, or developments break an existing street into two separate ***streets*** that are not likely to be reconnected in the future, the ***streets*** shall be named in a manner that

considers the potential economic impact of the number of address points and type of addresses impacted.

5. Notice of Action

a. If the ***Planning Commission*** approves the name, the ***Official*** shall certify the name in writing and forward the certification to the emergency dispatch office, post office, and Beaufort County Register of Deeds, as well as the ***applicant***.

b. The ***Official*** shall provide notice of an approved modification of a ***street*** or vehicular ***access*** easement name by certified mail to all owners of record of properties on the affected ***street*** or vehicular ***access*** easement.

6. Expiration

Approval of a new or modified ***street*** or vehicular ***access*** easement name shall not expire, but the name is subject to further modification in accordance with procedures set forth in this subsection.

7. Amendment[125]

A ***street***/vehicle ***access*** name approval may be amended only in accordance with the procedures and standards for its original approval.

P. Certificate of Compliance[126]

1. Purpose

The purpose of this subsection is to establish procedures and standards for the review and decision on applications for a Certificate of Compliance.

2. Applicability[127]

All ***development***, or an approved phase thereof, that has received approval of a Subdivision Plan, Development Plan, or Small Residential Development—or any other ***development*** that has received a permit or ***development*** approval under this Ordinance— shall obtain approval of a Certificate of Compliance prior to a receipt of a Certificate of Occupancy and occupancy of a ***building*** or ***structure***.

3. Certificate of Compliance Procedure

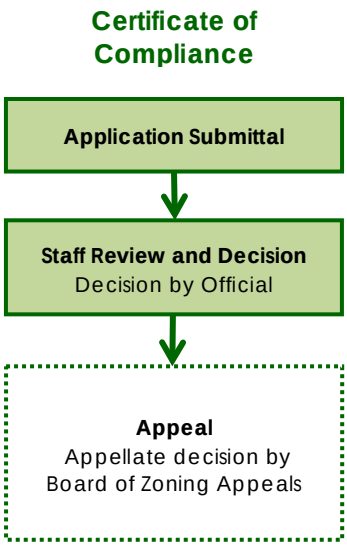
a. Application Submittal

An **application** for a Certificate of Compliance may be submitted by ***persons*** identified in Sec. 16-2-102.C.1, and shall be submitted in accordance with Sec. 16-2-102.C.

[125] This is a new paragraph stating that a street/vehicle access name approval may only be amended or modified by going through the same process for its original approval.
[126] This subsection builds on Chapter 3, Article VII (Certificate of Compliance) of the current LMO. Current procedures are not changed and the standards of review are not changed (there are some refinements to clarify language). .
[127] This carries forward language from Section 16-3-702 of the current LMO.

b. Staff Review and Action

On receiving an **application**, the ***Official*** shall review and make a final decision on the **application** in accordance with Sec. 16-2-102.D, subject to the following procedures:



i. Following review of the **application**, the ***Official*** shall schedule and conduct a final inspection for the purpose of verifying compliance with all applicable provisions of this Ordinance—including, but not limited to, the requirements of the approved Subdivision Plan, Development Plan, Small Residential Development, or other applicable permits and ***development*** approvals.

ii. After the final site inspection, the ***Official*** shall either approve or deny the **application**, based on compliance with Sec. 16-2-103.P.4, Certificate of Compliance Review Standards.

iii. The ***Official*** may issue a Temporary Certificate of Compliance for a period up to a maximum of six months where the only uncompleted ***development*** consists of landscaping/***tree*** planting that is deferred until more appropriate weather conditions for planting is expected (e.g., deferring plantings from hot summer months to cooler autumn months).[128]

c. Post-Decision Actions and Limitations

i. Notice of Decision

The ***Official*** shall provide notice of the final decision on the **application** in accordance with Sec. 16-2-102.H.1.

ii. Appeal[129]

Appeals from the final decision of the ***Official*** on an **application** for Certificate of Compliance are governed by Sec. 16-2-103.T, Appeal of Administrative Decisions and Written Interpretations to Board of Zoning Appeals and SC Code Ann. 6-29-800.

[128] This carries forward Sec. 16-3-705 of the current LMO, which authorizes the Official to issue a Temporary Certificate of Compliance, modifying the provision to limit it to deferral of plantings, in accordance with the Town's current practice.
[129] The current LMO does not include any provision for appeals of Certificate of Compliance decisions. Town staff questioned why appeals of Certificate of Compliance decisions shouldn't go to the Planning Commission, as is the case with appeals of Development Plan Review decisions. State statutes limit appeals to the Planning Commission to decisions affecting the physical development of land. Since Certificates of Compliance largely certify compliance with use standards and other zoning standards as a prerequisite to occupancy of a building rather than to the actual development of the building, it seems more legally appropriate to have appeals of Certificates of Compliance go to the Board of Zoning Appeals as with all other zoning decisions.

4. Certificate of Compliance Review Standards

a. A Certificate of Compliance shall be approved upon a finding that the ***applicant*** demonstrates the proposed ***development*** complies with all applicable standards in this Ordinance, the ***Municipal Code***, and all conditions of permits or ***development*** approvals approved under this Ordinance.

b. If the **application** is for an approved phase of ***development*** in accordance with an approved Subdivision Plan, Development Plan, or Small Residential Development, a Certificate of Compliance shall be approved only on a finding that the phase will be able to function alone with all required infrastructure, including, but not limited to, ***access*** drives, parking, drainage facilities, utilities, and required landscaping/***tree*** planting.

5. Issuance of Certificate of Occupancy [130]

The Town's Building ***Official*** shall not issue a Certificate of Occupancy for any ***building*** until the ***Official*** has first issued a Certificate of Compliance for the ***development***, or approved phase thereof, that contains the ***building***.

Q. Public Project Review[131]

1. Purpose

The purpose of this subsection is to establish procedures and standards for the review and decision on applications for Public Project Review.

2. Applicability[132]

a. Except as exempted in subparagraph b below, any proposal to develop a public project within the Town involving a new ***street***, ***structure***, utility, square, park, or other ***public way***, grounds, or ***open space***, or public ***buildings*** for any ***use***, whether publicly or privately owned, shall be reviewed in accordance with this subsection prior to its ***development***.

b. These review procedures shall not apply to telephone, sewer, and gas utilities, or electric suppliers, utilities, and providers, whether publicly or privately owned, whose plans have been approved by the ***Town Council*** or a state or federal regulatory agency, or to electric suppliers, utilities, and providers who are acting in accordance with a legislatively delegated right pursuant to South Carolina Code of Laws, Chapter 27 or 31 of Title 58 or Chapter 49 of Title 33—provided these utilities submit ***construction*** information to the ***Official***.

3. Public Project Review Procedure

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[130] This carries forward Sec. 16-3-706 of the current LMO.

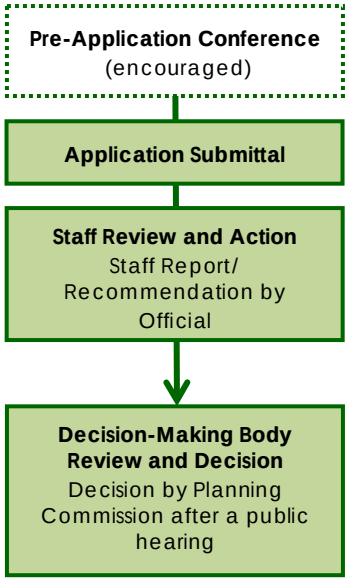
[131] This subsection carries forward Chapter 3, Article XII (Public Project Review) of the current LMO, modifying procedures to eliminate the current requirement for a public hearing. It implements South Carolina Code of Laws 6-29-540, which does not require a public hearing. The Town may still choose to notify affected persons of the Planning Commission's meeting and allow them to speak at the meeting. But since this procedure applies to a wide range of public development, the Town would be free to apply administrative policies to provide appropriate notice of large public projects or other public projects likely to affect adjacent property owners and residents.

[132] The wording of this applicability provision, including exceptions, comes from S.C. Code Ann. § 6-29-540.

a. Pre-Application Conference

Prospective ***applicants*** for Public Project Review (Minor or Major) are encouraged to request and hold a pre-**application** conference with Town staff in accordance with Sec. 16-2-102.B.

Public Project Review



b. Application Submittal

An **application** for Public Project Review may be submitted by the entity proposing to develop or construct the public project.

c. Staff Review and Action

On receiving an **application**, the ***Official*** shall review the **application** and prepare a staff report with a recommendation for action on the **application** in accordance with Sec. 16-2-102.D. The ***Official***'s recommendation shall be based on the standards in Sec. 16-2-103.Q.4, Public Project Review Standards.

d. Hearing Scheduling and Notice

A public hearing on the **application** shall be scheduled, and required notice provided, for the ***Planning Commission*** hearing in accordance with Sec. 16-2-102.E.

e. Decision-Making Body Review and Decision

i. The ***Planning Commission*** shall review the **application** and staff report, hold a public hearing on the **application**, and make a final decision on the **application** in accordance with Sec. 16-2-102.G. The ***Planning Commission***'s decision shall be whether or not the proposed ***development*** is compatible with the ***Comprehensive Plan***, and shall be based on the standards in Sec. 16-2-103.Q.4, Public Project Review Standards.

ii. The Commission's decision shall be in writing and include findings of fact and conclusions of law.

f. Post-Decision Actions and Limitations

The ***Official*** shall provide notice of the final decision on the **application** in accordance with Sec. 16-2-102.H.1.

4. Public Project Review Standards

In determining whether or not a proposed public project is compatible with the ***Comprehensive Plan***, the ***Planning Commission*** shall consider whether the location, character, and extent of the proposed ***development*** is consistent with, or conflicts with, the plan's goals and implementation strategies.

5. Effect of Decision

a. If the ***Planning Commission*** finds the public project is compatible with the ***Comprehensive Plan***, the ***Official*** shall issue a notice of the finding to the public entity proposing the project.

b. If the ***Planning Commission*** finds the public project conflicts with the ***Comprehensive Plan***, it shall forward its written findings and an explanation of its reasoning to the public entity proposing the project.

c. If the entity proposing the public project elects to proceed with its project that is in conflict with the ***Comprehensive Plan***, then the governing or policy-making body of the entity shall publicly state its intention to proceed and its reasons for proceeding and send a copy of its intention and reasons to the ***Town Council*** and ***Planning Commission***. It shall also publish a public notice of the ***Planning Commission*** findings and its intention and reasons for proceeding in a newspaper of general circulation in the Town at least 30 days in advance of award of a contract or the beginning of ***construction*** of the proposed public project.

R. Written Interpretation[133]

1. Purpose

The purpose of this subsection is to establish procedures and standards for rendering formal written interpretations of this Ordinance.

2. Applicability

The ***Official*** is authorized to and shall be responsible for making interpretations of this Ordinance—including, but not limited to, interpretations of:

a. The text of this Ordinance;

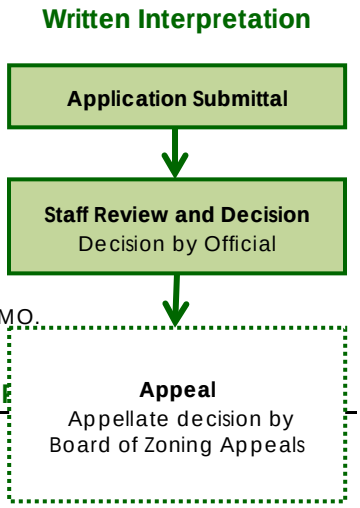
b. Zoning district boundaries;

c. Whether an unspecified ***use*** is comparable to a listed ***use*** or not, and whether any unspecified ***use*** should be allowed in a zoning district or prohibited in that district.

3. Written Interpretation Procedure

a. Application Submittal

An **application** for a Written Interpretation shall be submitted in accordance with Sec. 16-2-102.C, except that applications may be submitted only by ***persons*** with a direct interest in the matter requested for interpretation (e.g., ***landowner*** or contract purchaser of a relevant property, ***applicant*** for or holder of an affected



[133] This subsection builds on Chapter 3, Article II (Written Interpretations) of the current LMO.

permit). The **application** shall include a statement of the ***applicant***'s direct interest.

b. Staff Review and Action

On receiving an **application**, the ***Official*** shall review and render an interpretation in accordance with Sec. 16-2-102.D. The ***Official***'s written interpretation shall be limited to the matters for which an interpretation is requested and shall be based on the standards in Sec. 16-2-103.R.4, Written Interpretation Standards.

c. Post-Decision Actions and Limitations

i. Notice of Decision

The ***Official*** shall provide notice of the interpretation in accordance with Sec. 16-2-102.H.1.

ii. Appeal[135]

Appeals from the ***Official***'s interpretation are governed by Sec. 16-2-103.T, Appeal of Administrative Decisions and Written Interpretations to Board of Zoning Appeals and SC Code Ann. 6-29-800.

4. Written Interpretation Standards[136]

a. Zoning Map Boundaries

Interpretation of zoning district boundaries on the ***Official Zoning Map*** shall be in accordance with the criteria in Sec. 16-1-107.C, Zoning District Boundaries.

b. Unspecified Uses

Interpretation of whether an unspecified ***use*** is similar to a ***use*** or is prohibited in a zoning district shall be based on Sec. 16-4-102.A.5, Interpretation of Unlisted Uses, and whether the interpretation is in accordance with the ***Comprehensive Plan***.

c. Text Provisions

Interpretation of text provisions and their **application** shall be based on the standards in Sec. 16-10-101, General Rules for Interpretation, and the following considerations:

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[135] The current LMO does not include any provision for appeals of Certificate of Compliance decisions. Town staff questioned why appeals of Certificate of Compliance decisions shouldn't go to the Planning Commission, as is the case with appeals of Development Plan Review decisions. State statutes limit appeals to the Planning Commission to decisions affecting the physical development of land. Since Certificates of Compliance largely certify compliance with use standards and other zoning standards as a prerequisite to occupancy of a building rather than to the actual development of the building, it seems more legally appropriate to have appeals of Certificates of Compliance go to the Board of Zoning Appeals as with all other zoning decisions.

[136] This new paragraph provides guidance to the Official in making written interpretations. Guidance on interpreting zoning district boundaries are located in Sec. 16-1-107.C, Zoning District Boundaries; guidance on use interpretations will be found in Sec. 16-10-103, Use Classifications, Use Types, and Definitions; and guidance on text provisions will be found in this paragraph and Sec. 16-10-101, General Rules for Interpretation.

i. The plain language used in the text, considering (a) any defined term set out in Sec. 16-10-105, General Definitions, and (b) the common and accepted usage of other words in the text;

ii. The general purposes served by the provision and this Ordinance; and

iii. The ***Comprehensive Plan***.

5. Official Record of Interpretations[137]

The ***Official*** shall maintain a record of written interpretations that shall be available in the Town Hall for public inspection, on reasonable request, during normal business hours.

6. Effect of Interpretation[138]

A written interpretation shall be binding on subsequent decisions by the ***Official*** in applying the same provision of this Ordinance in the same circumstance.

S. Variance[141]

1. Purpose[142]

The purpose of this subsection is to establish procedures and standards for the review and decision on applications for a Variance.

2. Applicability[143]

The Variance procedure may be used to seek and obtain relief from the following standards:

a. The district standards in Chapter 16-3: Zoning Districts, except standards designating permitted or prohibited ***uses***, and setting maximum ***density***;

b. The ***use***-specific conditions in Chapter 16-4: Use Standards;

c. The following standards in Chapter 16-5: Development and Design Standards: adjacent setback and buffer standards; ***open space*** standards; parking and loading standards; fence and wall standards; and ***single-family*** residential compatibility standards; and

d. The following standards in Chapter 16-6: Natural Resource Protection: ***specimen tree*** and ***wetland buffer*** standards.

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137 This section carries forward Sec. 16-3-204 of the current LMO that requires an official record of written interpretations be kept in the Official's office. Official's office was changed to Town Hall, where the Official's office is located.

138 This is a new paragraph clarifying the effect of Interpretations

141 This subsection builds on Chapter 3, Article XIX (Variances) of the current LMO. At the request of town staff, it modifies the current provisions to expand the range of standards from which a Variance may be sought,

142 This new paragraph adds language expressly stating the general purpose of variances.

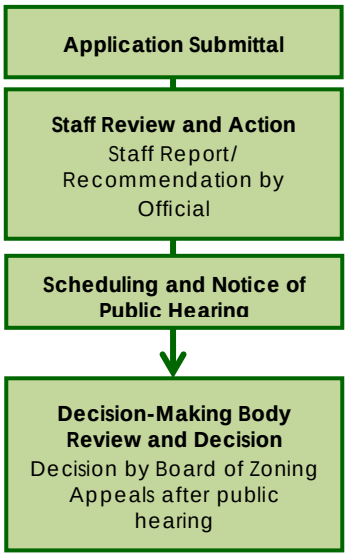
143 This modifies provisions in Sec. 16-3-1901 of the current LMO to broaden the standards from which a Variance may be sought. It specifically excludes Variances from standards designating permitted or prohibited uses and maximum density standards, in accord with South Carolina court opinions, which deem such variances tantamount to rezonings. The Town may wish to not allow a Variance from certain development and environmental standards.

3. Variance Procedure

a. Application Submittal

An **application** for a Variance may be submitted by ***persons*** identified in Sec. 16-2-102.C.1, and shall be submitted in accordance with Sec. 16-2-102.C.

Variance



b. Staff Review and Action

On receiving an **application**, the ***Official*** shall review the **application** and prepare a staff report with a recommendation for action on the **application** in accordance with Sec. 16-2-102.D. The ***Official***'s recommendation shall be based on the standards in Sec. 16-2-103.S.4, Variance Review Standards.

c. Hearing Scheduling and Notice

A hearing on the **application** shall be scheduled, and required notice provided, for the ***Planning Commission*** hearing in accordance with Sec. 16-2-102.E.

d. Decision-Making Body Review and Decision

i. The ***Board of Zoning Appeals*** shall review the **application** and staff report, hold a hearing on the **application**, and make a final decision on the **application** in accordance with Sec. 16-2-102.G. The Board's decision shall be based on the standards in Sec. 16-2-103.S.4, Variance Review Standards, and shall be one of the following:

01. Approve the Variance;

02. Approve the Variance subject to conditions of approval; or

03. Deny the **application**.

ii. The Board's final decision shall be in writing and include findings of fact and conclusions of law separately stated.

e. Post-Decision Actions and Limitations

i. Notice of Decision

The ***Official*** shall provide notice of the interpretation in accordance with Sec. 16-2-102.H.1. Notice to interested parties shall be provided via certified mail.

ii. Appeal

Appeals from the final decision of the ***Board of Zoning Appeals*** on an **application** for a Variance are governed by S.C. Code Ann. § 6-29-820.

4. Variance Review Standards[144]

a. Required Findings

i. A Variance may be granted by the ***Board of Zoning Appeals*** if it concludes that the strict enforcement of any appropriate dimensional, ***development***, design, or performance standard set forth in this Ordinance would result in unnecessary hardship. A Variance may be granted in an individual case of unnecessary hardship if the ***Board of Zoning Appeals*** determines and expresses in writing all of the following findings:

01. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

02. These conditions do not generally apply to other properties in the vicinity;

03. Because of these conditions, the **application** of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

04. The authorization of the Variance will not be of substantial detriment to ***adjacent*** property or the public good, and the character of the zoning district where the property is located will not be harmed by the granting of the Variance.

ii. In its consideration of an **application** for a Variance, the decision-making body shall be guided by this Ordinance, the relevant provisions of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, and the decisions of the appellate courts of South Carolina interpreting such provisions.

b. Limitations

The decision-making body may not grant a Variance, the effect of which would do any of the following:

i. Permit a ***use*** of ***land*** or a ***structure*** that is not allowed in the applicable zoning district;

ii. Allow the physical extension of a ***nonconforming use***;

iii. Increase the ***density*** of a ***use*** above that permitted by the applicable zoning district; or

iv. Vary the sign regulations.

c. Factor Not to be Considered

The fact that the property may be utilized more profitably, should a Variance be granted, may not be considered as grounds for a Variance.

d. Hardship Due to Eminent Domain

Where the alleged hardship results from the taking of part of the property of the ***applicant*** by eminent domain, thus reducing the ***land*** area available for parking, buffers and other purposes, the ***applicant*** shall have the burden of

[144] This section carries forward the review criteria from Section 16-3-1906 of the current LMO.

proving that, after good faith efforts by the ***applicant*** or the ***applicant***'s predecessor, the condemning authority failed or refused to provide the ***applicant*** compensation adequate to cover the value of both the ***land*** actually taken and the economic impacts of the reduction in the size of the remaining property. Only if the ***applicant*** meets such burden of proof will a hardship under these conditions be considered adequate to justify the granting of a Variance.

5. Effect of Approval[145]

Approval of a Variance authorizes only the particular relief approved. It does not exempt the ***applicant*** from the responsibility to obtain all other approvals required by this Ordinance and any other applicable laws, and does not indicate that the ***development*** for which the Variance is granted should receive other permits or ***development*** approvals under this Ordinance unless the relevant and applicable portions of this Ordinance or any other applicable laws are met. Unless it expires in accordance with Sec. 16-2-103.S.6, Expiration, a Variance, including any conditions of approval, shall run with the ***land***, shall be binding on the ***landowners*** and their successors and assigns, and shall not be affected by a change in ownership.

6. Expiration

Granting of a Variance establishes a ***vested right*** in accordance with Sec. 16-2-102.J.1, Vested Rights for Approvals of Site Specific Development Plans.

7. Amendment[147]

A Variance may be amended only in accordance with the procedures and standards for its original approval.

T. Appeal of Administrative Decisions and Written Interpretations to Board of Zoning Appeals[148]

1. Purpose

The purpose of this subsection is to establish procedures and standards for the review of and decision on applications for an appeal to the Board of Adjustment from an administrative determination or decision of the ***Official***.

2. Who May File Appeal[149]

a. A decision or written interpretation made by the ***Official*** or other administrative official pursuant to this Ordinance may be appealed to the ***Board of Zoning Appeals*** by any ***person*** aggrieved by the decision or interpretation—or any

[145] This new paragraph sets forth the effect of approval of a Variance. It states that approval of a Variance only authorizes the particular regulatory relief granted, and does not ensure that the applicant will receive subsequently required development approvals or permits under the LMO.
[147] This new paragraph sets forth the Amendment procedures for a Variance.
[148] This subsection builds on Chapter 3, Article XX (Appeals of Administrative Decisions) of the current LMO, and provides the procedures and standards for appeals of Official's decisions to the Board of Zoning Appeals.
[149] This carries forward the provisions of Sec. 16-3-2001 of the current LMO that state aggrieved persons may file an appeal under this section. It defines who constitutes an aggrieved person in accordance with SC case law.

officer, department, board, or bureau of the Town—who alleges that the ***Official*** or other administrative official erred in making the decision or interpretation.

b. For the purposes of this subsection, a ***person*** is aggrieved if there is some special or particularized injury to that ***person*** or that ***person***'s property resulting from the decision or written interpretation.

3. Types of Appeal[150]

Appeals of the following decisions or interpretations made by the ***Official*** shall be heard and decided by the ***Board of Zoning Appeals*** in accordance with the procedures and standards in this subsection.

a. Minor Deviations to a PUD/Master Plan (see Sec. 16-2-103.D.8, Minor Deviations from Approved Master Plan);

b. Natural Resources Permits (see Sec. 16-2-103.K, Natural Resources Permit);

c. Wetlands Alteration Permits (see Sec. 16-2-103.L, Wetlands Alteration Permit);

d. Certificates of Compliance (see Sec. 16-2-103.P, Certificate of Compliance);

e. Written Interpretations (see Sec. 16-2-103.R, Written Interpretation);

f. Any action to enforce the provisions of this Ordinance.

4. Appeal Procedure

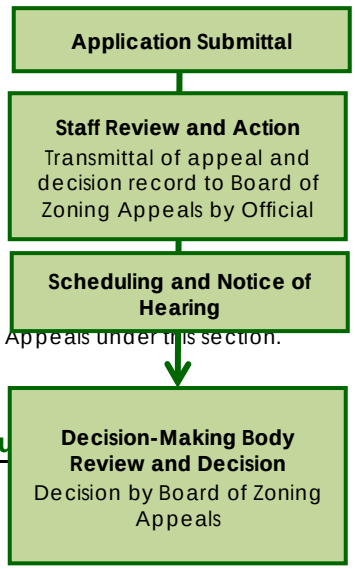
a. Application Submittal

An **application** for an Appeal to the ***Board of Zoning Appeals*** may be submitted by ***persons*** identified in paragraph 2 above, and shall be submitted in accordance with Sec. 16-2-102.C. The **application** shall specify the grounds for the appeal and shall be ***delivered*** to the ***Official*** within 14 calendar days after ***delivery*** of notice of the decision being appealed (see Sec. 16-2-102.H.1, Notice of Decision).[151]

b. Staff Review and Action

On receiving the **application**, the ***Official*** shall transmit to the ***Board of Zoning Appeals*** the **application** and the record of materials considered in making the decision being appealed (including but not limited to, the **application** and support materials, staff report, other plans, documents, reports, and studies considered in making the decision, and any minutes, transcripts, or record of the meetings held to consider and make the decision). These materials constitute the record of the appeal.

Appeal of Administrative Decisions and Written Interpretations to Board of Zoning Appeals



[150] This new paragraph summarizes the appeals that are decided by the Board of Zoning Appeals under this section.
[151] This carries forward the 14-day time limit in Sec. 16-3-200 of the current LMO.

c. Hearing Scheduling and Notice

A hearing on the **application** shall be scheduled, and required notice provided, for the ***Board of Zoning Appeals*** hearing in accordance with Sec. 16-2-102.E. The ***Official*** shall also provide notice of the hearing to the ***applicant*** for the decision being appealed (if different from the appellant), as well as the appellant.

d. Decision-Making Body Review and Decision

i. The ***Board of Zoning Appeals*** shall review the **application**, hold a hearing on the **application**, and make a final decision on the **application** in accordance with Sec. 16-2-102.G. The decision of the ***Board of Zoning Appeals*** shall be based solely on the record of the appeal, as supplemented by arguments presented at the hearing, and the standards in Sec. 16-2-103.T.5, Board of Zoning Appeals Appeal Review Standards , and shall be one of the following:

01. Affirmation of the decision or interpretation, in whole or in part;

02. Modification of the decision or interpretation, in whole or in part (in modifying the decision, the Board of Zoning Appeals shall have all the powers of the ***Official***, and may issue a permit or ***development*** approval or direct that a permit or ***development*** approval be issued); or

03. Reversal of the decision or interpretation, in whole or in part (in reversing the decision the ***Board of Zoning Appeals*** shall have all the powers of the ***Official***, and may issue a permit or ***development*** approval or direct that a permit or ***development*** approval be issued, provided that with respect to the ***Board of Zoning Appeals*** a majority vote of the Board shall be required to reverse the decision).

ii. The Board's final decision shall be in writing and include findings of fact and conclusions of law separately stated.

e. Post-Decision Actions and Limitations

i. Notice of Decision

The ***Official*** shall provide notice of the decision of the ***Board of Zoning Appeals*** in accordance with Sec. 16-2-102.H.1. Notice to interested parties shall be provided via certified mail.

ii. Appeal

Appeals from the final decision of the ***Board of Zoning Appeals*** on an **application** for an Appeal are governed by S.C. Code Ann. § 6-29-820.

5. Board of Zoning Appeals Appeal Review Standards [152]

a. The ***Board of Zoning Appeals*** may modify or reverse a decision or interpretation only on determining that the ***applicant*** is an aggrieved ***person*** under

[152] Chapter 3, Article XX (Appeals of Administrative Decisions) of the current LMO does not include review standards. This subsection adds review standards to provide the Board of Zoning Appeals more specific guidance in making a decision on an appeal.

subparagraph 2.b above, and making one of the following determinations, which shall be based on evidence in the record:

i. The ***Official*** made an error in determining whether a requirement of this Ordinance was met. The record must indicate that an error in judgment occurred or facts, plans, or regulations were misread in determining whether the particular requirement was or was not met; or

ii. The ***Official*** made the decision based on a requirement not contained in this Ordinance or other appropriate Town ***ordinances***, regulations, or state law; or

iii. The ***Official*** made an error in applying requirement of this Ordinance.

b. Unless the ***Board of Zoning Appeals*** makes the determinations in subparagraph a above, it shall affirm the ***Official***'s decision or interpretation.

6. Effect of Pending Appeal[153]

A pending appeal stays all Town actions in furtherance of the decision being appealed unless the ***Official*** certifies to the ***Board of Zoning Appeals*** that because of facts stated in the certificate, a stay would cause imminent peril to life or ***land***. In that case, proceedings may not be stayed other than by a restraining order that may be granted by the ***Board of Zoning Appeals*** or by the ***Circuit Court*** on **application**, upon notice to the officer from whom the appeal is taken, and on due cause shown.

U. Appeal of Official's Decision to Planning Commission[154]

1. Purpose

The purpose of this subsection is to establish procedures and standards for the review and decision on appeals to the ***Planning Commission*** from decisions of the ***Official*** to approve, approve with conditions, or disapprove applications for Subdivision Review, Development Plan Review, Small Residential Development, or Development Project Name Review.

2. Who May File Appeal[155]

The ***Official***'s decision on the following applications may be appealed to the ***Planning Commission*** by the ***applicant*** for the decided **application**, the owner of ***land*** to which the decision specifically applies, or any other party in interest, who alleges that the ***Official*** erred in making the decision:

a. Subdivision Review;

b. Development Plan Review;

[153] This new provision spells out that all Town actions related to the decision/interpretation being appealed will be stayed until a decision is made by the Board of Zoning Appeals, unless the Official demonstrates the stay would cause imminent peril to life or property. This type of provision is authorized by the S.C. Code Ann. § 6-29-800 (C).

[154] This new subsection establishes the rules governing appeals made to the Planning Commission on Official decisions on Subdivision Plans, Development Plans, Small Residential Developments, and Development Project Names. State law requires that the Planning Commission serve as the appellate board for these types of appeals. Because there are differences between the requirements for these types of appellate decisions versus appellate decisions that are to be reviewed by the Board of Zoning Appeals, this separate procedure is established in the LMO rewrite.

[155] This section identifies who may file an appeal under this section.

c. Small Residential Development Review; and

d. Development Project Name Review.

3. Appeal Procedure

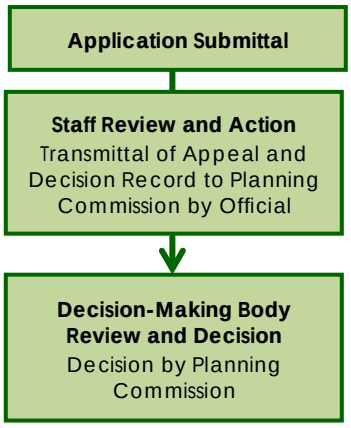
a. Application Submittal

An **application** for an Appeal to the ***Planning Commission*** may be submitted by ***persons*** identified in paragraph 3 above, and shall be submitted in accordance with Sec. 16-2-102.C. The ***application*** shall specify the grounds for the appeal and shall be ***delivered*** to the ***Official*** within 14 calendar days after provision of notice of the decision being appealed (see Sec. 16-2-102.H.1, Notice of Decision).

b. Staff Review and Action

On receiving an **application**, the ***Official*** shall transmit to the ***Planning Commission*** the **application** and the record of materials considered in making the decision being appealed (including, but not limited to, the **application** and support materials, other plans, documents, reports, and studies considered in making the decision, and any record of the meetings held to consider and make the decision). These materials shall constitute the record of the appeal.

Appeal of Official's Decision to Planning Commission



c. Decision-Making Body Review and Decision

i. The ***Planning Commission*** shall review the ***application*** at a public meeting and make a final decision on the **application** in accordance with Sec. 16-2-102.G). The ***Planning Commission***'s decision shall be based solely on the record of the appeal, as supplemented by presented arguments, and the standards in Sec. 16-2-103.U.4, Planning Commission Appeal Review Standards, and shall be one of the following:

01. Affirmation of the decision, in whole or in part;

02. Modification of the decision, in whole or in part; or

03. Reversal of the decision, in whole or in part.

ii. The Commission's final decision shall be in writing and include findings of fact and conclusions of law separately stated.

iii. The ***Planning Commission*** shall act on the appeal within 60 days of receipt of the **application**.

d. Post-Decision Actions and Limitations

i. Notice of Decision

The ***Official*** shall provide notice of the ***Planning Commission***'s decision in accordance with Sec. 16-2-102.H.1. Notice to interested parties shall be provided via certified mail.

ii. Appeal

Appeals from the final decision of the ***Planning Commission*** on an **application** for an Appeal are governed by S.C. Code Ann. § 6-29-1150.

4. Planning Commission Appeal Review Standards[156]

a. The ***Planning Commission*** may modify or reverse a decision only on making one of the following determinations, which shall be based on evidence in the record:

i. The ***Official*** made an error in determining whether a requirement of this Ordinance was met. The record must indicate that an error occurred or facts, plans, or regulations were misread in determining whether the particular requirement was or was not met; or

ii. The ***Official*** made the decision based on a requirement not contained in this Ordinance or other appropriate Town ***ordinances***, regulations, or state law; or

iii. The ***Official*** made an error in applying a requirement of this Ordinance.

b. Unless the ***Planning Commission*** makes one of the determinations in subparagraph a above, it shall affirm the ***Official***'s decision.

V. Appeal of Official's Decision to Design Review Board[157]

1. Purpose

The purpose of this subsection is to establish the procedures and standards for the review and decision on an appeal to the ***Design Review Board*** by ***persons*** aggrieved by a decision made by the ***Official*** related to matters under their purview.

2. Who May File Appeal[158]

a. The ***Official***'s decision on an **application** for Minor Corridor Review or a Sign Permit may be appealed to the ***Design Review Board*** by any ***person*** aggrieved by the decision—or any officer, department, board, or bureau of the Town—who alleges that the ***Official*** erred in making the decision.

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[156] This establishes review standards for the appeal to ensure there are clear rules to govern the Planning Commission's decision-making in the appeal, and to ensure that the decision-making is based on the record in front of the Official when the decision was made.

[157] This new subsection establishes procedures and standards for appeals from Official decisions to the Design Review Board on Minor Corridor Review and Minor Sign Permits.

[158] Because S.C. Code of Laws 6-29-890 authorizes administrative appeals to the DRB by "aggrieved persons," this incorporates the same definition of aggrieved person as used for appeals to the BZA.

b. For purposes of this subsection, a ***person*** is aggrieved if there is some special or particularized injury to that ***person*** or the ***person***'s property resulting from the decision.

3. Types of Appeal[159]

The following decisions made by the ***Official*** may be appealed to the ***Design Review Board*** in accordance with the procedures and standards in this subsection.

a. Minor Corridor Review (see Sec. 16-2-103.I); or

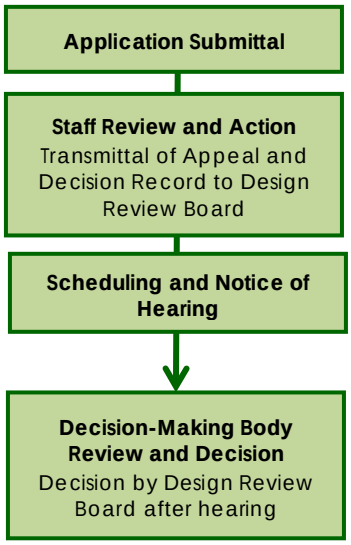
b. Minor Sign Permit (see Sec. 16-2-103.M).

4. Appeal Procedure

a. Application Submittal

An **application** for an Appeal to the ***Design Review Board*** may be submitted by ***persons*** identified in paragraph 2 above, and shall be submitted in accordance with Sec. 16-2-102.C. The **application** shall specify the grounds for the appeal and shall be ***delivered*** to the ***Official*** within 14 calendar days after provision of notice of the decision being appealed (see Sec. 16-2-102.H.1, Notice of Decision).

Appeal of Official's Decision to Design Review Board



b. Staff Review and Action

On receiving the **application**, the ***Official*** shall transmit to the ***Design Review Board*** the **application** and the record of materials considered in making the decision being appealed (including, but not limited to, the **application** and support materials, other plans, documents, reports, and studies considered in making the decision, and any record of the meetings held to consider and make the decision). These materials shall constitute the record of the appeal.

c. Hearing Scheduling and Notice

A hearing on the **application** shall be scheduled, and required notice provided, for the ***Design Review Board*** hearing in accordance with Sec. 16-2-102.E. The ***Official*** shall also provide notice of the hearing to the ***applicant*** (if the ***applicant*** is not the appellant) for the decision, as well as the appellant.

d. Decision-Making Body Review and Decision

i. The ***Design Review Board*** shall review the **application**, hold a hearing on the **application**, and make a final decision on the **application** in accordance with Sec. 16-2-102.G. The ***Design Review Board***'s decision

[159] This identifies the type of permits and development approvals that may be appealed to the Design Review Board.

shall be based solely on the record of the appeal, as supplemented by arguments presented at the hearing, and the standards in Sec. 16-2-103.V.5, Design Review Board Appeal Review Standards, and shall be one of the following:

01. Affirmation of the decision, in whole or in part;

02. Modification of the decision, in whole or in part; or

03. Reversal of the decision or interpretation, in whole or in part.

ii. The Board's final decision shall be in writing and include findings of fact and conclusions of law separately stated.

iii. The ***Design Review Board*** shall make a decision on the appeal within a reasonable time.

e. Post-Decision Actions and Limitations

i. Notice of Decision

The ***Official*** shall provide notice of the ***Design Review Board***'s decision in accordance with Sec. 16-2-102.H.1. Notice to interested parties shall be provided via certified mail.

ii. Appeal

Appeals from the final decision of the ***Planning Commission*** on an **application** for an Appeal are governed by S.C. Code Ann. § 6-29-900.

5. Design Review Board Appeal Review Standards[160]

a. The ***Design Review Board*** may modify or reverse a decision or interpretation only on determining that the ***applicant*** is an aggrieved ***person*** under subparagraph 2.b above, and making one of the following determinations, which shall be based on evidence in the record:

i. The ***Official*** made an error in determining whether a requirement of this Ordinance was met. The record must indicate that an error in judgment occurred or facts, plans, or regulations were misread in determining whether the particular requirement was or was not met; or

ii. The ***Official*** made the decision based on a requirement not contained in this Ordinance or other Town ***ordinances***, regulations, or state law; or

iii. The ***Official*** made an error in applying a requirement of this Ordinance.

b. Unless the ***Design Review Board*** makes one of the determinations in subparagraph a above, it shall affirm the ***Official***'s decision.

6. Effect of Pending Appeal[161]

A pending appeal stays all Town actions in furtherance of the decision being appealed unless the ***Official*** certifies to the ***Design Review Board*** that because of facts stated in the certificate, a stay would cause imminent peril to life or ***land***. In that

[160] This includes review standards to provide the Design Review Board more guidance in making a decision on appeal.
[161] This spells out that all Town actions related to the decision being appealed will be stayed until a decision is made by the Design Review Board, unless the Official demonstrates the stay would cause imminent peril to life or property.

case, proceedings may not be stayed other than by a restraining order that may be granted by the ***Design Review Board*** or by the Circuit Court, on **application**, upon notice to the officer from whom the appeal is taken, and on due cause shown.

Chapter 16-3: Zoning Districts

Commentary

Chapter 16-3: Zoning Districts, builds on Chapter 16-4: Zoning District Regulations, of the current LMO, but modifies the zoning district structure and the format of the base and overlay zoning districts to conform with the changes discussed in the Response to LMO Committee Comments on Code Assessment and subsequent discussions and requests by the LMO Rewrite Committee. Additionally, the provisions in Chapter 16-4: Zoning District Regulations, of the current LMO, is divided into two chapters (16-3 and 16-4) in the updated LMO draft. The provisions related to the base and overlay zoning districts are included in Chapter 16-3: Zoning Districts, and the standards and regulations involving the uses are included in Chapter 16-4: Use Standards. Chapter 16-3: Zoning Districts, includes six sections:

1. 16-3-101: General Provisions
2. 16-3-102: Base Zoning Districts Established
3. 16-3-103: Conservation and Parks/Recreation Districts
4. 16-3-104: Residential Base Zoning Districts
5. 16-3-105: Mixed-Use and Business Districts
6. 16-3-106: Overlay Zoning Districts

Section 16-3-101, General Provisions, establishes the different types of zoning districts and indicates that compliance with district standards is required for all development in the Town.

Section 16-3-102, Base Zoning Districts Established, sets out the 22 base zoning districts in the LMO.

Section 16-3-103, Conservation and Parks/Recreation Districts, establishes the two special open space base districts (Conservation and Parks/Recreation).

Section 16-3-104, Residential Base Zoning Districts, establishes the six residential base districts in the Town.

Section 16-3-105, Mixed-Use and Business Districts, sets out the 14 nonresidential districts in the Town.

Section 16-3-106, Overlay Zoning Districts, sets out the standards and regulations for the nine overlay districts.

This commentary box and the footnotes included in this draft are provided for reference purposes and will not be included in the adopted LMO.

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Chapter 16-3: Zoning Districts

Sec. 16-3-101. General Provisions[162]

A. Compliance with District Standards

No ***land*** within the Town shall be developed except in accordance with the zoning district regulations of this chapter and all other regulations of this Ordinance.

B. Types of Zoning Districts

Land within the Town is classified by this Ordinance to be within one of several base zoning districts. ***Land*** within any ***base zoning district*** may also be classified into one or more ***overlay zoning districts***, in which case regulations governing ***development*** in the overlay district shall apply in addition to the regulations governing ***development*** in the underlying ***base zoning district***.

Sec. 16-3-102. Base Zoning Districts Established[163]

A. General

Table 16-3-102.A, Base Zoning Districts Established, sets out the ***base zoning districts*** established by this Ordinance. ***Base zoning districts*** are grouped into Conservation and Recreation Districts, Residential Districts, and Mixed-Use and Business Districts.

TABLE 16-3-102.A: BASE ZONING DISTRICTS ESTABLISHED

DISTRICT NAME	ABBREVIATION
CONSERVATION AND RECREATION DISTRICTS	
Conservation District	CON
Parks and Recreation District	PR
RESIDENTIAL DISTRICTS	
Residential Single-Family-3 District	RSF-3
Residential Single-Family-5 District	RSF-5
Residential Single-Family-6 District	RSF-6
Low to Moderate Density Residential District	RM-4
Moderate Density Residential District	RM-8
Moderate to High Density Residential District	RM-12
MIXED-USE AND BUSINESS DISTRICTS	
Coligny Resort District	CR
Sea Pines Circle District	SPC
Community Commercial District	CC
Main Street District	MS
Waterfront Mixed-Use District	WMU

[162] This new section generally establishes that development must comply with the district standards. It also summarizes the different types of districts in the chapter.

[163] This section establishes the base zoning districts in the LMO. It builds on the base zoning districts in the current LMO, but revises the zoning district structure based on the direction from LMO Rewrite Committee. This results in a reduction in the number of base zoning districts from 24 to 22. Of the 22 base districts, eight are mixed-use districts that are intended to recognize and accommodate the distinct character of the island's various existing activity centers.

TABLE 16-3-102.A: BASE ZONING DISTRICTS ESTABLISHED	
DISTRICT NAME	**ABBREVIATION**
Stoney District	S
Marshfront District	MF
Mitchelville District	MV
Neighborhood Commercial	NC
Light Commercial District	LC
Resort Development District	RD
Medical District	MED
Light Industrial District	IL
Planned Development Mixed-Use District	PD-1

B. Classification of Base Zoning Districts[164]

Land shall be classified or reclassified into a ***base zoning district*** only in accordance with the procedures and requirements set forth in Sec. 16-2-103.C, Zoning Map Amendment (Rezoning), or Sec. 16-2-103.D, PD-1, Planned Unit Development (PUD) District, as appropriate.

C. Relationship Between Base and Overlay Zoning Districts[165]

Regulations governing ***development*** in an ***overlay zoning district*** shall apply in addition to the regulations governing ***development*** in the underlying ***base zoning district***. The standards governing the ***overlay zoning district*** shall control, whether they are more restrictive or less restrictive than a ***base zoning district***. If ***land*** is classified into multiple ***overlay zoning districts*** and the standards governing one overlay district are not consistent with the standards in another overlay district, the more restrictive standard shall apply unless the standards applicable in either of the overlay districts expressly provide that the district's standards shall prevail over those in other overlay districts.

Sec. 16-3-103. Conservation and Recreation Districts

A. General Purposes[167]

The conservation and recreation districts established in this section are intended to accommodate ***lands*** where typical growth and ***development*** does not occur, either because the ***lands*** contain or are nearby important natural resources (Conservation District) or the ***lands*** are used as publicly held park and recreation resources (Parks and Recreation District).

CONSERVATION AND RECREATION ZONING DISTRICTS

[164] This is a new section stating that land will be classified into base zoning districts in accordance with the procedures of this Ordinance.

[165] This is a new section clarifying the relationship between base and overlay zoning districts. It states that the regulations governing development in an overlay zoning district shall control over base district regulations, and that where land is subject to multiple overlay districts and conflicting overlay district standards, the more restrictive standards apply unless LMO provisions expressly state otherwise. .

[167] This new section states the general purpose of the Conservation and Parks and Recreation Districts, and identifies them in a table.

DISTRICT NAME	ABBREVIATION
Conservation District	CON
Parks and Recreation District	PR

B. Conservation (CON) District[168]

CON
Conservation District

1. Purpose

The purpose of the Conservation (CON) District is to preserve and protect environmentally sensitive tidal wetland and beachfront ***lands*** subject to natural hazards by ensuring these areas only accommodate very low intensity ***development*** that minimally disrupts natural features or systems (either temporarily or permanently). The upland boundary of this district corresponds to the OCRM Critical Line and therefore is approximately coterminous with all tidal wetlands and the upland boundary of the ***beach***, as defined in Section 8-1-112 of the ***Municipal Code***, and extends outward to the Town jurisdictional boundary, as identified in Section 2-1-20 of The ***Municipal Code***.

2. Allowable Principal Uses

Use Classification/Type		Use-Specific Conditions	Minimum Number of Off-Street Parking Spaces
Other Uses			
Boat Ramps, ***Docking Facilities***, and ***Marinas***	PC	Sec. 16-4-102.B.10.a	1 per 200 GFA of enclosed floor space not used for storage + 1 per 3 wet slips + 1 per 5 dry storage slips

3. Development Form Standards

Max. Density (per *net acre*)	
All Development	n/a

Max. Building Height	
All Development	n/a

Lot Coverage	
Max. ***Impervious Cover***	n/a
Min. ***Open Space*** for Major Residential ***Subdivisions***	n/a

Use and Other Development Standards

See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

TABLE NOTES:
P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = ***dwelling units***; sf = square feet; ft = feet; n/a = not applicable

[168] The Conservation District is carried forward from the current LMO, along with a similar purpose statement. At the request of Town staff and the LMO Rewrite Committee, parks, utilities, and water-oriented facilities other than boat ramps, docking facilities, and marinas would no longer be allowable uses.

[Page intentionally blank]

C. Parks and Recreation (PR) District[169]

PR
Parks and Recreation District

1. Purpose

The purpose of the Parks and Recreation (PR) District is to accommodate and manage the ***land uses*** allowed on publicly held ***land*** used for active or passive recreation purposes, or publicly owned ***land*** preserved in its natural state for public enjoyment. Development in this district shall be allowed and designed to minimize, as much as possible, its impact on both the natural environment and the community.

2. Allowable Principal Uses

Use Classification/Type		Use-Specific Conditions	Minimum Number of Off-Street Parking Spaces	
Public, Civic, Institutional, and Educational Uses				
Cemeteries	P		1 per 225 GFA of office area + 1 per 500 GFA of ***maintenance*** facilities	
Community Service Uses	P		1 per 400 GFA	
Government Uses	PC	Sec. 16-4-102.B.2.cd	Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		Sec. 16-5-107.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Commercial Services				
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 sf of sales/display area	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a
Boat Ramps, ***Docking Facilities***, and ***Marinas***	P	Sec. 16-4-102.B.10.a	1 per 200 GFA of enclosed floor space not used for storage + 1 per 3 wet slips + 1 per 5 dry storage slips	

[169] The Parks and Recreation District is carried forward from the current LMO, along with a similar purpose statement. At the request of Town staff and the LMO Rewrite Committee, boat ramps, docking facilities, and marinas would become allowable uses, but other water-oriented facilities would no longer be allowed; a new density standard and impervious surface limit would be applied, and the height limit would be modified from 45 feet/2 stories. Also, in response to recommendations of the Greater Island Council Telecommunications Task Force, Town staff asked that monopole telecommunication towers be allowed subject to conditions in all zoning districts except the Conservation District.

3. Development Form Standards

Max. Density (per *net acre*)	
All Development	6,000 GFA

Lot Coverage	
Max. ***Impervious Cover***	45%

Max. Building Height	
All Development	35 ft [1]

Use and Other Development Standards

See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = ***dwelling units***; sf = square feet; GFA = ***gross floor area*** in square feet; ft = feet; n/a = not applicable

1. May be increased by up to ten percent on demonstration to the ***Official*** that:
   a. The increase is consistent with the character of ***development*** on surrounding ***land***;
   b. Development resulting from the increase is consistent with the purpose and intent of the ***building height*** standards;
   c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed ***development***, or (2) results in improved site conditions for a ***development*** with ***nonconforming site features***;
   d. The increase will pose a danger to the public health or safety;
   e. Any adverse impacts directly attributable to the increase are mitigated; and
   f. The increase, when combined with all previous increases allowed under this provision, does not result in a cumulative increase greater than ten percent.

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Sec. 16-3-104. Residential Base Zoning Districts

A. General Purposes[170]

The residential districts established in this section are intended to provide ***lands*** to accommodate a comfortable, healthy, safe, and pleasant environment in which to live and recreate. More specifically, they are intended to:

1. Provide appropriately located ***lands*** for residential ***development*** that are consistent with the goals and policies of the ***Comprehensive Plan***;
2. Ensure adequate light, air, privacy, and recreational and ***open space lands*** for each ***dwelling***, and protect residents from the negative effects of noise, excessive population ***density***, traffic congestion, flooding, and other significant adverse environmental impacts;
3. Protect residential ***lands*** from fires, explosions, toxic fumes and substances, and other public safety hazards;
4. Provide for residential housing choice, and diversity with varying housing ***densities***, types, and designs;
5. Provide for safe and efficient vehicular ***access*** and circulation and promote pedestrian-friendly ***neighborhoods***;
6. Provide for public services and facilities needed to serve residential ***development***;
7. Accommodate public, civic, institutional, and educational ***land uses*** that complement residential ***development***; and
8. Protect residential ***development*** from incompatible nonresidential ***development***.

RESIDENTIAL ZONING DISTRICTS	
DISTRICT NAME	**ABBREVIATION**
Residential Single-Family District-3	RSF-3
Residential Single-Family District-5	RSF-5
Residential Single-Family District-6	RSF-6
Low to Moderate Density Residential District	RM-4
Moderate Density Residential District	RM-8
Moderate to High Density Residential District	RM-12

[170] This new section sets out the general purpose of the Residential Zoning Districts, and identifies them in a table.

B. Residential Single-Family-3 (RSF-3) District[171]

RSF-3
Residential Single-Family-3

1. Purpose

The purpose of the Residential Single-Family-3 (RSF-3) District is to primarily accommodate ***neighborhoods*** of ***single-family dwellings*** at ***densities*** ranging up to three units per acre. It is intended to discourage any ***use*** that would substantially interfere with the ***development*** of ***single-family dwellings*** or would be detrimental to the quiet residential nature of ***single-family neighborhoods***.

2. Allowable Principal Uses

Use Classification/Type		Use-Specific Conditions	Minimum Number of Off-Street Parking Spaces	
Residential Uses				
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
Government Uses	PC	Sec. 16-4-102.B.2.cd	Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-107.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a
Boat Ramps, ***Docking Facilities***, and ***Marinas***	PC	Sec. 16-4-102.B.10.a	1 per 200 GFA of enclosed floor space not used for storage + 1 per 3 wet slips + 1 per 5 dry storage slips	

3. Development Form Standards

Max. Density (per *net acre*)	
Residential	3 du
Nonresidential	6,000 GFA

Lot Coverage	
Max. ***Impervious Cover*** for All Development Except ***Single-Family***	35%

[171] As discussed in the Response to LMO Rewrite Committee Comments on Code Assessment, the RS-2 and RS-3 districts in the current LMO are consolidated into a new RSF-3 Residential Single-Family-3 District. At the request of Town staff and the LMO Rewrite Committee, allowable uses are broadened to include government uses, religious institutions, major utilities, agriculture uses, and boat ramps, docking facilities, and marinas; and a new nonresidential density standard is added.

MAX. BUILDING HEIGHT	
All Development	35 ft [1]

Min. ***Open Space*** for Major Residential ***Subdivisions***	16%

USE AND OTHER DEVELOPMENT STANDARDS

See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = ***dwelling units***; sf = square feet; GFA = ***gross floor area*** in square feet; ft = feet; n/a = not applicable

1. May be increased by up to ten percent on demonstration to the ***Official*** that:
   a. The increase is consistent with the character of ***development*** on surrounding ***land***;
   b. Development resulting from the increase is consistent with the purpose and intent of the ***building height*** standards;
   c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed ***development***, or (2) results in improved site conditions for a ***development*** with ***nonconforming site features***;
   d. The increase will pose a danger to the public health or safety;
   e. Any adverse impacts directly attributable to the increase are mitigated; and
   f. The increase, when combined with all previous increases allowed under this provision, does not result in a cumulative increase greater than ten percent.

C. Residential Single-Family-5 (RSF-5) District[172]

RSF-5
Residential Single-Family-5

1. Purpose

The purpose of the Residential Single-Family-5 (RSF-5) District is to primarily accommodate ***neighborhoods*** of ***single-family dwellings*** at ***densities*** ranging up to five units per acre. It is intended to discourage any ***use*** that would substantially interfere with the ***development*** of ***single-family dwellings*** or would be detrimental to the quiet residential nature of ***single-family neighborhoods***.

2. Allowable Principal Uses

Use Classification/Type		Use-Specific Conditions	Minimum Number of Off-Street Parking Spaces	
Residential Uses				
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
Government Uses	PC	Sec. 16-4-102.B.2.cd	Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-107.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a
Boat Ramps, ***Docking Facilities***, and ***Marinas***	PC	Sec. 16-4-102.B.10.a	1 per 200 GFA of enclosed floor space not used for storage + 1 per 3 wet slips + 1 per 5 dry storage slips	

3. Development Form Standards

Max. Density (per *net acre*)	
Residential	5 du
Nonresidential	6,000 GFA

Lot Coverage	
Max. ***Impervious Cover*** for All ***Development*** Except ***Single-Family***	35%

[172] As discussed in the Response to LMO Rewrite Committee Comments on Code Assessment, the new RSF-5 District consolidates the RS-4 and RS-5 districts in the current LMO, with standards largely based on those for the RS-5 district. At the request of Town staff and the LMO Rewrite Committee, allowable uses are broadened to include government uses, religious institutions, major utilities, agriculture uses, and boat ramps, docking facilities, and marinas; and a new nonresidential density standard is added.

MAX. BUILDING HEIGHT	
All ***Development***	35 ft [1]

Min. ***Open Space*** for Major Residential ***Subdivisions***	16%

USE AND OTHER DEVELOPMENT STANDARDS

See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = ***dwelling units***; sf = square feet; GFA = ***gross floor area*** in square feet; ft = feet; n/a = not applicable

1. May be increased by up to ten percent on demonstration to the ***Official*** that:
   a. The increase is consistent with the character of ***development*** on surrounding ***land***;
   b. ***Development*** resulting from the increase is consistent with the purpose and intent of the ***building height*** standards;
   c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed ***development***, or (2) results in improved site conditions for a ***development*** with ***nonconforming site features***;
   d. The increase will pose a danger to the public health or safety;
   e. Any adverse impacts directly attributable to the increase are mitigated; and
   f. The increase, when combined with all previous increases allowed under this provision, does not result in a cumulative increase greater than ten percent.

D. Residential Single-Family-6 (RSF-6) District[173]

RSF-6
Residential Single-Family-6

1. Purpose

The purpose of the Residential Single-Family-6 (RSF-6) District is to primarily accommodate ***single-family dwellings*** at ***densities*** ranging up to six units per acre. It is intended to discourage any ***use*** that would substantially interfere with the ***development*** of ***single-family dwellings*** or would be detrimental to the quiet residential nature of ***single-family neighborhoods***. The district also accommodates agricultural ***uses*** and parks as permitted ***uses***.

2. Allowable Principal Uses

Use Classification/Type		Use-Specific Conditions	Minimum Number of Off-Street Parking Spaces	
Residential Uses				
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
Government Uses	PC	Sec. 16-4-102.B.2.cd	Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-107.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a

3. Development Form Standards

Max. Density (per *net acre*)	
Residential	6 du
Nonresidential	6,000 GFA

Max. Building Height	
All ***Development***	35 ft [1]

Lot Coverage	
Max. ***Impervious Cover*** for All ***Development*** Except ***Single-Family***	35%
Min. ***Open Space*** for Major Residential ***Subdivisions***	16%

Use and Other Development Standards

See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

[173] The RSF-6 District is carried forward from the current LMO, along with a similar purpose statement. At the request of Town staff and the LMO Rewrite Committee, allowable uses are broadened to include government uses, religious institutions, major utilities, agriculture uses, and boat ramps, docking facilities, and marinas; and a new nonresidential density standard is added.

TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = ***dwelling units***; sf = square feet; GFA = ***gross floor area*** in square feet; ft = feet; n/a = not applicable

1. May be increased by up to ten percent on demonstration to the ***Official*** that:
   a. The increase is consistent with the character of ***development*** on surrounding ***land***;
   b. ***Development*** resulting from the increase is consistent with the purpose and intent of the ***building height*** standards;
   c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed ***development***, or (2) results in improved site conditions for a ***development*** with ***nonconforming site features***;
   d. The increase will pose a danger to the public health or safety;
   e. Any adverse impacts directly attributable to the increase are mitigated; and
   f. The increase, when combined with all previous increases allowed under this provision, does not result in a cumulative increase greater than ten percent.

E. Low to Moderate Density Residential (RM-4) District[174]

RM-4
Low to Moderate Density Residential District

1. Purpose

The purpose of the Low to Moderate Density Residential (RM-4) District is to protect and preserve the character of these areas and ***neighborhoods*** at ***densities*** up to four ***dwelling units*** per ***net acre***. This district is used to encourage a variety of residential opportunities, including ***multifamily*** residential units, ***single-family*** residences, and ***group living***. The regulations of the district are intended to discourage ***development*** that would substantially interfere with, or be detrimental to, residential character.

2. Allowable Principal Uses

Use Classification/Type		Use-Specific Conditions	Minimum Number of Off-Street Parking Spaces	
Residential Uses				
Group Living	P		1 per 3 rooms	
Multifamily	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
Cemeteries	P		1 per 225 GFA of office area + 1 per 500 GFA of ***maintenance*** facilities	
Community Service Uses	P		1 per 400 GFA	
Education Uses	P		Colleges and High Schools	10 per classroom
			Elementary and Junior High/Middle Schools	4 per classroom
			Other ***Education Uses***	See Sec. 16-5-107.D.2
Government Uses	PC	Sec. 16-4-102.B.2.cd	Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-107.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Resort Accommodations				
Bed and Breakfasts	PC	Sec. 16-4-102.B.4.a	1 per guest room	

[174] The RM-4 District is carried forward from the current LMO, along with a similar purpose statement, the same uses, density/intensity and other development form standards as in the current district. At the request of Town staff and the LMO Rewrite Committee, allowable uses are broadened to include convenience stores, open air sales, and other retail sales and service uses, as well as boat ramps, docking facilities, and marinas.

Commercial Services				
Convenience Stores	PC	Sec. 16-4-102.B.7.c.ii	1 per 200 GFA	
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 GFA of sales/display area	
Other Commercial Services	PC	Sec. 16-4-102.B.7.l	See Sec. 16-5-107.D.2	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a
Boat Ramps, ***Docking Facilities***, and ***Marinas***	PC	Sec. 16-4-102.B.10.a	1 per 200 GFA of enclosed floor space not used for storage + 1 per 3 wet slips + 1 per 5 dry storage slips	

3. Development Form Standards

Max. Density (per *net acre*)	
Residential	4 du
Nonresidential	6,000 GFA

Max. Building Height	
All ***Development***	35 ft [1]

Lot Coverage	
Max. ***Impervious Cover*** for All ***Development*** Except ***Single-Family***	35%
Min. ***Open Space*** for Major Residential ***Subdivisions***	16%

Use and Other Development Standards

See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = ***dwelling units***; sf = square feet; GFA = ***gross floor area*** in square feet; ft = feet; n/a = not applicable

1. May be increased by up to ten percent on demonstration to the ***Official*** that:
   a. The increase is consistent with the character of ***development*** on surrounding ***land***;
   b. ***Development*** resulting from the increase is consistent with the purpose and intent of the ***building height*** standards;
   c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed ***development***, or (2) results in improved site conditions for a ***development*** with ***nonconforming site features***;
   d. The increase will pose a danger to the public health or safety;
   e. Any adverse impacts directly attributable to the increase are mitigated; and
   f. The increase, when combined with all previous increases allowed under this provision, does not result in a cumulative increase greater than ten percent.

F. Moderate Density Residential District (RM-8) District[175]

RM-8
Moderate Density Residential District

1. Purpose

The purpose of the Moderate Density Residential (RM-8) District is to allow the ***development*** of residential ***uses*** at ***densities*** up to eight ***dwelling units*** per ***net acre***. The district allows a variety of residential ***uses***, along with ***uses*** that support ***neighborhoods***. The district is intended to discourage ***development*** that would substantially interfere with, or be detrimental to, moderate residential character.

2. Allowable Principal Uses

Use Classification/Type		Use-Specific Conditions	Minimum Number of Off-Street Parking Spaces	
Residential Uses				
Group Living	P		1 per 3 rooms	
Multifamily	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
Community Service Uses	P		1 per 400 GFA	
Government Uses	PC	Sec. 16-4-102.B.2.cd	Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-107.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Commercial Services				
Other Commercial Services	PC	Sec. 16-4-102.B.7.l	See Sec. 16-5-107.D.2	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a
Boat Ramps, ***Docking Facilities***, and ***Marinas***	PC	Sec. 16-4-102.B.10.a	1 per 200 GFA of enclosed floor space not used for storage + 1 per 3 wet slips + 1 per 5 dry storage slips	

[175] The RM-8 District is carried forward from the current LMO, along with a similar purpose statement and generally the same allowable uses, and other standards.

3. Development Form Standards

MAX. DENSITY (PER *NET ACRE*)	
Residential	8 du
Nonresidential	6,000 GFA

MAX. BUILDING HEIGHT	
All ***Development***	45 ft [1]

LOT COVERAGE	
Max. ***Impervious Cover*** for All ***Development*** Except ***Single-Family***	35%
Min. ***Open Space*** for Major Residential ***Subdivisions***	16%

USE AND OTHER DEVELOPMENT STANDARDS

See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = ***dwelling units***; sf = square feet; GFA = ***gross floor area*** in square feet; ft = feet; n/a = not applicable

1. May be increased by up to ten percent on demonstration to the ***Official*** that:
   a. The increase is consistent with the character of ***development*** on surrounding ***land***;
   b. ***Development*** resulting from the increase is consistent with the purpose and intent of the ***building height*** standards;
   c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed ***development***, or (2) results in improved site conditions for a ***development*** with ***nonconforming site features***;
   d. The increase will pose a danger to the public health or safety;
   e. Any adverse impacts directly attributable to the increase are mitigated; and
   f. The increase, when combined with all previous increases allowed under this provision, does not result in a cumulative increase greater than ten percent.

G. Moderate to High Density Residential District (RM-12) District[176]

RM-12
Moderate to High Density Residential District

1. Purpose

The purpose of the Moderate to High Density Residential (RM-12) District is to allow higher ***density*** residential ***uses*** in locations which are served by adequate infrastructure, while maintaining the character of these areas and ***neighborhoods*** at ***densities*** up to twelve units a ***net acre***. This district is used to encourage a variety of residential opportunities, including ***multifamily*** residential units, ***single-family*** residences, and ***group living***. The regulations of this district are intended to discourage ***development*** that would substantially interfere with, or be detrimental to, moderate residential character.

2. Allowable Principal Uses

Use Classification/Type		Use-Specific Conditions	Minimum Number of Off-Street Parking Spaces	
Residential Uses				
Group Living	P		1 per 3 rooms	
Multifamily	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
Community Service Uses	P		1 per 400 GFA	
Government Uses	PC	Sec. 16-4-102.B.2.cd	Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-107.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a

[176] The RM12 District is carried forward from the current LMO, along with a similar purpose statement and generally the same allowable uses and other standards.

3. Development Form Standards

MAX. DENSITY (PER *NET ACRE*)	
Residential	12 du
Nonresidential	6,000 GFA

MAX. BUILDING HEIGHT	
All ***Development***	45 ft [1]

LOT COVERAGE	
Max. ***Impervious Cover*** for All ***Development*** Except ***Single-Family***	35%
Min. ***Open Space*** for Major Residential ***Subdivisions***	16%

USE AND OTHER DEVELOPMENT STANDARDS

See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = ***dwelling units***; sf = square feet; GFA = ***gross floor area*** in square feet; ft = feet; n/a = not applicable

1. May be increased by up to ten percent on demonstration to the ***Official*** that:
   a. The increase is consistent with the character of ***development*** on surrounding ***land***;
   b. ***Development*** resulting from the increase is consistent with the purpose and intent of the ***building height*** standards;
   c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed ***development***, or (2) results in improved site conditions for a ***development*** with ***nonconforming site features***;
   d. The increase will pose a danger to the public health or safety;
   e. Any adverse impacts directly attributable to the increase are mitigated; and
   f. The increase, when combined with all previous increases allowed under this provision, does not result in a cumulative increase greater than ten percent.

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Sec. 16-3-105. Mixed-Use and Business Districts

A. General Purposes[177]

The mixed-use and business ***base zoning districts*** established in this section are intended to provide a range of business and ***mixed-use development*** opportunities in appropriate locations. More specifically, they are intended to:

1. Provide appropriately located ***lands*** for the full range of business ***uses*** needed by the Town's residents, businesses, and workers, consistent with the goals, objectives, and policies of the ***Comprehensive Plan***;
2. Strengthen the Town's economic base, and provide employment opportunities close to home for residents of the Town and surrounding communities;
3. Create suitable environments for various types of business ***uses***, and protect them from the adverse effects of incompatible ***uses***;
4. Create suitable environments for various types of ***mixed-use development***, where business, office, retail, and residential ***uses*** are designed and integrated in compatible ways; and
5. Minimize the impact of business ***development*** on residential districts and ***uses***, and sensitive natural environments.

MIXED-USE AND BUSINESS DISTRICTS	
DISTRICT NAME	ABBREVIATION
Coligny Resort District	CR
Sea Pines Circle District	SPC
Community Commercial	CC
Main Street District	MS
Waterfront Mixed-Use District	WMU
Stoney District	S
Marshfront District	MF
Mitchelville District	MV
Neighborhood Commercial	NC
Light Commercial District	LC
Resort Development District	RD
Medical District	MED
Light Industrial District	IL
PD-1 Planned Development Mixed-Use District	PD-1

[177] This new section states the general purpose of the Mixed-Use and Business Zoning Districts, and identifies them in a table.

B. Coligny Resort (CR) District[178]

CR
Coligny Resort District

1. Purpose

The purpose of the Coligny Resort (CR) District is to recognize and promote further investment in the area near Coligny Circle as an activity center and a core high-energy and visitor-oriented resort destination that encourages people to live, work, and recreate within the district. The district is intended to accommodate relatively high-intensity commercial, office, residential, and ***mixed-use development*** that is pedestrian-oriented and human-scale. It is also intended to promote ***development*** that integrates civic and public gathering spaces and connects to such places in nearby developments and public places.

2. Allowable Principal Uses

Use Classification/Type		Use-Specific Conditions	Minimum Number of Off-Street Parking Spaces[1179]	
Residential Uses				
Mixed-Use	PC	Sec. 16-4-102.B.1.a	Residential	1.125 per du
			Nonresidential	1 per 650 GFA
Multifamily	P		1 bedroom	1 per du
			2 bedroom	1.25 per du
			3 or more bedrooms	1.5 per du
Public, Civic, Institutional, and Educational Uses				
Community Service Uses	P		1 per 525 GFA	
Education Uses	P		Colleges and High Schools	7.5 per classroom
			Elementary and Junior High/Middle Schools	3 per classroom
			Other ***Education Uses***	See Sec. 16-5-107.D.2

[178] The CR District is one of the new mixed-use activity center districts—one that largely caters to the Island's resort population. It generally takes the place of the current CCW district and is proposed to be expanded to extend towards Cordillo Parkway.

As a mixed-use district, a more general and flexible approach to uses is taken, with allowable uses expanded to include multifamily residential, community service uses, education uses, religious institutions, resort accommodation uses, outdoor commercial recreation uses, and auto rentals.

This district was named the I-MX-Coligny District in earlier module drafts.

[179] The LMO Rewrite Committee recommends that parking requirements be eliminated or reduced to encourage public/private partnerships in constructing parking structures. Eliminating parking requirements provides no incentive because although a private developer may benefit from a public parking structure constructed nearby, the developer has no responsibility to provide parking spaces and thus no incentive to contribute to the cost of constructing the parking structure. A developer required to provide parking may be willing to contribute to construction of a nearby public parking structure, particularly if doing so frees up limited available site area for additional development—an important benefit in areas where redevelopment is to be encouraged (like the Coligny Resort District). Accordingly, parking requirements are provided, but are reduced about 25% from those applicable in the SPC and CC Districts to reflect the mixed-use character of the district (wherein a person may use one parking space to visit multiple destinations). Added is a provision allowing a further 20% reduction of the stated minimums where required parking is located in a parking structure.

Government Uses	P		Fire Stations	3 per bay + 1 per 300 GFA of office space
			Other	1 per 300 GFA of office area
Major Utilities	SE		1 per 2,000 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-107.D.2	
Religious Institutions	P		1 per 4 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Resort Accommodations				
Bed and Breakfasts	PC	Sec. 16-4-102.B.4.a	1 per 1.5 guest rooms	
Hotels	PC	Sec. 16-4-102.B.4.b	1 per 1.5 guest rooms	
Commercial Recreation				
Indoor Commercial Recreation Uses	P		1 per 7 ***persons*** + 1 per 300 GFA of office or similarly used area	
Outdoor Commercial Recreation Uses Other than ***Water Parks***	PC	Sec. 16-4-102.B.5.ab	Miniature Golf Courses	1 per 2.5 tees
			Stadiums	1 per 5 spectator seats
			Other	1 per 4 ***persons*** + 1 per 300 GFA of office or similarly used area
Water Parks	P		See Sec. 16-5-107.D.21	
Office Uses				
Contractor's Offices	PC	Sec. 16-4-102.B.6.a	1 per 450 GFA of office/administrative area	
Other Office Uses	P		1 per 500 GFA	
Commercial Services				
Bicycle Shops	PC	Sec. 16-4-102.B.7.c	1 per 250 GFA	
Convenience Stores	PC	Sec. 16-4-102.B.7.c.ii	1 per 250 GFA	
Eating Establishments	PC	Sec. 16-4-102.B.7.e	1 per 150 sf of ***gross floor area*** and outdoor eating area	
Grocery Stores	P		1 per 250 GFA	
Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 250 GFA	
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h	1 per 100 GFA	
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 250 GFA of sales/display area	
Shopping Centers	PC	Sec. 16-4-102.B.7.j	1 per 500 GFA	
Other Commercial Services	P		See Sec. 16-5-107.D.2	
Vehicle Sales and Services				
Auto Rentals	PC	Sec. 16-4-102.B.8.a	See Sec. 16-5-107.D.2	
Gas Sales	PC	Sec. 16-4-102.B.8.cd		

3. Development Form and Parameters

Modified Adjacent Street and Use Setback Standards[180]	
Adjacent Street Setbacks	Along those segments of North Forest Beach Drive and Pope Avenue within or adjoining the CR District, the minimum adjacent street setback distance shall be reduced to one foot. Building ***facades*** adjacent to a ***lot***'s frontage along these ***street*** segments shall be located between the minimum adjacent street setback and a setback distance of 30 feet from the ***street right-of-way***. [2] The adjacent street setback angles along these ***street*** segments and the adjacent street setback distance and angle standards along other ***street frontages*** shall be as set forth in Sec. 16-5-102.C, Adjacent Street Setback Requirements.
Adjacent Use Setbacks	The adjacent use setback standards set forth in Sec. 16-5-102.D, Adjacent Use Setback Requirements, shall apply only along the perimeter of the CR district.

Max. Density (per *net acre*)[181]	
All ***development***	Undefined, but limited by applicable design and performance standards

Max. Building Height[182]	
All ***development***	60 ft

Lot Coverage	
Max. ***Impervious Cover***	n/a
Min. ***Open Space*** for Major Residential ***Subdivisions***	n/a

Use and Other Development Standards
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = ***dwelling units***; sf = square feet; GFA = ***gross floor area*** in square feet; ft = feet; n/a = not applicable

1. Where all required parking spaces are located within a parking ***structure*** (e.g., parking deck or parking garage), the standards for the minimum number of parking spaces shall be reduced by 20 percent.
2. Plazas, courtyards, and other public ***open space***s may occupy up to 50 percent of the width of the ***lot***'s ***frontage*** along these ***street*** segments provided such spaces extend no more than 80 feet from the ***street right-of-way***.

[180] This provision is intended to encourage greater pedestrian activity by requiring buildings fronting certain street segments to be sited close to the adjoining sidewalk. In accordance with recommendations by the LMO Rewrite Committee, the provision is modified from the earlier Module 2 draft to limit its applicability to specified streets rather than to all streets other than those forming a district boundary. The LMO Rewrite Committee recently requested that the height limit for the CR District be set at 60 feet, but subject to a requirement that building height be stepped back at an angle from a starting height of two stories. This is essentially how the current adjacent street setback standards work. They define a building envelope with a maximum height of 20 feet at the minimum adjacent street setback distance and building height limited to space beneath a plane extending back from the top of the 20-foot height at a specified "setback angle," up to the maximum building height standard. The current adjacent street setback standards are proposed to be carried forward in Sec. 16-5-102 of the UDO. Given that CR District height limits are to be defined as a stepped back angle from a two-story minimum, we suggest that the building setback and height relative to the specified street segments simply rely on the carried forward adjacent street setback standards rather than a "build-to zone," as proposed in earlier drafts. The 20-foot starting height limit is equivalent to the two-story limit requested by the LMO Rewrite Committee. The setback angle ensures a stepped back building height, as requested by the LMO Rewrite Committee. The only modification to the generally applicable adjacent street setback standards is to reduce the setback distance to the one foot requested by the Committee This change thus continues to use the adjacent street setback standards with which Town staff and the development community is familiar, and avoids the need to introduce the new (and possibly confusing) concept of a "build-to zone."

[181] At the request of the LMO Rewrite Committee, the current maximum density caps (6 du/acre for residential, 35 rooms per acre for hotels, and 8,000 sf/acre for other nonresidential uses) are eliminated.

[182] The LMO Rewrite Committee recommends that the district have a height limit of 60 feet, with step back/setback angle requirements for any building over two stories. The proposed minor modifications of the generally applicable adjacent street setback standards would achieve the requested stepped back height limit. See footnote 180 above.

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C. Sea Pines Circle (SPC) District

SPC
Sea Pines Circle District

1. Purpose

The purpose of the Sea Pines Circle (SPC) District is to provide ***lands*** for commercial and ***mixed-use development*** at moderate to relatively high intensities in the area around Sea Pines Circle. District regulations emphasize moderate-scale ***buildings*** and ***shopping centers*** that balance the needs of the driving public and pedestrian activity and circulation among the district's retail, dining, and entertainment activities. The district is also intended to accommodate nighttime activities.

2. Allowable Principal Uses

Use Classification/Type		Use-Specific Conditions	Minimum Number of Off-Street Parking Spaces	
Residential Uses				
Mixed-Use	PC	Sec. 16-4-102.B.1.a	Residential	1.5 per du
			Nonresidential	1 per 500 GFA
Multifamily	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
Public, Civic, Institutional, and Educational Uses				
Community Service Uses	P		1 per 400 GFA	
Education Uses	P		Colleges and High Schools	10 per classroom
			Elementary and Junior High/Middle Schools	4 per classroom
			Other ***Education Uses***	See Sec. 16-5-107.D.2
Government Uses	P		Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-107.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Health Services				
Other Health Services	P		1 per 225 GFA	
Resort Accommodations				
Bed and Breakfasts	PC	Sec. 16-4-102.B.4.a	1 per guest room	
Hotels	P		1 per guest room	
Commercial Recreation				
Indoor Commercial Recreation Uses	P		1 per 3 ***persons*** + 1 per 200 GFA of office or similarly used area	

Office Uses			
Contactor's Offices	PC	Sec. 16-4-102.B.6.a	1 per 350 GFA of office/administrative area
Other Office Uses	P		1 per 350 GFA
Commercial Services			
Adult entertainment use	SE	Sec. 16-4-102.B.7.a	1 per 100 GFA
Animal Services	PC	Sec. 16-4-102.B.7.b	1 per 225 GFA
Bicycle Shops	PC	Sec. 16-4-102.B.7.c	1 per 200 GFA
Convenience Stores	PC	Sec. 16-4-102.B.7.c.ii	1 per 200 GFA
Eating Establishments	P		1 per 100 sf of ***gross floor area*** and outdoor eating area
Grocery Stores	P		1 per 200 GFA
Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 200 GFA
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h	1 per 70 GFA
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 sf of sales/display area
Shopping Centers	PC	Sec. 16-4-102.B.7.j	1 per 335 GFA
Other Commercial Services	P		See Sec. 16-5-107.D.2
Vehicle Sales and Services			
Auto Rentals	PC	Sec. 16-4-102.B.8.a	See Sec. 16-5-107.D.2
Car Washes	P		10 per wash unit for automatic wash + 5 per bay for manual wash
Gas Sales	PC	Sec. 16-4-102.B.8.cd	
Industrial Uses			
Self-Service Storage	PC	Sec. 16-4-102.B.9.c	1 per 15,000 GFA of storage and office area

3. Development Form Standards

MAX. DENSITY (PER *NET ACRE*)		LOT COVERAGE	
Residential	12 du	Max. ***Impervious Cover***	60%
Hotel	35 rooms	Min. ***Open Space*** for Major Residential ***Subdivisions***	16%
Nonresidential	10,000 GFA		
MAX. BUILDING HEIGHT			
All ***Development***	45 ft [1]		

USE AND OTHER DEVELOPMENT STANDARDS

See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = ***dwelling units***; sf = square feet; GFA = ***gross floor area*** in square feet; ft = feet; n/a = not applicable

1. May be increased by up to ten percent on demonstration to the ***Official*** that:
   a. The increase is consistent with the character of ***development*** on surrounding ***land***;
   b. ***Development*** resulting from the increase is consistent with the purpose and intent of the ***building height*** standards;
   c. The increase either (a) is required to compensate for some unusual aspect of the site or the proposed ***development***, or (b) results in improved site conditions for a ***development*** with ***nonconforming site features***;
   d. The increase will pose a danger to the public health or safety;
   e. Any adverse impacts directly attributable to the increase are mitigated; and
   f. The increase, when combined with all previous increases allowed under this provision, does not result in a cumulative increase greater than ten percent.

D. Community Commercial (CC) District

CC Community Commercial District

1. Purpose

The purpose of the Community Commercial (CC) District is to provide ***lands*** for community-scale commercial activity centers that attract people from the island and the mainland. The district is more auto-oriented than some business districts, and provides ***land*** for moderate-sized retail stores. The district also provides opportunities for limited vehicle sales and service ***uses***.

2. Allowable Principal Uses

Use Classification/Type		Use-Specific Conditions	Minimum Number of Off-Street Parking Spaces	
Public, Civic, Institutional, and Educational Uses				
Community Service Uses	P		1 per 400 GFA	
Education Uses	P		Colleges and High Schools	10 per classroom
			Elementary and Junior High/Middle Schools	4 per classroom
			Other ***Education Uses***	See Sec. 16-5-107.D.2
Government Uses	P		Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-107.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Health Services				
Other Health Services	P		1 per 225 GFA	
Office Uses				
Contractor's Offices	PC	Sec. 16-4-102.B.6.a	1 per 350 GFA of office/administrative area	
Other Office Uses	P		1 per 350 GFA	
Commercial Services				
Animal Services	PC	Sec. 16-4-102.B.7.b	1 per 225 GFA	
Bicycle Shops	PC	Sec. 16-4-102.B.7.c	1 per 200 GFA	
Convenience Stores	PC	Sec. 16-4-102.B.7.c.ii	1 per 200 GFA	
Eating Establishments	P		1 per 100 sf of ***gross floor area*** and outdoor eating area	
Grocery Stores	P		1 per 200 GFA	
Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 200 GFA	
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h	1 per 70 GFA	
Shopping Centers	PC	Sec. 16-4-102.B.7.j	1 per 335 GFA	
Other Commercial Services	PC	Sec. 16-4-102.B.7.l	See Sec. 16-5-107.D.2	

Vehicle Sales and Services			
Auto Rentals	P		See Sec. 16-5-107.D.2
Auto Repairs	PC	Sec. 16-4-102.B.8.b	2 per service bay + 1 per 200 GFA of office or waiting area
Auto Sales	P		See Sec. 16-5-107.D.2
Car Washes	P		10 per wash unit for automatic wash + 5 per bay for manual wash
Gas Sales	PC	Sec. 16-4-102.B.8.c8.d	
Taxicab Services	P		1 per 200 GFA of office or waiting area

3. Development Form Standards

Max. Density (per *net acre*)	
Nonresidential	10,000 GFA

Lot Coverage	
Max. ***Impervious Cover***	60%

Max. Building Height	
All ***Development***	45 ft [1]

Use and Other Development Standards

See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = ***dwelling units***; sf = square feet; GFA = ***gross floor area*** in square feet; ft = feet; n/a = not applicable

1. May be increased by up to ten percent on demonstration to the ***Official*** that:
   a. The increase is consistent with the character of ***development*** on surrounding ***land***;
   b. ***Development*** resulting from the increase is consistent with the purpose and intent of the ***building height*** standards;
   c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed ***development***, or (2) results in improved site conditions for a ***development*** with ***nonconforming site features***;
   d. The increase will pose a danger to the public health or safety;
   e. Any adverse impacts directly attributable to the increase are mitigated; and
   f. The increase, when combined with all previous increases allowed under this provision, does not result in a cumulative increase greater than ten percent.

E. Main Street (MS) District

MS
Main Street District

1. Purpose

The purpose of the Main Street (MS) District is to provide ***lands*** for ***shopping center***, other commercial, and ***mixed-use development*** at moderate to relatively high intensities in the Main Street area and the portion of Indigo Run between U.S. Highway 278 and Pembroke Drive. Generally, the district places an emphasis on moderate-scale ***buildings***, quality design, and pedestrian orientation (balanced with some accommodation of auto-oriented ***development***).

2. Allowable Principal Uses

Use Classification/Type		Use-Specific Conditions	Minimum Number of Off-Street Parking Spaces	
Residential Uses				
Mixed-Use	PC	Sec. 16-4-102.B.1.a	Residential	1.5 per du
			Nonresidential	1 per 500 GFA
Multifamily	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
Public, Civic, Institutional, and Educational Uses				
Community Service Uses	P		1 per 400 GFA	
Education Uses	P		Colleges and High Schools	10 per classroom
			Elementary and Junior High Schools	4 per classroom
			Other ***Education Uses***	See Sec. 16-5-107.D.2
Government Uses	P		Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-107.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Health Services				
Other Health Services	P		1 per 225 GFA	
Resort Accommodations				
Bed and Breakfasts	PC	Sec. 16-4-102.B.4.a	1 per guest room	
Hotels	P		1 per guest room	
Commercial Recreation				
Indoor Commercial Recreation Uses	P		1 per 3 ***persons*** + 1 per 200 GFA of office or similarly used area	
Office Uses				
Contractor's Offices	PC	Sec. 16-4-102.B.6.a	1 per 350 GFA of office/administrative area	
Other Office Uses	P		1 per 350 GFA	

Commercial Services			
Bicycle Shops	PC	Sec. 16-4-102.B.7.c	1 per 200 GFA
Eating Establishments	PC	Sec. 16-4-102.B.7.e	1 per 100 sf of ***gross floor area*** and outdoor eating area
Grocery Stores	P		1 per 200 GFA
Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 200 GFA
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 sf of sales/display area
Shopping Centers	PC	Sec. 16-4-102.B.7.j	1 per 335 GFA
Other Commercial Services	P		See Sec. 16-5-107.D.2

3. Development Form Standards

Max. Density (per *net acre*)	
Residential	12 du
Hotel	35 rooms
Nonresidential	9,000 GFA

Max. Building Height	
All ***Development***	45 ft [1]

Lot Coverage	
Max. ***Impervious Cover***	60%
Min. ***Open Space*** for Major Residential ***Subdivisions***	16%

Use and Other Development Standards

See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = ***dwelling units***; sf = square feet; GFA = ***gross floor area*** in square feet; ft = feet; n/a = not applicable

1. May be increased by up to ten percent on demonstration to the ***Official*** that:
   a. The increase is consistent with the character of ***development*** on surrounding ***land***;
   b. ***Development*** resulting from the increase is consistent with the purpose and intent of the ***building height*** standards;
   c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed ***development***, or (2) results in improved site conditions for a ***development*** with ***nonconforming site features***;
   d. The increase will pose a danger to the public health or safety;
   e. Any adverse impacts directly attributable to the increase are mitigated; and
   f. The increase, when combined with all previous increases allowed under this provision, does not result in a cumulative increase greater than ten percent.

F. Waterfront Mixed-Use (WMU) District[183]

WMU
Waterfront Mixed-Use

1. Purpose

It is the purpose of the Waterfront Mixed-Use (WMU) District to recognize certain ***lands*** that are special water-oriented ***sites***, and as such have a unique ability to provide an environment conducive to water-oriented commercial and residential ***development***. In order to service the residents of these ***lands***, and to serve the transient boat and minor tourist ***use*** component of the district, water-oriented commercial ***uses*** are permitted.

2. Allowable Principal Uses

Use Classification/Type		Use-Specific Conditions	Minimum Number of Off-Street Parking Spaces	
Residential Uses				
Mixed-Use	PC	Sec. 16-4-102.B.1.a	Residential	1.5 per du
			Nonresidential	1 per 500sf
Multifamily	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
Cemeteries	P		1 per 225 GFA of office area + 1 per 500 GFA of ***maintenance*** facilities	
Community Service Uses	P		1 per 400 GFA	
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-107.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Resort Accommodations				
Bed and Breakfasts	PC	Sec. 16-4-102.B.4.a	1 per guest room	
Hotels	P		1 per guest room	
Commercial Recreation				
Indoor Commercial Recreation Uses	P		1 per 3 ***persons*** + 1 per 200 GFA of office or similarly used area	
Outdoor Commercial Recreation Uses Other than ***Water Parks***	PC	Sec. 16-4-102.B.5.ab	Golf Courses, Miniature Golf Courses, or Driving Ranges	1 per tee
			Stadiums	1 per 4 spectator seats

[183] The WMU District carries forward the current Waterfront Mixed-Use District in the current LMO. The district continues to allow a wide range of uses.

			Other	1 per 3 ***persons*** + 1 per 200 GFA of office or similarly used area
Water Parks	P		See Sec. 16-5-107.D.2	
Office Uses				
Contractor's Offices	PC	Sec. 16-4-102.B.6.a	1 per 350 GFA of office/administrative area	
Other Office Uses	P		1 per 350 GFA	
Commercial Services				
Bicycle Shops	PC	Sec. 16-4-102.B.7.c	1 per 200 GFA	
Convenience Stores	PC	Sec. 16-4-102.B.7.d	1 per 200 GFA	
Eating Establishments	PC	Sec. 16-4-102.B.7.e	1 per 100 sf of ***gross floor area*** and outdoor eating area	
Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 200 GFA	
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h	1 per 70 GFA	
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 sf of sales/display area	
Other Commercial Services	P		See Sec. 16-5-107.D.2	
Vehicle Sales and Services				
Auto Rentals	PC	Sec. 16-4-102.B.8.a	See Sec. 16-5-107.D.2	
Watercraft Sales, Rentals, or Services	PC	Sec. 16-4-102.B.8.e	1 per 200 GFA	
Industrial Uses				
Seafood Processing	PC	Sec. 16-4-102.B.9.b	1 per 1,300 GFA of indoor storage or manufacturing area + 1 per 350 GFA of office or administrative area	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a
Boat Ramps, ***Docking Facilities***, and ***Marinas***	P		1 per 200 GFA of enclosed floor space not used for storage + 1 per 3 wet slips + 1 per 5 dry storage slips	

3. Development Form Standards

MAX. DENSITY (PER *NET ACRE*) [1]	
Residential	16 du
Hotel	35 rooms
Nonresidential	8,000 GFA

MAX. BUILDING HEIGHT [2]	
All ***Development***	75 ft

LOT COVERAGE	
Max. ***Impervious Cover***	50%
Min. ***Open Space*** for Major Residential ***Subdivisions***	16%

USE AND OTHER DEVELOPMENT STANDARDS
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

TABLE NOTES:
P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = ***dwelling units***; sf = square feet; GFA = ***gross floor area*** in square feet; ft = feet; n/a = not applicable

1. For purposes of calculating new ***density***, only 25% of total square footage devoted to boat dry storage facilities shall be counted.

2. Where a ***parcel*** in the WMU District adjoins a zoning district with a ***height*** limit lower than that in the WMU District, no part of a ***building*** on the WMU-zoned ***parcel*** shall exceed a ***height*** equal to the ***height*** limit in the adjoining district plus 1 foot, or major fraction thereof, for each foot of horizontal distance from the adjoining district.[184]

[184] In accordance with the Response to LMO Rewrite Committee Comments on the code Assessment, this provision establishes a stepped back height limit from any adjoining districts with a lower height limit.

G. Stoney (S) District[185]

S
Stoney District

1. Purpose

It is the purpose of the Stoney (S) District to encourage cooperation between ***property owners*** in the ***development*** of their properties, to provide for connectivity between their properties, and to create an atmosphere that is more pedestrian friendly than traditional commercial ***development***. ***Uses*** permitted in this district allow for a mix of ***multifamily*** residential, commercial, and office ***uses***. ***Development*** should utilize vehicular ***access*** other than U.S. Highway 278 whenever possible, and should take advantage of the views across the tidal creeks in the area.

2. Allowable Principal Uses

Use Classification/Type		Use-Specific Conditions	Minimum Number of Off-Street Parking Spaces	
Residential Uses				
Multifamily	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
Community Service Uses	P		1 per 400 GFA	
Government Uses	P		Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-107.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Resort Accommodations				
Bed and Breakfasts	PC	Sec. 16-4-102.B.4.a	1 per guest room	
Hotels	PC	Sec. 16-4-102.B.4.b	1 per guest room	
Commercial Recreation				
Indoor Commercial Recreation Uses	PC		1 per 3 ***persons*** + 1 per 200 GFA of office or similarly used areas	
Office Uses				
Contractor's Offices	PC	Sec. 16-4-102.B.6.a	1 per 350 GFA of office/administrative area	

[185] As discussed in the Response to LMO Rewrite Committee Comments on Code Assessment, the SMU District is carried forward with generally the same range of allowable uses (single-family, multifamily, religious institutions, eating establishments, offices, bed and breakfasts, retail and service uses (including shopping centers)), plus gas sales. At the request of the LMO Rewrite Committee, this range has been expanded to include hotels, bicycle shops, nightclubs/bars, car washes, taxicab services, and watercraft sales, rentals, and services. Density and other standards are generally carried forward, modified only to apply the 45-foot height limit to nonresidential as well as residential development.

Other Office Uses	P		1 per 350 GFA	
Commercial Services				
Animal Services	PC	Sec. 16-4-102.B.7.b	1 per 225 GFA	
Bicycle Shops	PC	Sec. 16-4-102.B.7.c	1 per 200 GFA	
Convenience Stores	PC	Sec. 16-4-102.B.7.c.iid	1 per 200 GFA	
Eating Establishments	PC	Sec. 16-4-102.B.7.e	1 per 100 sf of ***gross floor area*** and outdoor eating area	
Grocery Stores	P		1 per 200 GFA	
Landscape Businesses	PC	Sec. 16-1-101.A.1.af	1 per 200 GFA	
Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 200 GFA	
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h	1 per 70 GFA	
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 sf of sales/display area	
Shopping Centers	PC	Sec. 16-4-102.B.7.j	1 per 335 GFA	
Other Commercial Services	P		See Sec. 16-5-107.D.2	
Vehicle Sales and Services				
Car Washes	PC		10 per wash unit for automatic wash + 5 per bay for manual wash	
Gas Sales	PC	Sec. 16-4-102.B.8.cd		
Taxicab Services	P		1 per 200 GFA of office or waiting area	
Watercraft Sales, Rentals, or Services	P		1 per 200 GFA	
Industrial Uses				
Seafood Processing	PC	Sec. 16-4-102.B.9.b	1 per 1,300 GFA of indoor storage or manufacturing area + 1 per 350 GFA of office or administrative area	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a

3. Development Form and Parameters

Modified Adjacent Street and Use Setback Standards

Adjacent Street Setback	Except along major or minor arterials, the adjacent street setback distance established in Sec. 16-5-102.C, Adjacent Street Setback Requirements, may be reduced by up to 30 percent, provided the ***applicant*** demonstrates there is no other feasible or practicable alternative that will accommodate a permitted ***use*** on the site in compliance with all other requirements of the LMO and the required adjacent street buffer can be provided.[186]
Adjacent Use Setback	The adjacent use setback distance established in Sec. 16-5-102.D, Adjacent Use Setback Requirements, may be reduced to ten feet where a public park adjoins another public park, or where a nonresidential ***use*** other than an industrial ***use*** adjoins another nonresidential ***use*** other than an industrial ***use***.[187]

Max. Density (per *net acre*)

Residential	10 du
Bed and Breakfast	10 rooms
Hotel	35 rooms
Nonresidential	7,000 GFA

Max. Building Height

All ***Development***	45 ft[1]

Lot Coverage

Max. ***Impervious Cover***	50%
Min. ***Open Space*** for Major Residential ***Subdivisions***	16%

Use and Other Development Standards

See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

[186] This is a new provision discussed and suggested in the Response to LMO Rewrite Committee Comments (p. 31) to allow property owner more flexibility to develop small or oddly shaped parcels in the SMU District.

[187] This carries forward Sec. 16-5-402 A of the current LMO.

TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = ***dwelling units***; sf = square feet; GFA = ***gross floor area*** in square feet; ft = feet; n/a = not applicable

1. May be increased by up to ten percent on demonstration to the ***Official*** that:
   a. The increase is consistent with the character of ***development*** on surrounding ***land***;
   b. ***Development*** resulting from the increase is consistent with the purpose and intent of the ***building height*** standards;
   c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed ***development***, or (2) results in improved site conditions for a ***development*** with ***nonconforming site features***;
   d. The increase will pose a danger to the public health or safety;
   e. Any adverse impacts directly attributable to the increase are mitigated; and
   f. The increase, when combined with all previous increases allowed under this provision, does not result in a cumulative increase greater than ten percent.

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H. Marshfront (MF) District

MF
Marshfront District

1. Purpose

The purpose of the Marshfront (MF) District is to provide for a mix of ***uses*** such a residential, institutional, and commercial ***uses*** at a scale suitable for the district. The district is intended to be a service area for the occupants of the Resort Development (RD) District located in the vicinity of Folly field Road. ***Development*** should take advantage of the views of Broad Creek. Permitted ***uses*** in the district are intended to complement this area and its relationship to the headwaters of Broad Creek, where environmental, aesthetic, or traffic concerns are significant.

2. Allowable Principal Uses

Use Classification/Type		Use-Specific Conditions	Minimum Number of Off-Street Parking Spaces	
Residential Uses				
Mixed-Use	PC	Sec. 16-4-102.B.1.a	Residential	1.5 per du
			Nonresidential	1 per 500 GFA
Multifamily	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
Community Service Uses	P		1 per 400 GFA	
Government Uses	P		Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-107.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Resort Accommodations				
Bed and Breakfasts	PC	Sec. 16-4-102.B.4.a	1 per guest room	
Commercial Recreation				
Indoor Commercial Recreation Uses	P		1 per 3 ***persons*** + 1 per 200 GFA of office or similarly used area	
Office Uses				
Contractor's Offices	PC	Sec. 16-4-102.B.6.a	1 per 350 GFA of office/administrative area	
Other Office Uses	P		1 per 350 GFA	
Commercial Services				
Bicycle Shops	PC	Sec. 16-4-102.B.7.c	1 per 200 GFA	
Convenience Stores	PC	Sec. 16-4-102.B.7.c.ii	1 per 200 GFA	

Eating Establishments	PC	Sec. 16-4-102.B.7.e	1 per 100 sf of ***gross floor area*** and outdoor eating area	
Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 200 GFA	
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h	1 per 70 GFA	
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 sf of sales/display area	
Shopping Centers	PC	Sec. 16-4-102.B.7.j	1 per 335 GFA	
Other Commercial Services	P		See Sec. 16-5-107.D.2	
Vehicle Sales and Services				
Auto Rentals	P		See Sec. 16-5-107.D.2	
Car Washes	P		10 per wash unit for automatic wash + 5 per bay for manual wash	
Gas Sales	PC	Sec. 16-4-102.B.8.cd		
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a

3. Development Form Standards

MAX. DENSITY (PER *NET ACRE*)		
Residential	Along major arterials	4 du (8 du if ***lot*** area is at least 3 acres)
	Along other ***streets***	6 du (10 du if ***lot*** area is at least 3 acres)
Nonresidential		7,000 GFA

MAX. BUILDING HEIGHT	
All ***Development***	45 ft [1]

LOT COVERAGE	
Max. ***Impervious Cover***	60%
Min. ***Open Space*** for Major Residential ***Subdivisions***	16%

USE AND OTHER DEVELOPMENT STANDARDS

See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = ***dwelling units***; sf = square feet; GFA = ***gross floor area*** in square feet; ft = feet; n/a = not applicable

1. May be increased by up to ten percent on demonstration to the ***Official*** that:
   a. The increase is consistent with the character of ***development*** on surrounding ***land***;
   b. ***Development*** resulting from the increase is consistent with the purpose and intent of the ***building height*** standards;
   c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed ***development***, or (2) results in improved site conditions for a ***development*** with ***nonconforming site features***;
   d. The increase will pose a danger to the public health or safety;
   e. Any adverse impacts directly attributable to the increase are mitigated; and
   f. The increase, when combined with all previous increases allowed under this provision, does not result in a cumulative increase greater than ten percent.

I. Mitchelville (MV) District

MV
Mitchelville District

1. Purpose

The purpose of the Mitchelville (MV) District is to recognize the historical and cultural significance of this area of the Island. A variety of ***uses*** are permitted in an effort to facilitate ***development*** in this area. These ***sites*** have a unique ability to provide an environment conducive to water-oriented commercial and residential ***development***.

2. Allowable Principal Uses

Use Classification/Type		Use-Specific Conditions	Minimum Number of Off-Street Parking Spaces	
Residential Uses				
Mixed-Use	PC	Sec. 16-4-102.B.1.a	Residential	1.5 per du
			Nonresidential	1 per 500 GFA
Multifamily	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
Cemeteries	P		1 per 225 GFA of office area + 1 per 500 GFA of ***maintenance*** facilities	
Community Service Uses	P		1 per 400 GFA	
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-107.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Resort Accommodations				
Bed and Breakfasts	PC	Sec. 16-4-102.B.4.a	1 per guest room	
Hotels	P		1 per guest room	
Commercial Recreation				
Indoor Commercial Recreation Uses	P		1 per 3 ***persons*** + 1 per 200 GFA of office or similarly used area	
Outdoor Commercial Recreation Uses Other than ***Water Parks***	PC	Sec. 16-4-102.B.5.ab	Golf Courses, Miniature Golf Courses, or Driving Ranges	1 per tee
			Stadiums	1 per 4 spectator seats
			Other	1 per 3 ***persons*** + 1 per 200 GFA of office or similarly used area
Water Parks	P		See Sec. 16-5-107.D.2	
Office Uses				

Contractor's Office	PC	Sec. 16-4-102.B.6.a	1 per 350 GFA of office/administrative area	
Other Office Uses	P		1 per 350 GFA	
Commercial Services				
Bicycle Shops	PC	Sec. 16-4-102.B.7.c	1 per 200 GFA	
Convenience Stores	PC	Sec. 16-4-102.B.7.c.ii	1 per 200 GFA	
Eating Establishments	PC	Sec. 16-4-102.B.7.e	1 per 100 sf of ***gross floor area*** and outdoor eating area	
Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 200 GFA	
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h	1 per 70 GFA	
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 sf of sales/display area	
Other Commercial Services	P		See Sec. 16-5-107.D.2	
Vehicle Sales and Services				
Auto Rentals	PC	Sec. 16-4-102.B.8.a	See Sec. 16-5-107.D.2	
Watercraft Sales, Rentals, or Services	PC	Sec. 16-4-102.B.8.e	1 per 200 GFA	
Industrial Uses				
Seafood Processing	PC	Sec, 16-4-102.B.9.b	1 per 1,300 GFA of indoor storage or manufacturing area + 1 per 350 GFA of office or administrative area	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a
Boat Ramps, ***Docking Facilities***, and ***Marinas***	P		1 per 200 GFA of enclosed floor space not used for storage + 1 per 3 wet slips + 1 per 5 dry storage slips	

3. Development Form Standards

MAX. DENSITY (PER *NET ACRE*)		LOT COVERAGE	
Residential	12 du	Max. ***Impervious Cover***	35%
Hotel	35 rooms	Min. ***Open Space*** for Major Residential ***Subdivisions***	16%
Nonresidential	8,000 GFA		

MAX. BUILDING HEIGHT	
All ***Development***	75 ft

USE AND OTHER DEVELOPMENT STANDARDS
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

TABLE NOTES:
P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = ***dwelling units***; sf = square feet; GFA = ***gross floor area*** in square feet; ft = feet; n/a = not applicable

J. Neighborhood Commercial (NC)

NC Neighborhood Commercial District

1. Purpose

The purpose of the Neighborhood Commercial (NC) District is to allow clusters of retail businesses and services that serve the daily needs of nearby residential areas.

2. Allowable Principal Uses

Use Classification/Type		Use-Specific Conditions	Minimum Number of Off-Street Parking Spaces	
Residential Uses				
Mixed-Use	PC	Sec. 16-4-102.B.1.a	Residential	1.5 per du
			Nonresidential	1 per 500 GFA
Multifamily	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
Cemeteries	P		1 per 225 GFA of office area + 1 per 500 GFA of ***maintenance*** facilities	
Community Service Uses	P		1 per 400 GFA	
Government Uses	P		Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-107.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Health Services				
Other Health Services	P		1 per 225 GFA	
Office Uses				
Contractor's Office	PC	Sec. 16-4-102.B.6.a	1 per 350 GFA of office/administrative area	
Other Office Uses	P		1 per 350 GFA	
Commercial Services				
Convenience Stores	PC	Sec. 16-4-102.B.7.c.ii	1 per 200 GFA	
Eating Establishments	PC	Sec. 16-4-102.B.7.e	1 per 100 sf of ***gross floor area*** and outdoor eating area	
Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 200 GFA	
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 sf of sales/display area	
Other Commercial Services	P		See Sec. 16-5-107.D.2	
Vehicle Sales and Services				
Gas Sales	PC	Sec. 16-4-102.B.8.cD		

Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a

3. Development Form Standards

Max. Density (per *net acre*)	
Residential	4 du
Nonresidential	3,000 GFA

Max. Building Height	
All ***Development***	35 ft [1]

Lot Coverage	
Max. ***Impervious Cover***	45%
Min. ***Open Space*** for Major Residential ***Subdivisions***	16%

Use and Other Development Standards

See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = ***dwelling units***; sf = square feet; GFA = ***gross floor area*** in square feet; ft = feet; n/a = not applicable

1. May be increased by up to ten percent on demonstration to the ***Official*** that:
   a. The increase is consistent with the character of ***development*** on surrounding ***land***;
   b. ***Development*** resulting from the increase is consistent with the purpose and intent of the ***building height*** standards;
   c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed ***development***, or (2) results in improved site conditions for a ***development*** with ***nonconforming site features***;
   d. The increase will pose a danger to the public health or safety;
   e. Any adverse impacts directly attributable to the increase are mitigated; and
   f. The increase, when combined with all previous increases allowed under this provision, does not result in a cumulative increase greater than ten percent.

K. Light Commercial (LC) District

LC
Light Commercial District

1. Purpose

The purpose of the Light Commercial (LC) District is to provide ***lands*** for light commercial ***uses*** such as offices, banks, restaurants, and lower intensity retail sales and services ***uses***. Permitted ***uses*** are generally auto-oriented and easily accessed.

2. Allowable Principal Uses

Use Classification/Type		Use-Specific Conditions	Minimum Number of Off-Street Parking Spaces	
Residential Uses				
Group Living	P		1 per 3 rooms	
Mixed-Use	PC	Sec. 16-4-102.B.1.ab	Residential	1.5 per du
			Nonresidential	1 per 500 GFA
Multifamily	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
Recreational Vehicle (RV) Park	P		1 per 300 GFA of office and clubhouse	
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
Community Service Uses	P		1 per 400 GFA	
Education Uses	P		Colleges and High Schools	10 per classroom
			Elementary and Junior High/Middle Schools	4 per classroom
			Other ***Education Uses***	See Sec. 16-5-107.D.2
Government Uses	P		Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-107.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Health Services				
Other Health Services	P		1 per 225 GFA	
Resort Accommodations				
Hotels	P		1 per guest room	
Commercial Recreation				
Indoor Commercial Recreation Uses	P		1 per 3 ***persons*** + 1 per 200 GFA of office or similarly used area	

Outdoor Commercial Recreation Uses Other than ***Water Parks***	PC	Sec. 16-4-102.B.5.a	Golf Courses, Miniature Golf Courses, or Driving Ranges	1 per tee
			Stadiums	1 per 4 spectator seats
			Other	1 per 3 ***persons*** max. occupancy + 1 per 200 GFA of office or similarly used area
Office Uses				
Contractor's Office	PC	Sec. 16-4-102.B.6.a	1 per 350 GFA of office/administrative area	
Other Office Uses	P		1 per 350 GFA	
Commercial Services				
Animal Services	PC	Sec. 16-4-102.B.7.b	1 per 225 GFA	
Bicycle Shops	PC	Sec. 16-4-102.B.7.c	1 per 200 GFA	
Convenience Stores	PC	Sec. 16-4-102.B.7.c.ii	1 per 200 GFA	
Eating Establishments	P		1 per 100 sf of ***gross floor area*** and outdoor eating area	
Grocery Stores	P		1 per 200 GFA	
Landscape Businesses	PC	Sec. 16-4-102.B.7.f	1 per 200 GFA	
Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 200 GFA	
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h	1 per 70 GFA	
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 sf of sales/display area	
Shopping Centers	PC	Sec. 16-4-102.B.7.j	1 per 335 GFA	
Tattoo Facilities	PC	Sec. 16-4-102.B.7.k	1 per 200 GFA	
Other Commercial Services	P		See Sec. 16-5-107.D.2	
Vehicle Sales and Services				
Auto Rentals	P		See Sec. 16-5-107.D.2	
Auto Repairs	PC	Sec. 16-4-102.B.8.b	2 per service bay + 1 per 200 GFA of office and waiting area	
Auto Sales	P		See Sec. 16-5-107.D.2	
Car Washes	P		10 per wash unit for automatic wash + 5 per bay for manual wash	
Gas Sales	PC	Sec. 16-4-102.B.8.cD		
Taxicab Services	P		1 per 200 GFA of office or waiting area	
Watercraft Sales, Rentals, or Services	PC	Sec. 16-4-102.B.8.e	1 per 200 GFA	
Industrial Uses				
Light Industrial, Manufacturing, and Warehouse Uses	PC	Sec. 16-4-102.B.9.a	1 per 1,300 GFA of indoor storage or manufacturing area + 1 per 350 GFA of office and administrative area	
Self-Service Storage	PC	Sec. 16-4-102.B.9.c	1 per 15,000 GFA of storage and office area	
Waste Treatment Plants	SE		See Sec. 16-5-107.D.2	
Wholesale Sales	PC	Sec. 16-4-102.B.9.d	1 per 1,000 GFA	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a

3. Development Form Standards

MAX. DENSITY (PER *NET ACRE*)	
Residential	4 du
Hotel	35 rooms
Nonresidential [1]	10,000 GFA

LOT COVERAGE	
Max. ***Impervious Cover***	60%
Min. ***Open Space*** for Major Residential ***Subdivisions***	16%

MAX. BUILDING HEIGHT	
All ***Development***	45 ft [2]

USE AND OTHER DEVELOPMENT STANDARDS
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = ***dwelling units***; sf = square feet; GFA = ***gross floor area*** in square feet; ft = feet; n/a = not applicable

1. The ***gross floor area*** per ***building*** shall be 20,000 square feet for ***buildings*** devoted to ***Commercial Services*** or ***Industrial Uses***.
2. May be increased by up to ten percent on demonstration to the ***Official*** that:
   a. The increase is consistent with the character of ***development*** on surrounding ***land***;
   b. ***Development*** resulting from the increase is consistent with the purpose and intent of the ***building height*** standards;
   c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed ***development***, or (2) results in improved site conditions for a ***development*** with ***nonconforming site features***;
   d. The increase will pose a danger to the public health or safety;
   e. Any adverse impacts directly attributable to the increase are mitigated; and
   f. The increase, when combined with all previous increases allowed under this provision, does not result in a cumulative increase greater than ten percent.

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L. Resort Development (RD) District[188]

RD
Resort Development District

1. Purpose

It is the purpose of the Resort Development (RD) District to provide for resort ***development*** in the form of ***multifamily development***, ***bed and breakfasts***, and resort ***hotels***. It is also the purpose of this district to provide for commercial ***development*** aimed at serving the island visitor.

2. Allowable Principal Uses

Use Classification/Type		Use-Specific Conditions	Minimum Number of Off-Street Parking Spaces	
Residential Uses				
Mixed-Use	PC	Sec. 16-4-102.B.1.a	Residential	1.5 per du
			Nonresidential	1 per 500 GFA
Multifamily	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
Community Service Uses	P		1 per 400 GFA	
Government Uses	P		Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-107.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Resort Accommodations				
Bed and Breakfasts	PC	Sec. 16-4-102.B.4.a	1 per guest room	
Hotels	P		1 per guest room	
Commercial Recreation				
Indoor Commercial Recreation Uses	P		1 per 3 ***persons*** + 1 per 200 GFA of office or similarly used area	
Outdoor Commercial Recreation Uses Other than ***Water Parks***	PC	Sec. 16-4-102.B.5.ab	Golf Courses, Miniature Golf Courses, or Driving Ranges	1 per tee

[188] The current RD Resort Development District is carried forward, but with district standards modified to add the flexibility needed to encourage redevelopment, yet maintain island character (as defined in the Design Guide). The district continues to allow a wide range of uses (single-family, multifamily, group living, mixed-use, government facilities, religious institutions, eating establishments, offices, commercial recreation uses, resort accommodations, other retail sales and service uses, and auto rentals. At the request of Town staff and the LMO Rewrite Committee, density standards are significantly increased for residential uses (from 8 du/ac) and accommodation uses (from 20 rooms/acre). The Response to LMO Rewrite committee Comments on the Code Assessment recommended **application** of transitional height standards within 600 feet of the edge of the district. At the request of Town staff and the LMO Rewrite Committee, such provisions are replaced with one imposing a lower height limit landward of South Forest Beach Drive.

			Stadiums	1 per 4 spectator seats
			Other	1 per 3 ***persons*** + 1 per 200 GFA of office or similarly used area
Water Parks	P		See Sec. 16-5-107.D.2	
Office Uses				
Contractor's Office	PC	Sec. 16-4-102.B.6.a	1 per 350 GFA of office/administrative area	
Other Office Uses	P		1 per 350 GFA	
Commercial Services				
Bicycle Shops	PC	Sec. 16-4-102.B.7.c	1 per 200 GFA	
Eating Establishments	PC	Sec. 16-4-102.B.7.e	1 per 100 sf of ***gross floor area*** and outdoor eating area	
Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 200 GFA	
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h	1 per 70 GFA	
Open Air Sales	P		1 per 200 GFA of sales/display area	
Other Commercial Services	P		See Sec. 16-5-107.D.2	
Vehicle Sales and Services				
Auto Rentals	PC	Sec. 16-4-102.B.8.a	See Sec. 16-5-107.D.2	

3. Development Form and Parameters

MAX. DENSITY (PER *NET ACRE*)	
Residential	16 du
Hotel	35 rooms
Nonresidential	8,000 GFA

MAX. BUILDING HEIGHT	
Development on property landward of South Forest Beach Drive	60 ft
All Other ***Development***	75 ft

LOT COVERAGE	
Max. ***Impervious Cover***	50%
Min. ***Open Space*** for Major Residential ***Subdivisions***	16%

USE AND OTHER DEVELOPMENT STANDARDS
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

TABLE NOTES:
P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = ***dwelling units***; sf = square feet; GFA = ***gross floor area*** in square feet; ft = feet; n/a = not applicable

M. Medical (MED) District

MED
Medical District

1. Purpose

The purpose of the Medical (MED) District is to provide ***lands*** for ***development*** directly related to the provision of medical services—including ***hospitals***, medical clinics and doctors' offices, ***nursing homes***, and other health services.

2. Allowable Principal Uses

Use Classification/Type		Use-Specific Conditions	Minimum Number of Off-Street Parking Spaces	
Public, Civic, Institutional, and Educational Uses				
Community Service Uses	P		1 per 400 GFA	
Education Uses	P		Colleges and High Schools	10 per classroom
			Elementary and Junior High Schools	4 per classroom
			Other ***Education Uses***	See Sec. 16-5-107.D.2
Government Uses	P		Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-107.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Health Services				
Hospitals	P		2 per bed + 1 per 200 GFA of office area	
Nursing Homes	P		1 per 3 beds	
Other Health Services	P		1 per 225 GFA	
Office Uses				
Other Office Uses	P		1 per 350 GFA	
Commercial Services				
Other Commercial Services	P		See Sec. 16-5-107.D.2	

3. Development Form Standards

Max. Density (per *net acre*)	
Nonresidential	10,000 GFA

Lot Coverage	
Max. ***Impervious Cover***	60%

Max. Building Height	
All ***Development***	45 ft [1]

Use and Other Development Standards

See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = ***dwelling units***; sf = square feet; GFA = ***gross floor area*** in square feet; ft = feet; n/a = not applicable

1. May be increased by up to ten percent on demonstration to the ***Official*** that:
   a. The increase is consistent with the character of ***development*** on surrounding ***land***;
   b. ***Development*** resulting from the increase is consistent with the purpose and intent of the ***building height*** standards;
   c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed ***development***, or (2) results in improved site conditions for a ***development*** with ***nonconforming site features***;
   d. The increase will pose a danger to the public health or safety;
   e. Any adverse impacts directly attributable to the increase are mitigated; and
   f. The increase, when combined with all previous increases allowed under this provision, does not result in a cumulative increase greater than ten percent.

N. Light Industrial (IL) District[189]

IL
Light Industrial District

1. Purpose

The purpose of the Light Industrial (IL) District is to provide for light industrial and service-related ***land uses*** with large ***buildings*** or ***outdoor storage*** requirements.

2. Allowable Principal Uses

Use Classification/Type		Use-Specific Conditions	Minimum Number of Off-Street Parking Spaces	
Public, Civic, Institutional, and Educational Uses				
Aviation and Surface Transportation Uses	PC	Sec. 16-4-102.B.2.a	See Sec. 16-5-107.D.2	
Aviation Services Uses	PC	Sec. 16-4-102.B.2.b	1 per 225 GFA of office area + 1 per 500 GFA of ***maintenance*** facilities	
Community Service Uses	PC	Sec. 16-4-102.B.2.c	1 per 400 GFA	
Government Uses	P		Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	P		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Office Uses				
Contractor's Office	P		1 per 350 GFA of office/administrative area	
Other Office Uses	P		1 per 350 GFA	
Commercial Services				
Animal Services	PC	Sec. 16-4-102.B.7.b	1 per 225 GFA	
Convenience Stores	PC	Sec. 16-4-102.B.7.c.ii	1 per 200 GFA	
Eating Establishments	PC	Sec. 16-4-102.B.7.e	1 per 100 sf of ***gross floor area*** and outdoor eating area	
Landscape Businesses	P		1 per 200 GFA	
Other Commercial Services	P		See Sec. 16-5-107.D.2	
Vehicle Sales and Services				
Auto Rentals	P		See Sec. 16-5-107.D.2	
Auto Repairs	PC	Sec. 16-4-102.B.8.b	2 per service bay + 1 per 200 GFA of office or waiting area	
Auto Sales	P		See Sec. 16-5-107.D.2	
Car Washes	P		10 per wash unit for automatic wash + 5 per bay for manual wash	

[189] As discussed in the Response to LMO Rewrite Committee Comments on Code Assessment, the IL Light Industrial District carries forward the current IL Light Industrial/Commercial Distribution District with generally the same allowable uses (community services, government facilities, religious institutions, eating establishments, landscape businesses, watercraft sales, rental, or services, vehicle sales and services, light industrial services, manufacturing, warehouse, and wholesale sales).

Gas Sales	PC	Sec. 16-4-102.B.8.cd	
Taxicab Services	P		1 per 200 GFA of office or waiting area
Towing Services or ***Truck and Trailer Rentals***	P		1 per 200 GFA of office or waiting area
Watercraft Sales, Rentals, or Services	P		1 per 200 GFA
Industrial Uses			
Light Industrial, Manufacturing, and Warehouse Uses	P		1 per 1,300 GFA of indoor storage or manufacturing area + 1 per 350 GFA of office or administrative area
Self-Service Storage	PC	Sec. 16-4-102.B.9.c	1 per 15,000 GFA of storage and office area
Waste-Related Uses Other than ***Waste Treatment Plants***	P		1 per 2,500 GFA
Wholesale Sales	PC	Sec. 16-4-102.B.9.d	1 per 1,000 GFA

3. Development Form and Parameters

MODIFIED ADJACENT STREET SETBACK STANDARDS	
Adjacent Street Setback	Except along major or minor arterials, the adjacent street setback distance established in Sec. 16-5-102.C, Adjacent Street Setback Requirements, may be reduced by up to 20 percent, provided the ***applicant*** demonstrates there is no other feasible or practical alternative that will accommodate a permitted ***use*** on the site in compliance with all other requirements of the LMO and the required adjacent street buffer can be provided.[190]

MAX. DENSITY (PER *NET ACRE*)	
Nonresidential ***Development***	10,000 GFA

LOT COVERAGE	
Max. ***Impervious Cover***	65%

MAX. BUILDING HEIGHT	
All ***Development***	35 ft [1]

USE AND OTHER DEVELOPMENT STANDARDS

See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = ***dwelling units***; sf = square feet; GFA = ***gross floor area*** in square feet; ft = feet; n/a = not applicable

1. May be increased by up to ten percent on demonstration to the ***Official*** that:
   a. The increase is consistent with the character of ***development*** on surrounding ***land***;
   b. ***Development*** resulting from the increase is consistent with the purpose and intent of the ***building height*** standards;
   c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed ***development***, or (2) results in improved site conditions for a ***development*** with ***nonconforming site features***;
   d. The increase will pose a danger to the public health or safety;
   e. Any adverse impacts directly attributable to the increase are mitigated; and
   f. The increase, when combined with all previous increases allowed under this provision, does not result in a cumulative increase greater than ten percent.

[190] This is a new provision discussed and suggested in the Response to LMO Rewrite Committee Comments (p. 31) to allow property owner more flexibility to develop small or oddly shaped parcels in the IL District.

O. Planned Development Mixed-Use (PD-1) District[191]

PD-1
Planned Development Mixed-Use District

1. Purpose

The purpose of the Planned Development Mixed-Use (PD-1) District is to recognize the existence within the Town of certain unique ***Planned Unit Development***s (PUDs) that are greater than 250 acres in size. Generally, these PUDs have served to establish the special character of Hilton Head Island as a high quality resort and residential community. It is the intent in establishing this district to allow the continuation of well-planned ***development*** within these areas. In limited situations, some commercially planned portions of PUDs are placed within other base districts to more specifically define the types of commercial ***uses*** allowed.

2. Included PUDs and Master Plans

The following PUDs are included in the PD-1 District and their Town-approved master plans—including associated text and any subsequent amendments—are incorporated by reference as part of the ***Official Zoning Map*** and the text of this LMO. Amendments to these master plans and associated text shall be in accordance with Sec. 16-2-103.D, Planned Development Mixed Use District (PD-1).

1	Hilton Head Plantation	6	Port Royal Plantation (and surrounds)
2	Indigo Run	7	Sea Pines Plantation
3	Long Cove Club	8	Shipyard Plantation
4	Palmetto Dunes Resort	9	Spanish Wells Plantation
5	Palmetto Hall Plantation	10	Wexford Plantation

3. Principal Uses Restricted by Master Plan

The master plans and associated text, as approved and amended by the Town, establish general permitted ***uses*** for the respective PUDs, except as may be modified by an ***overlay zoning district***. Undesignated areas on these master plans shall be considered as ***open space***.

The following ***uses*** are restricted to locations where a Town-approved master plan or associated text specifically states such ***uses*** are permitted. In addition, the ***use***-specific conditions referenced below shall apply to any new such ***use*** or change to the site for any existing such ***use***.

Use Classification/Type		Use-Specific Conditions	Minimum Number of Off-Street Parking Spaces
Public, Civic, Institutional, and Educational Uses			
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1
Commercial Recreation Uses			
Outdoor Commercial Recreation Uses Other than ***Water Parks***	PC	Sec. 16-4-102.B.2.ab	See Sec. 16-5-107.D.2
Commercial Services			
Adult Entertainment Uses	SE	Sec. 16-4-102.B.7.a	1 per 100 GFA
Animal Services	PC	Sec. 16-4-102.B.7.b	1 per 225 GFA
Convenience Stores	PC	Sec. 16-4-102.B.7.c.ii	1 per 200 GFA
Liquor Store	PC	Sec. 16-1-101.A.1.ag	1 per 200 GFA
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h	1 per 70 GFA
Tattoo Facilities	PC	Sec. 16-4-102.B.7.k	1 per 200 GFA

[191] This carries forward the current PD-1 district, where applicable standards are largely established in the referenced master plans.

Vehicle Sales and Services			
Auto Rentals	PC	Sec. 16-4-102.B.8.a	See Sec. 16-5-107.D.2
Auto Sales	P		See Sec. 16-5-107.D.2
Gas Sales	PC	Sec. 16-4-102.B.8.c	
Towing Services or ***Truck and Trailer Rentals***	P		1 per 200 GFA of office or waiting area
Watercraft Sales, Rentals, or Services	PC	Sec. 16-4-102.B.8.e	1 per 200 GFA
Other Uses			
Boat Ramps, ***Docking Facilities***, and ***Marinas***	PC	Sec. 16-4-102.B.10.a	1 per 200 GFA of enclosed floor space not used for storage + 1 per 3 wet slips + 1 per 5 dry storage slips

4. Development Area Densities

MAX. DENSITY (PER *NET ACRE*)
Site specific ***densities*** shall not exceed the ***density*** limits established in approved master plans and associated text, except as may be modified by an ***overlay zoning district***. Where the approved master plans and associated text do not establish a ***density*** limit, site specific ***densities*** shall not exceed 10,000 GFA per ***net acre***.[193]

MAX. BUILDING HEIGHT	
All ***Development***	75 ft

LOT COVERAGE[192]	
Max. ***Impervious Cover*** in Areas without Restricted ***Access*** and Open to the Public	40% - Residential 65% - Nonresidential
Max. ***Impervious Cover*** in Areas with Restricted ***Access***	Shall not cause overall ***impervious cover*** for the PUD in that PD-1 District to exceed 45%
Min. ***Open Space*** in Areas without Restricted ***Access*** and Open to the Public	50% - Residential 25% - Nonresidential
Min. ***Open Space*** in Areas with Restricted ***Access***	Shall not cause overall ***open space*** for the PUD in that PD-1 District to be less than 55%
Min. ***Open Space*** for Major Residential ***Subdivisions***	16%

USE AND OTHER DEVELOPMENT STANDARDS
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

TABLE NOTES:
P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = ***dwelling units***; sf = square feet; GFA = ***gross floor area*** in square feet; ft = feet; n/a = not applicable

5. Planned Development Master Plan Design[194]

Planned development master plans shall include the following elements:

a. An arrangement of developed ***uses*** on the ***site*** that properly considers significant natural features and natural drainage patterns, views, roadway ***access***, and surrounding ***land uses***.

b. Clustering of ***development sites***, especially ***buildings***, so as to preserve natural or historic features and provide usable ***common open space***.

c. An integrated, coordinated circulation system with complete interconnection.

d. Maximum integration of other infrastructure—such as sewer, water, and drainage systems—in consideration of environmental factors.

e. Design and sizing of ***street***, drainage, and utility systems to accommodate the overall service demand of the planned development.

[192] This carries forward Sec. 16-4-1607. - Impervious Coverage in PD-1 District of the current LMO.
[193] This carries forward Sec. 16-4-1604. - Maximum Site Density in PUDs of the current LMO.
[194] At the request of Town staff, the list of PUD design elements is carried formward from Sec. 16-5-907 of the current LMO.

f. Provision for the ownership and ***maintenance*** of ***common open space*** through a ***property owners***' association or other mechanisms permitted under Sec. 16-5-104.E, Ownership, Management and Maintenance of Common Open Space.

g. Architectural guidelines and standards throughout the planned development.

h. Acreage sufficient to accomplish the basic purposes and features as outlined above.

6. Noncontiguous Planned Developments[195]

a. General

As a means of enabling greater flexibility in the use of planned developments and promoting the ***Comprehensive Plan***'s ***land*** management goals, planned developments may be allowed on noncontiguous ***lands*** in several areas, as identified by the ***Comprehensive Plan***. A noncontiguous planned development consists of two or more separate ***tracts*** of ***land*** that are not ***contiguous*** but are, or upon approval, will be owned by the same legal entity. For purposes of this paragraph, ***tracts*** are not deemed noncontiguous solely because they are separated by a ***street***, ***street right-of-way***, or utility ***easement***.

b. Additional Criteria for Noncontiguous Planned Development Master Plans

In addition to meeting the requirements of paragraph 5 above, the master plan for a noncontiguous planned development shall be designed expressly to provide creative utilization of separate ***lands*** to accomplish one or more of the following purposes:

i. To make better use of existing infrastructure;

ii. To establish and link ***amenities***—including, but not limited to, open space, pedestrian and bike paths, and parking;

iii. To provide solutions to drainage, parking, redevelopment, or shoreline erosion problems;

iv. To allow protection in the Airport Overlay (A-O) District; and

v. To enable protection of significant historic, cultural, or natural resources.

[195] At the request of Town staff, the relevant parts of Sec. 16-5-906 of the cuuren tLMO are carried forward with only minor modifications to make it clearer.

Sec. 16-3-106. Overlay Zoning Districts

A. Purpose

Overlay zoning districts are superimposed over portions of one or more underlying ***base zoning districts*** or planned ***development*** districts with the intent of supplementing generally applicable ***development*** regulations with additional ***development*** regulations that address special area-specific conditions, features, or plans while maintaining the character and purposes of the underlying zoning district.

B. Establishment of Overlay Zoning Districts

Table 16-3-106.B, Overlay Zoning Districts Established, sets out the ***overlay zoning districts*** established by this Ordinance. Except where specifically provided in this Ordinance, variances from the ***overlay zoning district*** standards shall not be granted.

TABLE 16-3-106.B: OVERLAY ZONING DISTRICTS ESTABLISHED

DISTRICT NAME	ABBREVIATION
Airport Overlay District	A-O
Corridor Overlay District	COR
Planned Development Overlay District	PD-2
Forest Beach Neighborhood Character Overlay District	FB-NC-O
Folly Field Neighborhood Character Overlay District	FF-NC-O
Holiday Homes Neighborhood Character Overlay District	HH-NC-O
Redevelopment Overlay District	R-O
Coastal Protection Area Overlay District	CPA -O
Transition Area Overlay District	TA-O

C. Classification of Overlay Zoning Districts

Land shall be classified or reclassified into an ***overlay zoning district*** only in accordance with the procedures and requirements set forth in Sec. 16-2-103.C, Zoning Map Amendment (Rezoning).

D. Relationship Between Overlay and Base Zoning Districts[196]

Regulations governing ***development*** in an ***overlay zoning district*** shall apply in addition to the regulations governing ***development*** in the underlying ***base zoning district***. The standards governing the ***overlay zoning district*** shall control, whether they are more restrictive or less restrictive than a ***base zoning district***. If ***land*** is classified into multiple ***overlay zoning districts*** and the standards governing one overlay district are not consistent with the standards in another overlay district, the more restrictive standard shall apply unless the standards applicable in either of the overlay districts expressly provide that the district's standards shall prevail over those in other overlay districts.

[196] This repeats Section 16-3-102.C, which clarifies the relationship between base and overlay zoning districts.

E. Airport Overlay (A-O) District[197]

1. Purpose

The Airport Overlay (A-O) District is hereby established to ensure against safety hazards, noise, and obstruction problems associated with aircraft utilizing the Hilton Head Island Airport. All ***development*** proposed within the A-O District shall be subject to the standards specified in this section in addition to the standards and regulations contained in the particular base district in which the ***development*** occurs.

2. Applicability

Development in the A-O District is subject to regulation primarily to mitigate safety and noise problems. However, ***uses*** within the district also shall be regulated to ensure they are compatible with airport operations. The regulations governing ***use*** and ***height*** within the A-O District shall conform to the standards recommended by the Federal Aviation Administration's (FAA) Advisory Circular, 150/5190-4A, "Model Zoning Ordinance to Limit Height of Objects Around Airports" (12-14-87).

3. Delineation of the District

a. Mapping

The A-O District boundaries correspond with the ***Ldn*** 60 noise curve in accordance with planning standards of the FAA. The following five subdistricts of regulation are delineated within the A-O District. The A-O District and subdistricts are mapped as part of the ***Official Zoning Map***.

i. Discretionary Noise Level

This level of regulation corresponds to the ***Ldn*** 60 noise curve. It is considered discretionary because it is the transitional impact level between significant and insignificant noise levels in the vicinity of the airport. The areas to be regulated are subsections of the Discretionary Noise Level.

ii. Significant Noise Level

The ***Ldn*** 65 noise curve is concentrically placed inside the ***Ldn*** 60 noise curve. Due to its proximity to the airport's primary surface, greater noise and safety concerns exist and more restrictive regulation is required.

iii. Approach Path Subdistrict

This Approach Path subdistrict is established to ensure that ***development*** near the airstrip will not pose safety problems due to vertical protrusions. It is the area that extends 525 feet on both sides of the airport's primary surface, and extends to the ***Ldn*** 60 noise curve at each end of the airport's primary surface. The ***airport runway primary surface area*** consists of a rectangle that is 5,000 feet long and 500 feet wide. The area encompassed by these special height limitations at the ends of the

[197] This section carries forward Chapter 4, Article IV – Airport Overlay District, from the current LMO, with minor formatting and grammatical changes.

runway is in the shape of a trapezoid, in which the smaller and larger bases are established by the FAA. The height of the trapezoid would be the linear distance from the end of the runway.

iv. Inner Hazard Zone

This Inner Hazard Zone is defined to include the runway protection zone, object free area, and obstacle free zone as determined by the FAA. All of the ***land*** within the Inner Hazard Zone lies on the Hilton Head Island Airport property.

v. Outer Hazard Zone

Land within the Outer Hazard Zone is identified as the area that demonstrates a higher statistical probability of aircraft accidents occurring as determined by methods developed by the Institute of Transportation Studies at the University of California at Berkeley.

b. Plat Notice

i. A notice shall be placed on all plats for properties located within the A-O District that states as follows: "This property lies either partially or wholly within the Hilton Head Island A-O District and is subject to noise that may be objectionable."

ii. A notice shall be placed on all plats for properties located within the Outer Hazard Zone of the A-O District that states as follows: "This property lies either partially or wholly within the Outer Hazard Zone of the Hilton Head Island Airport Overlay District."

4. Airport Overlay District Regulations

Geographically, the subdistricts of the A-O District overlap; however, ***development*** shall comply with all applicable regulations. Occupant loads referenced shall be based upon Table 1003.2.2.2, Maximum Floor Area Allowances Per Occupant, of the latest adopted edition of the IBC. For ***uses*** with fixed seating, minimum occupant load shall be calculated by dividing the net square footage by the number of seats.

a. Discretionary Noise Level District—Ldn 60

Notwithstanding any other provisions of this Ordinance, no ***use*** may be made of ***land*** or water within the ***Ldn*** 60 noise level district in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights (i.e., colors and patterns), result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport. Noise mitigation measures are encouraged for all proposed residential ***development***.

b. Significant Noise Level—Ldn 65

Residential ***development*** is prohibited inside the ***Ldn*** 65 noise curve due to the severe nature of public health, safety, and welfare concerns.

c. Approach Path

Within the Approach Path subdistrict, no ***building***, ***structure***, utility pole or protrusion of any kind shall be permitted to extend to a height measured from the mean elevation of the airport runway that exceeds the limits established by the methodology described in this section.

i. The maximum ***height*** limits permitted under this Ordinance of 75 feet shall be lowered as necessary to correspond with the limits established as follows:

01. Along both sides and ends of the airport primary surface area, at the extremity of the primary surface, the ***height*** restriction shall be zero feet. Moving outward from both sides of the runway, 250 feet from the runway center line, the ***height*** limit shall increase at the rate of 1 foot upward per 7 linear feet, or a ratio of 1:7.

02. Moving outward from both ends of the runway primary surface area, the ***height*** limit shall increase at the rate of one foot upward per 34 linear feet, or a ratio of 1:34. From both ends of the primary surface area, the area subject to these special ***height*** limitations shall fan outward beyond the area that would be covered if the ***height*** limitation from the sides of the primary surface area extended beyond the ends of the runway.

ii. The following process has been established for ***tree*** pruning, topping, and removal on and off airport property to address the ***height*** limits in provision i above. For purposes of this section, "on airport property" shall be defined as any property in the approach path owned by Beaufort County and used for the operations of the Hilton Head Island Airport; "off airport property" shall be defined as that property affected by the ***height*** limits in the approach path. The requirements listed below are the only requirements in this Ordinance that the Hilton Head Island Airport must follow for ***tree*** pruning, topping and removal in the approach path.

01. On Airport Property

(A) ***Applicants*** for a Natural Resources Permit (see Sec. 16-2-103.K, Natural Resources Permit) need only submit an **application** form, a brief narrative of proposed plans for ***tree*** protection and replacement, a ***site plan***, and copies of all required permits from other agencies. The ***applicant*** may phase the ***tree*** pruning, topping, and removal by ***parcel***. The ***site plan*** shall identify the ***parcels*** where ***trees*** will be pruned or removed and delineate any wetlands and ***wetland buffers*** within the subject ***parcels***. Additionally, the Town and Beaufort County will jointly fund and employ an arborist to document the size and species of each removed ***tree*** by ***parcel***. This data will be used to prepare a mitigation plan and to calculate any required fee for the ***tree*** replacement fund.

(B) Prior to any ***tree*** pruning or removal, the ***applicant*** shall flag all buffers and wetlands.

(C) In meeting the ***height*** requirements of provision i above, all adjacent use buffers and adjacent street buffers shall be a

minimum of 75 feet in width. Additional buffers will also be required in the following areas:

(1) Between the 75-foot buffer and the ***wetland buffer*** related to the wetland on airport property in closest proximity to St. James Baptist Church and between this ***wetland buffer*** and the 75-foot buffer near Beach City Road; and

(2) Between the ***wetland buffer*** related to the wetland on airport property in closest proximity to St. James Baptist Church and the 1:34 approach slope line.

(D) All ***trees*** within the 1:34 slope, unless located within wetlands, ***wetland buffers*** or any buffers listed in provision (C) above may be removed.

(E) The Arborist will determine which ***trees*** within the 1:7 slope, wetlands or any buffers have exceeded or have the potential to exceed the ***height*** requirements in provision i above within five years [hardwoods] of the approval date or ten years [conifers] of the approval date based on the species and maturity of each ***tree***; the Arborist will then identify which of these ***trees*** can be pruned to be out of the approach path and to the five or ten year growth potential, respectively. For the purposes of this section, conifers are defined as cone-bearing ***trees*** with needle-like leaves, to include the cypresses as well as cone-bearing evergreens as listed in the Appendix D: Recommended . Those ***trees*** that the Arborist determines require such severe pruning that they can no longer support themselves may be removed. Those ***specimen trees*** and ***trees*** in any ***wetland buffer*** that cannot be pruned may be removed without a Variance. Those ***trees*** in any wetland that cannot be pruned may be removed without a Wetland Alteration Permit. Reasonable care shall be taken to protect the understory vegetation. Mechanized vehicles shall not be used in wetlands or any buffers.

02. Off Airport Property

(A) ***Applicants*** for a Natural Resources Permit (see Sec. 16-2-103.K, Natural Resources Permit) need only submit an **application** form, a brief narrative of proposed plans for ***tree*** protection and replacement, a ***site plan***, copies of all signed avigation ***easements*** or a copy of paperwork indicating that condemnation notices have been filed, and copies of all required permits from other agencies. The ***applicant*** may phase the ***tree*** pruning and removal by ***parcel***. The ***site plan*** must identify the ***parcels*** where ***trees*** will be pruned or removed and delineate any wetlands and ***wetland buffers*** within the subject ***parcels***. Additionally, the Town and Beaufort County will jointly fund and employ an Arborist to document the size and species of each removed ***tree*** by ***parcel***. This data will be used to prepare a mitigation plan for each ***parcel***.

(B) Prior to any ***tree*** pruning or removal the ***applicant*** shall flag all wetlands and ***wetland buffers***.

(C) The Arborist shall determine which ***trees*** have exceeded or have the potential to exceed the ***height*** requirements in provision i above within five years [hardwoods] of the approval date or within ten years [conifers] of the approval date based on the species and maturity of each ***tree***; the Arborist will then identify which of these ***trees*** can be pruned to be out of the approach path and to the five or ten year growth potential, respectively. Those ***trees*** that the arborist determines require such severe pruning that they can no longer support themselves may be removed. Reasonable care shall be taken to protect understory vegetation.

(D) ***Specimen trees*** and ***trees*** within ***wetland buffers***, if required to be removed based on the above subparagraph, may be removed without a Variance. ***Trees*** within wetlands, if required to be removed based on the above subparagraph, may be removed without a Wetland Alteration Permit. Mechanized vehicles shall not be used in wetlands or any buffers.

03. Other Requirements

(A) Due to its significance to the Town, the 64-inch ***DBH*** Live Oak ***tree*** located ***adjacent*** to St. James Baptist Church in the Beach City Road right-of- way shall not be pruned or removed; instead, a light will be installed in the canopy of the ***tree*** to indicate the presence of this ***tree*** to the operators of aircraft in the vicinity of the airport. Should the FAA reject lighting this ***tree***, the provisions of Sec. 16-3-106.E.4.c.ii shall apply.

(B) Due to their significance to the Town, the specimen Live Oak ***trees*** in the 1:34 and 1:7 slopes for the Hilton Head Island Airport shall only be pruned one foot out of the slope.

(C) The County and Town shall work together to jointly develop a plan to protect water quality consistent with storm water utility objectives. This plan shall include the planting of low growing native plants on the non-wetland, non-buffer portions of on airport property in the 1:34 slope. These plants help to maintain this area's ability to filter stormwater and biodegrade pollutants by maintaining the forest soils and their beneficial decomposers, keeping pore space in the soil to allow oxygen flow and providing suitable root systems as additional habitat for decomposers and to uptake pollutants. Examples of plants that can be used for these purposes are seaside juniper, native grasses, dwarf wax myrtle, saw palms, needle palms and some species of native blueberries. This plan shall be implemented by the County.

(D) All previous Hilton Head Island Airport projects related to non-***development tree*** removal and mitigation on and off airport

property must be completed prior to a permit being issued for additional ***tree*** removal.

(E) For both on airport and off airport property, the County and Town will work together to develop a landscape plan to meet mitigation requirements based on ***tree*** removal documented by the Arborist. The mitigation plan shall indicate dense plantings in all buffer areas; however, mitigation will be required throughout the affected ***parcels*** off airport property. The County shall present this landscape plan to the Town's ***Design Review Board*** for approval. Once the landscape plan is approved, the County shall implement the plan and pay into the ***tree*** replacement fund for ***tree*** mitigation not accomplished by replanting.

d. Inner Hazard Zone

All ***uses*** other than those that are airport runway related are prohibited from this area.

e. Outer Hazard Zone

i. Special Construction Standards

01. For ***uses*** with minimum occupant loads of 100 square feet or more per occupant or ***structures*** designated as historical by the ***Town Council***, no special ***construction*** standards shall apply.

02. For ***uses*** with minimum occupant loads of more than 20 square feet but less than 100 square feet per occupant, the following special ***construction*** standards shall apply:

(A) Noncombustible ***construction*** (IBC Type I, II, III or IV) is required.

(B) Fire protection sprinkler system is required.

(C) Minimum of two exits are required for each occupancy.

(D) Emergency lighting system is required.

ii. Prohibited Uses

01. ***Uses*** with a minimum occupant load of 20 square feet per occupant or less.

02. ***Uses*** designed to serve children or those with low effective mobility. Examples include, but are not limited to, day care centers, ***hospitals***, assisted living facilities, and ***nursing homes***.

03. ***Uses*** categorized as hazardous under the IBC.

5. Nonconforming Uses or Structures

a. Regulations Not Retroactive

The regulations prescribed in this section shall not be construed to require the removal, lowering, or other change or alteration of any existing ***structure*** not conforming to the regulations as of July 21, 1998, or otherwise interfere with the

continuance of a ***nonconforming use***. Nothing contained herein shall require any change in the ***construction***, alteration, or intended ***use*** of any ***structure***, the lawful ***construction*** or alteration of which was begun prior to July 21, 1998, and is diligently pursued.

b. Marking and Lighting

The owner of any existing ***nonconforming structure*** is required to permit the installation, operation, and ***maintenance*** thereon of such markers and lights as shall be deemed necessary by the Airport Manager to indicate to the operators of aircraft in the vicinity of the Airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of Beaufort County.

F. Corridor Overlay (COR) District[198]

1. Purpose

a. The purpose of establishing this overlay district is to protect the aesthetic and visual character of ***lands*** on Hilton Head Island ***adjacent*** to the major ***streets***, the waterfront, and the marshfront, as defined in this section. All ***development*** proposed within this Corridor Overlay (COR) District shall be subject to the procedures, standards and guidelines specified in the following paragraphs, in addition to those standards pertaining to the particular base district in which the ***development*** occurs. In particular, the purpose of the COR District is to:

i. Encourage and better articulate positive visual experiences along the Island's major ***streets***, the beachfront, and the marshfront;

ii. Provide for the continued safe and efficient utilization of these ***streets***; and

iii. Provide for the continued preservation and conservation of the beachfront and marshfront.

b. This is accomplished through evaluation of ***development*** within the COR District by the ***Design Review Board*** (DRB), which is authorized to review the location, character, and appearance of new ***development*** and redevelopment. It is the purpose of such review to determine whether the proposed plan for ***development*** complies with the guidelines and other standards of this district.

2. Delineation of District

a. The COR District shall include:

i. The ***rights-of-way*** and all ***parcels*** lying in whole or in part within 450 feet of each side of the ***rights-of-way*** of any street designated as a major or minor arterial in Sec. 16-5-105.B, Street Hierarchy;

ii. All ***parcels*** lying in whole or in part within 500 feet landward of the OCRM Base Line within the Town;

[198] This section carries forward Chapter 4, Article V – Corridor Overlay District, from the current LMO, with minor formatting and grammatical changes to conform it to the changes made in the revised draft of the LMO.

iii. All ***parcels*** lying in whole or in part within 500 feet of the OCRM Critical Line; and

iv. All ***parcels*** in the RD District, SPC District, and CR District.

b. The approximate boundary of this COR District shall be shown on the ***Official Zoning Map***.

c. There shall be no alteration of the existing condition of ***land***, ***uses***, ***structures***, landscaping, or lighting within the COR District, except in accordance with the requirements of this section and all other relevant provisions of this Ordinance.

d. All proposed new ***development*** and changes to existing ***development*** located in the COR District shall be reviewed by the DRB in accordance with Sec. 16-2-103.I, Corridor Review (Minor and Major), and receive DRB approval before proceeding with ***development***, unless exempted in accordance with subparagraph e below.

e. All public projects, with the exception of pathways, ***streets***, and underground utilities, are subject to review by the ***Design Review Board***.

f. If a proposed ***development*** will not be visible from the ***right-of-way*** of the associated arterial once the project is completed, the ***Official*** will review it through the Minor Corridor Review Procedure (Sec. 16-2-103.I.3).

3. Design Review Guidelines

The intent of the design review is not to stifle innovative architecture but to assure respect for and reduce incompatible and adverse impacts on the visual experience. To accomplish this, the DRB shall utilize Appendix B, the latest edition of the Hilton Head Island Design Guide, in reviewing and making decisions on ***development***.

4. Streetscape Improvement Guidelines

Streetscape ***improvements*** include those architectural or functional facilities or ***structures*** that occur on site but are not part of the ***building***, and that encourage and facilitate human interaction with the environment. Examples include, but are not limited to, decorative light fixtures, fountains, sculpture, benches and tables, planters, retaining walls, pedestrian and bicycle paths, bicycle parking ***structures***, trash receptacles and enclosures, vendor areas, bollards and fences. These ***improvements*** shall be designed to be consistent with all guidelines of this section, and shall be reviewed for aesthetic functionality and compatibility with the Island character, as defined in the Hilton Head Island Design Guide.

a. Lighting

i. Decorative, low-level intensity, non-concealed source lighting that defines vehicular or pedestrian ways may be acceptable if not used as general lighting for a ***development***.

ii. All interior lighting shall be designed to prevent the light source or high levels of light from being visible from the corridor.

iii. Exterior architectural, display and decorative lighting visible from the corridor shall be generated from a concealed light source or low level

light fixtures. With the exception of LED lighting, color lamps shall not be used.

iv. Site lighting shall conform to the provisions of Sec. 16-5-108, Site Lighting Standards.

b. Landscape Plans

Landscape plans for the proposed ***development*** shall provide visually harmonious and compatible settings for ***structures*** on the same ***lot*** and on adjoining or nearby ***lots*** and shall blend with the surrounding natural landscape. Natural appearing landscape forms are strongly encouraged; formal plans and the appearance of uninterrupted lines are discouraged. Landscaping may be required between ***buildings*** and sidewalks, parking lots and ***driveways***. The scale of the proposed landscaping shall be in proportion to the ***building***.

c. Signs

i. New ***signs***, replacement ***signs***, or alterations to existing ***signs*** shall receive approval from the DRB (major ***signs***) or the ***Official*** (minor ***signs***), as provided in Sec. 16-5-114, Sign Standards, prior to installation.

ii. Signs will be reviewed for compliance with the guidelines of this section and for compatibility with the Island character.

iii. All ***signs*** shall meet all requirements of Sec. 16-5-114, Sign Standards.

5. Requirements Following Project Completion

a. All appearance features, lighting, and landscaping shown on the **application** approved by the DRB shall be maintained by the ***landowner*** and all subsequent ***landowners***.

b. Changes or damage to any appearance features, lighting, and landscaping shown on the **application** approved by the DRB that occur as a result of events or occurrences beyond the ***landowner***'s control shall be restored by the ***landowner*** to the condition that existed prior to the changes or damage.

c. Any changes to any appearance features, lighting, and landscaping shown on the **application** approved by the DRB that are proposed by the ***landowner*** shall require review and approval by the DRB in accordance with Sec. 16-2-103.I, Corridor Review (Minor and Major).

G. Planned Development Overlay (PD-2) District[199]

1. Purpose

This Planned Development Overlay (PD-2) District is intended to encourage creativity in design and planning in the ***development*** of ***parcels*** between five and 249 acres by allowing greater design flexibility than the underlying ***base zoning district*** so that

[199] This section carries forward Chapter 4, Article VI – Planned Development Overlay District, from the current LMO, with minor formatting and grammatical changes.

natural features may be protected and ***development*** concentrated in more suitable or less environmentally sensitive areas.

2. Designation of District

A PD-2 Overlay District may be established in any base district other than the CON district using the provisions set forth in Sec. 16-2-103.D, Planned Unit Development (PUD) District.

3. Permitted Uses

Any ***use*** permitted ***by right***, subject to ***use***-specific conditions, or as a Special Exception in the underlying base district is permitted. Where multiple ***base zoning districts*** are incorporated in the PD-2, the ***uses*** shall remain proportional to the area of the underlying ***base zoning district(s)***.

4. Density and Development Standards

a. A section or phase of the planned development may be built at a ***density*** which is greater than the site-specific ***density*** allowed by the underlying ***base zoning district***, provided that any such concentration of ***density*** is offset by an area of lower ***density*** in another section or phase of the planned development or by an appropriate reservation of ***common open space*** elsewhere in the planned development. The average ***density*** for the PD-2 Overlay District shall not exceed the maximum ***density*** permitted in the **base zoning district**.

b. The standards for ***impervious cover*** and open space within a PD-2 Overlay District shall be fully satisfied for the district as a whole, but do not have to be satisfied on a ***site***-specific basis within individual phases of the planned development.

c. When a PD-2 Overlay District overlays more than one base **zoning district**, the area standards shall be pro-rated based on the district acreage and the average resulting standard shall rule.

d. Where a specific site in a PD-2 Overlay District has been developed for a ***use*** that can reasonably be considered to be long-term in nature (e.g., residential structures) and the resulting ***density*** of the ***use*** is less than the maximum ***density*** allowed for the specific ***site*** by the approved master plan, the master plan shall be deemed to be automatically amended for both the ***site*** and, when applicable, the master plan cap, to reflect the lesser ***density*** actually developed on the specific ***site***. This provision shall not apply if a plan, survey, or other similar relevant document approved by the Town indicates that additional ***development*** is still contemplated for the specific ***site*** after completion of ***development*** of the long-term ***use***. This provision shall not necessarily preclude the transfer of specified ***density*** from one undeveloped ***site*** to another undeveloped ***site*** through the approval of minor deviations from the approved master plan in accordance with Sec. 16-2-103.D.8, Minor Deviations from Approved Master Plan.

5. PD-2 Listed Master Plans

The following PUDs are included in PD-2 Overlay Districts and their Town-approved master plans including associated text and any subsequent amendments are hereby incorporated by reference as a part of the ***Official Zoning Map*** and LMO text.

TABLE 16-3-106.G.4: PD-2 LISTED MASTER PLAN

FILE NAME	NUMBER	PARCEL	TAX MAP #
Palmetto Headlands and H.H. ***Hospital***	CUR-3-88	27/103/103A/337	4,8
Centre Court on Mathews Drive	CUR-1-89	88B	8
Presbyterian Conference Center	CUR-2-89	2	18
Marriott-South Forest Beach	CUR-1-90	67/69/71/73/252	15-A,18
Park Plaza Self Storage	CUR-2-90	336	15
Tidepointe Retirement	CUR-1-92	342/342A	14
Exec/Air Hilton Head	CUR-1-94	271A	5
Spanish Grove	CUR-1-95	34A/34B	10
First Baptist Church	CUR-1-96	138A/138C	18
Bermuda Point	CUR-1-97	1B	7
Waterside (Town Center)	N/A-JPC	202/202D	18
Palmetto Bay Marina	N/A-JPC	47/66A/273/273A/273C/314E	10
Marsh Tacky Village	ZMA080007	2B, 2D, 2E, 2F, 2H, 2I, 14, 14D, 14I, 16, 16A, 16B, 19C, 19D, 19E, 49, 58, 58A, and 223	3

6. Planned Development Master Plan Design[200]

Planned development master plans shall include the following elements:

a. An arrangement of developed uses on the ***site*** that properly considers significant natural features and natural drainage patterns, views, roadway access, and surrounding ***land uses***.

b. Clustering of ***development sites,*** especially ***buildings***, so as to preserve natural or historic features and provide usable ***common open space***.

c. An integrated, coordinated circulation system with complete interconnection.

d. Maximum integration of other infrastructure—such as sewer, water, and drainage systems—in consideration of environmental factors.

e. Design and sizing of ***street***, drainage, and utility systems to accommodate the overall service demand of the planned development.

f. Provision for the ownership and ***maintenance*** of ***common open space*** through a ***property owners***' association or other mechanisms permitted under Section Sec. 16-5-104.E, Ownership, Management and Maintenance of Common Open Space.

g. Architectural guidelines and standards throughout the planned development.

h. Acreage sufficient to accomplish the basic purposes and features as outlined above.

[200] At the request of Town staff, the list of PUD design elements is carried formward from Sec. 16-5-907 of the current LMO.

7. Noncontiguous Planned Developments[201]

a. General

As a means of enabling greater flexibility in the use of planned developments and promoting the ***Comprehensive Plan***'s ***land*** management goals, planned developments may be allowed on noncontiguous lands in several areas, as identified by the ***Comprehensive Plan***. A noncontiguous planned development consists of two or more separate ***tracts*** of land that are not ***contiguous*** but are or upon approval, will be owned by the same legal entity. For purposes of this paragraph, ***tracts*** are not deemed noncontiguous solely because they are separated by a ***street***, ***street right-of-way***, or utility ***easement.***

b. Additional Criteria for Noncontiguous Planned Development Master Plans

In addition to meeting the requirements of paragraph 6 above, the master plan for a noncontiguous planned development shall be designed expressly to provide creative utilization of separate ***lands*** to accomplish one or more of the following purposes:

i. To make better use of existing infrastructure;

ii. To establish and link ***amenities***—including, but not limited to, open space, pedestrian and bike paths, and parking;

iii. To provide solutions to drainage, parking, redevelopment, or shoreline erosion problems;

iv. To allow protection in the Airport Overlay (A-O) District; and

v. To enable protection of significant historic, cultural, or natural resources.

c. Calculation and Transfer of Density and Area Requirements

i. The overall ***density*** permitted within a noncontiguous PD-2 Overlay District shall be calculated by adding the densities allowed by right for the total acreage of all ***sites*** in the district and then averaging.

ii. Densities on the ***tract*** where ***development*** will occur cannot exceed 125 percent of the ***density*** allowed by the underlying ***base zoning district***.

iii. Any ***tracts*** from which ***density*** is transferred to another ***tract*** within the PD-2 Overlay District shall not contain less than ½ acre of ***contiguous*** area, and the ***base zoning district*** containing ***land*** from which ***density*** is transferred shall be rezoned simultaneously to the Conservation District and subject to the Conservation District's ***development*** limitations.

iv. Applications for a noncontiguous PD-2 Overlay District shall include documents in a form suitable for recording that identify ***tracts*** proposed to be rezoned to the Conservation District and the ***tracts*** to which ***density*** is proposed to be transferred. The documents shall also summarize the restrictions of future ***development*** under Town regulations. The document shall be recorded as a condition of ***development*** plan approval and be in effect until the property is subsequently rezoned.

[201] At the request of Town staff, this paragraph is carried forward from Sec. 16-5-906 of the cuuren tLMO with only minor modifications to make it clearer.

H. Forest Beach Neighborhood Character Overlay (FB-N-CO) District[202]

1. Applicability and Purpose

The purpose of the Forest Beach Neighborhood Character Overlay (FB-N-CO) District is to protect the ***single-family*** residential character of the district and in particular the ***development*** and redevelopment of ***lots*** within the district. All new ***development*** and changes to existing ***development*** in the district are subject to the overlay district regulations in addition to those listed in Sec. 16-3-104.C, Residential Single-Family-5 (RSF-5) District.

2. Approval

Compliance with the requirements of this section shall be determined by the ***Official*** at the time the ***building*** permit is reviewed and shall be based upon the standards of Sec. 16-3-104.C, Residential Single-Family-5 (RSF-5) District.

3. District Regulations

a. Setbacks

i. In addition to the ***single-family*** setback requirements of Sec. 16-5-102, Adjacent Setback Standards**,** a side, and rear adjacent use setback shall be required.

ii. Setbacks shall comply with the standards of Sec. 16-5-102, Adjacent Setback Standards**,** except that the 65 degree setback angle shall be measured from 20 feet above the required ***base flood elevation***.

iii. 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. However, to preserve significant ***trees*** or stands of ***trees*** any one side setback may be reduced to five feet, provided the sum of the required side setbacks is not reduced.

iv. Rear adjacent use setbacks shall equal 10 percent of the ***lot*** depth or 10 feet, whichever is greater. However, to preserve significant ***trees*** or stands of ***trees***, the rear setback may be reduced to five feet provided the sum of the required street and rear setbacks is not reduced.

v. To preserve significant ***trees*** or stands of ***trees*** in the rear of the lot, the street setback may be reduced to 15 feet provided the sum of the required street and rear setback is not reduced.

b. Buffers

i. A 20-foot street buffer and side and rear buffers equal to the setbacks above shall be required.

ii. Buffers shall comply with the standards of Sec. 16-5-1023, Adjacent Setback Standards, except that ***driveways*** for ***street access*** as permitted

[202] This Section carries forward Chapter 4, Article VII – Forest Beach Neighborhood Character Overlay District, from the current LMO, with minor formatting and grammatical changes

in Sec. 16-5-103.J, Development Within Required Buffers, shall be limited to a total of 18 feet wide within the buffer.

iii. If the cumulative size of existing ***trees*** in a buffer is less than two inches ***DBH*** per 100 square feet, supplemental ***tree*** planting shall be required. Supplemental ***trees*** shall be sized to achieve the two inches ***DBH*** per 100 square foot minimum in each buffer. 50 percent of the caliper inches of any supplemental ***trees*** shall be broad-leaved evergreen overstory hardwoods and endangered species as identified in Appendix D: Recommended .

iv. In the case of a ***corner lot***, the required 20-foot adjacent street buffer may be reduced to 10 feet for the ***street*** with the lower ADT unless the ***street*** with the higher ADT is approved for the reduction in order to preserve significant ***trees*** or stands of ***trees***. In the case where both ***streets*** have the same ADT, the 20-foot buffer shall apply to the ***street*** that will better preserve significant ***trees*** or stands of ***trees***.

v. In order to preserve significant ***trees*** or stands of ***trees*** in the rear of the ***lot***, the street buffer may be reduced to 15 feet, provided the sum of the required street and rear buffer is not reduced.

c. 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***.

d. Floor Area Ratio

The maximum ***gross floor area*** is limited to 0.55 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.

e. Minimum Lot Size and Width

The ***subdivision*** or recombination of ***lots*** platted and recorded on or after April 3, 2001, shall not result in any ***lot*** less than 7,000 square feet in size or 70 feet in width.

f. 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.

I. Folly Field Neighborhood Character Overlay (FF-NC-O) District[203]

1. Applicability and Purpose

The purpose of the Folly Field Neighborhood Character Overlay (FF-NC-O) District is to protect the ***single-family*** residential character of the district and in particular the ***development*** and redevelopment of ***lots*** within the district. All new ***development*** and changes to existing ***development*** in the district are subject to the overlay district regulations in addition to those listed in Sec. 16-3-104.C, Residential Single-Family-5 (RSF-5) District.

2. Approval

Compliance with these regulations shall be determined by the ***Official*** at the time the ***Building Permit*** is reviewed and shall be based upon the standards of paragraph 3 below.

3. Delineation of District

The Folly Field Neighborhood Character Overlay (FF-NC-O) District includes all ***parcels*** depicted as the Strand or as part of Sections A, B, C, or D in Figure 16-3-106.I.3 below.

[203] This Section carries forward Chapter 4, Article VIII – Folly Field Neighborhood Character Overlay District, from the current LMO, with minor formatting and grammatical changes.

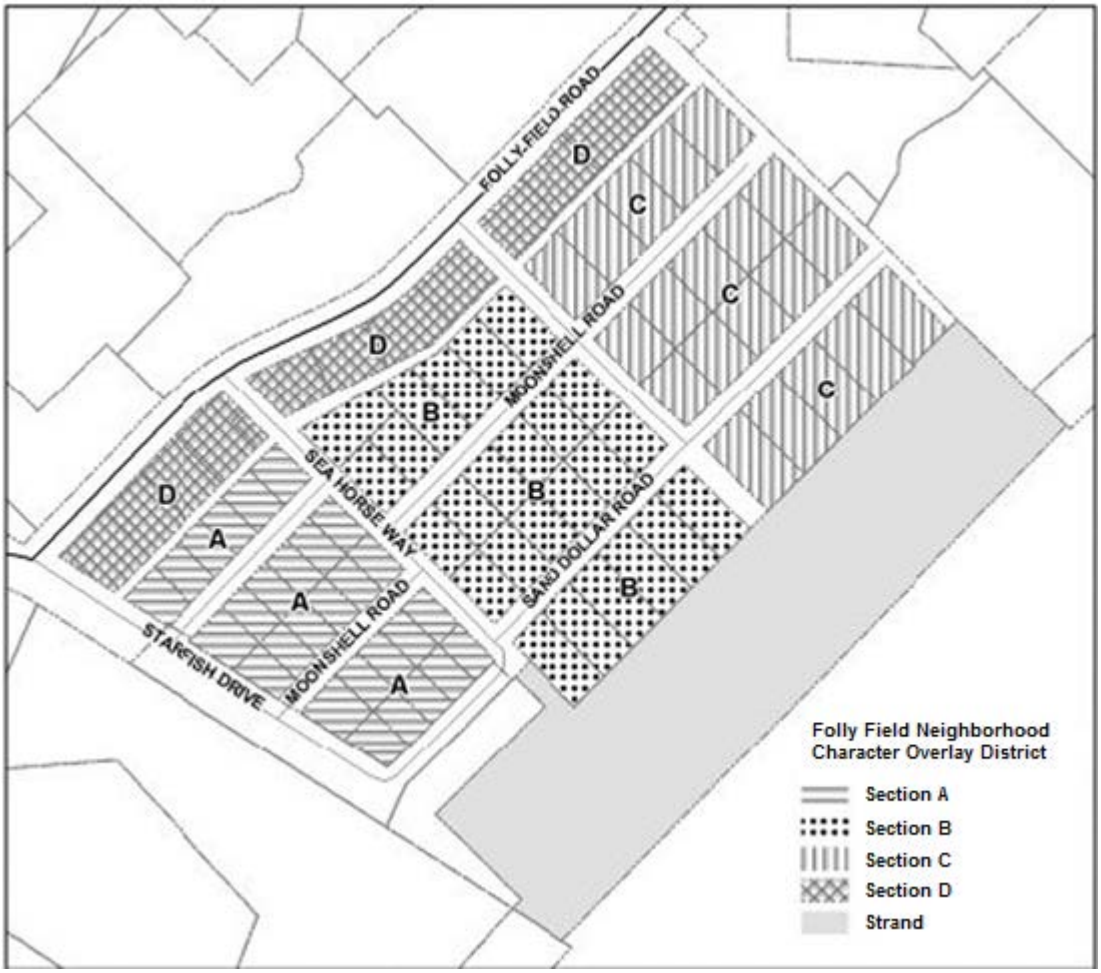

Figure 16-3-106.I.3: Folly Field Neighborhood Character Overlay (FF-NC-O) District and Sections.

4. District Regulations

a. Setbacks

In addition to the ***single-family*** setback requirements of Sec. 16-5-102, Adjacent Setback Standards**,** with the exception that ***structures*** greater than 24 inches in ***height*** along minor arterials are required to have a minimum adjacent street setback of 20 feet, the following setbacks shall be required.

i. Rear yard setbacks shall be a minimum of ten percent of ***lot*** depth or ten feet, whichever is greater.

ii. Side yard setbacks shall each contain a minimum of ten percent of the total ***lot*** width.

iii. Maximum setback angle of 65 degrees shall be measured from 20 feet above the required ***base flood elevation***.

b. Buffers

In addition to the buffer requirements of Sec. 16-5-102, Adjacent Setback Standards**,** the following buffers shall be required.

i. A 20-foot adjacent street buffer shall be required.

ii. ***Driveways*** for ***street access*** as permitted in Sec. 16-5-103.J, Development Within Required Buffers, shall be limited to a total width of 24 feet within the buffer.

iii. In the case of a ***corner lot***, the required 20-foot adjacent street buffer may be reduced to ten feet for the ***street*** with the lower ADT unless the ***street*** with the higher ADT is approved for the reduction in order to preserve significant ***trees***. In the case where both ***streets*** have the same ADT, the 20-foot buffer shall apply to the ***street*** that will better preserve significant ***trees***.

c. Impervious Cover

Impervious cover of the ***lot*** shall not exceed 55 percent.

d. Open Space

The ***open space*** or strand area that lies between the existing most current seaward ***lots*** and the ***beach*** shall not be counted towards the ***density*** calculation for any ***development*** activities for any ***lot*** or other ***land***. In addition, vertical ***construction*** in this area is prohibited.

e. Floor Area Ratio

The maximum ***gross floor area*** is limited to 0.45 times the area of the ***lot*** containing a ***single-family dwelling*** up to a maximum of 4,500 square feet. The ***gross floor area*** shall include covered porches and all enclosed space with a ceiling height of seven feet or greater, with the following exclusions:

i. Areas beneath the ***structure*** utilized solely for parking or storage.

ii. The first 600 square feet of covered porches.

iii. Attic space as defined by the latest adopted edition of the IBC.

f. Minimum Lot Frontage and Depth

The ***subdivision*** or recombination of any ***lot*** shown on a plat recorded prior to November 5, 2003, shall not result in any ***lot*** with ***frontage*** and depth less than that shown on the following table for the applicable Section of the district (see Figure 16-3-106.I.3 above).

	MINIMUM LOT FRONTAGE (FEET)	MINIMUM LOT DEPTH (FEET)
Section A	50	100
Section B	75	100
Section C	90	100
Section D	95	100

g. Parking

Two parking spaces are required for up to 2,000 square feet of ***gross floor area***. Thereafter, 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.

J. Holiday Homes Neighborhood Character Overlay (HH-NC-O) District[204]

1. Applicability and Purpose

The purpose of the Holiday Homes Neighborhood Character Overlay (HH-NC-O) District is to protect the ***single-family*** residential character of the district and in particular the ***development*** and redevelopment of ***lots*** within the district. All new ***development*** and changes to existing ***development*** are subject to the overlay district regulations, in addition to those listed in Sec. 16-3-104.D, Residential Single-Family-6 (RSF-6) District. Existing ***nonconforming structures*** and site features may be expanded as long as the site complies with the required floor area ratio (FAR) and maximum ***impervious cover*** listed in paragraph 3 below.

2. Approval

Compliance with these regulations shall be determined by the ***Official*** at the time the ***Building Permit*** is reviewed and shall be based upon the standards of paragraph 3 below.

3. Delineation of District

The Holiday Homes Neighborhood Character Overlay (HH-NC-O) District includes all ***parcels*** shown as hatched in Figure 16-3-106.J.3 below.

[204] This Section carries forward Chapter 4, Article IX – Holiday Homes Neighborhood Character Overlay District from the current LMO, with minor formatting and grammatical changes.

Figure 16-3-106.J.3: Holiday Homes Neighborhood Character Overlay (HH-NC-O) District.

4. District Regulations

a. Setbacks

In addition to the ***single-family*** setback requirements of Sec. 16-5-102, Adjacent Setback Standards**,** the following setbacks shall be required:

i. Rear yard setbacks shall be a minimum of ten feet.

ii. Side yard setbacks shall be a minimum of ten feet; however, to preserve existing ***trees***, any one side yard setback may be reduced to five feet provided the sum of the required side yard setbacks equals at least 20 feet.

01. A ***lot*** with less than 50 feet of ***street frontage*** or less than 0.15 acres in area shall be permitted to reduce side yard setbacks to a minimum of five feet.

02. Dwelling units that are nonconforming as to the side yard setbacks identified above are permitted to be expanded along the subject boundary line; however, ***expansion***s shall be constructed no closer than five feet from the side property line.

03. Side yard setback angles shall be a minimum of 65 degrees measured from 20 feet above the required ***base flood elevation*** (BFE), at the setback line. The illustration in Sec. 16-5-102.D, Adjacent

Use Setback Requirements, can be referenced for an example of a setback angle.

iii. In the case of a ***corner lot***, the required 20-foot adjacent street setback may be reduced to ten feet for the ***street*** with the lower average daily trips (ADT).

iv. ***Lots*** directly ***adjacent*** to Folly Field Road shall have a minimum adjacent street setback of 20 feet.

b. Buffers

In addition to the buffer requirements of Sec. 16-5-1023, Adjacent Setback Standards, the following buffers shall be required:

i. A 20-foot street buffer and side and rear buffers equal to the setbacks above.

ii. ***Driveways*** for ***street access***, as permitted in Sec. 16-5-103.J, Development Within Required Buffers, shall be limited to a total width of 24 feet per ***lot***.

iii. In the case of a ***corner lot***, the required 20-foot adjacent street buffer may be reduced to ten feet for the ***street*** with the lower average daily trips (ADT).

iv. ***Lots*** directly ***adjacent*** to Folly Field Road shall have a minimum adjacent street buffer of 20 feet.

c. Impervious Coverage

Impervious cover of the ***lot*** shall not exceed 50 percent.

d. Floor Area Ratio

The maximum ***gross floor area*** is limited to 0.45 times the area of the ***lot*** containing the ***single-family dwelling***, up to a maximum of 4,000 square feet. The ***gross floor area*** shall be calculated as all enclosed space with a ceiling height of seven feet or greater with the following exclusions:

i. Enclosed areas, where the floor level is located below the required ***base flood elevation*** (BFE), which are used solely for parking or storage.

ii. Attic space as defined by the latest adopted edition of the IBC.

e. Parking

Two parking spaces are required for up to 2,000 square feet of ***gross floor area***. Thereafter, one additional space shall be required for each 1,000 square feet or less of ***gross floor area***.

f. Minimum Lot Size

The ***subdivision*** or recombination of any ***lot*** shown on a plat recorded prior to July 21, 1998, shall not result in any ***lot*** having a gross area of less than 7,260 square feet.

K. Redevelopment Overlay (R-O) District[205]

1. Purpose[206]

The purpose of the Redevelopment Overlay (R-O) District is to create and establish a zoning overlay district to provide flexibility in the design standards of Chapter 16-5: Development and Design Standards, and to utilize zoning and planning techniques specifically designed to promote and encourage the redevelopment of existing ***nonconforming structures*** and existing ***nonconforming site features***.

2. Zoning District Type

The Redevelopment Overlay (R-O) District is a hybrid floating zone and overlay zone that is unmapped on the ***Official Zoning Map*** and that can be applied to discrete, noncontiguous ***parcels*** for the purpose of promoting the redevelopment of existing ***nonconforming structures*** and existing ***nonconforming site features***.

3. Specific Techniques Authorized

On ***parcels*** approved for the Redevelopment Overlay (R-O) District, the following techniques are authorized to accomplish the purpose of the R-O District:

a. A relaxation of specific design standards set out in Chapter 16-5: Development and Design Standards; or

b. Authorization of the ***Official*** to make minor amendments to any R-O District.

4. Applicability[207]

a. A ***landowner*** of a ***parcel*** of ***land*** who proposes to redevelop may apply to have the ***parcel*** of ***land*** rezoned R-O District in accordance with Sec. 16-2-103.C, Zoning Map Amendment (Rezoning), and this section. For the purposes of this section, redevelopment is defined as the renovation of a previously developed site to the ***density*** allowed under this Ordinance, or the existing ***density***, whichever is greater. Cosmetic changes to the exterior of the ***structure*** and interior renovations do not qualify as redevelopment.

b. The following ***parcels*** of ***land*** may apply to have the ***land*** rezoned R-O District:

i. A ***parcel*** of ***land*** that contains a ***nonconforming structure*** or site feature; or

ii. A conforming ***parcel*** that redevelops in conjunction with a ***parcel*** that contains a ***nonconforming structure*** or site feature.

c. A ***parcel*** of ***land*** that is located in a RSF district does not qualify and is not eligible to have the ***land*** rezoned R-O District.

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[205] This subsection generally carries forward Article XI-Redevelopment Floating Zone, of the current LMO. It renames it Redevelopment Overlay (R-O) District and adds some requirements that compensation public benefits be provided for the modifications allowed (consistent with the discussion on p. 28 of the Response to LMO Rewrite Committee Comments).

[206] This paragraph carries forward Sec. 16-4-1101 of the current LMO, with changes to clarify language.

[207] This paragraph carries forward Sec. 16-4-1102 of the current LMO, with changes to clarify language. It does not change who may apply for an R-O District classification.

5. Procedure[208]

An R-O District classification shall only be approved in accordance with the procedures in Sec. 16-2-103.C.2, Zoning Map Amendment (Rezoning) Procedure, and the standards in Sec. 16-2-103.C.3, Zoning Map Amendment (Rezoning) Review Standards, and the requirements of this section.

6. Additional R-O District Review Standards

In addition to the review standards in Sec. 16-2-103.C.3, Zoning Map Amendment (Rezoning) Review Standards, redevelopment proposed to be classified to a R-O District may modify the dimensional, ***development*** and design, and natural resources protection standards of this Ordinance in accordance with Table 16-3-106.K.4, Additional R-O District Review Standards.

TABLE 16-3-106.K.4: ADDITIONAL R-O DISTRICT REVIEW STANDARDS

STANDARD	ALLOWABLE MODIFICATION
Uses (see base district standards in this chapter)	Only ***uses*** allowed in the base district are allowed, except for legal ***nonconforming uses***. Legal ***nonconforming uses*** are allowed to continue in accordance with the requirements of this section.
Maximum ***density*** (see base district standards in this chapter)	May not exceed maximum ***density*** of base district, or if a legal ***nonconforming use*** or ***structure***, the existing ***density***. A ***nonconforming use*** that exceeds maximum ***density*** of the base district may be permitted to change the ***use*** if there are no additional impacts of the proposed ***use*** on infrastructure and surrounding properties will result, and if the adequacy of the site ***improvements*** (such as parking and stormwater infrastructure) are evaluated, and determined to be sufficient to support the proposed redeveloped ***use***.
	Nonconforming square footage may be converted to another ***use*** if the ***density*** of the proposed ***use*** is based on square footage and the proposed ***use*** is permitted within the zoning district where the property is located.
Maximum ***building height*** (see base district standards in this chapter)	A ***structure*** that is nonconforming because of ***height*** may be rebuilt to legally nonconforming ***height***. Such decision shall be based on ability to recapture ***density*** of ***development*** and ***height*** of surrounding ***buildings***.
Maximum ***impervious cover*** (see base district standards in this chapter)	Shall not exceed maximum requirements of the base district, except for ***impervious cover*** that exists as a legal ***nonconforming site feature***, which may be maintained. In no case shall an **application** for rezoning to the R-O district be appropriate for a site where ***impervious cover*** exceeds 80% of the site.
Minimum adjacent street setback requirements (see Sec. 16-5-102.C) and adjacent street buffer requirements (see Sec. 16-5-103)	Up to 20% reduction in setback distance, buffer width, and planting rate for buffer screening.
Minimum adjacent use setback requirements (see Sec. 16-5-102.D) and adjacent use buffer requirements (see Sec. 16-5-103.E)	Up to 50% reduction in setback distance, buffer width, and planting rate for buffer screening.
Maximum adjacent street setback angles (see Sec. 16-5-102.C) and adjacent use setback angles (see Sec. 16-5-102.D)	May be increased based on the ***height*** of the ***structure*** and setback distance, but may not exceed a 75 degree angle.

[208] This paragraph carries forward Sec. 16-4-1103 of the current LMO, but changes provisions to reference the rezoning procedures in the LMO draft.

TABLE 16-3-106.K.4: ADDITIONAL R-O DISTRICT REVIEW STANDARDS	
STANDARD	**ALLOWABLE MODIFICATION**
Minimum ***open space*** requirement (see Sec. 16-5-104)	Shall not exceed minimum requirements of the base district, except for ***open space*** that exists as a legal ***nonconforming site feature***, which may be maintained. In no case shall an **application** for rezoning to the R-O district be approved for a site where ***open space*** is less than 20% of the site.
Minimum number of parking spaces (see Sec. 16-5-107.D.1)	Up to 50% reduction, if it is demonstrated off-street parking can be adequately addressed[209]
Parallel parking spaces (see Sec. 16-5-107.D.7)	The number of parallel parking spaces may be increased.
Compact parking spaces (see Sec. 16-5-107.D.8)	Compact parking spaces may be maintained up to the number that existed on the site as a ***nonconforming site feature*** prior to redevelopment.
Parking space dimensions (see Sec. 16-5-107.E.1)	Regular parking spaces that are no less than 8.5 feet by 18 feet, or compact spaces that are no less than 8.5 feet by 15 feet may be reconstructed to the same size that existed as a legal ***nonconforming site feature*** prior to the proposed redevelopment.
	Width of parking spaces adjoining a median at the end of a row of parking may be reduced to nine feet, or what existed on the site before redevelopment if the parking space dimensions at the time were a legal ***nonconforming site feature***.
Maximum number of parking spaces between landscaped medians along a row of parking (see Sec. 16-5-107.G.3.a.iv)	May be increased by up to three spaces if it is demonstrated that the parking lot contains sufficient landscaping to mitigate its environmental and visual impacts to an equivalent degree.
Minimum width of landscaped medians in parking lots (see Sec. 16-5-107.G.3.b)	May be reduced by up to 20% if it is demonstrated that the parking lot contains sufficient landscaping to mitigate its environmental and visual impacts to an equivalent degree.
Maximum ***off-site*** parking spaces (see Sec. 16-5-107.H.4.a)	Up to 20% of required parking spaces may be provided ***off-site***, if it is demonstrated that safe and convenient vehicular ***access*** is provided to the ***development*** served by the ***off-site*** parking.[210]
Pedestrian ***access*** to ***shared parking*** (see Sec. 16-5-107.H.3.b) and ***off-site*** parking (see Sec. 16-5-107.H.4.c)	***Access*** to shared or ***off-site*** parking may cross an arterial ***street*** if it is determined there is adequate and safe pedestrian ingress and egress to the ***development*** served by the off-premise parking.[211]
On-street parking (see Sec. 16-5-107.H.6)	May be used to satisfy up to 100% of the number of parking spaces required.
Minimum tree coverage (see Sec. 16-6-104.G)	A legal nonconforming site that does not comply with the minimum ***tree*** coverage requirement may be allowed to redevelop without the minimum amount of tree coverage if it is determined all feasible and practical alternative steps have been taken to meet the required amount of tree coverage on the site, and the ***landowner*** deposits a ***tree*** mitigation fee in a Town-administered ***tree*** replacement fund in-lieu of providing additional ***tree*** canopy. (see Sec. 16-6-104.L).

[209] This is a new provision. It is based on the standards originally proposed as part of the administrative adjustment procedure, which allows minor reductions in off-street parking to be reviewed and approved by the Official.

[210] This provision is modified from the current provisions in Sec. 16-4-1104.J.2 since shared parking provisions are added to Sec. 16-5-107.H.3, Shared Parking, of the draft LMO.

[211] This provision is modified from the current provisions in Sec. 16-4-1104.J.2 based on the additional alternative parking compliance provisions added to Sec. 16-5-107.H.3, Shared Parking, and Sec. 16-5-107.H.4, Off-Site Parking of the draft LMO.

7. Minor Amendment

Because unanticipated circumstances may arise in the redevelopment of existing ***nonconforming structures*** and existing ***nonconforming site features*** that make it impractical or impossible to execute an approved redevelopment plan set out in an approved R-O District, the ***Official*** is authorized to approve minor amendments to an approved R-O District as follows:

a. A minor amendment shall be an amendment that does not make the site nonconforming to the adopted ***development*** and design standards approved as part of the R-O District. A minor amendment shall not further relax a ***development*** or design standard or other design criteria that has been modified by the approved R-O District.

b. Disapproval or denial of a request for a proposed minor amendment to an R-O District by the ***Official*** may be appealed within 14 calendar days of the decision to the ***Board of Zoning Appeals***.

8. Expiration

An R-O District Map Amendment (Rezoning) shall not expire, but the amended ***Official Zoning Map*** is subject to further amendment or repeal, in accordance with the map amendment procedures set forth in Sec. 16-2-103.C, Zoning Map Amendment (Rezoning).

L. Coastal Protection Area (CPA-O) District [213]

1. Applicability and Purpose

a. The purpose of the Coastal Protection Area Overlay (CPA-O) District, in conjunction with the Transition Area Overlay (TA-O) District, is to eliminate the potential for seaward migration of the built environment along the Island's beachfront to the greatest extent possible. This environmentally sensitive area:

i. Protects life and property by serving as a storm barrier;

ii. Provides an important basis for a tourism industry that generates annual tourism industry revenue;

iii. Provides habitat for numerous species of plants and animals that are important to the natural functioning of the beach and ***dune system***, or that are threatened or endangered; and

iv. Provides ***beach*** and ***dune system*** vegetation that is unique and extremely important to the vitality and preservation of the barrier island environment.

b. All new ***development*** and changes to existing ***development*** in the district are subject to the regulations of this section.

[213] This section carries forward from the current LMO that part of Chapter 4, Article X – The Critical Storm Protection and Dune Accretion Area and The Transition Area Overlay District, pertaining to the Critical Storm Protection and Dune Accretion Area, with minor formatting and grammatical changes. The Critical Storm Protection and Dune Accretion Area is renamed the Coastal Protection Area.

c. The Town's standards and regulations pertaining to ***development*** activity within the CPA-O district are intended to complement those of the State of South Carolina.

d. Where State law and Town provisions regulate ***development*** under this subsection, the more restrictive standard shall govern, to the extent allowed by ***State*** law. In the event of a conflict between the provisions of this section and applicable State law, State law governs.

2. Delineation of the CPA-O District

a. General

Except as otherwise provided in subparagraph b below, the Coastal Protection Area Overlay (CPA-O) District includes the following areas within and ***adjacent*** to ***parcels*** fronting the Hilton Head Island ***beach***, as defined in Section 8-1-112 of the ***Municipal Code***:

i. Parcels Containing Single-Family, Golf Course, and Open Space Uses

For ***parcels*** containing ***single-family*** residential and golf course ***uses***, and ***open space uses*** without ***structures***, the CPA-O District includes the area between:

01. The ***Beachfront Line*** or the seaward property line of the ***parcel***, whichever is further landward, and

02. The ***mean high water line***, the ***Beachfront Line***, or the seaward property line of the ***parcel***, whichever is further seaward.

ii. Parcels Containing Other Uses

For ***parcels*** containing any ***land use*** other than ***single-family*** residential and golf course ***uses***, and ***open space uses*** without ***structures***, the CPA-O District includes the area between:

01. The seaward boundary of the Transition Area Overlay (TA-O) District (see Sec. 16-3-106.M.2, Delineation of the TA-O District) and

02. The ***mean high water line***, the ***Beachfront Line***, or the seaward property line of the ***parcel***, whichever is further seaward.

iii. Basis for Parcel Lines

The ***single-family parcels*** (with the exception of North Forest Beach ***Subdivisions*** 1, 2, and 3) and non-***single-family parcel*** lines used to establish the CPA-O) District boundaries in accordance with this subparagraph are as platted and recorded in the Beaufort County Register of Deeds Office as of the date of Ordinance 2009-22.

b. Hilton Head Beach Subdivisions 1, 2, and 3 subdistricts

i. The three ***single-family subdivisions*** identified as Hilton Head Beach ***Subdivisions*** 1, 2, and 3, are subdistricts within the CPA-O District. The Hilton Head Beach ***Subdivisions*** 1, 2, and 3 subdistricts are ***contiguous*** with

parcels of property described as "Beach Lot," "Strand Parcel" ***lots*** on recorded plats as follows:

01. For Hilton Head Beach Subdivision 1, the plat is recorded in the Beaufort County Register of Deeds Office, in Plat Book 81 at Page 153, and the property in question is described thereon as the "Beach Lot;"

02. For Hilton Head Beach Subdivision 2, the plat is recorded in the Beaufort County Register of Deeds Office, in Plat Book 84 at Page 112, and the property in question is described thereon as the "Strand Parcel;" and

03. For Hilton Head Beach Subdivision 3, the plat is recorded in the Beaufort County Register of Deeds Office, in Plat Book 81 at Page 154, and the property in question is described thereon as the "Beach Lot."

ii. The ***uses*** allowed in the CPA-O District in Hilton Head Beach Subdivision 2 are those ***uses*** allowed on the "Strand Parcel" property in the declarations of covenants and restrictions that are recorded in the Beaufort County Register of Deeds Office in Official Record Book 1532 at Page 1312.

iii. For all other property in the CPA-O District, this Ordinance applies.

iv. With respect to the CPA-O District in Hilton Head Beach Subdivision 2, where the text of this Ordinance conflicts with the declarations of covenants described above, the text of the declarations of covenants and restrictions shall control.

3. Activities and Uses Permitted and Prohibited in the CPA-O District

a. All ***development*** is prohibited in the CPA-O District except the following permitted ***uses*** and activities:

i. Boarded pathways as perpendicular to the ***beach*** as practical and not larger than six feet in width and their associated wooden deck not larger than 144 square feet (must comply with Sec. 16-6-103, Beach and Dune Protection;

ii. Beach renourishment;

iii. Emergency vehicular ***beach access***; and

iv. Permitted ***beach maintenance*** activities such as sand fencing, re-vegetation with native plant material and erosion control.

b. All activities and ***uses*** in the CPA-O District must also comply with all current local, state and federal laws.

4. Nonconforming Structures within the CPA-O District

a. Any ***structure*** or site feature that is nonconforming to the activities and ***uses*** permitted within the CPA-O District may be rebuilt to its current size (or smaller) and location provided that:

i. The ***structure*** conforms to current local, ***State***, and federal laws;

ii. The same ***use*** that previously existed is reestablished within the ***structure***; and

iii. Neither the ***structure*** nor the ***use*** has been discontinued for a period of 12 consecutive months or greater.

b. Normal ***maintenance*** activities of nonconforming ***structures*** are allowed.

M. Transition Area Overlay (TA-O) District [215]

1. Applicability and Purpose

a. The purpose of the Transition Area Overlay (TA-O) District, in conjunction with the Coastal Protection Area Overlay (CPA-O) District, is to eliminate the potential for seaward migration of the built environment along the Island's beachfront as well as protect the area between existing ***construction*** and the mean high water mark, to the greatest extent possible. This environmentally sensitive area:

i. Protects life and property by serving as a storm barrier;

ii. Provides an important basis for a tourism industry that generates annual tourism industry revenue;

iii. Provides habitat for numerous species of plants and animals that are important to the natural functioning of the ***beach*** and ***dune system***, or that are threatened or endangered; and

iv. Provides ***beach*** and ***dune system*** vegetation that is unique and extremely important to the vitality and preservation of the barrier island environment.

b. All new ***development*** and changes to existing ***development*** in the district are subject to the regulations of this section.

c. The Town's standards and regulations pertaining to ***development*** activity within the TA-O district are intended to complement those of the state of South Carolina.

d. Where ***State*** law and Town provisions regulate ***development*** under this subsection, the more restrictive standard shall govern, to the extent allowed by ***State*** law.

2. Delineation of the TA-O District

a. General

Except as otherwise provided in subparagraph b below, the Transition Are Overlay (TA-O) District applies only to non-***single-family*** areas, where it includes the area between:

i. The existing line of ***construction*** (as bound by the South Carolina State Plane Coordinate System), and

[215] This section carries forward from the current LMO that part of Chapter 4, Article X – The Critical Storm Protection and Dune Accretion Area and The Transition Area Overlay District, pertaining to the Transition Area, with minor formatting and grammatical changes.

ii. The most immediate seaward property line of ***parcels*** fronting the ***beach*** (as defined in Section 8-1-112 of the ***Municipal Code***) or the ***Beachfront Line***, whichever is further landward.

b. Hilton Head Beach Subdivisions 1, 2, and 3 subdistricts

i. The three ***single-family subdivisions*** identified as Hilton Head Beach ***Subdivisions*** 1, 2, and 3, are subdistricts within the TA-O District. The Hilton Head Beach ***Subdivisions*** 1, 2 and 3 subdistricts are ***contiguous*** with ***parcels*** of property described as 'A' ***lots***, 'E' and 'S' ***lots*** and 'X' ***lots*** on recorded plats as follows:

01. For Hilton Head Beach Subdivision 1, the plat is recorded in the Beaufort County Register of Deeds Office, in Plat Book 81 at Page 153, and the ***lots*** in question are described thereon as the "A" ***lots***;

02. For Hilton Head Beach Subdivision 2, the plat is recorded in the Beaufort County Register of Deeds Office, in Plat Book 84 at Page 112, and the ***lots*** in question are described thereon as the "E" and "S" ***lots***; and

03. For Hilton Head Beach Subdivision 3, the plat is recorded in the Beaufort County Register of Deeds Office, in Plat Book 81 at Page 154, and the ***lots*** in question are described thereon as the "X" ***lots***.

ii. The ***uses*** allowed in the TA-O District in Hilton Head Beach ***Subdivisions*** 1, 2, and 3 are those ***uses*** allowed on the "A," "E," "S," and "X" ***lots*** in the declarations of covenants and restrictions that are recorded in the Beaufort County Register of Deeds Office as follows:

01. For Hilton Head Beach Subdivision Number 1, in Official Record Book 1450 at Page 835;

02. For Hilton Head Beach Subdivision Number 2, in Official Record Book 1532 at Page 1317; and

03. For Hilton Head Beach Subdivision Number 3, in Official Record Book 1450 at Page 828

iii. Where the text of this Ordinance conflicts with the declarations of covenants described above, the text of the declarations of covenants and restrictions shall control.

3. Activities and Uses Permitted in the TA-O District[216]

a. In addition to the activities and ***uses*** permitted in the CPA-O District (see Sec. 16-3-106.L.3), the TA-O District may include any ***uses*** that do not require enclosed space to operate. These activities and ***uses*** include, but are not limited to, ***swimming pools***, boardwalks, fire pits, decks, required drainage ***improvements***, and necessary utilities.

b. The activities and ***uses*** in the TA-O District shall be located as far landward as possible. Activities or ***uses*** in the TA-O District shall be accessory activities or ***uses*** to the ***development*** to which they are directly seaward.

[216] At the request of Town staff, this subsection is substantially condensed.

c. ***Development*** in the TA-O District shall conform to the standards for ***impervious cover*** and ***open space*** for the underlying ***base zoning district***.

d. Activities or ***uses*** in the TA-O District shall not be on or in any part of a ***dune or dune system***.

4. Nonconforming Structures within the TA-O District

a. Any ***structure*** or site feature that is nonconforming as to the activities and ***uses*** permitted within the TA-O District may be rebuilt to its current size (or smaller) and location provided that:

i. The ***structure*** conforms to current local, ***State***, and federal laws;

ii. The same ***use*** that previously existed is reestablished within the ***structure***; and

iii. ***Use*** of the ***structure*** has not ceased for a period of 12 consecutive months or greater.

b. Normal ***maintenance*** activities of ***nonconforming structures*** are allowed.

Chapter 16-4: Use Standards

COMMENTARY:

Chapter 16-4: Use Standards, contains specific standards for the uses allowed in each zoning district established in the LMO. It builds on Chapter 4-Zoning District Regulations of the current LMO, and carries forward and builds on Chapter 4, Article XII-Use Regulations, Article XIII-Specific Use Standards, Article XIV-Accessory Uses, and Article XV-Temporary Uses. Chapter 16-4 is composed of four sections.

Section 16-4-101, Organization, outlines the chapter's organization and the relationship among its sections.

Chapter 16-4-102, Principal Uses, includes a Principal Use Table that builds on the use table in the current LMO, but restructures it to conform to the changes in zoning district structure discussed in the Response to LMO Committee Comments. It also consolidates, modernizes, and makes the classification of uses more general and flexible, which should simplify the use table. The table is organized as a matrix with a column for each base zoning district and a row for each principal use permitted by right or subject to use-specific conditions. The intersecting cell depicts whether each use is permitted by right, permitted subject to use-specific conditions, permitted as a Special Exception, or prohibited in the corresponding zoning district. The table also references any use-specific conditions applicable to particular principal uses—which are set forth later in the section. The description of the use classifications and relevant uses is found in Sec. 16-10-103, Use Classifications, Use Types, and Definitions. Use-specific conditions for many of the principal uses follow the Principal Use Table.

Chapter 16-4-103, Accessory Uses and Structures, includes a table that lists common accessory uses and ***structures***, designates which are allowed in each zoning district, and references any applicable conditions specific to particular accessory uses and ***structures***. It builds on Chapter 4, Article XIV-Accessory Uses, of the current LMO.

Chapter 16-4-104, Temporary Uses and Structures, includes conditions specific to a number of particular temporary uses. It builds on Chapter 4, Article XV-Temporary Uses, of the current LMO.

This commentary box and the footnotes included in this draft are provided for reference purposes and will not be included in the adopted LMO.

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Chapter 16-4: Use Standards[217]

Sec. 16-4-101. Organization[218]

A. Section 16-4-102, Principal Uses, sets out the ***uses*** allowed as ***principal uses*** in the zoning districts, what type of permit or review is required to establish them, and any special conditions applicable to particular ***principal uses***.

B. Section 16-4-103, Accessory Uses and Structures, identifies the ***uses*** and ***structures*** commonly allowed as accessory to ***principal uses*** and sets out where they are allowed, what type of permit or review is required to establish them, general standards applicable to all accessory ***uses*** and ***structures***, and any special conditions applicable to particular accessory ***uses*** and ***structures***.

C. Section 16-4-104, Temporary Uses and Structures, sets out which ***uses*** or ***structures*** are allowed on a temporary basis, and the general standards applicable to all temporary ***uses*** and ***structures***, and any special conditions applicable to particular temporary ***uses*** and ***structures***.

Sec. 16-4-102. Principal Uses[219]

A. Principal Use Table

1. Structure of Principal Use Table[220]

a. Organization and Classification of Principal Uses

i. The Principal Use Table organizes allowable ***principal uses*** with the following hierarchy of classifications:

01. Use Classifications are relatively broad and general and represent major groups of ***use*** types that have common functional or physical

[217] Chapter 16-4: Use Standards, builds on Chapter 4-Zoning District Regulations, of the current LMO. As is discussed in Chapter 16-3: Zoning Districts, specifically, it carries forward and builds on Chapter 4, Article XII-Use Regulations, Article XIII-Specific Use Standards, Article XIV-Accessory Uses, and Article XV-Temporary Uses. In each of these sections are changes to simplify and modernize regulations and to modify them to reflect the policy direction for the LMO Rewrite. These changes are described in the footnotes of each section in the chapter.

[218] This new section generally describes how the chapter is organized into three major sections: 16-4-102, Principal Uses, Chapter 16-4-103, Accessory Uses and Structures, and Chapter 16-4-104, Temporary Uses and Structures.

[219] Section 16-4-102, Principal Uses, builds on Chapter 4, Article XII-Use Regulations and Article XIII-Specific Use Standards, of the current LMO. As discussed above, even though the draft builds on the Use Table in Section 16-4-1204 of the current LMO (modifying, modernizing, and refining the table to conform it to the modifications in the district structure discussed in the Response to LMO Rewrite Committee Comments), the use descriptions and definitions are modified to allow for a more general description of the uses, which simplifies and shortens the Use Table. The Use Classification and Use Category structure used in the current use table set out in Sections 16-4-1211 through 16-4-1215 of the current LMO is simplified and moved to Sec. 16-10-103, Use Classifications, Use Types, and Definitions (in Chapter 10). The use-specific conditions in Chapter 4, Article XIII-Use Specific Standards, are carried forward, and modified, as noted. Specifically, the footnotes identify when provisions are carried forward or modified. Additionally, some new use-specific conditions are proposed to be added.

[220] This new subsection builds on Sections 16-4-1201 through 16-4-1203, and 16-4-1205 through 16-4-1208 of the current LMO. It begins by describing the organization and classification of principal uses in the Principal Use Table. The organization of uses into Use Classifications and Use Types is a simplified version of the organization used in the use table in the current LMO. The current categorization of uses as permitted, conditional, or special exception is also carried forward.

characteristics, such as the type and amount of activity, type of occupants or users/customers, or operational characteristics.

02. Use Types are a mix of relatively broad ***uses*** and specific ***uses*** within the various ***use*** classifications. They represent ***uses*** that this Ordinance treats differently in terms of where they are permitted, what ***use***-specific conditions apply to them, what parking requirements apply to them, and, to a lesser extent, what ***development*** standards apply to them. All ***principal use*** types are defined and many accessory and temporary ***use*** types are also defined.

ii. The Use Classifications and Use Types that make up the Principal Use Table are identified and described in Sec. 16-10-103, Use Classifications, Use Types, and Definitions.

2. Designation of Principal Uses as Permitted Use, Permitted Use Subject to Conditions, Special Exception Use, or Prohibited Use

The Principal Use Table uses the following abbreviations to designate whether and how a ***principal use*** is allowed in a particular zoning district:

a. A "P" indicates that the ***use*** is allowable as a ***principal use by right*** in the corresponding ***base zoning district***, subject to all other applicable regulations of this Ordinance.

b. A "PC" indicates that the ***use*** is allowable as a ***principal use*** in the corresponding ***base zoning district***, subject to referenced ***use***-specific conditions and all other applicable regulations of this Ordinance.

c. An "SE" indicates that the ***principal use*** is allowed in the corresponding ***base zoning district*** only if reviewed and approved as a special exception ***use***, in accordance with Sec. 16-2-103.E, Special Exception, and subject to any referenced ***use***-specific conditions and all other applicable regulations of this Ordinance.

d. A blank cell indicates that the ***use*** is prohibited as a ***principal use*** in the corresponding ***base zoning district***.

e. With its limited ***land*** area, sensitive ***lands***, and resort character, the Town of Hilton Head Island is primarily suited for residential, recreational, and some commercial ***uses***. Although it is essential to the community to allow certain ***uses*** with a light industrial character, few industrial or heavy commercial ***uses*** are appropriate in the Town. Thus, only industrial and heavy commercial ***uses*** expressly set forth in the Principal Use Table and accompanying definitions shall be permitted in the Town. All other industrial and heavy commercial ***uses*** are otherwise expressly prohibited.

3. Reference to Use-Specific Conditions

As noted above, a ***use*** allowable as a ***principal use*** in a zoning district may be subject to additional conditions that are specific to the ***use***. The applicability of such ***use***-specific conditions is noted through a section reference in the last column of the Principal Use Table titled "Use-Specific Conditions." References refer to standards in Use-Specific Conditions for Principal Uses.

4. Development with Multiple Principal Uses

When all ***principal uses*** of a ***development*** fall within one Use Type, the entire ***development*** is assigned to that Use Type. A ***development*** that contains a coffee shop, bookstore, and bakery, for example, would be classified as ***Other Commercial Services*** because all of the ***development***'s ***principal uses*** are in that Use Type. When the ***principal uses*** of a ***development*** fall within different Use Types, each ***principal use*** is classified in the applicable Use Type and is subject to all applicable regulations for that Use Type. ***Development*** with multiple ***principal uses***, such as ***shopping centers***, shall incorporate only those ***uses*** allowed in the underlying district.

5. Interpretation of Unlisted Uses[221]

a. Procedure for Interpreting Unlisted Uses as Permitted

The ***Official*** may interpret a ***use*** not expressly listed in the Principal Use Table as allowed in a zoning district, in accordance with the procedure in Sec. 16-2-103.R, Written Interpretation, and based on the standards in subparagraph b below.

b. Standards for Interpreting Unlisted Uses as Permitted

The ***Official*** shall interpret an unlisted ***use*** as permitted in a particular zoning district only after determining that the nature, function, and duration of the ***use*** and the impact of allowing it in the zoning district are so similar to those of a Use Type allowable in the zoning district that the unlisted ***use*** should be deemed allowable in the same manner as the similar Use Type. In making such determination, the ***Official*** shall consider the purpose and intent statements in this Ordinance concerning the zoning district, the character of ***uses*** allowable in the district, and all relevant characteristics of the unlisted ***use***, including but not limited to the following:

i. The actual or projected characteristics of the unlisted use in relationship to the stated characteristics of each listed Use Type;

ii. The relative amount of site area or floor space and equipment devoted to the unlisted use;

iii. The relative amounts of sales from each unlisted use;

iv. The customer type for each unlisted use;

v. The relative number of employees in each unlisted use;

vi. The hours of operation;

vii. The ***building*** and site arrangement;

viii. The vehicles used with the unlisted use;

ix. The relative number of vehicle trips generated by the unlisted ***use***; and

x. Whether the unlisted ***use*** is likely to be found independent of the other listed uses on the site.

[221] This new section sets out a specific procedure for the Official to interpret a particular use that is not expressly identified in the Principal Use Table, to determine whether it is similar to an identified use, or falls into one of the Use Categories. The considerations in making such a determination identified in Section 16-4-1207 of the current LMO are carried forward in this subsection.

c. Unlisted Use Not Permitted

If, after applying the criteria in subparagraph b above, the ***Official*** determines that a proposed unlisted ***use*** is not similar to a listed Use Type, the proposed ***use*** shall be prohibited.

d. Effect of Approval of Unlisted Use

i. After interpreting an unlisted ***use*** as permitted in a zoning district, the ***Official*** shall determine whether the unlisted ***use*** is likely to be common or will recur frequently, or whether its omission from the Principal Use Table is likely to lead to uncertainty and confusion. On determining that the unlisted ***use*** is likely to be common or would lead to confusion if unlisted, the ***Official*** shall ask the ***Planning Commission*** to initiate a text amendment to list the ***use*** in the Principal Use Table. Until final action is taken on the text amendment **application**, or the **Planning Commission** decides not to initiate the requested text amendment, the ***Official***'s interpretation shall be binding.

ii. If after interpreting an unlisted ***use*** as permitted in a particular zoning district, the ***Official*** determines that the unlisted ***use*** is of an unusual or transitory nature, and unlikely to recur frequently, the interpretation shall be binding in accordance with Sec. 16-2-103.R.6, Effect of Interpretation, without further action or amendment of this Ordinance.

iii. The ***Official***'s interpretation may be appealed in accordance with Sec. 16-2-103.T, Appeal of Administrative Decisions and Written Interpretations to Board of Zoning Appeals.

6. Principal Use Table[222]

TABLE 16-4-102.A.6: PRINCIPAL USE TABLE
P = Permitted by Right PC = Permitted Subject to Use-Specific Conditions
SE = Allowed as a Special Exception Blank Cell = Prohibited

Use Classification / Use Type	Special Districts		Residential Districts						Mixed-Use and Business Districts													Use-Specific Conditions
	CON	PR	RSF-3	RSF-5	RSF-6	RM-4	RM-8	RM-12	CR	SPC	CC	MS	WMU	S	MF	MV	NC	LC	RD	MED	IL	
Residential Uses																						
Group Living						P	P	P										P				
Mixed-Use									PC	PC		PC	PC		PC	PC	PC	PC	PC			Sec. 16-4-102.B.1.a
Multifamily						P	P	P	P	P		P	P	P	P	P	P	P	P			

[222] As discussed earlier, the Principal Use Table builds on the use table in Section 16-4-1204 of the current LMO, modifying, modernizing, and refining it to conform to the modifications in the zoning district structure discussed in the Response to LMO Rewrite Committee Comments, as well as establishing a more general and flexible set of Use Classifications and use type definitions, which simplify the Principal Use Table. The designation of permitted uses for the various districts reflects recommendations by the LMO Rewrite Committee. As discussed in previous footnotes, the Principal Use Table is organized around a structure of Use Classifications and use types. The Use Classifications and relevant use type definitions are described and defined in Sec. 16-10-103, Use Classifications, Use Types, and Definitions. The use-specific conditions that apply to the uses are referenced in the far right column in the table, and set down in 0, Use-Specific Conditions for Principal Uses.

TABLE 16-4-102.A.6: PRINCIPAL USE TABLE
P = Permitted by Right PC = Permitted Subject to Use-Specific Conditions
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USE CLASSIFICATION/ USE TYPE	SPECIAL DISTRICTS		RESIDENTIAL DISTRICTS						MIXED-USE AND BUSINESS DISTRICTS													USE-SPECIFIC CONDITIONS
	CON	PR	RSF-3	RSF-5	RSF-6	RM-4	RM-8	RM-12	CR	SPC	CC	MS	WMU	S	MF	MV	NC	LC	RD	MED	IL	
Recreation Vehicle (RV) Parks																		P				
Single-Family			P	P	P	P	P	P					P	P	P	P	P	P	P			
PUBLIC, CIVIC, INSTITUTIONAL, AND EDUCATIONAL USES																						
Aviation and Surface Transportation Uses																					PC	Sec. 16-4-102.B.2.a
Aviation Services Uses																					PC	Sec. 16-4-102.B.2.b
Cemeteries		P				P							P			P	P					
Community Service Uses		P				P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	PC	Sec. 16-4-102.B.2.c
Education Uses						P			P	P	P	P						P		P		
Government Uses		PC	PC	PC	PC	PC	PC	PC	P	P	P	P		P	P		P	P	P	P	P	Sec. 16-4-102.B.2.c
Major Utilities		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	
Minor Utilities		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Public Parks		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Religious Institutions		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Telecommunication Antenna, Collocated or Building Mounted		PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	Sec. 16-4-102.B.2.e
Telecommunication Towers, Monopole		PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	Sec. 16-4-102.B.2.e
HEALTH SERVICES																						
Hospitals																				P		
Nursing Homes																				P		
Other Health Services										P	P	P					P	P		P		
RESORT ACCOMMODATIONS																						
Bed and Breakfasts						PC			PC	PC		PC	PC	PC	PC	PC			PC			Sec. 16-4-102.B.4.a
Hotels									PC	P		P	P	PC		P		P	P			
COMMERCIAL RECREATION USES																						
Indoor Commercial Recreation Uses									P	P		P	P	PC	P	P		P	P			
Outdoor Commercial Recreation Uses Other than ***Water Parks***									PC				PC			PC		PC	PC			Sec. 16-4-102.B.5.a
Water Parks									P				P			P			P			
OFFICE USES																						
Contractor's Office									PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC		P	Sec. 16-4-102.B.6.a
Other Office Uses									P	P	P	P	P	P	P	P	P	P	P	P	P	
COMMERCIAL SERVICES																						
Adult entertainment uses										SE												Sec. 16-4-102.B.7.a
Animal Services										PC	PC			PC				PC			PC	Sec. 16-4-102.B.7.b
Bicycle Shops									PC	PC	PC	PC	PC	PC	PC	PC		PC	PC			Sec. 16-4-102.B.7.c

TABLE 16-4-102.A.6: PRINCIPAL USE TABLE
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USE CLASSIFICATION / USE TYPE	SPECIAL DISTRICTS		RESIDENTIAL DISTRICTS						MIXED-USE AND BUSINESS DISTRICTS													USE-SPECIFIC CONDITIONS
	CON	PR	RSF-3	RSF-5	RSF-6	RM-4	RM-8	RM-12	CR	SPC	CC	MS	WMU	S	MF	MV	NC	LC	RD	MED	IL	
Convenience Stores						PC			PC	PC	PC		PC	PC	PC	PC	PC	PC			PC	Sec. 16-4-102.B.7.d
Eating Establishments									PC	P	P	PC	PC	PC	PC	PC	PC	P	PC		PC	Sec. 16-4-102.B.7.e
Grocery Stores									P	P	P	P		P				P				
Landscape Businesses														PC				PC			P	Sec. 16-4-102.B.7.f
Liquor Stores									SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE			Sec. 16-4-102.B.7.g
Nightclubs or Bars									PC	PC	PC		PC	PC	PC	PC		PC	PC			Sec. 16-4-102.B.7.h
Open Air Sales		PC				PC			PC	PC		PC	PC	PC	PC	PC	PC	PC	P			Sec. 16-4-102.B.7.i
Shopping Centers									PC	PC	PC	PC		PC	PC			PC				Sec. 16-4-102.B.7.j
Tattoo Facilities																		PC				Sec. 16-4-102.B.7.k
Other Commercial Services Uses						PC	PC		P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 16-4-102.B.7.l
VEHICLE SALES AND SERVICES																						
Auto Rentals									PC	PC	P		PC		P	PC		P	PC		P	Sec. 16-4-102.B.8.a
Auto Repairs											PC							PC			PC	Sec. 16-4-102.B.8.b
Auto Sales											P							P			P	
Car Washes										P	P			PC	P			P			P	Sec. 16-4-102.B.8.c
Gas Sales									PC	PC	PC			PC	PC		PC	PC			PC	Sec. 16-4-102.B.8.cd
Taxicab Services											P			P				P			P	
Towing Services or Truck or Trailer Rentals																					P	
Watercraft Sales, Rentals, or Services													PC	P		PC		PC			P	Sec. 16-4-102.B.8.e
INDUSTRIAL USES																						
Light Industrial, Manufacturing, and Warehouse Uses																		PC			P	Sec. 16-4-102.B.9.a
Seafood Processing Facilities													PC	PC		PC						Sec. 16-4-102.B.9.b
Self-Service Storage										PC								PC			PC	Sec. 16-4-102.B.9.c
Waste-Related Services Other than ***Waste Treatment Plants***																					P	
Waste Treatment Plants																		SE				
Wholesale Sales																		PC			PC	Sec. 16-4-102.B.9.d
OTHER USES																						
Agriculture Uses		P	P	P	P	P	P	P					P	P	P	P	P	P				
Boat Ramps, ***Docking Facilities***, and ***Marinas***	PC	P	PC	PC		PC	PC						P			P						Sec. 16-4-102.B.10.a

B. Use-Specific Conditions for Principal Uses[223]

1. Residential Uses[224]

a. Mixed-Use

Mixed-use development shall designate separate parking spaces for use by the residential units. The parking spaces designated for residential ***use*** shall not be included as part of a ***shared parking*** plan.

2. Public, Civic, Institutional, and Education Uses[226]

a. Aviation and Surface Transportation Uses[227]

The length of the runway at an aviation/surface passenger terminal shall be no longer than 5,000 linear feet.

b. Aviation Services [228]

Aviation services are allowed if the site is located within 2,460 linear feet of the airport runway.

c. Community Services

In the IL District, ***community services*** are allowed only if at least $^{2}/_{3}$ of the total floor area is devoted to warehouse space.

d. Government Uses[229]

Government facilities in the Residential (RSF- and RM-) districts and the PR district shall be those related to the provision of public safety, such as fire stations, police stations, and emergency medical and ambulance stations.

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[223] This subsection builds on and carries forward most of the use-specific conditions in Chapter 4, Article XIII-Specific Use Standards, of the current LMO. Some new use-specific conditions are also proposed to be added. The footnotes identify where standards are carried forward or new standards are added. Where standards are carried forward, there are no substantive changes to them, unless changes are noted in the footnotes. Language in some of the use-specific conditions that are carried forward are refined, to ensure they conform to the language and format of the updated LMO.

[224] At the request of Town staff and the LMO Rewrite Committee, the manufactured housing park use and related use-specific standards are deleted and such parks are proposed to be treated as multifamily development; also, the duplex use is deleted and standards for group living uses are deleted. Provisions in the current LMO pertaining to interval occupancy conversions are deleted at the request of the LMO Rewrite Committee.

[226] At the request of Town staff and the LMO Rewrite Committee, day care uses and related use-specific standards are deleted and such uses are proposed to be treated as Other Commercial Services; also, standards for institutions are deleted.

[227] This subsection carries forward Section 16-4-1307 of the current LMO.

[228] This subsection carries forward Section 16-4-1306 of the current LMO.

[229] This subsection carries forward Section 16-4-1324 of the current LMO.

e. Telecommunications Facilities[230]

i. Applicability

All new ***telecommunications facilities***, whether a principal or accessory ***use***, shall comply with these conditions unless specifically exempted in Sec. 16-4-102.B.2.e.ii below.

ii. Exemptions

The following telecommunication facilities shall be exempt from the conditions in this section (but shall be required to comply with other relevant standards in this Ordinance):

01. ***satellite dish*** antennas less than 39 inches in diameter.

02. Wireless communications equipment and antennas located entirely within an enclosed nonresidential, ***mixed-use***, or ***multifamily building***.

03. Receive-only ***television or radio antennas*** for noncommercial ***use***.

04. Antennas legally operated by FCC-licensed amateur radio operators, provided the antenna meets all FAA regulations and is less than 150 feet high.

05. Modifications of an existing telecommunications tower—including the collocation, removal, or replacement of transmission equipment on the tower—or its base station (i.e., a ***building*** at the base of the

[230] This section replaces the current telecommunications facility standards in Section 16-4-1351 (as amended by text amendment 2012-15 related to tower setbacks) and Section 16-3-306, related to preparation of a Telecommunications Facility Plan as part of an **application** to establish a new facility. The current standards allow new towers as a permitted use subject to use-specific conditions in all zoning districts except the single-family districts, "walking " districts, and the RM-8 district (new towers require a special exception in the current PR district). The current use-specific conditions establish a minimum separation distance of 10,500 feet between new and current towers; a series of different tower setbacks from lot lines, public rights-of-way, and residential structures; maximum tower heights of 180 feet; requirements for engineering new towers to accommodate collocated equipment; obstruction lighting standards; and abandonment provisions.

The current regulations were drafted several years ago and did not contemplate the increased need and desire for wireless communications brought about by use of "smart phones" as well as the natural evolution in wireless communications systems as the number of users increase (this evolution is marked by a shift from a few, relatively tall towers to a much higher number of towers and building mounted antenna, each with considerably shorter heights). The Greater Island Council Telecommunications Task Force was convened and directed with the task of exploring necessary changes to the Town's telecommunications regulations to address this problem. A number of the Taskforce's recommendations are incorporated into these proposed changes to the use-specific conditions.

Some of the key changes proposed in these standards are limiting towers to monopole towers (no guy or lattice towers) and increasing requirements for such towers. To limit speculative construction of new monopole towers, applicants must be approved FCC license holders or demonstrate proof of a lease agreement with an FCC-approved wireless communications provider.

These proposed standards require new towers to be set back from major arterials and the OCRM base line and critical line by the height of the tower, from minor arterials by 80% of the tower's height, from other streets by the fall zone, and from adjacent uses by the fall zone.

Separation requirements are removed as they are intended to disperse telecommunications equipment – a provision inconsistent with actual patterns of wireless device usage, which tend to be higher in retail centers, near major street intersections, and in areas proximate to residences.

The standards include modifications to screening and setback standards for ground-based equipment, including removal of setback requirements from perimeter facility fences and requirements for a vegetative area between the compound and adjacent lot lines.

Finally, several provisions related to telecommunication facility plans are proposed for relocation into the appendices, with other submittal requirements.

tower that houses equipment associated with the ***telecommunications facility***) that do not substantially change the physical dimensions of the tower or base station.[231]

iii. Conditions Applicable to All Telecommunications Facilities

All ***telecommunications facilities***, including collocated facilities and ***monopole telecommunication towers***, shall comply with the following conditions:

01. No telecommunications tower, antenna, or supporting equipment shall disturb or diminish radio, television, telecommunication, or similar reception.

02. No signage shall be allowed on any tower, antennae, ***accessory structure***, or equipment except that provided for in Sec. 16-5-114, Sign Standards.

iv. Additional Conditions for Collocated Telecommunications Facilities

Telecommunication antennas may be collocated on existing telecommunications towers, water tanks, electrical transmission towers, or similar utility ***structures***, or mounted on non-***single-family*** or ***mixed-use principal buildings*** subject to the following conditions:

01. Any ground-based equipment shall be placed within an existing equipment ***building*** or screened in accordance with Sec. 16-4-102.B.2.e.vi.05.

02. Any antenna mounted on a ***building facade*** visible from a public ***right-of-way*** or residentially-zoned ***land*** shall be painted or otherwise camouflaged to minimize its appearance.

v. Timely Action on Telecommunications Facility Applications[232]

The Town shall process all applications for a ***telecommunications facility*** in a timely manner in accordance with the review procedures in Chapter 16-2: Administration, and shall make a decision on such applications within a reasonable period of time after the **application** is submitted (see Sec. 16-2-102.C, Application Submittal), taking into account the nature and scope of the **application**. Specifically, the Town shall decide all applications for collocation of a ***telecommunications facility*** on an existing telecommunications tower or other existing ***structure*** within 90 days after acceptance of an **application**, and shall decide applications for telecommunications towers within 150 days after acceptance of a complete **application**.

[232] This new provision reflects the requirement of the Telecommunications Act of 1996 that action be taken within a reasonable period of time. It also incorporates specific time frames deemed reasonable by the FCC in a November 2009 ruling, which was upheld by the U.S. Supreme Court this past summer.

vi. Additional Conditions for Monopole Telecommunication Towers

Monopole telecommunication towers, whether as a principal or accessory ***use***, shall be reviewed by the ***Design Review Board***, and shall comply with the following conditions:

01. Height

The maximum overall ***height*** of the tower and all associated equipment shall be 180 feet above grade.[233]

02. Collocation

(A) No tower shall be allowed unless it is demonstrated that no suitable existing tower, ***building***, or other ***structure*** within the coverage area is available for the collocation of antennas.

(B) New towers shall be designed to accommodate the present and future needs of the owner and at least two comparable users.

03. Lighting

All towers with a ***height*** of 150 feet or more shall be lighted. Lighting shall be in accordance with FAA Advisory Circular AC 70/7460-1K (and all future updates) and FAA Advisory Circular AC 150/5345-43E (and all future updates) and shall be red strobe lights (L-864) at night and medium-intensity flashing white lights (L-865) during daylight and twilight ***use*** unless otherwise required by the FAA. No general illumination shall be permitted. All commercial communication towers approved by the Town and by the South Carolina State Historic Preservation Office prior to February 3, 2009 and operating in conformance with those approvals shall be deemed to be a lawful ***nonconforming use*** and ***structure*** and are not subject to these lighting requirements. Status as a lawful ***nonconforming use*** or ***structure*** under this provision shall terminate upon the expiration or revocation of a commercial communication tower's permit or upon any modification to the ***height*** of the tower.

04. Setbacks

(A) The tower shall be set back from all major arterials, the OCRM critical line, and the OCRM base line by a minimum distance equal to the overall ***height*** of the tower.

(B) The tower shall be set back from all minor arterials by a minimum distance equal to 80 percent of the ***height*** of the tower.

(C) The tower shall be set back from all other ***streets*** by a minimum distance equal to the ***fall zone*** of the tower plus twenty feet.

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[233] The current regulations limit tower heights to 160 feet, but allow an additional 20 feet if the tower is designed for collocation. However, the regulations also require all towers be designed for collocation. As a result, these standards simply cap tower heights at 180 feet (in addition to requiring collocation).

(D) The minimum setback from a ***street*** required by (A) through (C) above may be reduced where a sight line analysis, balloon height test, or similar test demonstrates that the tower would be screened from the view of motorists on the ***adjacent street*** if located at the reduced setback—provided that the setback shall not be reduced to a distance within the ***fall zone*** of the tower.[234]

(E) The minimum setback from a ***street*** required by (A) through (C) above may be reduced by up to 35 percent in all Residential (RSF- and RM-) districts, and the CR, SPC, CC, MS, WMU, S, and LC Districts, on demonstration to the ***Official*** that:

(1) The reduction is consistent with the character of ***development*** on surrounding ***land***;

(2) ***Development*** resulting from the reduction is consistent with the purpose and intent of the tower setback standards;

(3) The reduction either (a) is required to compensate for some unusual aspect of the site or the proposed ***development***, or (b) results in improved site conditions;

(4) The reduction will pose a danger to the public health or safety;

(5) Any adverse impacts directly attributable to the reduction are mitigated;

(6) The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than a 30 percent in the SMU District, 20 percent in the RD and IL Districts, or 15 percent in all other districts;

(7) The setback exceeds the ***fall zone*** of the tower; and

(8) The tower meets the wind-load rating to survive a Class V hurricane.

(F) The tower shall be set back from all ***adjacent uses*** by a minimum distance equal to the ***fall zone***.

(G) The tower shall be set back from any ***structures*** located on the subject property outside the tower and associated equipment area by a minimum distance equal to the tower's ***fall zone***, unless the ***landowner*** waives this requirement in writing.

05. Screening

The tower and its associated equipment areas shall be surrounded by a fence or wall with a minimum ***height*** of seven feet and a 15-foot-wide vegetated area outside the fence or wall. Equipment and equipment ***buildings*** shall not be required to be set back from fencing surrounding the compound. The ***Design Review Board*** may

[234] This provides flexibility to reduce the minimum tower setback to the extent the tower would not be visible from the adjacent street.

waive this requirement upon finding existing vegetation or other screening techniques will provide more effective screening.

vii. Discontinued Use

If a ***telecommunications facility*** is not used for a period of six consecutive months, the ***Official*** shall provide the facility owner notice indicating that the facility must be removed within six months from the date of notice. An interruption of operations due to ***repair*** work on the facility shall not be deemed a cessation of the ***telecommunications facility use***.

3. Health Services[235]

[reserved]

4. Resort Accommodations[236]

a. Bed and Breakfasts[237]

A ***bed and breakfast*** shall contain no more than ten guest rooms.

b. Hotels

i. ***Hotels*** located in the CR District shall have guest rooms with ***gross floor area*** no smaller than 100 square feet.[238]

ii. ***Hotels*** in the S District shall not have direct vehicular ***access*** to a major arterial.

5. Commercial Recreation Uses

a. Indoor Commercial Recreation Uses

The site of an ***indoor commercial recreation use*** in the S District shall not have direct vehicular ***access*** to a major arterial.

b. Outdoor Commercial Recreation Uses other than Water Parks

The site of an ***outdoor commercial recreation use*** shall have direct vehicular ***access*** to a minor arterial in accordance with Sec. 16-5-105.B, Street Hierarchy.

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[235] This is a new use classification. Although it contains no uses for which use-specific conditions are proposed, this provides a placeholder location that allows such conditions to be inserted in the future without the need to renumber all subsequent subsections.

[236] At the request of Town staff and the LMO Rewrite Committee, current use-specific standards for hotels are deleted. Also, interval occupancy conversion standards for time-sharing are deleted at the request of the LMO Rewrite Committee.

[237] This subsection carries forward Section 16-4-1309 of the current LMO, but without the standard prohibiting B&Bs in existing residential subdivisions.

[238] This standard is added in response to the LMO Rewrite Committee's request that a minimum room size apply in the CR District. According to a survey by Hotel & Leisure Advisors of 6,000 hotels sales, the size of hotel rooms among the dominant hotel chains ranges from 68 square feet to 355 square feet, with an average size of 170 square feet. We suggest a minimum size of 100 square feet to reflect the higher room sizes probable in resort communities.

6. Office Uses

a. Contractor's Office

i. In the CR, SPC, MS, WMU, MF, MV, and RD Districts, a ***contractor's office*** shall not have any ***outdoor storage***.

ii. In the CC, NC, S, and LC Districts, ***outdoor storage*** shall be fully screened.

iii. In the LC District, a ***contractor's office*** with ***outdoor storage*** shall not have direct vehicular ***access*** to a major arterial.

7. Commercial Services[240]

a. Adult Entertainment Uses[241]

i. Types of Adult Entertainment Uses

An ***adult entertainment use*** is classified as follows (see definitions in Section 10-7-20 of the ***Municipal Code***):

01. Adult arcades.

02. Adult bookstores or adult video stores.

03. Adult cabarets.

04. Adult motion picture theaters.

05. Nude dancing establishments.

06. Nude model studios

07. Sexual encounter centers.

08. Other similar ***uses*** or businesses.

ii. Locational Restrictions

An ***adult entertainment use*** shall comply with the following locational restrictions:

01. It shall not be operated within 750 feet of:

(A) A ***religious institution***;

(B) Publicly owned ***land***;

(C) The boundaries of a residential (RSF-, RM-) zoning district;

(D) A daycare or youth activity center, public or private elementary or secondary school; or

(E) Another ***adult entertainment use***.

02. This distance shall be measured as the length of an imaginary straight line between the two closest points of the perimeter boundary of the property on which any ***adult entertainment use*** is

[240] At the request of Town staff and the LMO Rewrite Committee, use-specific standards for banks, pharmacies, department and discount stores, ***grocery stores***, souvenir and T-shirt stores, and general retail sales and service uses are deleted.

[241] This subsection carries forward Section 16-4-1303 of the current LMO, with little change.

located, and the perimeter boundary of the property on which any use from which the separation is required (see provision 01 above).

03. An ***adult entertainment use*** shall not be approved or established if any part of the property on which the adult entertainment use is located has any ***frontage*** on a major arterial as defined in Sec. 16-5-105.B, Street Hierarchy.

iii. Additional Exhibition-Related Requirements

A ***person*** who operates, or causes to be operated, an ***adult entertainment use*** that exhibits on the ***premises***, in a viewing room of less than 150 square feet of floor space, a film, video cassette, or other video reproduction that depicts specified sexual activities or specified anatomical areas, shall comply fully with the applicable portions of Section 10-7-30 of the ***Municipal Code***, but shall additionally comply with the following requirements:

01. Upon **application** for an adult entertainment permit or license, the **application** shall be accompanied by a diagram of the ***premises*** showing a plan specifying:

(A) The location of one or more manager's stations that does not exceed 32 square feet in area and that is designed so there is an unobstructed view from a manager's station of every area of the ***premises*** to which any patron is permitted ***access*** for any purpose excluding restrooms.

(B) The location of all overhead lighting fixtures.

(C) Areas on the ***premises*** designating where patrons will be permitted.

(D) Areas within the ***premises*** where the permit will be conspicuously posted, if granted.

(E) The location within the ***premises*** that will be equipped with overhead lighting fixtures with illumination of not less than one foot-candle as measured at the floor level.

02. Assurances shall be provided by the owner(s) and operator(s) of the ***premises*** that:

(A) At least one employee will be on duty and situated in each manager's station at all times that any patron is present inside the ***premises***.

(B) They and any agents and employees present will ensure that the viewing area remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times, and that no patron is permitted ***access*** to any area of the ***premises*** that is designated as an area where patrons are not permitted.

(C) No patron viewing room will be occupied by more than one ***person*** at any time.

(D) The illumination of the lighting in the plan is maintained at all times that any patron is present in the ***premises***.

03. A professionally prepared diagram in the nature of an engineer's or architect's blueprint is not required. However, each diagram shall be

oriented to the north or to some designated ***street*** or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the ***premises*** to an accuracy of plus or minus six inches.

04. The ***Official*** may waive the foregoing diagram for renewal applications if the ***applicant*** adopts a diagram that was previously submitted and certifies that the configuration of the ***premises*** has not been altered since it was prepared and approved in accordance with this Ordinance and the ***Municipal Code***.

05. No alteration in the configuration or location of a manager's station shall be made without the prior approval of the ***Official***.

06. Restrooms may not contain video reproduction equipment. If the ***premises*** has two or more manager's stations designated, then the interior of the ***premises*** shall be configured in such a manner that there is an unobstructed view of each area of the ***premises*** to which any patron is permitted ***access*** for any purpose from at least one of the manager's stations.

07. A ***person*** having a duty under this subparagraph commits a misdemeanor if that ***person*** knowingly fails to fulfill that duty.

iv. Exemptions

01. Any ***adult entertainment use*** lawfully operating as a conforming use is not rendered a ***nonconforming use*** by the subsequent location of a ***religious institution***, public ***land***, residential district, daycare or youth activity center, or public or private elementary or secondary school within 750 feet. This provision applies only to the renewal of a valid permit or license, and does not apply when an **application** for a permit or license is submitted after a permit or license has expired or has been revoked, or to an **application** for a new ***adult entertainment use***.

02. Exempted from the provision of this section, and prosecution in accordance with the provisions of this Ordinance are ***persons*** in a state of nudity or semi-nudity appearing in a modeling class operated:

(A) By a proprietary school licensed by the state of South Carolina or a college, junior college or university supported entirely or partly by taxation;

(B) By a private college or university that maintains and operates educational programs where credits are transferable to a college, junior college, or university supported entirely or partly by taxation, or any other school defined and regulated by Title 59 of S.C. Code Ann.; and

(C) In a ***structure*** that has no sign visible from the exterior of the ***structure*** and no other advertising that indicates a nude ***person*** is available for viewing; and where, in order to participate in a class, a student must enroll at least three days in advance of the class; and where no more than one nude model is on the ***premises*** at one time.

b. Animal Services[242]

A boarding facility, grooming facility, pet store, or veterinary hospital shall comply with the following conditions:

i. Those parts of ***structures*** in which animals are received (e.g., receiving area), boarded (e.g., cages, pens, kennels), groomed, treated (e.g., treatment rooms, recovery rooms), or bred (e.g., mating, birthing, and nursing areas) shall be fully enclosed and sufficiently insulated so no unreasonable noise or odor can be detected off the ***premises***.

ii. Runs or areas for the training or periodic exercise of animals may be located outside provided:

01. They are not used for regular boarding of animals;

02. They are not used between the hours of 10:00 p.m. and 8:00 a.m.; and

03. A Type D buffer (see Section Sec. 16-5-103.F, Buffer Types) is provided between the animal services use and a ***lot*** line.

c. Bicycle Shops[243]

A ***bicycle shop*** shall comply with the following conditions.

i. Outdoor storage is permitted only in the CR, SPC, MS, WMU, S, MF, MV, and RD Districts.

ii. Vegetation, fences, and walls shall be installed to screen ***outdoor storage*** areas.

iii. In the S District, a ***bicycle shop*** shall not direct vehicular ***access*** to a major arterial.

d. Convenience Stores[244]

A ***convenience store*** shall comply with the following conditions:

i. The site shall have direct vehicular ***access*** to a minor arterial in accordance with Sec. 16-5-105.B, Street Hierarchy. There shall not be direct vehicular ***access*** onto a major arterial.

ii. Convenience stores located in the RM-4 District shall not have a maximum ***gross floor area*** of more than 1,200 square feet.

iii. Convenience stores located in the MF District shall not have a maximum ***gross floor area*** of more than 3,000 square feet.

e. Eating Establishments[245]

In the CR, MS, WMU, S, MF, MV, IL, NC, and RD Districts, an ***eating establishment*** shall not have ***drive-through*** service.

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[242] This expands Sec. 16-4-1332 of the current LMO to allow areas for periodic exercise of animals, subject to restrictions intended to minimize adverse impacts on adjoining properties.

[243] This subsection carries forward Section 16-4-1310 of the current LMO.

[244] This subsection carries forward Section 16-4-1315 of the current LMO, adding a size limit for the MF District, as requested by the LMO Rewrite Committee.

[245] This carries forward the current LMO's prohibition of drive-through service for eating establishments in most districts where they are allowed.

f. Landscape Businesses[246]

Landscape businesses that involve frequent deliveries by large trucks or substantial ***outdoor storage*** areas for equipment or nonliving landscaping materials shall not have ***frontage*** on a major arterial.

g. Liquor Stores[247]

A liquor store shall comply with the following locational restrictions:

i. It shall not be located within 200 feet of:

01. A ***religious institution***; or

02. A public or private elementary or secondary school.

ii. These distances shall be measured as the length of an imaginary straight line between the two closest points of the perimeter boundary of the property on which any liquor store is located, and the perimeter boundary of the property on which any ***use*** from which the separation is required (see provision i above).

h. Nightclubs or Bars[248]

A nightclub or bar shall comply with the following locational restrictions:

i. It shall not be located within 200 feet of:

01. A ***religious institution***:

02. A public or private elementary or secondary school; or

03. The boundary of a residential (RSF- or RM-) district.

ii. These distances shall be measured as the length of an imaginary straight line between the two closest points of the perimeter boundary of the property on which any nightclub or bar ***use*** is located, and the perimeter boundary of the property on which any ***use*** from which the separation is required (see provision i above).

iii. In the S District, a nightclub or bar shall not have direct vehicular ***access*** to a major arterial.

i. Open Air Sales[249]

Open air sales shall comply with the following conditions.

i. Temporary ***open air sales*** shall comply with all of the requirements of Sec. 16-4-104, Temporary Uses and Structures.

ii. ***Open air sales*** that are not considered temporary ***uses*** in accordance with Sec. 16-4-104, Temporary Uses and Structures, shall occur only out of a ***structure*** that is allowed by this Ordinance.

j. Shopping Centers

A ***shopping center*** shall comply with the following conditions:

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[246] This is a new standard requested by the LMO Rewrite Committee.
[247] This subsection carries forward Section 16-4-1335 of the current LMO.
[248] This subsection carries forward Section 16-4-1340 of the current LMO, adding an access limitation for the S District.
[249] This subsection carries forward Section 16-4-1341 of the current LMO.

i. The site shall have direct vehicular ***access*** to a major or minor arterial, in accordance with Sec. 16-5-105.B, Street Hierarchy.

ii. ***Shopping centers*** located in the MF District shall not have a maximum ***gross floor area*** of more than 100,000 square feet.

k. Tattoo Facilities[251]

A tattoo facility shall comply with the following locational restrictions:

i. The site shall not be located within 1,000 feet of:

01. A ***religious institution***;

02. A daycare or youth activity center or public or private elementary or secondary school; or

03. A playground; or

04. A place that is provided by the public for recreation; or

05. Publicly owned ***land***.

ii. This distance shall be measured as the length of an imaginary straight line between the two closest points of the perimeter boundary of property on which any ***Tattoo Facility use*** is located, and the perimeter boundary of the property on which any ***use*** from which the separation is required.

l. Other Commercial Services

Other commercial services located in the RM-4 District or RM-8 District shall have a ***gross floor area*** no greater than 1,200 square feet.

8. Vehicle Sales and Services[252]

a. Auto Rentals[253]

An ***auto rentals use*** in the CR, SPC, WMU, MV and RD Districts shall comply with the following conditions:

i. The auto rental ***use*** shall be co-located with a Resort Accommodation ***use***.

ii. No more than ten rental vehicles shall be stored on the site at any one time.

b. Auto Repairs[254]

An ***auto repair use*** shall comply with the following conditions:

i. The site shall not be located within 200 feet of the boundary of a residential (RSF- or RM-) district. This distance shall be measured as the length of an imaginary straight line between the two closest points of the perimeter boundary of property on which any ***auto repair use*** is located,

[251] This subsection carries forward Section 16-4-1350 of the current LMO.
[252] At the request of Town staff and the LMO Rewrite Committee, use-specific standards for auto sales are deleted.
[253] This subsection carries forward Section 16-4-1304 of the current LMO.
[254] These are new standards for auto repair uses. They are intended to minimize visual, noise, and odor impacts on adjoining properties.

and the perimeter boundary of the property on which any ***use*** from which the separation is required.

ii. ***Repair*** and storage of all vehicles shall occur within an enclosed ***building***. Temporary outdoor vehicle storage may be allowed in an ***outdoor storage*** area located behind or to the side of the principal ***structure*** that is screened from public view.

iii. All automobile parts and similar materials shall be stored within an enclosed ***building*** or totally screened from view by an opaque or privacy fence.

c. Car Wash

In the S District, a ***car wash*** shall not have direct vehicular ***access*** to a major arterial.

d. Gas Sales[255]

A gas station shall comply with the following conditions:

i. The site shall have direct vehicular ***access*** to a minor arterial or other ***street***, in accordance with Sec. 16-5-105.B, Street Hierarchy. No direct vehicular ***access*** to a major arterial shall be permitted.

ii. The site shall be located at the intersection of at least two ***streets***, one of which shall be a minor arterial.

iii. If the site is within 500 feet of an intersection of any ***street*** with a major arterial, there shall be a traffic signal at that intersection. The distance shall be measured from the center line of the closest vehicular ***access*** on the property where the gasoline sales ***use*** is located, and shall be measured along the centerline of the travel lane of the ***street*** providing the shortest route to the intersection, and shall be measured to the closest point along the right of way line at the intersection.

iv. No more than two ***uses*** offering gas sales shall be located at the intersection of a major arterial with a minor arterial. The two ***uses*** shall be located on opposite sides of the major arterial.

v. No more than 16 pumps (defined as a fueling area for an individual vehicle) shall be permitted at a ***gas sales*** establishment.

vi. No ***signs*** shall be located on any canopy over the pumps.

e. Watercraft Sales, Rental or Service[256]

i. In the WMU and MV Districts, ***watercraft sales, rentals, or services*** shall be located at the site of a ***boat ramp***, ***docking facility***, or marina.

ii. In the LC District, ***watercraft sales, rentals, or services*** shall not have direct vehicular ***access*** to a major arterial.

[255] This subsection carries forward Section 16-4-1323 of the current LMO.
[256] This carries forward the condition in Sec. 16-4-1355 of the current LMO, adding an access limitation for the LC District.

9. Industrial Uses

a. Light Industrial, Manufacturing, and Warehouse Uses[257]

Light Industrial, manufacturing, and warehouse ***uses*** in the LC District shall comply with the following conditions:

i. No ***outdoor storage*** shall be permitted unless the ***outdoor storage*** is fully screened.

ii. There shall be no ***frontage*** on a major arterial.

b. Seafood Processing Facilities [258]

A ***seafood processing*** facility shall have direct boat ***access*** to a navigable waterway.

c. Self-Service Storage[259]

Self-service storage facilities shall comply with the following conditions:

i. The only ***uses*** allowed ***on-site*** shall be the rental of storage bays, the pickup and deposit of goods or property in dead storage, the rental of two-axle moving trucks and trailers, and limited incidental sales of storage and moving materials (e.g., boxes, tape).

ii. Storage bays shall not be used to manufacture, fabricate, or process goods, to service or ***repair*** vehicles, small engines or electrical equipment, or conduct similar ***repair*** activities, to conduct garage sales or retail sales of any kind, or to conduct any other commercial or industrial activity on the site.

d. Wholesale Sales[260]

Accessory retail operations associated with a wholesale business are permitted if they use no more than 15 percent of the ***gross floor area*** of the ***building***.

10. Other Uses

a. Boat Ramps, Docking Facilities, and Marinas[261]

i. A ***boat ramp***, ***docking facility***, or marina in the CON District shall be associated with an approved ***use*** in the ***adjacent*** zoning district.

ii. A ***boat ramp*** is allowed in the RSF-3, RSF-5, RM-4, or RM-8 District only if the purpose is to serve the ***adjacent neighborhoods***.

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[257] At the request of Town staff and the LMO Rewrite Committee, use-specific standards for light industrial and limited manufacturing are substantially reduced to these standards.

[258] This subsection carries forward Section 16-4-1346 of the current LMO.

[259] These are new standards for a current allowable use.

[260] This is a new standard for a current allowable use.

[261] At the request of Town staff and the LMO Rewrite Committee, current use-specific standards for these uses are not carried forward except for the requirement applicable in the Conservation district.

Sec. 16-4-103. Accessory Uses and Structures [262]

A. Purpose

This section authorizes the establishment of accessory ***uses*** that are incidental and customarily subordinate to ***principal uses***. Specific accessory ***uses*** are also considered incidental and subordinate accessory ***uses***, if they comply with all relevant provisions of this Ordinance. The purpose of this section is to allow a broad range of accessory ***uses***, so long as such ***uses*** are located on the same site as the ***principal use*** and comply with the standards set forth in this section to reduce potentially adverse impacts on surrounding ***lands***, and all requirements under this Ordinance for the ***principal use*** to which it is accessory, and all other relevant provisions of this Ordinance.[263]

B. Applicability

1. Any ***use*** that is customarily incidental and subordinate to a ***principal use*** on the same ***lot*** is allowed as an accessory ***use*** to the ***principal use***, and any ***structure*** that is detached from a principal ***structure*** on the same ***lot*** and incidental and subordinate in ***use*** and size to the principal ***structure*** and the ***principal use*** of the ***lot*** is allowed as an ***accessory structure*** to the principal ***structure*** and ***use***. The Accessory Use/Structure Table in Sec. 16-4-103.D.2 does not list all allowable accessory ***uses*** and ***structures***. If a ***use*** or ***structure*** proposed as an accessory ***use*** or ***structure*** is not listed in the Accessory Use/Structure table, the characteristics of the particular ***use*** or ***structure*** relative to the ***principal use*** or ***structure*** will be considered to determine if the ***use*** or ***structure*** is an allowable accessory ***use*** or ***structure***.

2. Sec. 16-4-103.C, General Standards for All Accessory Uses and Structures, establishes general standards that apply to all allowed accessory ***uses*** and ***structures***. Sec. 16-4-103.D.2, Accessory Use/Structure Table, shows whether certain types of accessory ***uses*** or ***structures*** are permitted or prohibited within the various zoning districts. Sec. 16-4-103.E, Use-Specific Conditions for Accessory Uses and Structures, establishes conditions that apply to certain types of accessory ***uses*** or ***structures*** regardless of the zoning district in which they are allowed, unless expressly stated to the contrary.

C. General Standards for All Accessory Uses and Structures

1. An accessory ***use*** or ***structure*** shall not be established or constructed before the establishment or ***construction*** of the ***principal use*** or ***structure***.

2. If the ***principal use*** or ***structure*** is destroyed or removed, and is not rebuilt or replaced within 24 months after the date of the destruction or removal, the **accessory use** or ***structure*** shall no longer be allowed.

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[262] This section on Accessory Uses and Structures builds on but substantially restructures Chapter 4, Article XIV, Accessory Uses, of the current LMO. It includes a table of permitted accessory uses and structures, which identifies the general accessory uses allowed in each zoning district. The table is followed by the general standards that apply to all accessory uses, and then the specific conditions that apply to certain types of accessory uses. In many instances, the specific standards for accessory uses build on or carry forward the current provisions. In other instances specific provisions for additional accessory uses are proposed to be added. Footnotes identify where current provisions are carried forward, and new provisions are proposed to be added.

[263] This provision builds on Section 16-4-1209 of the current LMO.

D. Accessory Use/Structure Table[264]

1. Abbreviations Used In Accessory Use/Structure Table

a. In the table designating the zoning districts in which an ***accessory use*** or ***structure*** is allowed, the following abbreviations apply:

b. A "P" indicates that the ***use*** or ***structure*** is allowable as an ***accessory use*** or ***structure by right*** in the corresponding zoning district, subject to compliance with Sec. 16-4-103.C, General Standards for All Accessory Uses and Structures, and all other applicable regulations of this Ordinance.

c. A "PC" indicates that the ***use*** or ***structure*** is allowable as an ***accessory use*** or ***structure*** in the corresponding ***base zoning district***, subject to compliance with Sec. 16-4-103.C, General Standards for All Accessory Uses and Structures, Sec. 16-4-103.E, Use-Specific Conditions for Accessory Uses and Structures, and all other applicable regulations of this Ordinance.

d. A blank cell indicates that the ***use*** or ***structure*** is prohibited as an ***accessory use*** or ***structure*** in the corresponding zoning district.

2. Accessory Use/Structure Table

TABLE 16-4-103.D.2: ACCESSORY USE/STRUCTURE TABLE
P = Permitted by Right PC = Permitted Subject to Use-Specific Conditions
BLANK CELL = PROHIBITED

ACCESSORY USE/ STRUCTURE	SPECIAL DISTRICTS		RESIDENTIAL DISTRICTS						MIXED-USE AND BUSINESS DISTRICTS												USE-SPECIFIC CONDITIONS
	CON	PR	RSF-3	RSF-5	RSF-6	RM4	RM8	RM12	CR	SPC	CC	MS	WMU	SMU	MMU	MV	LC	RD	MED	IL	
Amateur radio antenna[265]			PC	PC	PC	PC	PC	PC					PC	PC		PC					Sec. 16-4-103.E.1
Automatic teller machine (ATM)[266]									P	P	P	P	P	P	P		P	P	P		
Crematory (as accessory to funeral homes)[267]											P									P	
Divisible Dwelling Unit[268]									PC									PC			Sec. 16-4-103.E.2
Home Occupation[269]			PC	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC	PC	PC			Sec. 16-4-103.E.3

[264] As discussed in the introductory footnote to this section, this subsection generally explains how the Accessory Use/Structure table operates, and how it is to be interpreted.
[265] The current LMO does not identify amateur radio antenna as an accessory use. It is included in this draft, along with use specific standards, because FCC regulations require local zoning regulations to reasonably accommodate amateur radio antennas.
[266] The current LMO does not expressly identify ATMs as an accessory use. They are included in this draft.
[267] The current LMO allows crematories as accessory to a funeral home. This provision codifies that practice.
[268] The current LMO treats a divisible dwelling unit as a permitted use. This draft treats it as an accessory use.
[269] These provisions are carried forward from Section 16-4-1402. - Home Occupations, of the current LMO.

TABLE 16-4-103.D.2: ACCESSORY USE/STRUCTURE TABLE
P = Permitted by Right PC = Permitted Subject to Use-Specific Conditions
BLANK CELL = PROHIBITED

ACCESSORY USE/ STRUCTURE	SPECIAL DISTRICTS		RESIDENTIAL DISTRICTS						MIXED-USE AND BUSINESS DISTRICTS												USE-SPECIFIC CONDITIONS
	CON	PR	RSF-3	RSF-5	RSF-6	RM4	RM8	RM12	CR	SPC	CC	MS	WMU	SMU	MMU	MV	LC	RD	MED	IL	
Outdoor display and sale of merchandise[270]									PC	PC	PC	PC	PC	PC			PC				Sec. 16-4-103.E.4
Outdoor storage (as an ***accessory use***)[271]									PC	PC	PC			PC			PC		PC	PC	Sec. 16-4-103.E.5
Satellite dish[272]	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	Sec. 16-4-103.E.6
Small wind energy conversion system (WEC)[273]	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	Sec. 16-4-103.E.7
Solar collection device[274]			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	Sec. 16-4-103.E.8
Telecommunications Facility, Collocated	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	Sec. 16-4-103.E.9

E. Use-Specific Conditions for Accessory Uses and Structures

1. Amateur Radio Antenna[275]

Amateur radio (ham radio) antennas shall comply with the following conditions:

a. The antenna shall not exceed a ***height*** of 150 feet above ***grade***.

b. An antenna attached to a principal ***structure*** shall be located on a side or rear elevation of the ***structure***.

c. A freestanding antenna shall be located to the rear of the principal ***structure*** on the ***lot***, but shall be set back from any ***lot*** line by a distance equal to or exceeding its ***height*** and shall not be located within a required minimum setback or buffer.

d. The ***Official*** may grant modifications of the above standards if the amateur radio operator can satisfactorily demonstrate that the modification is necessary

[270] This is a new accessory use regulating the sale and display of merchandise outside the fronts of retail sales and service uses and wholesale sales establishments (see Sec. 16-4-103.E.4).

[271] This is a new accessory use regulating outdoor storage as an accessory use. Standards address the location of storage areas, screening, and height limitations (see Sec. 16-4-103.E.5).

[272] Satellite dishes as an accessory use are carried forward from Section 16-4-1404. - Satellite Dishes, of the current LMO.

[273] The current LMO is silent about whether a small wind energy conversion system can be used in the Town as a source of alternative energy, where, and subject to what standards. This new provision allows small WEC systems subject to their compliance with a specific set of standards to mitigate their external impacts.

[274] Solar collection devices are carried forward from Section 16-4-1405. - Solar Collection Devices Standards, of the current LMO. Revisions to the standards are made to further ensure they are visually compatible with the surrounding environment (see Sec. 16-4-103.E.8).

[275] These are new conditions for a new use.

to reasonably accommodate the operator's amateur radio communications needs, as guaranteed by federal law.

2. Divisible Dwelling Unit[276]

A ***divisible dwelling unit*** incorporating ***lock-out rooms*** is allowed as an ***accessory use*** to a ***multifamily dwelling*** if it complies with the following conditions:

a. The unit shall have a separate outside entrance serving the ***lock-out rooms***.

b. The ***lock-out rooms*** may not exceed 75 percent of the ***gross floor area*** of the entire ***dwelling***.

c. Each lock-out room in a ***divisible dwelling unit*** shall count as ½ ***dwelling unit*** in addition to the one ***dwelling unit*** counted for the entire divisible ***dwelling***.

3. Home Occupation[277]

Home occupations are allowed as accessory to a ***dwelling unit*** in accordance with the following conditions:

a. The ***home occupation*** is conducted entirely within a ***single-family dwelling*** or integral part thereof and has no outside storage of any kind related to the ***home occupation*** or in the case where activities take place away from the ***dwelling*** such activities are in full compliance with the provisions of this Ordinance.

b. The ***home occupation*** is clearly incidental and secondary to the ***principal use*** of the ***dwelling***. It shall not occupy an area exceeding 25 percent of the ***gross floor area*** of the ***dwelling unit***.

c. The ***home occupation*** is conducted only by ***persons*** residing on the ***premises*** (nonresident employees are not permitted).

d. The ***home occupation*** does not necessitate or cause the exterior appearance of any ***structure*** to be other than residential and is not disruptive of the residential character of the ***neighborhoods***.

e. There is no advertising of the ***home occupation*** on the site.

f. The ***home occupation*** creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, traffic or parking problem.

4. Outdoor Display and Sale of Merchandise[278]

Where the outdoor display and sales of merchandise is allowed as accessory to retail sales and service ***uses*** and ***wholesale sales*** establishments, it shall comply with the following conditions, which are intended to allow such outdoor display and sales to the extent it does not impede the flow of pedestrian or vehicular traffic or create an unsafe condition:

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[276] This subsection carries forward Section 16-4-1319 of the current LMO.

[277] These provisions are carried forward from Section 16-4-1402. - Home Occupations, of the current LMO.

[278] As discussed earlier, this is a new accessory use regulating the sale and display of merchandise outside the fronts of retail sales and service uses and wholesale sales establishments. Standards address the locations of these areas and protecting vehicular and pedestrian accessways.

a. Outdoor display/sales areas shall be depicted on any Site Plan for the ***principal use***.

b. All outdoor display of goods shall be located immediately ***adjacent*** to the front or side of the ***principal building***, and not in ***drive aisles***, loading zones, fire lanes, or parking lots.

c. Outdoor display/sales areas shall be limited to no more than one-half of the length of the front or side of the ***principal building***. In the case of a multitenant ***building***, outdoor display/sales areas for each tenant shall not exceed one-half the length of the front of that part of the ***building*** used by the tenant.

d. Outdoor display/sales areas shall be located to maintain a clearance area in front of primary ***building*** entrances for a depth of at least ten feet, projected straight out from the width of entrance doors.

e. An obstruction-free area at least five feet wide shall be maintained through the display/sales area or between it and ***adjacent*** parking areas for the length of the front ***building facade***, so as to allow pedestrians and handicapped ***persons*** to safely and conveniently travel between parking areas or ***drive aisles*** to the ***building***, or along the front of the ***building***, without having to detour around the display/sales area.

f. No goods shall be attached to a ***building***'s wall surface.

g. The ***height*** of the outdoor display shall not exceed six feet.

5. Outdoor Storage (as an accessory use)[279]

Outdoor storage may be allowed as an ***accessory use*** in accordance with the following conditions:

a. Each ***outdoor storage*** area shall be incorporated into the overall design of the principal ***structure*** on the site, and shall be located to the side or rear of the principal ***structure***.

b. Each ***outdoor storage*** area shall be screened from view from all property lines and ***adjacent rights-of-way*** by any combination of an opaque fence, wall, or landscaped berm that is at least six feet high.

c. Materials in ***outdoor storage*** areas shall not be stored higher than the ***height*** of the primary ***structure***.

6. Satellite Dish

Satellite dishes are allowed as accessory to any ***principal use*** or ***structure***, provided they are no more than 39 inches in diameter.

[279] As discussed earlier, this is a new accessory use regulating outdoor storage as an accessory use. Standards address the location of storage areas, screening, and height limitations.

7. Small Wind Energy Conversion (WEC) System[280]

Small-scale wind energy conversion (WEC) systems are allowed as accessory to any ***principal use*** or ***structure*** in accordance with the following conditions.

a. Location and Setback

i. Tower-mounted WEC systems shall not be located within a minimum required setback. On beachfront properties, a tower-mounted WEC system shall not be located between a principal ***structure*** and the ***beach***.

ii. A small WEC system shall be set back a distance equal to its total extended ***height*** (e.g., if on a roof, roof ***height*** plus the ***height*** of any tower extending from the roof) plus five feet from all property lines, public ***street rights-of-way***, and overhead utility lines. Guy wires and other support devices shall be set back at least five feet from all property lines.

b. Height

The maximum extended ***height*** of a small WEC system shall be the maximum ***height*** allowed in the zoning district plus 70 feet—provided that on beachfront properties, a small WEC system shall extend no more than 15 feet above the ***height*** of the ***structure***.

c. Blade Clearance

The blade tip or vane of any small WEC system shall have a minimum ground clearance of 15 feet, as measured at the lowest point of the arc of the blades. No blades may extend over parking areas, public right of ways, ***driveways***, or sidewalks.

d. Access to Tower

On a freestanding tower, any climbing foot pegs or rungs below 12 feet shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed.

8. Solar Collection Devices[281]

Solar collection devices are allowed as accessory to any ***principal use*** or ***structure*** in accordance with the following conditions:

a. The system may be located on the roof of a principal or ***accessory structure***, on the side of such ***structures***, on a pole, or on the ground.

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[280] As noted earlier, these are standards for a new accessory use, reflecting growth in the use and promotion of alternative energy systems as a means of reducing fuel costs for property owners. The standards address height, blade clearance, and access to tower. The height standard is intended to provide wind turbines sufficient clearance above surrounding buildings and trees to ensure the unobstructed wind flow needed to operate efficiently. The 70-foot extension of the generally applicable height limit should provide sufficient clearance above buildings, but perhaps not tall trees. Greater setback and height limitations are applied on beachfront properties to minimize the visual impact of WEC systems.

[281] As noted earlier, these standards build on the provisions in Section 16-4-1405. - Solar Collection Devices Standards, of the current LMO. They are intended to ensure solar collection devices are visually compatible with the surrounding environment. The one significant modification is that the provisions are modified to allow the solar collection device to exceed the height limit by eight feet if it can be demonstrated the system needs to be extended above the height limit to properly operate.

b. The system shall comply with all the requirements of this Ordinance, except that the maximum ***height*** standards for the zoning district may be varied by up to eight feet for a roof-mounted system if it can be demonstrated that the system needs to be extended above the ***height*** limit to properly operate.

c. The system shall not be located within a required minimum setback or buffer`.

9. Telecommunications Facility, Collocated

Telecommunications facilities collocated on an existing telecommunications tower or other existing ***building*** or ***structure*** are allowed as accessory to such tower, ***building***, or ***structure*** in accordance with the applicable standards in Sec. 16-4-102.B.2.e, Telecommunications Facilities.

Sec. 16-4-104. Temporary Uses and Structures[282]

A. Purpose

This section allows for the establishment of temporary ***uses*** and ***structures*** of limited duration, provided that such ***uses*** and ***structures*** do not negatively affect ***adjacent land***, are discontinued upon the expiration of a set time period, and do not involve the ***construction*** or alteration of any permanent ***building*** or ***structure***.

B. Applicability

Sec. 16-4-104.C, General Standards for All Temporary Uses and Structures, establishes general standards that apply to all temporary ***uses*** and ***structures***. Sec. 16-4-104.D, Use-Specific Conditions for Temporary Uses and Structures, establishes conditions that apply to certain types of temporary ***uses*** or ***structures*** regardless of the zoning district in which they are allowed unless expressly stated to the contrary. Sec. 16-4-104.D, does not list all allowable temporary ***uses*** and ***structure***. If a ***use*** or ***structure*** proposed as a temporary ***use*** or ***structure*** is not listed in Sec. 16-4-104.D, the characteristics of the particular ***use*** or ***structure*** will be considered to determine if the ***use*** or ***structure*** is an allowable temporary ***use*** or ***structure***.

C. General Standards for All Temporary Uses and Structures

Unless otherwise specified in this Ordinance, any temporary ***use*** or ***structure*** shall:

1. Not be detrimental to property or ***improvements*** in the surrounding area or to the public health, safety, or general welfare.

2. Be compatible with the ***principal uses*** taking place on the site.

3. Not include permanent alterations to the site, including ***tree*** removal.

4. Meet all the buffer and setback requirements of the underlying base and **overlay zoning districts**.

[282] This section on Temporary Uses and Structures builds on but restructures Chapter 4, Article XV, Temporary Uses, of the current LMO. It includes general standards that apply to all temporary uses, and then the specific conditions that apply to certain types of temporary uses. Most of the currently-identified temporary use standards are carried forward. Where there are proposed changes, they are identified in the footnotes.

5. Not violate the applicable conditions of approval that apply to a site or a ***use*** on the site.
6. Not interfere with the normal operations of any permanent ***use*** located on the property.
7. Not cause the elimination of required off-street parking.
8. Be located on a site containing sufficient ***land*** area to allow the temporary ***use*** or ***structure*** to occur and accommodate associated pedestrian, parking, and traffic movement without disturbing environmentally sensitive ***lands***.
9. In addition, temporary ***pervious*** parking will be required if sufficient parking does not exist on the site.

D. Use-Specific Conditions for Temporary Uses and Structures

1. Construction/Storage Trailer[283]

a. A contractor's ***construction***/storage trailer, including any associated parking area, may be approved by the ***Official*** in conjunction with any approved ***development*** project for which a ***Building Permit*** has been issued, or a Minor Development Plan has been approved (if no ***Building Permit*** is required).

b. The trailer shall be located on the same site as the permitted project, and shall be removed within one month of issuance of a final Certificate of Occupancy for the project.

2. Construction Staging and Storage[284]

Construction staging and storage of equipment and materials is permitted as a temporary ***use*** provided that it is located on the site of the approved project or in close proximity or ***adjacent*** to the approved project site if it can be demonstrated that it cannot be located on site. When the ***construction*** is not in conjunction with any approved Development Plan Review or Subdivision, the staging and storage shall be permitted on a case by case basis as approved by the ***Official***, considering the following criteria and requirements:

a. Adequate ***parcel*** size to accommodate the staging needs without impacts to buffers or protected natural resources.

b. Property owner's notarized consent.

c. The proposed ***use***, anticipated noise levels of equipment and types of materials to be stored are all compatible with the ***adjacent uses***.

d. It is demonstrated the site shall have adequate vehicular ***access*** for deliveries and emergencies.

e. Staging and storage will not interfere with vehicular ***access*** or take up any required off-street parking for the site.

f. Staging and storage will be in an existing cleared area available for ***use*** (No ***tree*** removal shall be allowed for the purpose of ***construction*** staging).

[283] This subsection carries forward Section 16-4-1502 – Construction/Storage Trailers, of the current LMO.
[284] This subsection carries forward Section 16-4-1503 – Construction Staging and Storage, of the current LMO.

g. There is demonstration that measures will be taken to adequately protect the ***trees*** on the site.

h. A sediment and erosion control plan is prepared and approved, if deemed necessary.

i. Equipment and materials are removed prior to receiving Final Certificate of Compliance for the project, or if a Certificate of Compliance is not required, within two weeks of final completion of the project.

j. Screening of the ***construction*** staging or storage area may be required at the discretion of the ***Official***.

3. Fairs, Carnivals, and Public Gatherings[285]

Fairs, carnivals and other major public gatherings are allowed for up to three consecutive days on ***sites*** associated with an ***adjacent*** Institutional ***use***. No more than two such events are allowed per calendar year.

4. Farmers' Market (as a temporary use)[286]

A ***farmers' market*** may operate as a temporary ***use*** in accordance with the following conditions:

a. The market shall operate on a regular basis for no more than nine months per year on a single site.

b. Market sales shall be limited to the retail sale of fresh fruits and vegetables, herbs, mushrooms, nuts, honey, raw juices, molasses, dairy products, eggs, poultry, meats, fish, shellfish, fresh-cut or dried flowers, nursery stock, seedlings, plants, and other agriculture, aquaculture, and horticulture products produced by the vendor/producer, including the sale of products made by the vendor/producer from such agriculture, aquaculture, and horticulture products (e.g., baked goods, jams and jellies, juices, cheeses), incidental sales of crafts or similar home-made products made by the vendor/producer, and food and beverages from local restaurants and vendors.

c. The market shall provide adequate ingress, egress, and off-street parking areas.

d. Items for sale may not be displayed or stored within customer pathways.

e. The market shall comply with applicable signage standards in Sec. 16-5-114, Sign Standards.

5. Model Sales Home/Unit[287]

A single ***model sales home/unit*** may be located on a new ***development*** site and temporarily used for sales or leasing ***uses*** associated with the ***development***, subject to the following conditions:

[285] This subsection carries forward Section 16-4-1504 – Fairs, carnivals, and Public Gatherings, of the current LMO.
[286] This is a new provision for temporary farmer's markets.
[287] This subsection replaces Section 16-4-1506 – Temporary Sales/Leasing Offices, of the current LMO, and provides more detailed standards for the temporary use.

a. A model sales home shall be located on a ***lot*** or ***building*** site approved as part of the ***development***, and a model sales unit shall be located within a ***building*** approved as part of the ***development***.

b. Adequate off-street parking for the real estate sales/leasing ***use*** of the ***model sales home/unit*** shall be provided, in accordance with the minimum standards for the number of off-street parking spaces in Sec. 16-5-107, Parking and Loading Standards.

c. Upon termination of the temporary real estate sales/leasing ***use*** of a ***model sales home/unit***, the home/unit shall be converted into a permanent permitted ***use***, replaced with a permanent permitted ***use***, or removed, and any excess parking shall be removed and landscaped in accordance with the requirements of this Ordinance.

6. Outdoor Seasonal Sales of Christmas Trees and Pumpkins[288]

A merchant may display and sell Christmas ***trees*** and pumpkins on a temporary basis, without establishing a permanent place of business, subject to the following conditions. (Note: The outdoor display and sale/rental of goods as accessory to an already established business is subject to the provisions of Sec. 16-4-103.E.5, Outdoor Storage (as an accessory use)

a. The property contains an area not currently used that will support the proposed temporary sale of Christmas ***trees*** or pumpkins without encroaching into or creating a negative impact on existing vegetated areas, ***open space***, landscaping, ***trees***, traffic movements, parking-space availability, or pedestrian ***access***.

b. The display of the Christmas ***trees*** or pumpkins shall not occur in the public ***right-of-way***.

c. Any tent or other temporary ***structure*** shall be located so as not to interfere with the normal operations of any permanent ***use*** located on the property.

d. The temporary display or sale of the Christmas ***trees*** or pumpkins shall not cause interference with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided.

e. The sales activity shall not last longer than 45 days.

f. The vendor, with the approval of the ***Official***, may use a ***recreational vehicle*** to live on the site.

7. Parking Lot/Sidewalk Sales

Parking lot/sidewalk retail sales are allowed for up to three consecutive days, provided no required off-street parking is eliminated and there is safe pedestrian flow.

[288] This subsection builds on Section 16-4-1505 – Open Air Sales, of the current LMO, and adds additional basic standards to ensure the temporary use does not have any adverse impacts on the Town and surrounding landowners.

8. Shipping Containers

Shipping containers are allowed only on a temporary basis and must be tied to a ***Building Permit***.

9. Temporary Tents[289]

a. Temporary tents may be utilized on any property for no more than four days per week.

b. Tents used in connection with an approved ***Open Air Sales*** Permit may be used for the duration of the permit. Tents may be erected two days before the start of the open air sale and shall be removed within two days of the conclusion of the sale.

c. Temporary tents located on ***hotel*** property and used for a convention may be utilized on that property for no more than 14 consecutive days. The location must be approved by the ***Official*** for compliance with the buffer standards and for adequate parking.

d. Temporary tents approved in connection with a Special Event Permit or located at parks may be utilized for the duration of the permit and are exempt from the time restrictions of this section.

[289] This subsection caries forward Section 16-4-1509 – Temporary Tents, of the current LMO, modifying current standards to eliminate days-per-year limits and a restriction on subsequent temporary tent approval

Chapter 16-5: Development and Design Standards

COMMENTARY:

Title 16, Chapter 16-5, Development and Design Standards, includes the provisions affecting the appearance and function of development in the Town. The chapter is comprised of 16 major sections.

Sec. 16-5-101. General, sets forth the general provisions that apply to this Chapter.

Sec. 16-5-102. Adjacent Setback Standards, carries forward current adjacent street and use setback standards.

Sec. 16-5-103. Adjacent Buffer Standards, carries forward current adjacent street and use buffer standards, adding specific illustrated screening standards for buffers. Current provisions pertaining to wetland and beachfront buffers are located in Ch. 16-6: Natural Resource Protection.

Sec. 16-5-104. Open Space Standards, carries forward current open space standards with minor modifications. Current provisions pertaining to enforcement of open space maintenance responsibilities are located in Ch. 16-8: Enforcement.

Sec. 16-5-105. Mobility, Street, and Pathway Standards, carries forward current driveway, stacking distance, street, and pathway standards, and adds new standards addressing levels of access and cross access.

Sec. 16-5-106, Traffic Impact Analysis, carries forward current traffic impact analysis regulations.

Sec. 16-5-107, Parking and Loading Standards, refines current minimum parking space requirements for the uses based on current practices and studies, and allows more robust alternative arrangements and flexibility in complying with parking requirements to encourage appropriate types of redevelopment.

Sec. 16-5-108. Site Lighting Standards, carries forward current outdoor lighting provisions with some reorganization and minor modifications.

Sec. 16-5-109. Stormwater Management and Erosion and Sedimentation Control Standards, carries forward current standards, simplified to better supplement ***State*** standards.

Sec. 16-5-110. Utility Standards, carries forward current utility standards.

Sec. 16-5-111. Fire Protection Water Supply, carries forward current water supply standards.

Sec. 16-5-112. Flood Zone Standards, carries forward current floodplain management standards.

Sec. 16-5-113. Fence and Wall Standards, carries forward current standards and adds several new standards addressing height and appearance of fences and walls.

Sec. 16-5-114. Sign Standards, carries forward current sign standards as recently amended.

Sec. 16-5-115. Subdivision Standards, carries forward current subdivision standards.

Sec. 16-5-116. Impact Fees, carries forward current impact fee standards.

This commentary box and the footnotes included in this draft are provided for reference purposes and will not be included in the adopted LMO.

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Chapter 16-5: Development and Design Standards

Sec. 16-5-101. General[290]

A. Purpose and Intent

The purpose of this chapter is to establish ***development*** and design standards for ***development*** in the Town. The standards promote good site design and planning to produce ***development*** that is functional, serves as an asset to the community, is in keeping with the general aesthetics, philosophy, and character of the Island, and protects and enhances the unique barrier island environment. The standards allow for and promote design that integrates man-made ***improvements*** to the ***land*** with the natural elements of the ***land***.

B. Applicability[291]

The ***development*** and design standards of this Chapter are applicable to all ***development*** in the Town except as expressly provided otherwise in this Ordinance.

Sec. 16-5-102. Adjacent Setback Standards[292]

A. Purpose and Intent[293]

The purpose of the adjacent street and use setback standards in this section is to provide separation between ***structures*** and adjacent ***street rights-of-way*** and property lines. Such separation is intended to maintain and protect the Town's Island character, ensure protection from ***street*** traffic, and facilitate adequate air circulation and light between ***structures*** and the ***street***, and between ***structures*** in ***adjacent*** developments.

B. Applicability

1. General

Except as provided in subsection 2 below, the requirements of this section shall apply to all ***development*** in the Town.

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[290] This section carries forward Chapter 5, Article I of the current LMO, modified to delete a statement that Town staff will monitor the reasonableness and effectiveness of the development standards.

[291] This carries forward Sec. 16-5-101 of the current LMO, modified to statement that Official may deem some standards inapplicable.

[292] This section carries forward adjacent street and use setback standards in Art. VII of Ch. 5 of the current LMO. It modifies current standards to incorporate variations currently located in other parts of the LMO and allow commonly allowed setback encroachments.

[293] This subsection consolidates and builds on Sec. 16-5-701 of the current LMO.

2. Exceptions

a. For ***development*** within the CR District, adjacent street and use setback standards shall apply only along those ***lot*** lines and ***street rights-of-way*** constituting the boundaries of the district.[294]

b. For ***development*** within a PD-1 District, adjacent street and use setback standards shall apply only along those ***lot*** lines and ***street rights-of-way*** located within a Corridor Overlay District, located outside any ***gates*** restricting ***access*** by the general public to areas within the PUD, or constituting the boundaries of the district. [295]

c. For ***development*** within a PD-2 District, adjacent street and use setback standards shall apply only along those ***lot*** lines and ***street rights-of-way*** located within a Corridor Overlay District or constituting the boundaries of the district.[296]

d. For zero ***lot*** line ***subdivisions***, adjacent street and use setback standards shall apply only along those ***lot*** lines and ***street rights-of-way*** constituting the perimeter of the ***subdivision***.[297]

C. Adjacent Street Setback Requirements

Unless expressly exempted or modified in this subsection or for the CR, S, and IL Districts in Chapter 16-3: Zoning Districts, all portions of a ***structure*** shall be located to the interior of the vertical and angled planes established by the applicable minimum setback distance from an adjacent street and maximum setback angle shown in Table 16-5-102.D, Adjacent Street Setback Requirements, based on the proposed ***use*** and the classification of the ***adjacent street***. (See Figure 16-5-102.D, Street Setback Angle.)

TABLE 16-5-102.D: ADJACENT STREET SETBACK REQUIREMENTS[299]

PROPOSED USE		MINIMUM SETBACK DISTANCE [1] / MAXIMUM SETBACK ANGLE [2]		
		ADJACENT STREET (BY CLASSIFICATION)		
		MAJOR ARTERIAL	MINOR ARTERIAL	ALL OTHER STREETS
Single-Family	Structure ≤ 24 in high	50 ft [3,4] / 75˚	40 ft [3,4] / 70˚	20 ft [3,4] / 60˚
	Structure > 24 in high	50 ft [3,4] / n/a	30 ft [3,4] / n/a	10 ft [3,4] / n/a
All Other Uses		50 ft [3,4] / 75˚	40 ft [3,4] / 70˚	20 ft [3,4] / 60˚

NOTES: in = inches ft = feet ˚ = degrees
1. Measured from the ***adjacent street right-of-way*** or ***easement*** line to the closest portion of a ***structure***.[300]
2. Measured within the upper inward quadrant of the intersection of a horizontal plane at a ***height*** of 20 feet above the ***base flood elevation*** or ***predevelopment grade***, whichever is higher, and a vertical plane extending upward at the minimum setback distance (see Figure 16-5-102.D, Street Setback Angle). [301]

[294] This exemption is discussed on pp. 8 and 30 of the Response to LMO Rewrite Committee Comments on Code Assessment.
[295] This carries forward Sec. 16-5-904.A.4 of the current LMO.
[296] This carries forward Sec. 16-5-904.B.3 of the current LMO.
[297] This subsection carries forward a current exemption in in a note in the tables in Sec. 16-5-806A of the current LMO, and in the current Sec. 16-5-711.
[299] This table carries forward the adjacent street setback table in Sec. 16-5-704 B of the current LMO, with modest changes, as noted in the footnotes. In addition, provisions defining how to measure the minimum street setback and maximum distance angle is added to the table.
[300] This is based on the measurement of setbacks in Sec. 16-5-703 of the current LMO, and refined for the measurement of street setbacks.

TABLE 16-5-102.D: ADJACENT STREET SETBACK REQUIREMENTS[299]			
PROPOSED USE	MINIMUM SETBACK DISTANCE [1] / MAXIMUM SETBACK ANGLE [2]		
	ADJACENT STREET (BY CLASSIFICATION)		
	MAJOR ARTERIAL	MINOR ARTERIAL	ALL OTHER STREETS
3. For ***corner lots***, reduced to 10 feet from the ***right-of-way*** of the ***street*** with the lowest average daily vehicle traffic count (ADT). If both ***streets*** have equal ADT, the ***lot*** owner may choose which ***street*** shall be subject to the reduced setback distance. 4. May be reduced by up to 30 percent in the S District, 20 percent in the RD and IL Districts, and 15 percent in all other districts, on demonstration to the ***Official*** that: a. The reduction is consistent with the character of ***development*** on surrounding ***land***; b. ***Development*** resulting from the reduction is consistent with the purpose and intent of the adjacent setback standards; c. The reduction either (1) is required to compensate for some unusual aspect of the site or the proposed ***development***, or (2) results in improved site conditions for a ***development*** with ***nonconforming site features*** (e.g., allows the extension of a wall or fence that screens an existing ***outdoor storage*** area); d. The reduction will pose a danger to the public health or safety; e. Any adverse impacts directly attributable to the reduction are mitigated (e.g., the closer proximity of ***buildings*** to a ***street*** are mitigated by a wider or more densely screened adjacent street buffer along that ***street***); f. The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than a 30 percent in the S District, 20 percent in the RD and IL Districts, or 15 percent in all other districts; and g. In the SMU, RD, and IL districts, there are no reasonable options to the reduction that allow ***development*** of the site to be designed and located in a way that complies with LMO standards.			

[301] This is based on the measurement of setback angles in Sec. 16-5-703 of the current LMO.

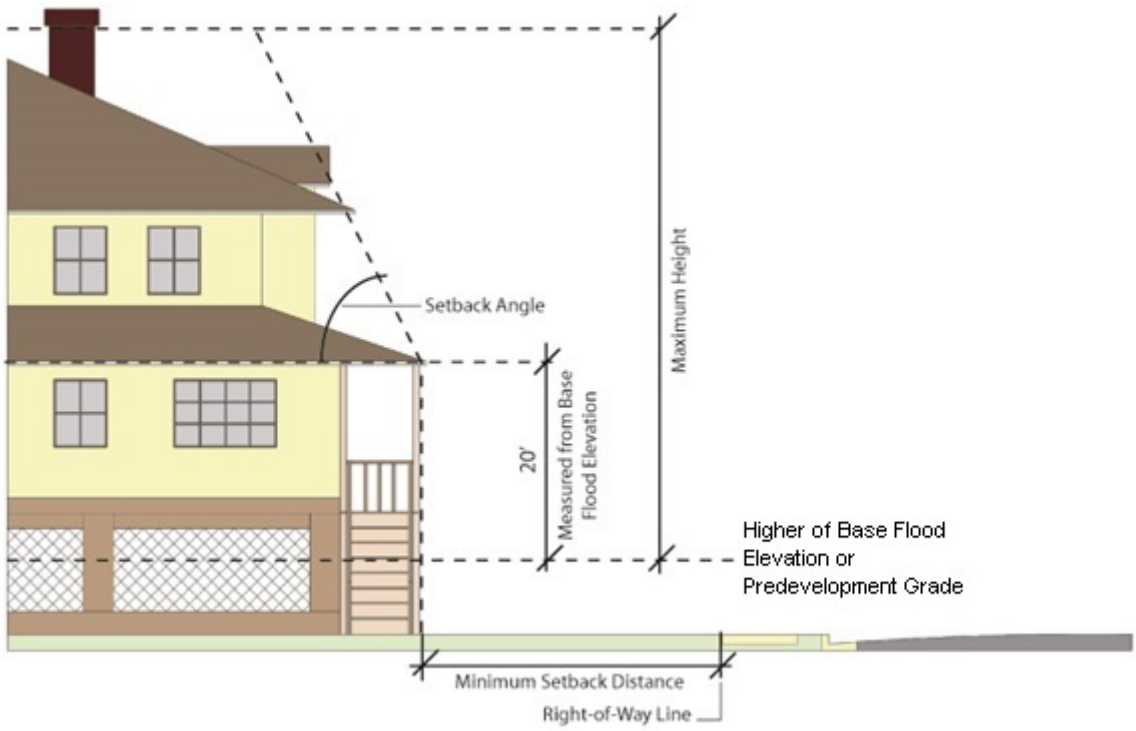

Figure 16-5-102.D, Street Setback Angle

D. Adjacent Use Setback Requirements

1. Unless expressly exempted or modified in this subsection or for the CR and S Districts in Chapter 16-3: Zoning Districts, all portions of a ***structure*** shall be located to the interior of the vertical and angled planes established by the applicable minimum setback distance from ***adjacent*** properties and maximum setback angle shown in Table 16-5-102.E, Adjacent Use Setback Requirements, based on the proposed ***use*** and the existing ***use*** of the ***adjacent*** property (or zoning of a vacant ***adjacent*** property). (See Figure 16-5-102.E, Use Setback Angle.)[302]

[302] This table carries forward the adjacent use setback table in Sec. 16-5-704 of the current LMO. The use classifications in the table are modified to conform to the revised use classifications and use types in revised Table Sec. 16-4-102.A.6, Principal Use Table. The adjacent use setback and angle standards for the various use classifications are carried forward. The provision requiring a setback next to vacant properties is simplified to refer to the zoning of the property rather than the use allowed on the adjacent property triggering the greatest setback requirement. This approach matches that proposed for adjacent use buffers.

TABLE 16-5-102.E: ADJACENT USE SETBACK REQUIREMENTS [1]

PROPOSED USE [3]	MINIMUM SETBACK DISTANCE[1] / MAXIMUM SETBACK ANGLE [2]			
	USE OF ADJACENT DEVELOPMENT PROPERTY [3]			
	SINGLE-FAMILY DWELLING	ALL OTHER RESIDENTIAL USES; COMMERCIAL RECREATION	PUBLIC, CIVIC, INSTITUTIONAL, AND EDUCATION; RESORT ACCOMMODATION; OFFICES; COMMERCIAL SERVICES; VEHICLE SALES AND SERVICES; BOAT RAMPS, DOCKING FACILITIES, AND MARINAS	INDUSTRIAL USES
	ZONING OF ADJACENT VACANT PROPERTY			
	CON, PR, RSF-3, RSF-5, RSF-6, RM-4	RM-8, RM-12	CR, CC, WMU, S, RD, SPC, LC, MF, MV, MS, NC	IL
Single-Family	20 ft [4,5] / 75°	20 ft [5] / 75°	30 ft [5] / 60°	40 ft [5] / 45°
• Any Other Residential Uses • Commercial Recreation	20 ft [5] / 75°	20 ft [5] / 75°	25 ft [5] / 75°	30 ft [5] / 60°
• Public, Civic, Institutional, and Education • Resort Accommodation • Offices • Commercial Services • Vehicle Sales and Services • ***Boat Ramps***, ***Docking Facilities***, or ***Marinas***	30 ft [5] / 60°	25 ft [5] / 75°	20 ft [5] / 75°	20 ft [5] / 75°
Industrial Uses	40 ft [5] / 45°	30 ft [5] / 60°	20 ft [5] / 75°	20 ft [5] / 75°

1. Measured from the common property line to the closest portion of a ***structure***.[303]
2. Measured within the upper inward quadrant of the intersection of a horizontal plane at a ***height*** of 20 feet above the ***base flood elevation*** or ***predevelopment grade***, whichever is higher, and a vertical plane extending upward at the minimum setback distance (see Figure16-5-102.E, Street Setback Angle).[304]
3. See Sec. 16-10-103 for a description or definition of the listed ***use*** classification and types.
4. Reduced to 5 feet where adjoining another ***single-family dwelling lot*** in the same ***subdivision***; may be reduced to less than 5 feet if it, when combined with the platted setback distance for the adjoining ***lot***, is at least 10 feet.
5. May be reduced by up to 10 percent in any district on demonstration to the ***Official*** that:
   a. The reduction is consistent with the character of ***development*** on surrounding ***land***;
   b. Development resulting from the reduction is consistent with the purpose and intent of the adjacent setback standards;
   c. The reduction either (1) is required to compensate for some unusual aspect of the site or the proposed ***development***, or (2) results in improved site conditions for a ***development*** with ***nonconforming site features*** (e.g., allows the extension of a wall or fence that screens an existing ***outdoor storage*** area);
   d. The reduction will pose a danger to the public health or safety;
   e. Any adverse impacts directly attributable to the reduction are mitigated (e.g., the closer proximity of ***buildings*** to a property line are mitigated by a wider or more densely screened adjacent use buffer along that property line); and
   f. The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than a 10 percent.

[303] This is based on the measurement of setbacks in Sec. 16-5-703 of the current LMO, and refined for the measurement of street setbacks.
[304] This is based on the measurement of setback angles in Sec. 16-5-703 of the current LMO.

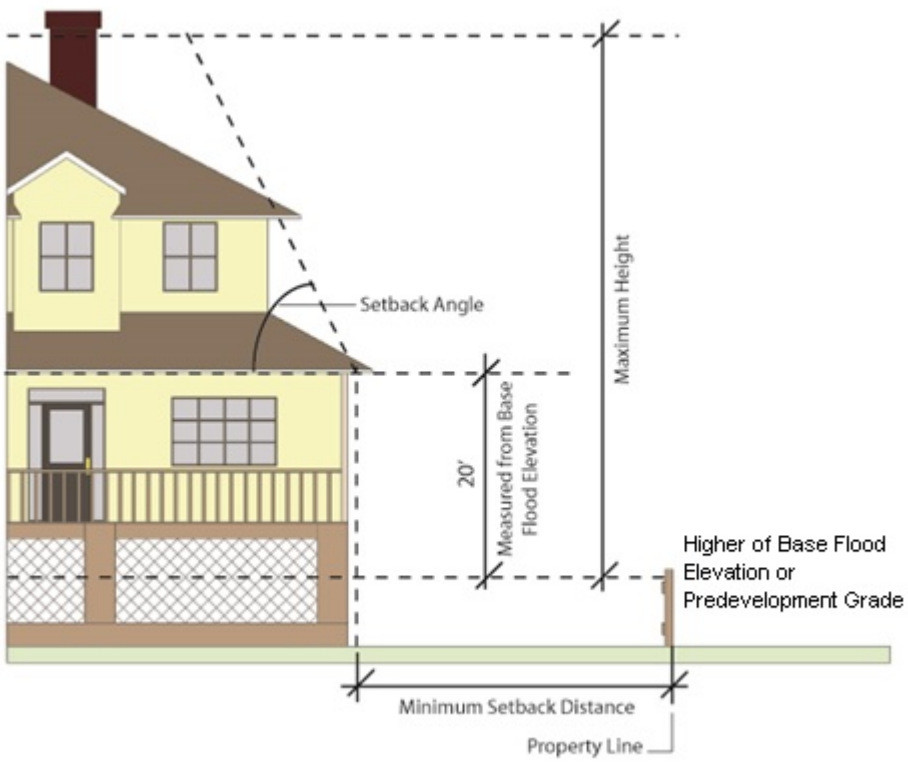

Figure 16-5-102.E, Use Setback Angle

2. Where the ***adjacent*** property includes ***uses*** from more than one listed use classification/use type (including ***mixed-use*** developments), the adjacent use setback required shall be that for the use classification/use type to which the greatest percentage of the ***development***'s ***gross floor area*** is devoted.[305]

3. The adjacent use setback distance applicable to ***lots*** along the perimeter of ***development*** subject to Small Residential Development Review may be reduced by up to 50 percent, down to no less than five feet. The ***Official*** may allow further reduction as necessary to ensure that the total area within such perimeter setbacks does not exceed 20 percent of the total area of the site of the Small Residential Development.[306]

E. Allowable Setback Encroachments

Table 16-5-102.F, Allowable Setback Encroachments, identifies features that are allowed to encroach beyond the vertical and angled planes defined by minimum adjacent street and use setback requirements.

[305] This is a new provision to address the adjacent use setback to use when the adjacent development consists of a mix of principal uses.

[306] This carries forward a provision in Note 1 of the table in Sec. 16-5-703 of the current LMO

TABLE 16-5-102.F: ALLOWABLE SETBACK ENCROACHMENTS[307]	
FEATURE	**EXTENT AND LIMITATIONS**
Fences or walls	• Allowed in adjacent use setbacks if located along common property lines and no more than 7 feet high • Allowed in adjacent street setbacks if less than 4 feet high
Open balconies, fire escapes, or exterior stairways	May extend up to 5 feet into any setback
Chimneys or fireplaces	May extend up to 3 feet into any setback if no more than 5 feet higher than the highest point of ***building*** to which it is attached
Roof eaves and overhangs	May extend up to 3 feet into any setback
Awnings	May extend up to 5 feet into any setback
Bay windows	May extend up to 3 feet into any setback if no more than 9 feet wide
Sills or entablatures	May extend up to 1 foot into any setback
Uncovered porches, stoops, decks, patios, terraces, or walkways	May extend or be located in any setback if set back from ***lot*** lines by a distance no more than the feature's ***height***
Lighting fixtures	May be located in any setback if no more than 20 feet high
Roof dormers	May extend up to 5 feet beyond the setback angle plane (horizontally or vertically)
Spires, cupolas, domes, skylights, and similar rooftop architectural features	May extend up above the setback angle plane if they occupy no more than 25% of the roof area of the ***structure*** to which they are attached and extend no more than 25% more than the ***height*** limit defined by the setback angle plane at the point(s) of penetration
Solar collection devices	See Sec. 16-4-103.E.8
Television or radio antennas	May extend up to 10 feet above the setback angle plane if they are attached to a side or rear elevation of a ***structure***
Small wind energy conversion systems	See Sec. 16-4-103.E.7
Amateur radio antenna	See Sec. 16-4-103.E.1
Other architectural features not listed above (parts of a ***structure*** that provide visual interest to the ***structure*** and are nonhabitable and decorative in nature)	May be allowed to penetrate the plane of the setback angle if the ***Official*** makes the following determinations: • The required setback angle cannot be met for the architectural elements using alternate site layouts without major modifications to an otherwise acceptable **application**; • The excepted architectural elements will not be major or dominant features of the ***structure***; • The excepted architectural elements will not penetrate the vertical plane of the minimum required setback distance; • The exception is the minimum reasonably required to achieve the architectural goal; and • If applicable, the placement of the ***structure*** provides protection of prominent natural features on the site, such as ***trees***, wetlands, or historic ***sites***.
Flagpoles/Flags	Unless they constitute a "sign" and thus subject to Sec. 16-5-114.E, Flagpoles no more than 20 feet high and flags no greater than 20 square feet in area may be located in setbacks
Signs	See Sec. 16-5-114.E

[307] These carry forward Sec. 16-5-703, 705, 706, and 707 of the current LMO.

Sec. 16-5-103. Adjacent Street Buffer Standards[308]

A. Purpose and Intent[309]

The purpose of the adjacent street and use buffer standards in this section is to spatially separate ***development*** from ***adjacent streets*** and ***adjacent development*** with aesthetically pleasing natural or landscaped buffers. Such buffers are intended to help mitigate potential adverse impacts (e.g., noise, odor, fumes) from ***adjacent street*** traffic, create an attractive streetscape for motorists, allow the location of certain dissimilar ***land uses adjacent*** to one another by mitigating potential negative effects between the ***uses***, and provide space for landscaping that can help improve air and water quality and be used to reduce stormwater runoff.

B. Applicability

1. General

Except as provided in subsection 2 below, the requirements of this section shall apply to all ***development*** in the ***Town***.

2. Exceptions

a. For ***development*** within the CR District, adjacent street and use buffer standards shall apply only along those ***lot*** lines and ***street rights-of-way*** constituting the boundaries of the district.[310]

b. For ***development*** within a PD-1 District, adjacent street and use buffer standards shall apply only along those ***lot*** lines and ***street rights-of-way*** located within a Corridor Overlay District, located outside any ***gates*** restricting ***access*** by the general public to areas within the PUD, or constituting the boundaries of the district. [311]

c. For ***development*** within a PD-2 District, adjacent street and use buffer standards shall apply only along those ***lot*** lines and ***street rights-of-way*** located within a Corridor Overlay District or constituting the boundaries of the district.[312]

d. For zero ***lot*** line ***subdivisions***, adjacent street and use buffer standards shall apply only along those ***lot*** lines and ***street rights-of-way*** constituting the perimeter of the ***subdivision***.[313]

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[308] This section carries forward adjacent street and use buffer standards in Art. VIII of Ch. 5 of the current LMO. It modifies current standards to incorporate variations currently located in other parts of the LMO, add specific illustrated screening standards for buffers, and allow alternative buffer plans where strict compliance with the buffer standards is not practicable.

[309] This subsection consolidates and builds on Sec. 16-5-801 of the current LMO, adding language clarifying the primary purpose of buffers areas is to mitigate negative impacts between dissimilar land uses.

[310] This exemption is discussed on pp. 8 and 30 of the Response to LMO Rewrite Committee Comments on Code Assessment.

[311] This carries forward Sec. 16-5-904.A.4 of the current LMO.

[312] This carries forward Sec. 16-5-904.B.3 of the current LMO.

[313] This subsection carries forward a current exemption in in a note in the tables in Sec. 16-5-806A of the current LMO, and in the current Sec. 16-5-711.

C. Landscape Plan Required[314]

Applications for ***development*** where a buffer is required shall include a landscape plan in accordance with the submittal requirements in Appendix E: Application Submittal Requirements.

D. Adjacent Street Buffer Requirements

Unless expressly exempted or modified in this subsection, ***development*** shall provide a buffer along ***adjacent streets*** that is of the type designated in Table 16-5-102.D, Adjacent Street Setback Requirements, for the proposed ***use*** and the classification of the ***adjacent street***. Descriptions and width and screening requirements for the various buffer types are set out in Sec. 16-5-103.F, Buffer Types.

TABLE 16-5-103.D: ADJACENT STREET SETBACK REQUIREMENTS[315]

PROPOSED USE	ADJACENT STREET (BY CLASSIFICATION)		
	MAJOR ARTERIAL	MINOR ARTERIAL	ALL OTHER STREETS
All ***uses***	E	B	A

NOTES:
1. Descriptions and width and screening requirements for the various buffer types are set out in Sec. 16-5-103.F, Buffer Types.

E. Adjacent Use Buffer Requirements

1. Unless expressly exempted or modified in this subsection, ***development*** shall provide a buffer along common property lines with adjoining properties that is of the type designated in Table 16-5-103.E, Adjacent Use Buffer Requirements, for the proposed ***use*** and the classification of the ***use*** of the ***adjacent*** property (or zoning of a vacant ***adjacent*** property). Descriptions and width and screening requirements for the various buffer types are set out in Sec. 16-5-103.F, Buffer Types.

[314] This builds on Sec. 16-5-802 of the current LMO.

[315] This table builds on the adjacent street buffer table in Sec. 16-5-806 B of the current LMO. As discussed in the Code Assessment, buffer standards are revised to no longer require a buffer between adjoining properties under the same or similar use. Also as discussed in the Response to LMO Committee Comments on Code Assessment, the buffer standards are revised to establish more precise buffer standards through the development of different buffer types for the different buffer areas. To provide more flexibility to the developer, the buffer types (Sec. 16-5-103.F, Buffer Types) include two buffer options. The developer can choose from one of the options under each type of buffer.

TABLE 16-5-103.E: ADJACENT USE BUFFER REQUIREMENTS [1][316]

PROPOSED USE [2]	REQUIRED BUFFER TYPE [2]			
	USE OF ADJACENT DEVELOPED PROPERTY[3]			
	SINGLE-FAMILY DWELLING	ALL OTHER RESIDENTIAL USES; COMMERCIAL RECREATION	PUBLIC, CIVIC, INSTITUTIONAL, AND EDUCATION; RESORT ACCOMMODATIONS; OFFICES; COMMERCIAL SERVICES; VEHICLE SALES AND SERVICES; BOAT RAMPS, DOCKING FACILITIES, AND MARINAS	INDUSTRIAL USES
	ZONING OF ADJACENT VACANT PROPERTY			
	CON, PR, RSF-3, RSF-5, RSF-6, RM-4	RM-8, RM-12	CR, CC, WMU, S, RD, MS, MV, MF, LC, NC	IL
Single-Family	n/a	C	C	D
• All Other Residential Uses • Commercial Recreation	A	n/a	B	D
• Public, Civic, Institutional, and Education • Resort Accommodations • Offices • Commercial Services • Vehicle Sales and Services • ***Boat Ramps***, ***Docking Facilities***, or ***Marinas***	C	B	n/a	A
Industrial Uses	D	D	A	n/a

NOTES: n/a = not applicable
1. Descriptions and width and screening requirements for the various buffer types are set out in Sec. 16-5-103.F, Buffer Types.
2. When a shared ***access easement*** is located along a common property line, any required buffer shall be provided to the interior of the ***access easement***.
3. See Sec. 16-10-104 for a description or definition of the listed use classification and types.

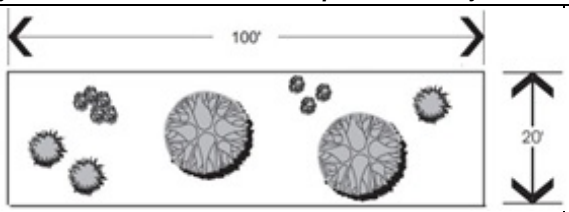
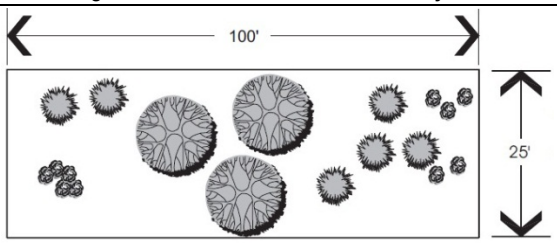
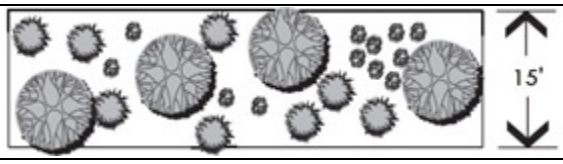
2. The ***Official*** may waive the requirement for an adjacent use buffer on determining that the proposed ***development*** and the ***adjacent development*** function as a single ***development***.[317]

[316] This table builds on the adjacent use setback table in Sec. 16-5-805 of the current LMO. The use classifications in the table are modified to conform to the revised use classifications and use types in revised Table Sec. 16-4-102.A.6, Principal Use Table. As with the adjacent street buffers, the buffer standards are revised to establish more precise buffer standards through the development of different buffer types for the different buffer areas. To provide more flexibility to the developer, the buffer types (Sec. 16-5-103.F, Buffer Types) include two buffer options. The developer can choose from one of the options under each type of buffer.

[317] This carries forward a provision in Sec. 16-5-806.A of the current LMO.

F. Buffer Types[318]

Table 16-5-103.F, Buffer Types, describes the five different buffer types in terms of their function, opacity, width, and planting requirements. Either of the options under a specific buffer type may be used at the option of the ***developer/applicant***.

TABLE 16-5-103.F: BUFFER TYPES		
MINIMUM BUFFER WIDTH AND SCREENING REQUIREMENTS [1,2,3,4,5,6,7]		
TYPE A BUFFER		
This buffer includes low-***density*** screening designed to partially block visual contact and create spatial separation between ***adjacent uses*** or between ***development*** and ***adjacent streets*** with low traffic volumes.		
Option 1		• Width: 20 feet • ***Overstory trees***: 2 every 100 linear feet • ***Understory trees***: 3 every 100 linear feet • Evergreen shrubs: 8 every 100 linear feet
Option 2		• Width: 10 feet • ***Overstory trees***: 2 every 100 linear feet • ***Understory trees***: 4 every 100 linear feet • Evergreen shrubs: 10 every 100 linear feet
TYPE B BUFFER		
This buffer includes low- to medium-***density*** screening designed to create the impression of spatial separation without significantly interfering with visual contact between ***adjacent uses*** or between ***development*** and ***adjacent*** minor arterials.		
Option 1		• Width: 25 feet • ***Overstory trees***: 3 every 100 linear feet • ***Understory trees***: 6 every 100 linear feet • Evergreen shrubs: 10 every 100 linear feet
Option 2		• Width: 15 feet • ***Overstory trees***: 4 every 100 linear feet • ***Understory trees***: 8 every 100 linear feet • Evergreen shrubs: 12 every 100 linear feet

[318] This table sets out five buffer types with two width/screening options for each. Option 1 for each buffer type reflects the various minimum buffer widths currently required by the current LMO's adjacent street and use buffers (20, 25, 30, and 50 feet), plus the second current 25-foot-wide buffer that includes structural screening. For each buffer type, Option 2 represents a narrower buffer with denser screening that is intended to provide a degree of visual separation and noise attenuation comparable to Option 1. Providing the second option gives developers more flexibility to redevelop existing sites or develop small sites and still provide the buffering needed to protect views along street corridors and ensure compatibility between adjacent developments.

The current LMO requires buffers to contain "appropriate plant material to soften the impact" of development from an adjacent street or use, or may include structural elements where approved by the Administrator. As recommended in the Code Assessment (p. 2-37), this proposes specific screening standards for each buffer type option. The standards are based on widely used best practices for bufferyards, adapted to accommodate the current buffer requirements. Providing specific screening standards provides developers and Town staff better guidance concerning the degree of screening needed for the various buffer types.

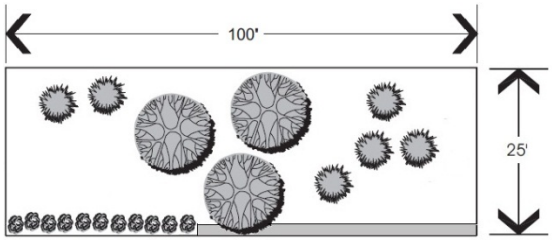
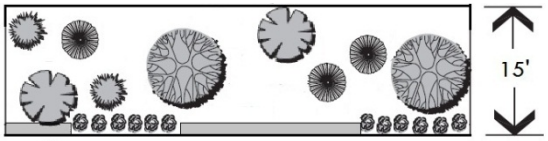
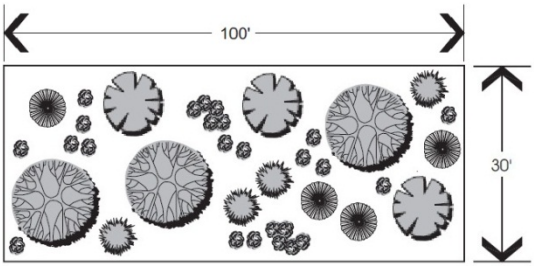
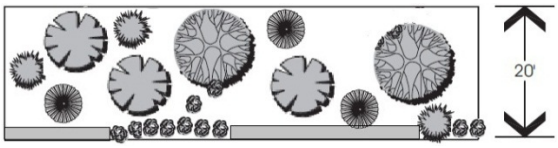
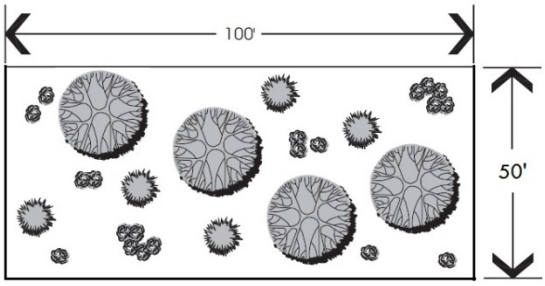
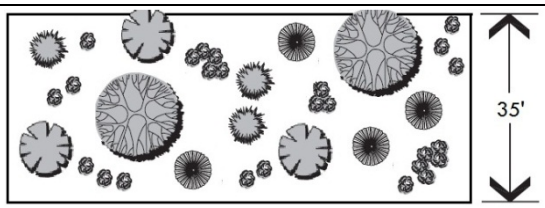
TABLE 16-5-103.F: BUFFER TYPES		
MINIMUM BUFFER WIDTH AND SCREENING REQUIREMENTS [1,2,3,4,5,6, 7]		
TYPE C BUFFER		
This buffer includes medium-***density*** screening designed to eliminate visual contact at lower levels and create spatial separation between ***adjacent uses***.		
Option 1		• Width: 25 feet • ***Overstory trees***: 3 every 100 linear feet • ***Understory trees***: 5 every 100 linear feet • A solid wall or fence at least 3 feet high or a solid evergreen hedge at least 3 feet high and 3 feet wide
Option 2		• Width: 15 feet • ***Overstory trees***: 4 every 100 linear feet • ***Understory trees***: 6 every 100 linear feet • A solid wall or fence at least 3 feet high or a solid evergreen hedge at least 3 feet high and 3 feet wide • At least 50% of all ***trees*** must be evergreen
TYPE D BUFFER		
This buffer includes high-***density*** screening designed to eliminate visual contact up to a ***height*** of six feet and create a strong spatial separation between ***adjacent uses***.		
Option 1		• Width: 30 feet • ***Overstory trees***: 5 every 100 linear feet • ***Understory trees***: 6 every 100 linear feet • Evergreen shrubs: 25 every 100 linear feet and at least 6 feet high at maturity • At least 50% of all ***trees*** must be evergreen
Option 2		• Width 20 feet • ***Overstory trees***: 6 every 100 linear feet • ***Understory trees***: 8 every 100 linear ft • A solid wall or fence at least 6 feet high or a solid evergreen hedge at least 6 feet high and 3 feet wide • At least 50% of all ***trees*** must be evergreen

TABLE 16-5-103.F: BUFFER TYPES

MINIMUM BUFFER WIDTH AND SCREENING REQUIREMENTS [1,2,3,4,5,6, 7]

TYPE E BUFFER

This buffer provides greater spacing and medium-***density*** screening designed to define "green" corridors along major arterials.

Option 1		• Width: 50 feet • ***Overstory trees***: 4 every 100 linear feet • ***Understory trees***: 5 every 100 linear feet • Evergreen shrubs: 20 every 100 linear feet and at least 3 feet high at maturity
Option 2		• Width: 35 feet • ***Overstory trees***: 5 every 100 linear feet • ***Understory trees***: 7 every 100 linear feet • Evergreen shrubs: 25 every 100 linear feet and at least 3 feet high at maturity • At least 50% of all ***trees*** must be evergreen

NOTES:

1. Required ***overstory trees*** shall be distributed and spaced to maximize their future health and effectiveness as buffers. Other required vegetation shall be distributed within the buffer as appropriate to the function of the buffer.
2. Where an ***adjacent use*** is designed for solar access, ***understory trees*** may be substituted for ***overstory trees***.
3. Fences or walls within an adjacent street or use buffer shall comply with the standards of Sec. 16-5-113, Fence and Wall Standards.
4. A berm may be provided in conjunction with the provision of a hedge, fence, or wall to achieve ***height*** requirements, provided its side slopes do not exceed a ratio of three horizontal feet to one vertical foot and the width of its top is at least one-half its ***height***.
5. If a buffer length is greater or less than 100 linear feet, the planting requirements shall be applied on a proportional basis, rounding up for a requirement that is 0.5 or greater, and down for a requirement that is less than 0.5. (For example, if the buffer length is 150 linear feet, and there is a requirement that 5 ***overstory trees*** be planted every 100 linear feet, 8 ***overstory trees*** are required to be planted in the buffer (1.5 x 5 = 7.5, rounded up to 8)).
6. Minimum buffer widths and minimum planting requirements for adjacent street buffers may be reduced by up to 30 percent in the S District, 20 percent in the RD and IL Districts, and 15 percent in all other districts, on demonstration to the ***Official*** that:
   a. The reduction is consistent with the character of ***development*** on surrounding ***land***;
   b. ***Development*** resulting from the reduction is consistent with the purpose and intent of the adjacent setback standards;
   c. The reduction either (a) is required to compensate for some unusual aspect of the site or the proposed ***development***, or (b) results in improved site conditions for a ***development*** with ***nonconforming site features***;
   d. The reduction will pose a danger to the public health or safety;
   e. Any adverse impacts directly attributable to the reduction are mitigated;
   f. The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than a 30 percent in the S District, 20 percent in the RD and IL Districts, or 15 percent in all other districts; and
   g. In the S, RD, and IL districts, there are no reasonable options to the reduction that allow ***development*** of the site to be designed and located in a way that complies with LMO standards.
7. Minimum buffer widths and minimum planting requirements for adjacent use buffers may be reduced by up to 10 percent any district on demonstration to the ***Official*** that:
   a. The reduction is consistent with the character of ***development*** on surrounding ***land***;
   b ***Development*** resulting from the reduction is consistent with the purpose and intent of the adjacent setback standards;
   c. The reduction either (a) is required to compensate for some unusual aspect of the site or the proposed ***development***, or (b) results in improved site conditions for a ***development*** with ***nonconforming site features***;
   d. The reduction will pose a danger to the public health or safety;

TABLE 16-5-103.F: BUFFER TYPES
MINIMUM BUFFER WIDTH AND SCREENING REQUIREMENTS [1,2,3,4,5,6, 7]
e. Any adverse impacts directly attributable to the reduction are mitigated; and f. The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than a 30 percent in the S District, 20 percent in the RD and IL Districts, or 15 percent in all other districts.

G. Location of Buffers[319]

Buffer areas shall be located between the property boundary and all ***development*** on the site, but not necessarily within the minimum setback.

H. Existing Vegetation

1. If a buffer area has existing ***trees*** that are protected under this Ordinance, they shall be preserved and be used as part of the buffer to comply with the buffer standards of this Ordinance. Where groupings of native shrubs are present, their preservation with minimum disturbance is strongly encouraged.

2. Existing vegetation that is preserved shall not be limbed up from the ground more than five feet to the lowest branches, except:

a. Vegetation at intersections may be limbed up to a greater ***height*** to ensure compliance with Sec. 16-5-105.H.4, Sight Triangles; and

b. If understory planting is proposed, the ***Official*** may allow existing vegetation to be limbed up to a height that will provide adequate sunlight to plants.

I. Buffer Materials[320]

At the time of planting, overstory and understory ***trees*** included as part of required buffers shall comply with the size standards for supplemental and replacement ***trees*** in Sec. 16-6-104.I, Standards for Supplemental and Replacement Trees; evergreen shrubs shall be at least three feet in ***height*** above ground level. All buffer plantings must be native species of plants, see Appendix D.

J. Development Within Required Buffers[321]

Development is prohibited within required buffers except in accordance with this subsection.

1. The following activities may occur in required buffers, unless expressly prohibited elsewhere in this Ordinance.

a. Street or ***driveway access***, provided it runs approximately perpendicular to/from the ***adjacent street right-of-way*** or common property line.

[319] This carries forward Sec. 16-5-803 of the current LMO.
[320] This carries forward Sec. 16-5-804 and -810.B of the current LMO, and adds modest minimum planting standards.
[321] This carries forward and consolidates Sec. 16-5-808 and -809 of the current LMO, simplifying the wording of the criteria for easements for lines running through the length of an adjacent street buffer. Because such easements may also run along property lines between adjacent uses, the provision is reworded to apply such criteria to easements running through adjacent use buffers as well as adjacent street buffers.

b. Walkways, pathways, trails, benches, bike racks, and other elements associated with passive recreation or the provision of continuous pedestrian and bicycle connections between adjoining properties, provided all landscaping required by Sec. 16-5-103.F, Buffer Types, is provided and the ***Official*** determines that installation or ***maintenance*** of such elements will minimize impacts on to required vegetation to the ***maximum extent practicable***.

c. Lighting fixtures.

d. Service and utility lines and minor facilities (e.g. water, sanitary sewer, electrical, telephone, natural gas, cable, storm drainage lines, utility boxes and pedestals), subject to the following standards:

i. Such lines generally shall run approximately perpendicular to/from the ***adjacent street right-of-way*** or common property line. If they must be installed approximately parallel to the ***street right-of-way*** or property line, the ***easement*** for the lines may be included as part of a required buffer if the ***easement*** allows the vegetation or ***structures*** necessary to meet buffer screening requirements and provides the requisite visual separation in a manner that is aesthetically acceptable; otherwise, additional buffer width shall be required to provide the space needed for the required buffer screening.

ii. Permission for ***easement*** and ***right-of-way*** disturbance and clearings for such utility and service lines and facilities shall be more favorably considered when such activity is consolidated with vehicular ***access*** routes.

2. The following features and activity are allowed within adjacent street buffers only:

a. Signage, to the extent permitted by Sec. 16-5-114, Sign Standards.

b. Clearing for sight distances at permitted entrances and exits to any ***development*** as required to provide for reasonable traffic safety.

c. Fountains, plazas, sculptures, and similar features that are part of publicly owned facilities, where approved by the ***Official***.

K. Credit Toward Open Space[322]

Adjacent street and use buffers required by this section may be credited against the ***common open space*** required by Sec. 16-5-104, Open Space Standards.

Sec. 16-5-104. Open Space Standards[323]

A. Purpose and Intent

The purpose and intent of this section is to ensure a portion of residential ***development sites*** is set aside as ***common open space*** for the use and enjoyment of the ***development***'s

[322] This new provision makes it clear that adjacent street and adjacent use buffers may be credited towards the open space standards in Sec. 16-5-104, Open Space Standards.

[323] This section carries forward open space standards in Ch. 5, Art. III of the current LMO, modified to simplify wording and clarify some provisions. That part of current Sec. 16-5-302 pertaining to enforcement of maintenance responsibilities is located in Ch. 8: Enforcement.

occupants and users. ***Common open space*** serves numerous purposes, including preservation and protection of natural areas and features, providing opportunities for passive and active recreation, providing areas for people to meet and congregate, and limiting ***impervious surfaces*** that adversely impact water quality and the environment.

B. Applicability

1. The provisions of this section apply to any Major Subdivisions (six or more ***lots***) creating ***lots*** for residential ***development***, unless expressly exempted in this section.
2. The provisions of this section also shall apply to any Minor Subdivision (five or fewer ***lots***) creating ***lots*** for residential ***development*** that is expanded onto ***adjacent parcels*** so the total number of ***lots*** in the ***subdivision*** is greater than five.

C. Common Open Space Requirement[324]

1. At least 16 percent of the ***land*** within the ***subdivision*** shall consist of ***common open space*** meeting the requirements of this section.
2. ***Common open space*** shall be depicted on any plat of the ***development*** submitted for approval and labeled "open space."

D. Common Open Space Location and Configuration[326]

Required ***common open space*** shall be reasonably accessible from all parts of the ***subdivision***, especially by pathways.

E. Ownership, Management and Maintenance of Common Open Space[327]

Common open space shall be maintained so that its use and enjoyment as ***open space*** is not diminished or destroyed. Ownership of ***common open space*** shall be subject to deed restrictions or recorded covenants and restrictions that prevent ***development*** or subsequent ***subdivision*** of the ***common open space*** and provide responsibility for ***maintenance*** of the ***common open space***.

[324] This carries forward Sec. 16-5-301.A-E of the current LMO, but deletes the open space requirements for all development except major residential subdivisions (6 or more lots).

[326] This carries forward the first sentence in Sec. 16-5-301.F of the current LMO. The balance of that subsection is deleted, based on the Town's experience in administering open space requirements.

[327] This modifies Sec. 16-5-302.A to eliminate identification of who may own and maintain common open space. The balance of Sec. 16-5-302 is not carried forward based on the Town's experience in administering open space requirements.

Sec. 16-5-105. Mobility, Street, and Pathway Standards[328]

A. Mobility[329]

1. Purpose

The purpose of this section is to ensure that ***development*** accommodates the safe and efficient movement of motor vehicles, emergency vehicles, bicyclists, and pedestrians within the ***development*** and between the ***development*** and external transportation systems, neighboring ***development***, and local destination points such as places of employment, schools, parks, and shopping areas. Such multimodal ***access*** and circulation is intended to provide transportation options, increase the effectiveness of local service delivery, reduce emergency response times, promote healthy walking and bicycling, contribute to the attractiveness of the ***development*** and community, increase opportunities for interaction between neighbors, reduce vehicle miles of travel and travel times, improve air quality, minimize congestion and traffic conflicts, and preserve the safety and capacity of community transportation systems.

2. Applicability

Except as otherwise provided in this section, the standards in this section shall apply to all ***development***.

3. Complete Street Design Principles Encouraged

While not required, the use of complete ***street*** design principles are encouraged in all ***development***.

4. Required Level of Vehicular Access and Circulation[330]

To the ***maximum extent practicable***, a ***development*** shall be served by an internal vehicular ***access*** and circulation system (including ***driveways***, alleys, fire lanes, and parking lot ***drive aisles***) that permits safe, convenient, efficient, and orderly movement of vehicles between and among trip origin and destination points within the ***development***, as well as between the internal vehicular circulation system and adjoining parts of an existing or planned external ***street*** system.

[328] This section adds mobility standards in subsection A and carries forward Chapter 5, Article V (Street and Pathway Standards) of the current LMO, in the remainder of this section.

[329] Although the current LMO includes standards for streets and pathways, it includes few standards addressing vehicular access to and through a development site, and few standards addressing bicycle and pedestrian access to and through the site. The mobility standards in subsection A carry forward the driveway and limited access standards found in the LMO's parking standards.

[330] This new subsection provides a general performance-based standard for vehicular access within a development and to the external street system.

5. Accessway Layout and Design[331]

a. Adaptation to Site Conditions[332]

The layout of the ***access*** and circulation system shall adapt to the site, taking into consideration physical factors such as natural elements, grade, and drainage, as well as aesthetic factors such as the visual impact of the ***street*** pattern and the highlighting of special site features.

b. Coordination of Vehicular, Bicycle, and Pedestrian Access and Circulation

The vehicular, bicycle, and pedestrian ***access*** and circulation systems in a ***development*** shall be coordinated with each other within the ***development*** and with such systems ***adjacent*** to the ***development*** to minimize conflicts.

c. Incentives for Vehicular Cross Access Between Adjoining Developments

For each adjoining property to which a ***development*** provides vehicular cross ***access***, the number of parking spaces required in accordance with Sec. 16-5-107.D, Parking Space Requirements, may be reduced by five spaces. If the cross ***access*** is ***adjacent*** to a landscape median at the end of a parking bay, the minimum width of the median as required by Sec. 16-5-107.G.3, Configuration and Landscaping, may be reduced to 12 feet.

d. Traffic Control and Calming Measures

Traffic-calming measures—including, but not limited to, diverters, ***street*** gardens, landscaped medians, and curvilinear alignments—shall be integrated into a ***development***'s vehicular circulation system where necessary to mitigate the impact of traffic. Installation of new speed bumps/humps or changes to existing speed bumps/humps shall be prohibited unless approved by the Fire Marshal.

e. Driveway Layout and Design

i. Driveway Entrances[333]

Driveway entrances from ***streets*** shall comply with standards in the current edition of SCDOT's *Access and Roadside Management Standards* manual—including, but not limited to, standards for ***driveway*** spacing, angle of intersection, entry width, radius, offset, approach grade and side slope, throat length, and islands and medians.

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[331] This subsection includes new standards regarding the general arrangement of accessways in relationship to the land and other modes of transportation. It also adds authorization to require traffic-calming measures where necessary to mitigate adverse impacts of cut-through traffic.

[332] This carries forward a general standard in Sec. 16-5-501.B of the current LMO.

[333] This new provision addresses the design of driveway entrances at their intersection with streets. (Standards regulating driveway access points along streets are carried forward from the current LMO in Sec. 16-5-105.I, Access to Streets.) It references and incorporates the State's access management standards as applicable along all streets.

ii. Driveway Width[334]

01. All ***driveways*** shall comply with the following minimum and maximum width requirements:

(A) One-way one-lane ***driveways*** shall be at least 14 feet wide and no more than 20 feet wide, as measured between the edges of paving.

(B) Two-way, two-lane ***driveways*** shall be at least 20 feet wide and no more than 30 feet wide, as measured between the edges of paving.

02. The ***Official*** may require a wider ***driveway*** on determining that it is needed to facilitate special vehicle or traffic demand requirements.

iii. Driveway Surfacing[335]

Driveways shall be surfaced with asphalt, concrete, porous paving blocks, compacted shell, gravel, or other material that the ***Official*** determines is unlikely to cause substantial ***maintenance*** problems. ***Driveway*** aprons within a public ***street right-of-way*** connecting to a paved ***street*** shall be paved with asphalt or concrete in accordance with SCDOT specifications.

iv. Turnaround and Surfacing for Long Driveways[336]

Driveways more than 150 feet long shall have a turnaround and all-weather surfacing adequate for emergency vehicles approved by the Fire Chief for the Town of Hilton Head Island.

f. Vehicle Stacking Distance for Drive-Through and Related Uses[337]

i. Required Stacking Distance

Driveways on which vehicles queue up to ***access*** a ***drive-through*** facility or similar service facility, or a drop-off or pick-up zone, shall provide at least the minimum stacking distance behind the facility or zone in accordance with Table 16-5-105.A.5.f, Minimum Stacking Distance for Drive-Through and Related Uses.

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[334] These provisions carry forward standards in Sec. 16-5-1207.D of the current LMO, modified at the request of Town staff to increase the maximum allowable width of two-way driveways from 24 to 30 feet.

[335] This carries forward the standard in Sec. 16-5-1201 of the current LMO, adding the last sentence at the request of Town staff.

[336] This carries forward the standard in Sec. 16-5-509.H of the current LMO, adding the reference to adequate for emergency vehicles.

[337] Sec. 16-5-1207 of the current LMO includes a general minimum stacking distance standard for development where autos are expected to wait, with specific standards for ATMs and drive-throughs. This carries forward the standard for ATMs and drive-through restaurants (split into in front of and after the order box), reduces the standard for other drive-through uses from 160 feet to reflect the minimum standards commonly used in other communities, and adds specific commonly-used standards for additional specific uses (e.g., car washes, gated driveways, nursing homes, oil change shops, elementary schools) that reflect those commonly used in other communities.

TABLE 16-5-105.A.5.f: MINIMUM STACKING DISTANCE FOR DRIVE-THROUGH AND RELATED USES		
USE OR ACTIVITY [1]	**MINIMUM STACKING DISTANCE**	**MEASURED FROM**
Automated teller machine (ATM)	60 ft	Center of the teller machine
Bank or financial Institution, with ***drive-through*** service	60 ft per lane	Center of the teller window
Car wash and auto detailing, automatic	40 ft per bay	Bay entrance
Car wash and auto detailing, self-service	20 ft per bay	Bay entrance
Drug store or pharmacy, with ***drive-through*** service	60 ft per lane	Center of the window
Dry cleaning or laundry drop-off establishment with ***drive-through*** service	60 ft per lane	Center of the window
Gas sales	20 ft	Each end of the outermost gas pump island
Gated ***driveway***/entrance	40 ft	***Gate***
Nursing home	60 ft	Back end of the designated drop-off/pick-up zone
Oil change/lubrication shop	40 ft per bay	Bay entrance
Restaurant, with ***drive-through*** service [2]	80 ft	Center of the order box
School, elementary or middle	200 ft[338]	Back end of the designated drop-off/pick-up zone
Other	***Uses*** not specifically listed are determined by the ***Official*** based on standards for comparable ***uses***, or alternatively based on a parking demand study	
NOTES: ft = feet 1. See Chapter 16-4: Use Standards. 2. Restaurants with ***drive-through*** service shall provide at least 80 feet of stacking distance between the center of the order box and the center of the pick-up window closest to the order box—see Figure 16-5-105.A.5.f: Stacking Distance for a Drive-Through Restaurant.		

[338] Town staff has concerns that stacking distance at elementary and middle schools is very inadequate. SCDOT guidelines call for 2 feet per student—but for an 800-student school, this results in a minimum stacking distance of 1600 feet (about 1/3 mile). Therefore most schools more realistically accommodate stacking distance needs by having multiple lanes, using parking lot aisles, strictly monitoring traffic, and sometimes arranging for use of adjacent streets. Although a 200-foot distance is proposed as a minimum, the Town may want to consider what distance best reflects conditions and needs at Island schools.

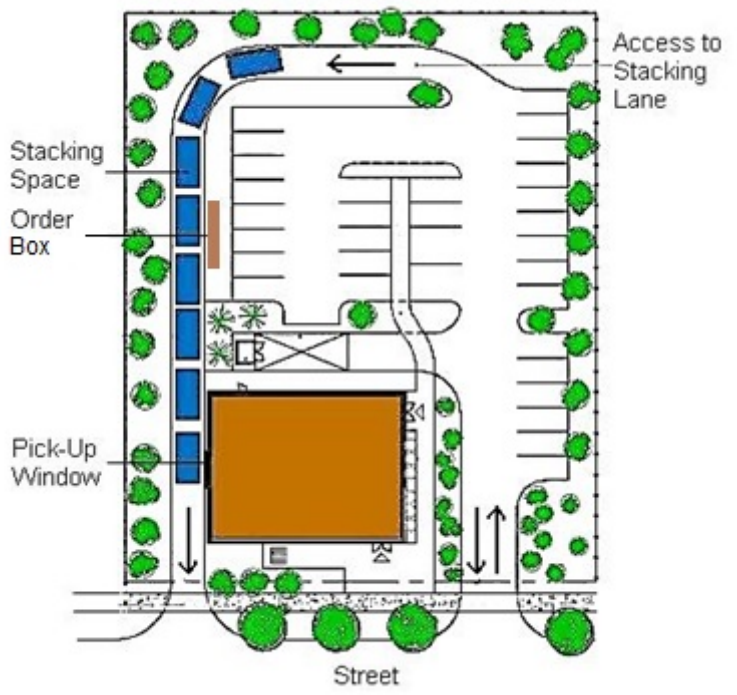


Figure 16-5-105.A.5.f: Stacking Distance for a Drive-Through Restaurant

ii. Layout and Design

01. The minimum clear width for any ***drive-through*** aisle shall be ten feet.

02. ***Driveways*** providing required stacking distance shall be designed so as not to impede onsite or offsite vehicular traffic movements into or out of off-street parking spaces, or onsite or offsite bicycle or pedestrian traffic movements.

03. ***Driveways*** providing required stacking distance may be required to be separated from other internal ***driveways*** if deemed necessary for traffic movement and safety by the ***Official***.

g. Bikeway Layout and Design[339]

i. If the location of a proposed ***development*** in relation to other potential areas or its location with respect to an overall pathway plan adopted by the ***Planning Commission*** reveals that the probable volume of bicycle use warrants the installation of bike paths or ***bike lanes***, the ***Official*** is authorized to require them.

ii. Bike paths and ***bike lanes*** shall be designed and provided in accordance with the latest edition of the AASHTO Guide for the Development of Bicycle Facilities and S.C. Code Ann. § 56-5-3425.

[339] This sets out bikeway standards based on the standards for pathways in Sec. 16-5-514 of the current LMO.

h. Walkway Layout and Design[340]

Pedestrian walkways (including sidewalks) shall:

i. Be at least five feet wide;

ii. Be distinguishable from vehicular traffic lanes they cross by painted markings, a change in pavement material or color, raised paving ***height***, decorative bollards, or flashing caution signals;

iii. Meet the accessibility guidelines promulgated under the Americans with Disabilities Act (ADA).

B. Street Hierarchy[341]

1. ***Streets*** shall be classified in a ***street*** hierarchy system, with through traffic separated from residential ***access streets***, and with design tailored to function.

2. The ***street*** hierarchy shall be defined by street function and **average daily traffic (ADT)**. Each ***street*** shall be classified and designed to meet or exceed the minimum standards for one of the ***street*** types defined above.

3. The ***streets*** as identified in Table 16-5-105.B: Designated Arterials, are designated as major and minor arterial streets, respectively:

TABLE 16-5-105.B: DESIGNATED ARTERIALS	
Major Arterials	Cross Island Parkway
	Palmetto Bay Road
	Pope Avenue
	U.S. Route 278 (William Hilton Parkway), including Sea Pines Circle
Minor Arterials	Arrow Road
	Beach City Road
	Cordillo Parkway
	Dillon Road
	Folly Field Road
	Gardner Drive
	Greenwood Drive (to Sea Pines gate)
	Gum Tree Road
	Leg O'Mutton Road
	Main Street
	Marshland Road
	Mathews Drive
	New Orleans Road
	North Forest Beach Drive (Coligny Circle to Avocet Street)
	Pembroke Drive
	South Forest Beach Drive (Coligny Circle to Alder Lane)
	Spanish Wells Road
	Squire Pope Road
	Union Cemetery Road
	Wild Horse Road

[340] This new subsection adds standard for the design of walkways within developments.
[341] This carries forward provisions in Sec. 16-5-501.C and Sec. 16-5-503 of the current LMO.

C. General Street Design Standards[342]

All ***streets*** shall comply with the following standards, as applicable:

1. The arrangement of ***streets*** shall conform to that indicated by the ***Comprehensive Plan*** or Official Map, as appropriate.
2. For ***streets*** not shown on the ***Comprehensive Plan*** or Official Map, the arrangement of ***streets*** shall provide for the extension of existing ***streets*** where appropriate.
3. The street system shall be designed to permit the safe, efficient, and orderly movement of traffic, and should generally follow the guidelines of the latest edition of SCDOT's *Highway Design Manual* and AASHTO's *A Policy on Geometric Design of Highways and Streets*.
4. The street system for residential ***subdivisions*** shall be designed to serve the needs of the residential subdivision and to discourage use by through traffic.
5. Bicycle-safe drainage grates shall be used and perpendicular to the direction of travel in the ***construction*** of all ***streets***.
6. The ***Official*** may require marginal ***access***, ***frontage streets***, or other such treatment as may be necessary for adequate protection of residential properties where a ***subdivision*** abuts or contains an existing or proposed arterial, collector, or other major street. This requirement shall not apply in a ***development*** (such as a PUD) where a central ***access*** street is provided.
7. The standards set forth above shall be met by all ***streets***, whether publicly owned or maintained or privately owned or maintained.

D. Design Standards by Street Type[343]

1. Street Standards

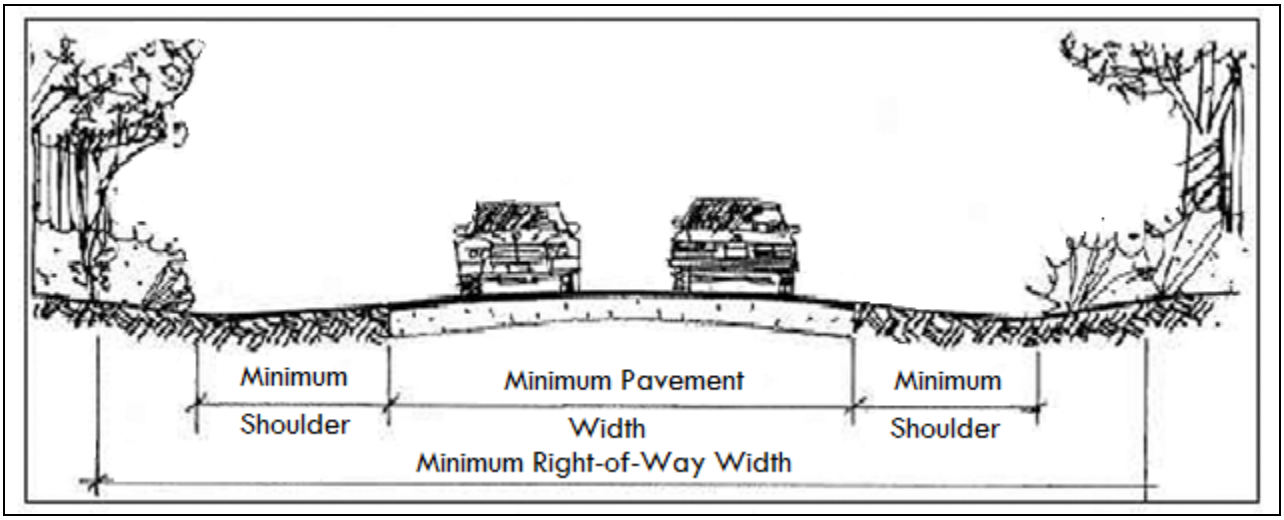
All ***streets*** in the ***Town*** shall comply with the ***street*** standards established in Table 16-5-105.D.1: Street Standards.

TABLE 16-5-105.D.1: STREET STANDARDS

STREET TYPE	MAXIMUM AADT	MINIMUM PAVEMENT WIDTH [1]	MINIMUM SHOULDER WIDTH [2]	MINIMUM RIGHT OF WAY
Lane	50	20 ft	4 ft	30 ft
Cul-de-sac [3]	250 500	20 ft 20 ft	4 ft 8 ft	40 ft 50 ft
Local ***Access***	2,000	22 ft	8 ft	50 ft
Subcollector	4,000	24 ft	8 ft	60 ft
Collector	6,000	24 ft	10 ft	70 ft
Minor Arterial	25,000	24 ft	10 ft	70 ft
Major Arterial	50,000	24 ft	12 ft	120 ft

1. One-way ***streets*** shall have a minimum clear pavement width of 14 feet.
2. Shoulders shall be stable areas adjoining both sides of the ***roadway*** that are capable of supporting vehicles. They shall have a cross-slope no steeper than 12:1 (8.33%), and be clear of obstructions. If the required shoulder width is not desirable or attainable, raised curbing compliant with SCDOT standards may be substituted for the shoulder.
3. A hammerhead may be used in place of a ***cul-de-sac*** if the maximum AADT are 250 trips or less.

[342] This carries forward the standards in Sec. 16-5-502 of the current LMO.
[343] This carries forward street standards and graphics in Sec. 16-5-504 of the current LMO.



2. Dead-End Streets

No dead-end ***streets*** shall be permitted except those classified as a lane or ***cul-de-sac*** above. All dead end ***streets*** classified as ***cul-de-sacs*** require the geometric end treatment required in Sec. 16-5-105.F, Cul-de-Sac, or Sec. 16-5-105.G, Hammerheads.

3. Estimate of Annual Average Daily Trips (ADT)

If it is not possible to determine the maximum ADTs to be served by a ***street*** at the time of ***street*** design due to uncertainty about the type or intensity of ***use*** to be served, then the ***applicant*** shall estimate the probable ***uses*** and intensities and probable ADTs. If the ***Official*** determines that such estimates are unrealistic, the ***Official*** shall state why and require more realistic estimates.

E. Right-of-Way[344]

Right-of-way shall be measured from property line to property line and shall be sufficiently wide to contain the encompassing ***street*** elements of ***street*** pavement, shoulders, curbing, sidewalks and median (if provided). In addition to a ***street***, It may contain, but is not limited to, utilities (including drainage), ***signs*** as allowed by Sec. 16-5-114, Sign Standards, landscaping, and where applicable, pathways. The ***street*** elements required vary depending on intensity of ***development*** and ***street*** order. Minimum ***rights-of-way*** shall be provided in Sec. 16-5-105.D.1, Street Standards.

F. Cul-de-Sac[345]

1. A residential ***cul-de-sac*** shall have a minimum ***right-of-way*** radius of 65 feet and a minimum outside edge-of-pavement radius of 55 feet.
2. A nonresidential ***cul-de-sac*** shall have a minimum ***right-of-way*** radius of 75 feet and a minimum outside edge-of-pavement radius of 65 feet.
3. A ***cul-de-sac*** shall have a minimum width of 20 feet of unobstructed pavement.

[344] This carries forward the standards in Sec. 16-5-505 of the current LMO.

[345] This carries forward standards in Sec. 16-5-506 of the current LMO, modified at the request of Town staff to limit the cul-de-sac length limit to residential cul-de-sac.

4. A residential ***cul-de-sac*** shall have a maximum length of 1,000 feet.

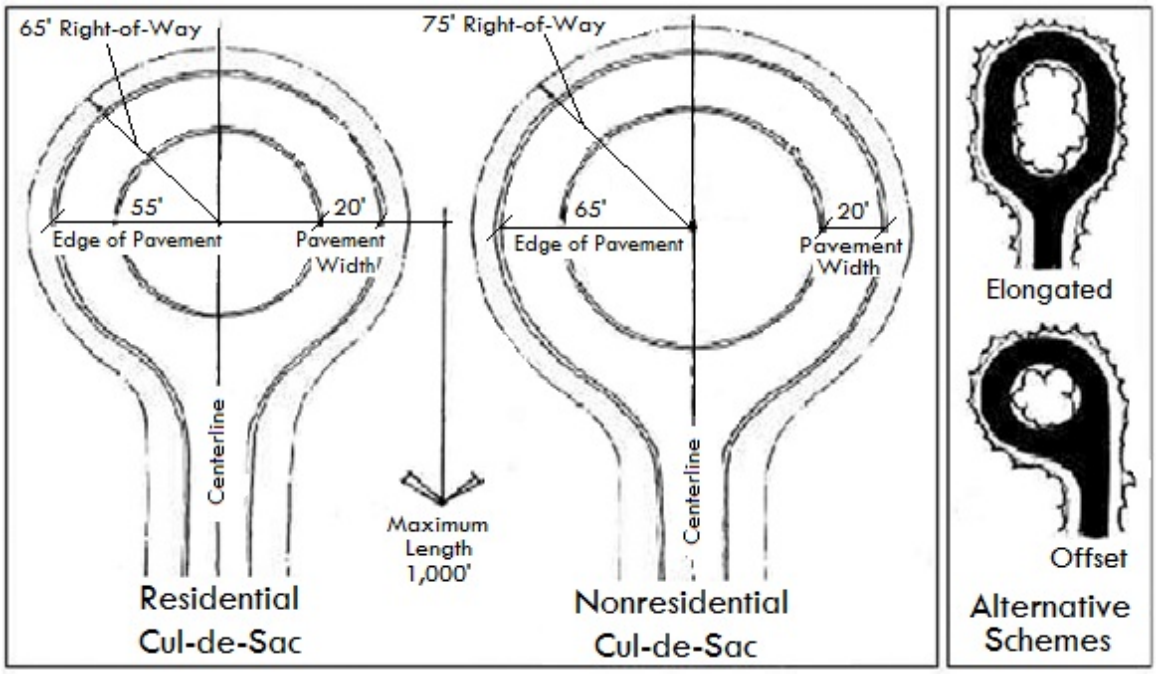


Figure 16-5-105.F: Cul-de-Sac Design

G. Hammerheads[346]

1. Hammerheads shall have a minimum length of 60 feet and a maximum length of 120 feet.

2. A hammerhead shall have a minimum width of 20 feet of unobstructed pavement.

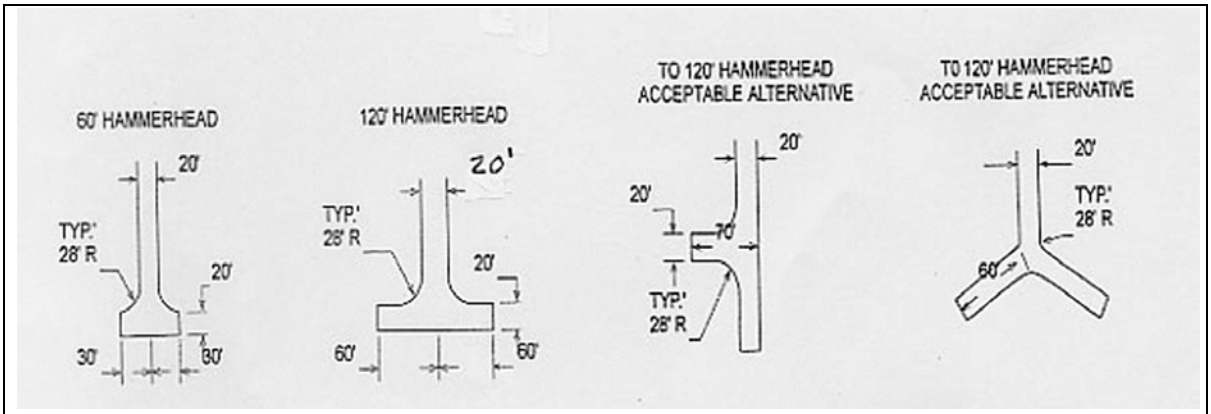


Figure 16-5-105.G: Hammerhead Design

[346] This carries forward standards in Sec. 16-5-507 of the current LMO.

H. Street Intersections[347]

1. Minimum Intersection Angle

Street intersections shall be as nearly at right angles as practical and in no case shall be less than 75 degrees, with the angle measured at a distance of 100 feet from the centerline of the existing ***roadway*** (measured from a point of tangency if in a curve) to the centerline of the new ***roadway***.

2. Minimum Centerline Offset of Adjacent Intersections

New intersections along one side of an existing ***street*** shall coincide with and, if practical, be directly opposite any existing intersections on the opposite side of the ***street***. For all ***streets***, the use of "T" intersections in ***subdivisions*** is encouraged. To avoid corner-cutting when inadequate offsets exist between ***adjacent*** intersections, offsets shall be at least 125 feet between centerlines of intersecting ***streets***.

3. Grade

Intersections shall be designed with a relatively flat grade wherever practical. Maximum grade within intersections shall be five percent except within collectors and lower order ***streets***, where the maximum grade shall be three percent.

4. Sight Triangles[348]

a. ***Sight triangles*** shall be required and shall include the area on each ***street*** corner that is bounded by the line that connects the "connecting" points located on each of the ***right-of-way*** lines of the intersecting ***street*** (see Figure 16-5-105.H.4: Sight Triangle Visual Clearance).

b. No ***structure*** or plantings (at mature growth) exceeding 30 inches in ***height*** above the ***street*** grade shall be permitted within the ***sight triangle***. Exceptions are permitted for ***trees*** if the lower canopy of the ***trees*** allows a clear line of sight between three feet and seven feet above the ***street*** grade and the trunks of such ***trees*** are sufficiently spaced or are so located as to be unlikely to substantially interrupt the line of sight.

[347] This carries forward standards in Sec. 16-5-508 of the current LMO.

[348] This modifies the current table of sight triangle dimensions to add a note clarifying which number in the pairs represents the length along which street. Also added is a revised version of the current graphic to more clearly depict the relevant sight triangle dimensions.

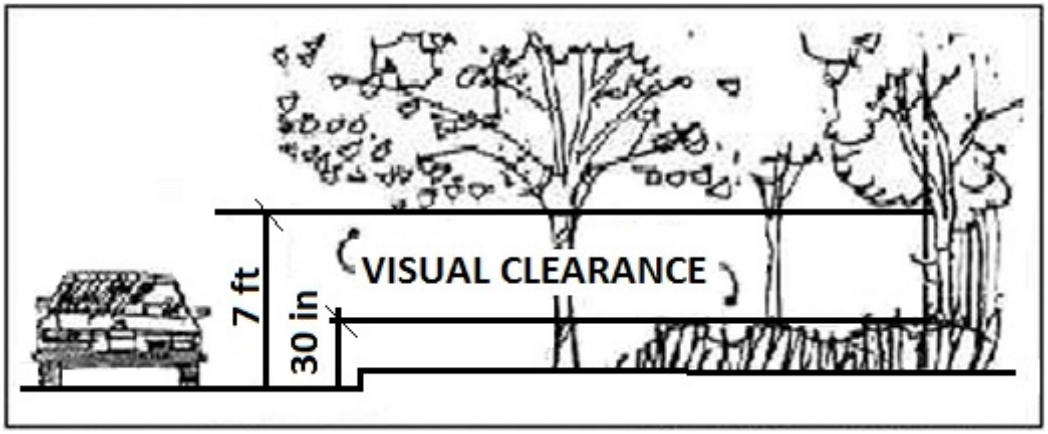


Figure 16-5-105.H.4: Sight Triangle Visual Clearance

c. Obstruction of a ***sight triangle*** is considered a violation of this Ordinance. Clearance of an obstruction shall be enforced in accordance with Chapter 16-8: Enforcement.

d. ***Sight triangles*** shall have the dimensions shown in Table 16-5-105.H.4, Sight Triangles.

TABLE 16-5-105.H.4: SIGHT TRIANGLE DIMENSIONS (FEET) [1]

CLASSIFICATION OF STREET "A"	CLASSIFICATION OF STREET "B"				
	LANE, CUL-DE-SAC, LOCAL ACCESS	SUBCOLLECTOR	COLLECTOR	MINOR ARTERIAL	MAJOR ARTERIAL
Lane, Cul-de-Sac, Local ***Access***	25/25	25/35	30/40	30/45	35/50
Subcollector	35/25	35/35	40/40	40/45	45/50
Collector	40/30	40/40	40/40	45/45	50/50
Minor Arterial	45/30	45/40	45/45	45/45	50/50
Major Arterial	50/35	50/45	50/50	50/50	50/50

1. The first number in each pair is the length of the ***sight triangle***'s leg along the ***right-of-way*** of ***street*** "A"; the second is the length of the leg along the ***right-of-way*** of ***street*** "B" (see Figure 16-5-105.H.4: Sight Triangle Dimensions).

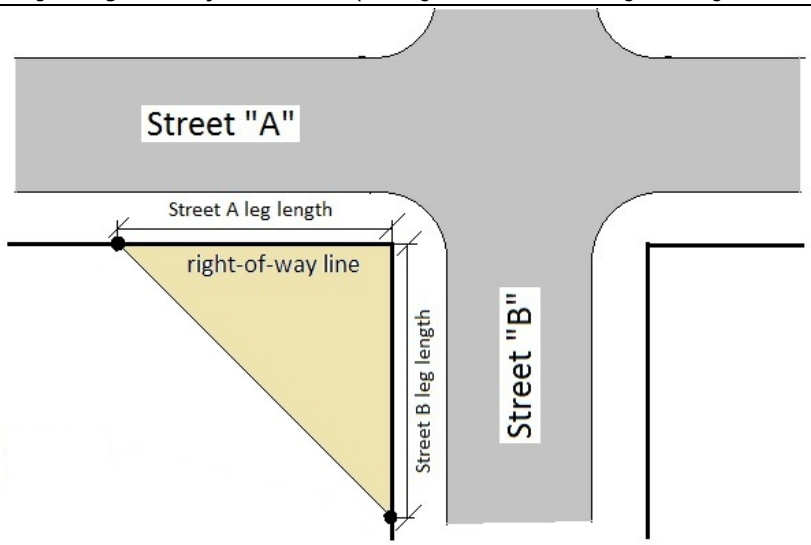


Figure 16-5-105.H.4: Sight Triangle Dimensions

5. Curbing

Curbing shall be required at the radials of intersections involving two ***streets*** of subcollector or higher order.

6. Deceleration Lane and Right Turn Lane

Whenever an arterial or collector ***street*** intersects an arterial, the ***street*** having the ***right-of-way*** shall have a full-width deceleration lane at least 150 feet long, and the yielding ***street*** shall have a full-width right-turn lane designed to allow stacking distance at least 100 feet in length. In addition, any ***driveway access*** on the ***street*** without the deceleration lane shall be a minimum of 150 feet from the intersection. In any case, where neither ***street*** is obviously dominant (due to equal order hierarchy, signalization or other similar factor), then both ***streets*** shall provide full-width deceleration or right-turn lanes, as appropriate, at least 150 feet long.

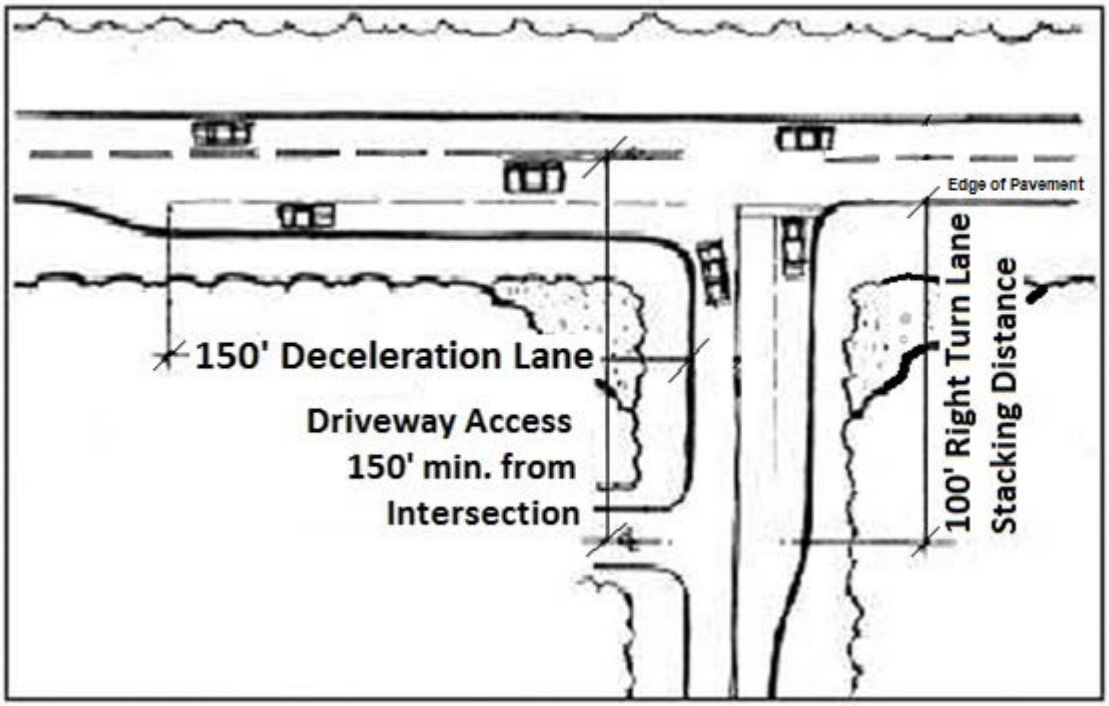


Figure 16-5-105.H.6: Deceleration Lanes

7. Stacking Depth

Development on major arterials shall provide a ***drive aisle*** not less than 100 feet long from the arterial, measured from edge-of-pavement to edge-of-pavement (including deceleration lanes), so as to provide adequate stacking room for vehicles entering the ***development***. Such ***drive aisles*** shall be free of any elements that may impede vehicle travel.

I. Access to Streets[349]

1. Major Arterials

Along the same side of major arterials, no ***street***, ***driveway***, or other vehicular ***access*** point shall enter at a point nearer than 500 feet from the centerline of an existing or final approved ***street***, ***driveway***, or other vehicular ***access*** point to the centerline of the proposed vehicular ***access***.

2. Minor Arterials

Along the same side of minor arterials no ***street***, ***driveway***, or other vehicular ***access*** point shall enter at a point nearer than 200 feet from the centerline of an existing or final approved ***street***, ***driveway***, or other vehicular ***access*** point to the centerline of the proposed vehicular ***access***.

3. All Other Streets

Along the same side of all other ***streets***, no ***street***, ***driveway***, or other vehicular ***access*** point shall enter at a point nearer than 100 feet from the centerline of an existing or final approved ***street***, ***driveway***, or other vehicular ***access*** point to the centerline of the proposed vehicular ***access***—provided, however, that this minimum separation standards shall not apply to vehicular ***access*** points serving ***single-family dwellings*** in ***subdivisions***.

4. One-Way Access Points

When evaluating the required minimum distance separation between vehicular ***access*** points along the same side of a ***street***, a pair of one-way vehicular ***access*** points may be considered a single vehicular ***access*** point centered midway between the pair. The centerline-to-centerline spacing between any ingress/egress pair must be a minimum of 100 feet, unless the one-way pair is divided by a median that is 20 feet wide or less. A one-way vehicular ***access*** point shall have a width of not less than 14 feet or more than 20 feet. These vehicular ***access*** points shall attain at least one-half of the minimum distance separation from ***adjacent*** vehicular ***access*** points that would otherwise be required.

[349] This carries forward the standards in Sec. 16-5-509 of the current LMO except that for the surfacing of driveways, which is carried forward in Sec. 16-5-105.A.5.e.iii, Driveway Surfacing.

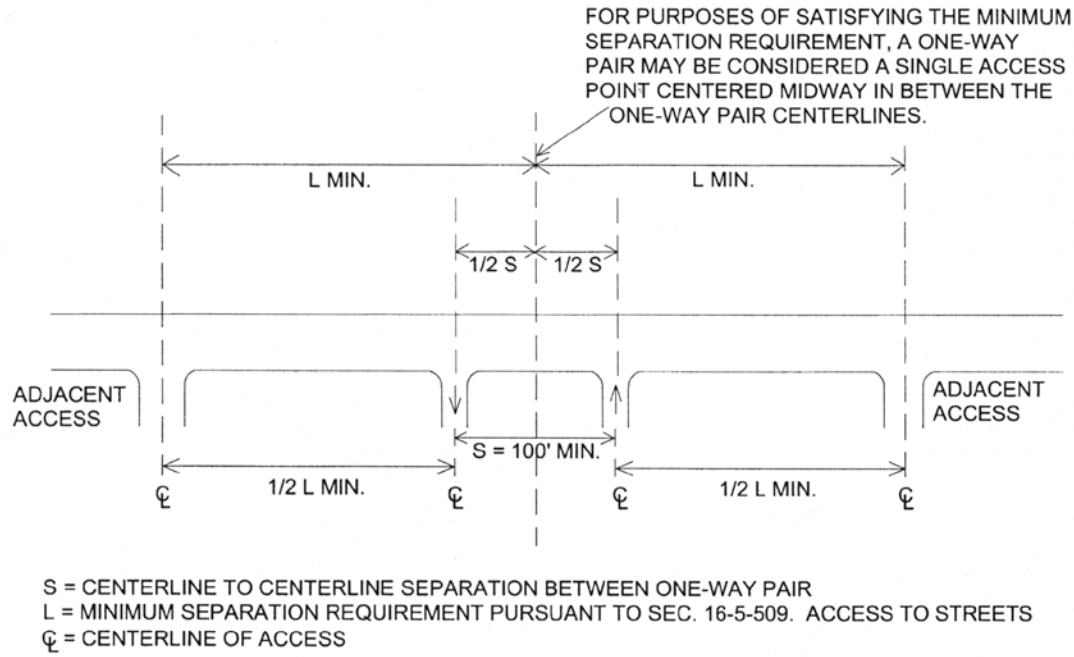


Figure 16-5-105.I.4: Separation Requirements for One-Way ***Access*** Points

5. Median Cuts

New median cuts on major arterials shall be at least 1,000 feet from existing or approved median cuts and shall have left-turn deceleration lanes in each direction at the median cut.

6. Frontage Required

All new ***multifamily*** and nonresidential ***development*** shall have ***frontage*** on, and direct vehicular ***access*** onto, a ***street*** meeting the standards in Section Sec. 16-5-105.D.1, Street Standards. This vehicular ***access*** requirement shall not apply to the redevelopment of an existing ***development*** site with vehicular ***access*** only on a ***street*** not meeting the standards in Sec. 16-5-105.D.1, Street Standards.

7. Gates

a. The installation of ***gates*** across fire apparatus ***access*** streets shall ensure adequate emergency vehicle ***access***. Gates shall have an approved means of emergency operation and the emergency operation shall be maintained as operational at all times.

b. Gates shall have an unobstructed opening of not less than 14 feet in width for one-way traffic and 20 feet in width for two-way traffic.

c. Gates shall be located at least 100 feet from any arterial or collector ***street***, and shall comply with the stacking distance standards in Sec. 16-5-105.A.5.f, Vehicle Stacking Distance for Drive-Through and Related Uses.

8. Waiver

Where the ***applicant*** demonstrates that a ***lot of record*** would be rendered unusable by the strict **application** of the standards in this subsection (Sec. 16-5-105.I, Access to Streets) and that the vehicular ***access*** point is otherwise optimally located so as to provide acceptable turning radii and minimize adverse impact (including turning movements and visual impact of "strip ***development***" resulting from the less than minimum separation of ***access*** points from the ***roadway***), the ***Official*** may waive the standard. A request for such a waiver shall be accompanied by:

a. Ownership and recording data associated with the ***lot of record***;

b. Written evidence that an ***applicant*** has explored all feasible alternatives to the standard for controlled vehicular ***access***—including, but not limited to, joint use with adjoining properties, vehicular ***access*** from ***adjacent*** minor ***streets***, and establishment of ***frontage*** space or ***frontage*** street ***access***;

c. Qualification of the request in a format consistent with that for a variance request (see Sec. 16-2-103.S, Variance); and

d. A map or plan showing the proposed vehicular ***access*** and the surveyed distances to nearest existing ingress/egress points.

J. Private Streets

The ***developer*** shall record restrictive covenants defining operation and ***maintenance*** responsibilities for private ***streets*** with the Beaufort County Register of Deeds.

K. Street Lighting[350]

Street lighting, if provided, shall comply with the standards recommended in the latest edition of the *IES Lighting Handbook* published by the Illuminating Society of North America, or other comparable standards approved by the ***Official***. All such lighting shall be hooded or directed, to the extent practical, to shield the light source from direct view from ***adjacent*** properties and ***streets***.

L. Traffic Signs and Street Name Signs[351]

1. Traffic Signs

Traffic ***signs*** shall be provided at the ***developer***'s expense, and their design and placement shall be in accordance with the latest edition of the *Manual on Uniform Traffic Control Devices*.

2. Street Name Signs

a. Street name ***signs*** (on private internal ***streets***) shall be provided at the ***developer***'s expense.

b. Two ***street*** name ***signs*** shall be provided in instances where there are differently named ***streets*** on either side of the intersection.

[350] This carries forward standards in Sec. 16-5-10 of the current LMO.
[351] This carries forward standards in Sec. 16-5-511 of the current LMO.

c. Signs shall be reflective or installed under light standards and should be consistent, of a style appropriate to the ***Town***, of a uniform size and color, and erected on ***street*** posts of the same ***height*** set in concrete as established by the Town Engineer.

d. The ***Official*** may allow deviations from these standards in consideration of ***neighborhoods*** character or special signage.

M. Street Furniture[352]

Street furniture, which consists of the man-made elements of a streetscape generally associated with amenities for pedestrians, shall be placed where needed and not interfere with safe use of the pathway or ***roadway***.

N. Street Design and Construction Standards[353]

Subject to the Town Engineer's approval, the following standards shall apply:

1. Shoulders, Side Slopes and Ditches

a. All ***streets*** offered for public dedication shall have shoulders or curbs, side slopes and ditches, or alternative storm drainage systems prepared in accordance with the latest editions of the SCDOT's *Standard Specifications for Highway Construction* and *Access and Roadside Management Standards*.

b. Shoulders shall be properly compacted and stabilized to a safe edge. Stabilized turf shoulders are not required but are recommended. If curbs are used, shoulders may not be required.

2. Paving Streets for Public Dedication

All ***streets*** offered for public dedication shall be constructed and surfaced with finished paving in accordance with the latest editions of the SCDOT's *Standard Specifications for Highway Construction* and *Access and Roadside Management Standards*.

3. Paving Private Streets

Private ***streets*** may be constructed without finished paving, provided that the finished surface and drainage system are approved by the Town Engineer.

4. Bicycle Lanes

Bike lanes shall be designed and provided in accordance with the latest edition of the AASHTO Guide for the Development of Bicycle Facilities and S.C. Code Ann. § 56-5-3425.

[352] This carries forward standards in Sec. 16-5-12 of the current LMO.
[353] This carries forward standards in Sec. 16-5-513 of the current LMO.

O. Multi-Purpose Pathways[354]

Multi-purpose pathways to accommodate both pedestrian and bicycle traffic may be provided independent of the street system. The following standards shall apply to multi-purpose pathways: [355]

1. Pathways shall be designed and provided in accordance with the latest edition of AASHTO's *Guide for the Development or Bicycle Facilities*. Dimensions and ***construction*** specifications of multi-purpose paths shall be determined by the number and type of users and the location and purpose of the path.

2. A minimum eight-foot paved width shall be provided for two-way traffic and a five-foot width for one-way traffic. [356]

3. Choice of surface materials, including bituminous mixes, concrete, gravel, soil cement, stabilized earth, and wood planking, shall depend on use and users of the path, as approved by the Town Engineer.

4. Gradients of bike paths should generally not exceed a grade of five percent, except for short distances. In no case, shall the gradient exceed a grade of eight percent.

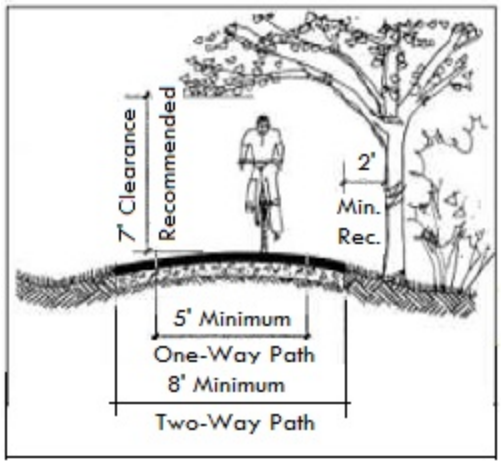


Figure 16-5-105.O.1: Pathway Dimensions

5. Any multi-purpose pathway shall be restricted as part of the site's ***common open space*** when within a major subdivision. A permanent ***easement*** for the pathway shall be dedicated or reserved and shall provide for ***access*** to the pathway to allow for its ***maintenance***.

6. Bicycle-safe drainage grates shall be used and properly oriented with their openings aligned perpendicular to the pathway in the ***construction*** of all multi-purpose pathways.

Sec. 16-5-106. Traffic Analysis Standards[357]

A. Purpose

The purpose of this section is to guide ***development*** in accordance with the existing and future needs of the ***Town*** in order to protect, promote and improve the public health, safety, morals, convenience, order, appearance, prosperity and general welfare of the citizens of the ***Town***, by ensuring new ***development*** does not overburden and congest the ***Town***'s ***streets***.

[354] This carries forward standards in Sec.165-14 of the current LMO, and clarifies that they apply solely or primarily to public bicycle/pedestrian pathways along streets.

[355] This carries forward the first paragraph in Sec. 16-5-514 of the current LMO, modifying it slightly to incorporate those provisions in Sec. 16-5-501.C pertaining to pathways.

[356] This carries forward standards in Sec. 16-5-514.A of the current LMO, modified at the request of Town staff to supplement specific minimum width standards with a reference to standards in the AASHTO Guide for the Development of Bicycle Facilities.

[357] This carries forward the standards in Chapter 5, Art. XI of the current LMO.

B. Intent

The regulations of this section are designed and intended:

1. To ensure that the ***Town***'s ***adopted traffic service level standards*** are met within the ***Town*** and to provide safety from fire, panic and other dangers, to promote the public health and general welfare, to prevent the overcrowding of ***land***, to avoid undue concentration of population, and to facilitate the adequate provision of ***street*** facilities.

2. To enable the ***Town*** to conduct an appropriate review and evaluation of the traffic impact of proposed ***development***, to provide for the imposition of conditions in order to assure that new ***development*** does not impair the ***Town***'s ability and obligation to provide adequate ***street*** facilities to all its citizens, and to prescribe necessary project-specific mitigation measures or to otherwise condition traffic impact analysis plan approval.

3. To ensure that no traffic impact analysis plan approvals are granted that would cause a reduction in the service level of any ***street*** facility that is currently operating in a manner that fails to satisfy the ***Town***'s ***adopted traffic service level standards***.

4. To ensure that no traffic impact analysis plan approvals are granted unless ***street*** facilities with adequate capacity to accommodate the traffic generated by the proposed ***development*** are available concurrently with the scheduled opening of the ***development***.

5. To establish uniform procedures for the review of applications for traffic impact analysis plan approval subject to the traffic impact analysis plan requirements set forth herein.

6. To better coordinate the short-term growth potential of the ***Town*** with the immediately available ***street*** system capacity, taking into account exempt ***development*** and approved ***development*** that has not been built, to the extent to which these may be eligible for ***development*** plan approval without being subject to the traffic impact analysis plan requirements of this section.

7. To better coordinate the long-term growth potential of the ***Town*** with a realistic assessment of street capacity which is currently and which may in the future become available, recognizing the limitations on the ***Town***'s financial resources, the constraints presented by the geography of the Island, and the need to preserve the Island's sensitive natural, historic, and environmental resources.

8. To better coordinate the type, location, amount, timing, and rate of ***development*** of proposed ***land uses*** in accordance with the ***Comprehensive Plan***, zoning district regulations, and ***Official Zoning Map*** with the present and projected future availability of ***street*** system capacity.

9. To establish and maintain a traffic monitoring system to regularly determine the volume of traffic on the ***Town***'s ***street*** system and the degree to which capacity limits ("thresholds") are being approached or exceeded.

10. It is not the intent of this section to deny to any ***person*** a reasonable opportunity to develop ***land*** in a beneficial manner, but rather to coordinate the type, location, amount, timing, and rate of ***development*** with the ***Town***'s reasonable ability to provide adequate public ***street*** facilities consistent with the ***Town***'s ***adopted traffic service level standards***.

C. Traffic Impact Analysis Plan Standards

All required traffic impact analysis plans shall, at a minimum, indicate compliance or non-compliance with the standards of this section.

1. The average total delay in seconds per vehicle for each signalized intersection does not exceed 55.0 seconds during the ***peak hour*** for an average June weekday; and

2. The volume-to-capacity (V/C) ratio for each signalized intersection does not exceed 0.90 during the ***peak hour*** for an average June weekday; and

3. The average total delay on any approach to a traffic circle or roundabout does not exceed 150 seconds per vehicle during the ***peak hour*** for an average June weekday.

Sec. 16-5-107. Parking and Loading Standards[358]

A. Purpose and Intent[359]

The purpose of this section is to ensure provision of parking and loading facilities in proportion to the generalized parking and loading demand of the different ***uses*** allowed by this Ordinance. The standards in this section are intended to provide for adequate off-street parking and loading while allowing the flexibility needed to accommodate alternative solutions. The standards are also intended to achieve ***Town*** policies of supporting ***development*** and redevelopment and avoiding excessive paved surface areas.

B. Applicability[360]

1. All ***development*** shall provide off-street parking and loading areas in accordance with the standards of this section.

2. Any change in ***use*** of an existing ***development*** that does not involve ***expansion*** or remodeling subject to paragraph 3 below, shall comply with the standards this section as applied to the new ***use***, to the ***maximum extent practicable***.

3. Except as otherwise provided in Sec. 16-7-105, Nonconforming Site Features, any ***expansion*** or remodeling of an existing ***use*** or ***structure*** that results in an increase in the number of ***dwelling units***, square feet, rooms, seats, or other unit on which calculation of the minimum number of required parking or loading spaces is based shall provide additional off-street parking and loading spaces as required by **application** of the standards of this section to such increase, to the ***maximum extent practicable***.

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[358] This section generally carries forward the parking and loading standards in Chapter 5, Article XII, of the current LMO. The internal access and driveway standards of the current LMO are carried forward (along with current street and pathway standards) in Sec. 16-5-105, Mobility, Street, and Pathway Standards.

[359] This new subsection sets out the purpose and intent of parking and loading standards.

[360] This carries forward the general requirements in Sec. 16-5-1201.A, D, and E of the current LMO, modified to add "to the maximum extent practical" (a term defined in Article 10, Definitions) to subsection 2 and 3. This provides some flexibility to accommodate redevelopment where the site simply does not contain enough land to provide additional required parking without moving or removing buildings.

C. Use of Parking and Loading Areas[361]

Off-street parking areas required by this section shall be used solely for the parking of licensed motorized vehicles in operating condition. Required parking spaces and loading berths may not be used for the display of goods for sale, or the sale, lease, storage, dismantling, or service of any vehicles, boats, motor homes, campers, ***mobile homes***, ***building*** materials, equipment, or supplies.

D. Parking Space Requirements

1. Minimum Number of Parking Spaces

Except as otherwise expressly provided elsewhere in this Ordinance, ***development*** shall provide the minimum number of off-street parking spaces in accordance with Table 16-5-107.D.1, Minimum Number of Parking Spaces, based on the ***principal use***(s) involved and the extent of ***development***. Required off-street loading spaces, spaces in ***buildings*** used for ***auto repairs*** or ***car washes***, and stacking spaces in ***driveways*** serving ***drive-through*** and related ***uses*** shall not be counted as meeting parking space requirements.

TABLE 16-5-107.D.1: MINIMUM NUMBER OF PARKING SPACES

USE CATEGORY/USE TYPE		MINIMUM NUMBER OF PARKING SPACES[1,2,3,4]	
		CR DISTRICT	ALL OTHER DISTRICTS
RESIDENTIAL USES			
Group Living		n/a	1 per 3 rooms
Mixed-Use[362]	Residential	1.125 per du	1.5 per du
	Nonresidential	1 per 650 GFA	1 per 500 GFA
Multifamily	1 bedroom	1 per du	1.4 per du
	2 bedrooms	1.25 per du	1.7 per du
	3 or more bedrooms	1.5 per du	2 per du
Recreation Vehicle (RV) Parks		n/a	1 per 300 GFA of office and clubhouse
Single-Family		n/a	2 per du + 1 per 1,250 GFA over 4,000 GFA
PUBLIC, CIVIC, INSTITUTIONAL, AND EDUCATIONAL USES			
Aviation and Surface Transportation Uses		n/a	See Sec. 16-5-107.D.2[363]
Aviation Services Uses			
Cemeteries		n/a	1 per 225 GFA of office area + 1 per 500 GFA of ***maintenance*** facilities
Community Service Uses		1 per 525 GFA	1 per 400 GFA
Education Uses	Colleges and High Schools	7.5 per classroom	10 per classroom
	Elementary and Junior High/Middle Schools	3 per classroom	4 per classroom

[361] This new subsection is intended to prohibit use of parking facilities for non-parking uses.

[362] Sec. 16-5-1209.A of the current LMO specifies the parking requirement for mixed uses as 1.5 spaces per dwelling unit, and does not include any parking standard for the nonresidential component of the development. This adds a parking requirement for nonresidential development, but one that is lower than those for most nonresidential uses – to reflect the reduced parking demand of mixed-use developments.

[363] The current LMO does not include parking space requirements for aviation-related uses. Because of the variety of such uses, and the parking demand they generate, this table references Sec. 16-5-107.D.2, which authorizes the Official to determine the appropriate parking space requirement based on the particular use.

TABLE 16-5-107.D.1: MINIMUM NUMBER OF PARKING SPACES			
USE CATEGORY/USE TYPE		MINIMUM NUMBER OF PARKING SPACES [1,2,3,4]	
		CR DISTRICT	ALL OTHER DISTRICTS
	Other ***Education Uses***	See Sec. 16-5-107.D.2	See Sec. 16-5-107.D.2[364]
Government Uses	Fire Stations	3 per bay + 1 per 300 GFA of office space	4 per bay + 1 per 200 GFA of office area
	Other	1 per 300 GFA of office area	1 per 200 GFA of office area
Major Utilities		1 per 2,000 GFA	1 per 1,500 GFA
Minor Utilities		n/a	n/a
Public Parks		See Sec. 16-5-107.D.2	See Sec. 16-5-107.D.2
Religious Institutions		1 per 4 seats in main assembly area	1 per 3 seats in main assembly area
Telecommunication Antenna, Collocated or Building Mounted		n/a	n/a
Telecommunication Towers, Monopole		1	1
HEALTH SERVICES			
All Health Services	***Hospitals***	n/a	2 per bed + 1 per 200 GFA of office area
	Nursing Homes	n/a	1 per 3 beds
	Other	n/a	1 per 225 GFA
RESORT ACCOMMODATIONS			
Bed and Breakfasts		1 per 1.5 guest rooms	1 per guest room
Hotels		1 per 1.5 guest rooms	1 per guest room
COMMERCIAL RECREATION			
Indoor Commercial Recreation Uses		1 per 7 ***persons*** + 1 per 300 GFA of office or similarly used area	1 per 3 ***persons*** + 1 per 200 GFA of office or similarly used area
Outdoor Commercial Recreation Uses Other than ***Water Parks***	Golf Courses, Miniature Golf Courses, or Driving Ranges	1 per 2.5 tees	1 per tee
	Stadiums	1 per 5 spectator seats	1 per 4 spectator seats
	Other	1 per 4 ***persons*** max. occupancy + 1 per 300 GFA of office or similarly used area	1 per 3 ***persons*** max. occupancy + 1 per 200 GFA of office or similarly used area
Water Parks		See Sec. 16-5-107.D.2	See Sec. 16-5-107.D.2[365]
OFFICES			
Contractor Offices		1 per 450 GFA of office/administrative area	1 per 350 GFA of office/administrative area
Other Offices		1 per 500 GFA	1 per 350 GFA
COMMERCIAL SERVICES			
Adult entertainment uses		n/a	1 per 100 GFA
Animal Services		n/a	1 per 225 GFA
Bicycle Shops		1 per 250 GFA	1 per 200 GFA
Convenience Stores		1 per 250 GFA	1 per 200 GFA
Eating Establishments		1 per 150 sf of ***gross floor area*** and outdoor eating area	1 per 100 sf of ***gross floor area*** and outdoor eating area
Grocery Stores		1 per 250 GFA	1 per 200 GFA

[364] The current LMO does not include parking space requirements for education uses other than those for secondary schools and colleges. There is then a catch-all category for all other education uses. Because of the variety of such uses, and the parking demand they generate, the table references Sec. 16-5-107.D.2, which authorizes the Official to determine the appropriate parking space requirement based on the particular use.

[365] This reference carries forward the current LMO authorization for the Official to determine the appropriate parking space requirement based on the particular type and location of the park.

TABLE 16-5-107.D.1: MINIMUM NUMBER OF PARKING SPACES		
USE CATEGORY/USE TYPE	MINIMUM NUMBER OF PARKING SPACES [1,2,3,4]	
	CR DISTRICT	ALL OTHER DISTRICTS
Landscape Businesses	n/a	1 per 200 GFA
Liquor Stores	1 per 250 GFA	1 per 200 GFA
Nightclubs or Bars	1 per 100 GFA	1 per 70 GFA
Open Air Sales	1 per 250 sf of sales/display area	1 per 200 sf of sales/display area
Shopping Centers	1 per 500 GFA	1 per 335 GFA
Tattoo Facilities	n/a	1 per 200 GFA[366]
Other Commercial Services	See Sec. 16-5-107.D.2	See Sec. 16-5-107.D.2
VEHICLE SALES AND SERVICES		
Auto Rentals	See Sec. 16-5-107.D.2	See Sec. 16-5-107.D.2[367]
Auto Repairs	n/a	2 per service bay + 1 per 200 GFA of office or waiting area
Auto Sales	n/a	See Sec. 16-5-107.D.2
Car Washes	n/a	10 per wash unit for automatic wash + 5 per bay for manual wash
Gas Sales	See Sec. 16-5-107.D.2	
Taxicab Services	n/a	1 per 200 GFA of office or waiting area
Towing Services or Truck or Trailer Rentals	n/a	1 per 200 GFA of office or waiting area
Watercraft Sales, Rentals, or Services	n/a	1 per 200 GFA
INDUSTRIAL USES		
Light Industrial, Manufacturing, and Warehouse Uses	n/a	1 per 1,300 GFA of indoor storage or manufacturing area + 1 per 350 GFA of office or administrative area
Seafood Processing Facilities	n/a	1 per 1,300 GFA of indoor storage or manufacturing area + 1 per 350 GFA of office or administrative area[369]
Self-Service Storage	n/a	1 per 15,000 GFA of storage and office area
Waste-Related Services Other than ***Waste Treatment Plants***	n/a	1 per 2,500 GFA
Waste Treatment Plants	n/a	1 per 2,500 GFA
Wholesale Sales	n/a	1 per 1,000 GFA
Other Uses		
Agriculture Uses[371] — Stables or Riding Academies	n/a	1 per 5 stalls
Agriculture Uses[371] — Other	n/a	n/a
Boat Ramps, ***Docking Facilities***, and ***Marinas***	n/a	1 per 200 GFA of enclosed floor space not used for storage + 1 per 3 wet slips + 1 per 5 dry storage slips[372]

[366] The current LMO does not include parking space requirements for tattoo facilities. This applies the same requirement applicable to other small retail service facilities with potential for high turnover.
[367] This reference carries forward the current LMO authorization for the Official to determine the appropriate parking space requirement based on the particular use.
[369] The current LMO does not include parking space requirements for seafood processing. This applies the same standard applied to manufacturing uses.
[371] The current LMO does not include parking space requirements for agriculture uses. This adds a standard for stables or riding academies.
[372] The current LMO does not include parking space requirements for docking facilities and boat ramps. This applies the same standard applied to marinas.

TABLE 16-5-107.D.1: MINIMUM NUMBER OF PARKING SPACES		
USE CATEGORY/USE TYPE	MINIMUM NUMBER OF PARKING SPACES [1,2,3,4]	
	CR DISTRICT	ALL OTHER DISTRICTS

NOTES: du = ***dwelling units***; GFA = square feet

1. When computation of the number of required parking spaces results in a fraction, the result shall be rounded to the nearest whole number.
2. Where the minimum off-street parking space requirement is based on ***persons*** or seats, all computations shall be based on the maximum design capacity of the ***building***, facility, or area, as determined by its occupant load as established in accordance with the ***Building Code***.
3. Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on ***gross floor area***, any structured parking shall not be counted as part of the ***gross floor area***.
4. The minimum required number of vehicle parking spaces may be reduced by up to 15 percent in the CR, SPC, CC, and MS Districts, and 10 percent in all other districts, on demonstration to the ***Official*** that:
   a. The reduction is consistent with the character of ***development*** on surrounding ***land***;
   b. ***Development*** resulting from the reduction is consistent with the purpose and intent of the parking standards;
   c. The reduction either (1) is required to compensate for some unusual aspect of the site or the proposed ***development***, or (2) results in improved site conditions for a ***development*** with ***nonconforming site features*** (e.g., allows the widening of an ***adjacent*** nonconforming buffer);
   d. The reduction will pose a danger to the public health or safety;
   e. Any adverse impacts directly attributable to the reduction are mitigated;
   f. The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than a 15 percent in the CR, SPC, CC, and MS Districts or 10 percent in all other districts; and
   g. At least one bicycle parking space is provided for every two vehicle parking spaces subtracted.

2. Uses with Variable Parking Demand Characteristics and Unlisted Uses[373]

For some listed ***uses***, Table 16-5-107.D.1, Minimum Number of Parking Spaces, refers to this subparagraph because the ***use*** has widely varying parking and loading demand characteristics, making it difficult to establish a single appropriate off-street parking or loading standard. On receiving an **application** proposing such a ***use***, or proposing a ***use*** not expressly listed in Table 16-5-107.D.1, Minimum Number of Parking Spaces, the ***Official*** is authorized to:

a. Apply the minimum off-street parking space requirement specified in Table 16-5-107.D.1, Minimum Number of Parking Spaces, for the listed ***use*** that is deemed most similar to the proposed ***use***; or

b. Establish the minimum off-street parking space requirement by reference to standard parking resources published by the National Parking Association or the American Planning Association; or

c. Establish the minimum off-street parking space requirement based on a parking demand study prepared by the ***applicant*** that estimates parking demand based on the recommendations of the latest edition of the Institute of Traffic Engineers (ITE) *Trip Generation Manual*, and that includes relevant data collected from ***uses*** or combinations of ***uses*** that are the same or comparable to the proposed ***use*** in terms of ***density***, scale, bulk, area, type of activity, and location.

[373] This carries forward and expands the provision used in the current LMO's parking requirements table (in Sec. 16-5-1209.A) that authorize the Administrator (Official) to determine appropriate parking space requirements for certain uses. This expands that provision to indicate information on which such determination should be based.

3. Multiple Use Development[374]

Development containing more than one ***principal use*** shall provide parking spaces in an amount equal to the total of the requirements applied to all individual **principal *uses***. This provision shall not limit the opportunity to reduce the minimum number of required off-street parking spaces through approval of an alternative parking plan that justifies the feasibility of ***shared parking*** (see Sec. 16-5-107.H.3, Shared Parking.)

4. Fleet Vehicle Storage[375]

a. If the ***Official*** determines that normal operation of a ***development*** requires that a number of vehicles be stored on site at any one time—including, but not limited to, ***taxicab service***, auto rental, ***auto sales***, towing service, and tractor or truck rental—a sufficient number of spaces or a sufficient area for vehicle storage shall be provided.

b. No area allocated to fleet vehicle storage may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for fleet vehicle storage.

5. Maximum Number of Off-Street Parking Spaces[376]

The number of off-street parking spaces shall not exceed 120 percent of the minimum number required for any ***eating establishment use***, or 105 percent of the minimum number required for any other ***use***, except as may be allowed through approval of an alternative parking plan in accordance with Sec. 16-5-107.H.2, Provision over Maximum Allowed. Any parking spaces allowed above the maximum in accordance with this section shall be ***pervious***.

6. Accessible Parking Spaces for Physically Disabled Persons[377]

In each off-street parking area, a portion of the total number of off-street parking spaces shall be spaces specifically designated, located, and reserved for ***use*** by ***persons*** with physical disabilities ("accessible parking spaces"), in accordance with the standards of the latest adopted edition of the IBC and the Americans with Disabilities Act (ADA), as amended.

7. Parallel Parking Spaces[378]

Up to 20 percent of the required number of off-street parking spaces may be designed as parallel parking spaces.

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[374] This new subsection clarifies that where a site includes multiple principal uses, parking space requirements shall be determined on a cumulative basis, calculating and adding up the spaces required for each principal use. It recognizes that alternative parking arrangements such as shared parking may be used to reduce the total number of required spaces in such circumstances.

[375] This carries forward the standards in Sec. 16-5-1212 of the current LMO.

[376] This carries forward the standards in Sec. 16-5-1209.B and C of the current LMO, modified to eliminate the requirements that any parking above the minimum be justified by a parking study and consist of ***pervious*** surfacing.

[377] This carries forward the standard in Sec. 16-5-1205.D of the current LMO.

[378] This carries forward the standard in Sec. 16-5-1205.E of the current LMO.

8. Compact Parking Spaces[379]

Up to 20 percent of the required number of off-street parking spaces may be designed and designated as compact parking spaces. Compact parking spaces shall be grouped where possible and located where they can be readily identified by compact vehicle drivers, and designated by signage or pavement marking incorporating the word "COMPACT" with letters at least 12 inches high.

9. Temporary Parking for Passenger Drop-Off and Pick-Up[380]

Uses that involve the frequent stopping of vehicles (including taxis, limousines, vans, and passenger vehicles) to drop-off or pick-up passengers (e.g., schools, recreation/entertainment facilities, ***hotels***)—and especially ***nightclubs***, bars, or ***eating establishments*** that serve alcohol—are encouraged to supplement required parking with a designated area for temporary parking and the dropping off or picking up of passengers. Such spaces shall comply with parking space dimension standards, but the ***Official*** may waive other parking standards as necessary to accommodate such areas.

10. Use of Parking Spaces as Electric Vehicle (EV) Charging Station[381]

All ***multifamily*** and nonresidential ***development*** shall provide one ***electric vehicle (EV) charging station*** per ***site***. The ***electric vehicle charging station*** shall be located within 100 feet of the primary entrance.

E. Parking Space and Aisle Dimensions

1. Parking Space Dimensions[382]

The size of a parking space for one vehicle shall encompass a rectangular area having dimensions of not less than those shown in Table 16-5-107.E.1, Minimum Parking Space Dimensions, for the type and location of parking space.

TABLE 16-5-107.E.1: MINIMUM PARKING SPACE DIMENSIONS

TYPE OF PARKING SPACE	WIDTH	LENGTH
Standard	9 ft [1]	18 ft
Compact	9 ft [1]	15 ft
Parallel	9 ft	22 ft

NOTES: ft = feet
1. 10 feet if the parking space adjoins a median that is located at the end of a parking bay or separates parking spaces within a row of parking.

[379] This carries forward the standard in Sec. 16-5-1205.C of the current LMO, adding a requirement that compact spaces be grouped, located, and marked so compact vehicle drivers can readily find and use them.
[380] The carries forward the provisions in Sec. 16-5-1209.E of the current LMO, expanded to encourage temporary parking and drop-off/pick-up for uses other than alcohol-serving uses.
[381] This new subsection recognizes the increased use of parking spaces to accommodate the charging of electric vehicles.
[382] This carries forward dimensional standards in Sec. 16-5-1205.A, C, and E of the current LMO.

2. Parking Bay Drive Aisle Width[383]

a. All parking bay ***drive aisles*** shall be at least 18 feet wide and no more than 22 feet wide where serving parking spaces at a 60 degree angle, and shall be at least 24 feet wide and no more than 30 feet wide if serving parking spaces at a 90 degree angle.

b. The ***Official*** may require a wider ***drive aisle*** on determining that it is needed to facilitate the types of l vehicles expected to use the ***drive aisles***, or similar traffic demand requirements of the specific ***development***.

c. Parking bay ***drive aisles*** serving parking spaces placed at an angle of less than 90 degrees to the aisle shall be one-way unless the angle is placed so as to accommodate the direction of travel for each side of a two-way aisle.

d. Width requirements for ***drive aisles*** that do not service parking are the same as outlined for ***driveways*** in Sec. 16-5-105.A.5.e.ii, Driveway Width.

F. Design of Parking Areas

1. Safe and Convenient Access[384]

a. Off-street parking areas shall be arranged for convenient vehicular ***access*** between an ***adjacent street*** and all parking spaces to facilitate ease of mobility, ample clearance, and safety of vehicles and pedestrians. Each off-street parking space shall have adequate and unobstructed means for the ingress and egress of vehicles.

b. Except for parking areas serving ***single-family dwellings***, off-street parking areas shall be arranged so a vehicle may be parked or unparked (including backing out of parking spaces) without having to encroach onto a public ***street***, multi-purpose pathway, or sidewalk.

2. Markings[385]

a. Each required off-street parking area and space shall be identified by surface markings arranged to provide for orderly and safe parking of vehicles. Such markings shall be maintained so as to be readily visible at all times.

b. Spaces in parking areas with concrete and asphalt surfacing shall be marked by durable painted white lines except where accessibility requirements require that spaces be delineated in blue.

c. Spaces in gravel parking lots shall be delineated at the end of the space by an individual block, railroad tie, or timber.

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[383] This carries forward the parking bay drive aisle standards in Sec. 16-5-1207.D of the current LMO, modified at the request of Town staff to change allowable one-way aisle widths from 18-22 to 14-20 feet and to reduce allowable two-way aisle widths from 24-30 to 22-30 feet. That section's driveway standards are located in Sec. 16-5-105.A.5.e.ii, Driveway Width.

[384] This carries forward the standards in Sec. 16-5-1207.A and B and Sec. 16-5-1204 of the current LMO. It extends the prohibition on maneuvering onto arterial or collector streets to apply to all streets, except for on-street parking and parking for single-family dwellings.

[385] This new section adds standards for marking and otherwise delineating parking spaces and parking bay drive aisles and entry driveways.

d. Parking spaces on lock pavers may be marked by contrasting color of pavers or by durable painted white lines. (Painted yellow lines are reserved for marking no parking areas.)

3. Curbs and Wheel Stops[386]

a. Permanently anchored wheel stops shall be provided at the end of all parking spaces that abut a sidewalk or walkway or are not bounded by curbing.

b. The vehicle side of the wheel stop shall be no more than 18 inches from the end of the parking space.

G. Landscaping of Parking Lots[387]

1. Purpose and Intent

The standards in this subsection are intended to mitigate the environmental and any visual impacts associated with a parking lot (including heat island effects, pollution, noise, and glare), and help manage stormwater runoff.

2. Applicability

Except for parking areas located within or under ***structures***, ***development*** shall provide and maintain landscaped medians within the interior of parking lots in accordance with the standards in this subsection. Interior planting medians may be used for stormwater management purposes as long as they are designed as site amenities and comply with these parking lot landscaping standards.[388]

3. Configuration and Landscaping

a. Landscaped medians shall be provided:

i. To separate parking bays from each other;

ii. At the ends of each parking bay;

iii. Between a parking bay and an ***adjacent*** property line; and

iv. To separate parking spaces along a row of parking containing more than 15 parking spaces into groups of no more than ten spaces.

b. Landscaped medians shall be at least 12 feet wide except those at the ends of a parking bay, which shall be at least 15 feet wide, and those between a parking bay and ***adjacent*** property line, which shall be at least six feet wide.

c. Each landscaped median shall contain at least one ***overstory tree*** per 50 linear feet of median length, with the remainder of the median not used for

[386] This carries forward the standards in Sec. 16-5-1207.E of the current LMO.

[387] Sec. 16-5-1207.H of the current LMO requires parking lots to include landscaped medians between, within, and at the ends of parking bays. Sec. 16-5-1207.G requires parking facilities to include "appropriate plant material to minimize noise, glare, and other nuisances, as well as to enhance the environment and ecology of the site and surrounding area." This subsection combines and modifies those standards to exempt single-family dwellings and add specific requirements for overstory trees within medians and a general requirement to distribute the medians and overstory trees to maximize shading.

[388] This last sentence is added to recognize and encourage use of planting medians to accommodate low impact stormwater management features.

pedestrian walkways or bicycle parking landscaped with ***trees***, shrubs, or groundcover, and material such as mulch. Understory ***trees*** may be substituted for ***overstory trees*** in areas underneath overhead utilities or exterior lighting fixtures.[389]

d. Landscaped medians and required ***overstory trees*** shall be distributed and sited so as to maximize shading of pavement and pedestrian routes through the parking area.

e. Existing ***trees*** and native understory vegetation shall be retained where possible. The ***Official*** may allow modification of the above standards as necessary to do so.

H. Off-Street Parking Alternatives[390]

1. General; Alternative Parking Plan

The ***Official*** is authorized to approve an alternative parking plan that proposes alternatives to providing the minimum or maximum number of off-street parking spaces required by this section, in accordance with the standards listed below. The alternative parking plan shall be submitted with an **application** for Development Plan Review (Sec. 16-2-103.G), Small Residential Development Review (Sec. 16-2-103.H), or Corridor Review (Sec. 16-2-103.I), as appropriate.

2. Provision over Maximum Allowed[391]

An alternative parking plan may propose to exceed the maximum number of off-street parking spaces allowed by Sec. 16-5-107.D.5, Maximum Number of Off-Street Parking Spaces, in accordance with the following standards:

a. Parking Demand Study

The alternative parking plan shall include a parking demand study demonstrating how the maximum number of parking spaces allowed by Sec. 16-5-107.D.5, Maximum Number of Off-Street Parking Spaces, is insufficient for the proposed ***development***.

b. Limited to Minimum Amount Required

Additional off-street spaces allowed by this subparagraph shall be limited to the minimum number of additional spaces recommended as needed by the required parking demand study.

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[389] A median at least 12 feet wide can accommodate many species of shade trees whose roots can adapt to the space provided and not encroach onto adjoining curbing or paving.

[390] This subsection consolidates and modifies current standards allowing off-site parking (Sec. 16-5-1203), shared parking (Sec. 16-5-1210.B), and deferred parking (Sec. 16-5-1210.C), and adds authorization and standards for other alternative parking arrangements (e.g., on-street parking). It also incorporates current authority to allow more than the maximum parking space standard. It addresses all alternative parking arrangements through review of an alternative parking plan.

[391] Sec. 16-5-1210.A of the current LMO authorizes the Administrator (Official) to approve a number of parking spaces that is higher or lower than that required by the parking space requirements (including the maximum limit) based on parking data. This subsection specifically provides for approval of parking spaces over the maximum allowed, with provisions that spell out the requirement for a parking demand study and limit additional parking to the minimum justified by the parking demand study. Current provisions require all parking above the minimum required number of spaces to have ***pervious*** surfacing. The Town might want to consider modifying this provision to require ***pervious*** parking above the maximum only to "the maximum extent practicable."

c. Extra Parking to Have Pervious Surfacing

Any additional parking spaces allowed under this subparagraph shall be constructed with ***pervious*** materials.

3. Shared Parking[392]

An alternative parking plan may propose to meet a portion of the required minimum number of off-street parking spaces with ***shared parking*** in accordance with the following standards:

a. Maximum Shared Spaces

Up to 50 percent of the number of parking spaces required for a ***use*** may be used to satisfy the number of parking spaces required for other ***uses***, provided the ***uses*** generate parking demands during different times of the day or different days of the week.

b. Location and Pedestrian Access

i. ***Shared parking*** spaces other than those serving ***development*** in the CR District shall be located no more than 500 feet walking distance from the primary pedestrian entrance(s) to the ***uses*** served by the parking, as measured along sidewalks or other ***pedestrian accessways*** connecting the shared spaces and such entrance(s).

ii. Adequate and safe pedestrian ***access*** shall be provided between the ***shared parking*** spaces and the primary pedestrian entrances to the ***uses*** served by the parking.

iii. ***Shared parking*** spaces shall not be separated from the ***use*** they serve by an arterial ***street*** unless pedestrian ***access*** across the arterial ***street*** is provided by a grade-separated pedestrian walkway or appropriate traffic controls (e.g., signalized crosswalk).

c. Justification

The alternative parking plan shall include justification of the feasibility of ***shared parking*** among the proposed ***uses***. Such justification shall address, at a minimum, the size and type of the ***uses*** proposed to share off-street parking spaces, the composition of their tenants, the types and hours of their operations, the anticipated peak parking and traffic demands they generate, and the anticipated rate of turnover in parking space use.

[392] Sec. 16-5-1210.B of the current LMO authorizes the Administrator (Official) to approve shared parking arrangements on determining that they follow guidelines in the ULI publication, *Shared Parking*. That publication includes case studies and suggested options for accommodating shared parking, but does not provide definitive standards for all aspects of shared parking arrangements. This subsection replaces that reference with specific standards that limit the extent to which parking spaces may be shared and require shared parking spaces to be within safe and convenient walking distance of the buildings they serve. It also spells out the type of parking study needed to justify shared parking and adds a requirement for an agreement ensuring long-term continuation of the shared parking arrangement or alternative compliance with parking standards should the arrangement be terminated.

d. Shared Parking Agreement

i. An approved ***shared parking*** arrangement shall be enforced through written agreement among all the owners of ***lands*** containing the ***uses*** proposed to share off-street parking spaces.

ii. The agreement shall provide all parties the right to joint use of the ***shared parking*** area for as long the ***shared parking*** spaces are needed to comply with this Ordinance, and shall be binding on subsequent owners.

iii. The agreement shall be submitted to the ***Official*** for review and approval before execution.

iv. A Certified True Copy of an approved agreement that has been recorded in the Beaufort County Register of Deeds shall be delivered to the ***Official*** before issuance of a ***Building Permit*** or Certificate of Occupancy for any ***use*** to be served by the ***shared parking*** area.

v. Any termination of the ***shared parking*** agreement does not negate the parties' obligations to comply with parking requirements and thus shall constitute a violation of this Ordinance. No ***use*** served by the ***shared parking*** may be continued if the ***shared parking*** becomes unavailable to the ***use*** unless substitute off-street parking spaces are provided in accordance with this section.

4. Off-Site Parking[393]

An alternative parking plan may propose to meet a portion of the required minimum number of off-street parking spaces with ***off-site*** parking in accordance with the following standards.

a. Maximum Off-Site Spaces

Off-site parking may be used to satisfy up to 100 percent of the number of parking spaces required for a ***use*** in the CR District. ***Off-site*** parking may be used to satisfy up to 50 percent of the number of parking spaces required for a ***use*** in any other district.

b. Zoning

The zoning district classification of the ***off-site*** parking area shall be one that allows the ***use*** served by ***off-site*** parking (and thus off-street parking accessory to such ***use***).

c. Location and Pedestrian Access

i. ***Off-site*** parking spaces other than those serving ***development*** in the CR District shall be located no more than 500 feet walking distance from the

[393] Sec. 16-5-1203 of the current LMO authorizes the use of off-premises parking to meet up to 50 percent of parking space requirements (100 percent in the CCW District), subject to general requirements relating to pedestrian access. It also requires a shared parking agreement (which assumes off-site spaces are owned by someone other than the owner of the development served by the off-site parking). This subsection carries forward the current provisions, modifying them to add a requirement that land used for off-site parking be zoned to allow parking as accessory to the use it serves, expand pedestrian access requirements to match those for shared parking, and add provisions for an agreement ensuring the long-term continuation of the off-site parking arrangement and providing for alternative compliance should the off-site parking arrangement be terminated. Such requirement is similar to that proposed for shared parking, but recognizes that the owner of the development may also be the owner of the land containing the off-site parking.

pedestrian entrance(s) to the ***uses*** served by the parking, as measured along sidewalks or other ***pedestrian accessways*** connecting the shared spaces and such entrance(s).

ii. Adequate and safe pedestrian ***access*** shall be provided between the ***off-site*** parking spaces and the primary pedestrian entrances to the ***uses*** served by the parking.

iii. ***Off-site*** parking spaces shall not be separated from the ***use*** they serve by an arterial ***street*** unless pedestrian ***access*** across the arterial ***street*** is provided by a grade-separated pedestrian walkway or appropriate traffic controls (e.g., signalized crosswalk).

d. Off-Site Parking Agreement

i. If ***land*** containing the ***off-site*** parking area is not under the same ownership as ***land*** containing the ***principal use*** served, the ***off-site*** parking arrangement shall be established in a written agreement between the owners or long-term lessees of ***land*** containing the ***off-site*** parking area and ***land*** containing the served ***use***.

ii. The agreement shall provide the owner of the served ***use*** the right to use the ***off-site*** parking area for as long the ***shared parking*** spaces are needed to comply with this Ordinance, and shall be binding on subsequent owners or long-term lessees.

iii. The agreement shall be submitted to the ***Official*** for review and approval before execution.

iv. An attested copy of an approved and executed agreement shall be recorded with the Beaufort County Register of Deeds before issuance of a ***Building Permit*** or Certificate of Occupancy for any ***use*** to be served by the ***off-site*** parking area.

v. Any termination of an ***off-site*** parking agreement or transfer of ***land*** containing the ***off-site*** parking area does not negate the ***developer***'s obligation to comply with parking requirements and thus shall constitute a violation of this Ordinance. No ***use*** served by the ***off-site*** parking may be continued if the ***off-site*** parking becomes unavailable unless substitute off-street parking spaces are provided in accordance with this section and this Ordinance.

5. Deferred Parking[394]

An alternative parking plan may propose to defer ***construction*** of up to 20 percent of the required minimum number of off-street parking spaces, in accordance with the following standards:

[394] This carries forward the provisions in Sec. 16-5-1210.C of the current LMO, modifying them to limit the extent of required parking that may be deferred, spell out criteria justifying use of deferred parking, and require a reserve parking plan demonstrating compliance with applicable standards. Whereas the current provisions require that the deferred parking area be reserved indefinitely until the Administrator (Official) determines the deferred spaces are needed, the proposed provisions require that a parking study be done 18 months after development to demonstrate whether deferred parking is or is not justified by actual parking demand. If the study shows the already provided parking is insufficient to meet parking demand (i.e., that the pre-development assessment was wrong), the reserve area must be developed for the additional needed parking. If the study shows the already provided parking is sufficient, the reserved area is released for future use, expansion, or other development.

a. Justification

The alternative parking plan shall include an assessment demonstrating that because of the location, nature, or mix of ***uses***, there is a reasonable probability the number of parking spaces actually needed to serve the ***development*** is less than the minimum required by the Minimum Number of Parking Spaces table in Sec. 16-5-107.D.1.

b. Reserve Parking Plan

The alternative parking plan shall include a reserve parking plan identifying the amount of off-street parking being deferred and the location of the area to be reserved for future parking, if future parking is needed.

c. Parking Demand Study

i. The alternative parking plan shall provide assurance that within 18 months after the initial Certificate of Occupancy is issued for the proposed ***development***, an off-street parking demand study evaluating the adequacy of the existing parking spaces in meeting the off-street parking demand generated by the ***development*** will be submitted to the ***Official***.

ii. If the ***Official*** determines that the study indicates the existing parking is adequate, then ***construction*** of the remaining number of parking spaces shall not be required and the areas reserved for future parking shall no longer be so reserved. If the ***Official*** determines that the study indicates additional parking is needed, such parking shall be provided consistent with the reserve parking plan and the standards of this section.

d. Maintenance of Reserve Areas as Open Space[395]

As long as areas are reserved for future parking, they shall be maintained as ***open space***, without any clearing of ***trees***. During such time, the reserve areas shall not count as ***open space*** for purposes of complying with Sec. 16-5-104, Open Space Standards, and shall count as ***impervious surface*** for purposes of complying with Sec. 16-5-109, Stormwater Management and Erosion and Sedimentation Control Standards.

e. Deferred Parking Agreement

i. A deferred parking agreement shall be included as part of any ***development*** approval which includes deferred parking. The agreement shall incorporate by reference the deferred parking plan and agreement by the owner to reserve a future parking area as ***open space*** consistent with the deferred parking plan, and assurances that a parking demand study will be completed in accordance with the terms of the ***development*** approval and this section, and additional parking provided, if determined necessary.

ii. An attested copy of an approved and executed agreement shall be recorded with the Beaufort County Register of Deeds before issuance of a ***Building Permit*** or Certificate of Occupancy for any ***use*** subject to deferred parking.

[395] This carries forward the standards in Sec. 16-5-1210.C.1-4 of the current LMO.

iii. Any termination of a deferred parking agreement does not negate the ***developer***'s and owner's obligation to comply with parking requirements of this Ordinance. Failure to comply shall constitute a violation.

6. On-Street Parking[396]

An alternative parking plan may propose to meet a portion of the required minimum number of off-street parking spaces with on-street parking spaces, in accordance with the following standards:

a. On-street parking may be used to satisfy up to 100 percent of the number of parking spaces required for a ***use*** in the CR District.

b. The on-street parking spaces shall be located along the ***development*** site's ***street frontage*** or no more than 150 feet walking distance from the primary entrance(s) of the proposed ***use***, as measured along sidewalks or other ***pedestrian accessways*** connecting the on-street spaces and such entrance(s).

c. The on-street parking spaces are not counted towards meeting the off-street parking requirement for any other ***development***; and

d. There is no negative impact to existing or planned traffic circulation patterns.

7. Bicycle Parking

a. All ***multifamily*** and nonresidential ***development*** shall provide bike racks sufficient to accommodate the parking of at least four bicycles for every ten vehicle parking spaces required, or major fraction thereof.

b. The bike racks shall be located in visible, well-lit areas within 50 feet of a primary entrance to the ***building*** they serve and shall be in an area maintained with an all weather surface. They shall be located where they do not interfere with pedestrian traffic and are protected from conflicts with vehicular traffic.

c. The required minimum number of vehicular parking spaces shall be reduced by one space for every ten bicycle parking spaces provided.

8. Loading Areas[398]

a. Minimum Number of Off-Street Loading Spaces[399]

i. Any ***development*** involving the routine vehicular delivery or shipping of goods, supplies, or equipment to or from the ***development*** shall provide a sufficient number of off-street loading spaces to accommodate the

[396] Sec. 16-5-402.E of the current LMO allows development in the CCW to use on-street parking to meet all parking space requirements. This subsection carries forward that provision.

[398] This subsection generally carries forward the loading area standards in Sec. 16-5-1211 of the current LMO, modifying them to make some a little more flexible and to add standards regarding locating loading areas to the rear of buildings and adjacent to loading doors.

[399] Because of the great variability in the number of loading spaces needed by various uses, this subsection uses a general performance-based standard, but adds presumptive standards that applicants and Town staff can use as a starting point for determining how many loading spaces are actually needed for a particular proposed use. Flexibility is provided by allowing an applicant to demonstrate that fewer loading space are needed than indicated by the table of presumptive standards, and allowing the Official to rely on documents showing that more spaces are needed.

delivery and shipping operations of the ***development***'s ***uses*** in a safe and convenient manner.

ii. Table 16-5-107.H.8, Minimum Number of Off-Street Loading Spaces, sets forth the minimum number of loading spaces that presumptively satisfies the loading area requirement in provision i above for the listed ***principal uses***. For proposed ***uses*** not listed in Table 16-5-107.H.8, the requirement for a ***use*** most similar to the proposed ***use*** shall apply.

iii. The ***Official*** may require more loading spaces or fewer loading spaces than indicated by Table 16-5-107.H.8 on determining that the characteristics of the particular ***development*** warrant such addition or reduction and the general standard is met. Such a determination may be based on information submitted by an ***applicant*** for ***development*** approval or by documented analyses or case studies.

TABLE 16-5-107.H.8: MINIMUM NUMBER OF OFF-STREET LOADING SPACES

GROSS FLOOR AREA (GFA)	MINIMUM NUMBER OF LOADING SPACES
Up to 25,000 sf	1
25,001 to 40,000 sf	2
40,001 to 100,000 sf	3
100,001 to 160,000 sf	4
Over 160,000 sf	4 + 1 per additional 80,000 GFA above 160,000 GFA
NOTES: sf = square feet	

iv. Where a ***change of use*** not involving the enlargement of a ***structure*** is proposed on a ***lot*** with insufficient area to practically accommodate an off-street loading area, the ***developer*** need only comply with these loading area standards to the ***maximum extent practicable***.

v. No area used to comply with loading area standards may be used to comply with the parking standards, nor shall any area used to comply with parking standards be used to comply with loading area standards.

b. Dimensional Standards for Loading Areas

i. Each loading space shall be of sufficient size to accommodate the types of delivery/shipping vehicles likely to use the loading area.

ii. A loading space that presumptively satisfies the needs of delivery/shipping vehicles shall be at least 12 feet wide and 40 feet long, and shall have at least 14 feet of vertical clearance. The ***Official*** may require larger or smaller loading spaces or lesser or greater vertical clearance on determining that the characteristics of the particular ***development*** warrant such a variation and the general standard in subparagraph a above is met.

c. Location and Design of Loading Areas

i. Where possible, loading areas shall be located to the rear of the ***building***(s) they serve.

ii. The loading area shall be located ***adjacent*** to the ***building***'s loading doors, in an area that promotes its practical use.

iii. The loading area shall be located and designed so vehicles using them can maneuver safely and conveniently to it from a public ***street*** and complete loading without obstructing or interfering with any public ***right-of-way*** or any parking space or parking lot ***drive aisle***—provided, however, that a loading area may overlie a ***drive aisle*** if it is included as a condition of approval and the ***applicant*** provides a recorded memorandum of agreement that loading will not occur during normal business hours.

d. Buffering of Loading Areas

Loading areas shall be separated from ***adjacent streets*** and ***uses*** by a type D buffer in accordance with Sec. 16-5-102, Adjacent Setback Standards and Sec. 16-5-103, Adjacent Street Buffer Standards.

Sec. 16-5-108. Site Lighting Standards[400]

A. Purpose and Intent[401]

The purpose of this section is to regulate exterior site lighting to ensure the safety of motorists, bicyclists, and pedestrians, and minimize adverse impacts on ***adjacent lands***. The regulations in this section are intended to ensure that all exterior site lighting is designed and installed to maintain adequate lighting levels on a site while limiting excessive lighting impacts on ***adjacent lands***, ***streets***, and paths.

B. Applicability[402]

The standards in this section shall apply to all ***development*** in the ***Town*** unless expressly exempted elsewhere in this Ordinance.

C. General Exterior Lighting Standards[403]

1. Fixture (luminaire)

The light source shall be completely concealed within an opaque housing and shall not be visible from any ***street*** right of way.

2. Light Source (lamp)

Only incandescent, florescent, metal halide, or color corrected high-pressure sodium may be used. The same type must be used for the same or similar types of lighting on any one ***development*** site or Planned Unit Development district.

[400] This section carries forward Chapter 5, Article XIV (Site Lighting Standards), of the current LMO, with changes as noted in the footnotes. It does not carry forward provisions in the current Sec. 16-5-1402 (Commercial Parking) and Sec. 16-5-1403 (Canopy Area Lighting) because they simply repeat what is already required in proposed subsections B and D.

[401] This new subsection summarizes the general purpose and intent of the site lighting standards.

[402] This new subsection clarifies the applicability of this section.

[403] This carries forward the standards in Sec. 16-5-1401.A-C of the current LMO.

3. Mounting

Fixtures must be mounted in such a manner that the cone of light does not cross any property line of the site.

D. Exterior Lighting Illumination Levels[404]

1. All exterior site lighting facilities shall be designed and located so that the level of illumination measured in ***foot-candles*** (fc) at ground level at any one point complies with the standards set forth in Table 16-5-108.D, Exterior Lighting Illumination Levels.

2. Exterior site lighting facilities not identified in Table 16-5-108.D, Exterior Lighting Illumination Levels, are not required to comply with these illumination standards.

TABLE 16-5-108.D: EXTERIOR LIGHTING ILLUMINATION LEVELS

LIGHTED AREA	CR DISTRICT			ALL OTHER DISTRICTS		
	MINIMUM[1]	AVERAGE[2]	MAXIMUM[1]	MINIMUM[1]	AVERAGE[2]	MAXIMUM[1]
Canopy Areas[3]	2.0 fc	18.0 fc	30.0	2.0 fc	12.0 fc	20.0 fc
Parking Lots for Nonresidential and Mixed Uses	0.2 fc	2.0 fc	12.0	0.2 fc	1.50 fc	10.0 fc
Parking Lots for Residential Uses	0.2 fc	1.5 fc	10.0	0.2 fc	1.0 fc	8.0 fc
Golf Driving Ranges	2.0 fc	5.0 fc	10.0 fc	2.0 fc	5.0 fc	10.0 fc
Miniature Golf Courses	0.2 fc	10.0 fc	15.0 fc	0.2 fc	10.0 fc	15.0 fc
Other ***Outdoor Commercial Recreation*** Facilities[4]	See "Lighting Handbook"[4]	See "Lighting Handbook"[4]	See "Lighting Handbook"[4]	See "Lighting Handbook"[4]	See "Lighting Handbook"[4]	See "Lighting Handbook"[4]
Walkways and ***Streets***	0.2 fc	1.0 fc	10.0	0.2 fc	0.75 fc	8.0 fc
Landscaped Areas and Decorative Features	0.2 fc	.50 fc	5.0	0.2 fc	0.50 fc	5.0 fc

NOTES: fc = foot-candle
1. Minimum and maximum levels are as measured at any one point.
2. Average level is calculated only for the area of the site intended to receive illumination.
3. These include areas immediately below canopies over ***gas sales***, automatic teller machines (ATMs), or similar canopies.
4. The "Lighting Handbook" of the Illuminating Engineering Society of North America (IESNA—Ninth Edition).

[404] This section modifies provisions in Sec. 16-5-1401.D of the current LMO to replace terms used to describe the types of areas lighted with more specific terms consistent with the use tables (e.g., parking lots for nonresidential and mixed uses versus commercial parking lots; commercial recreation facilities versus active sports facilities). As suggested in the Response to LMO Rewrite Committee Comments on Code Assessment (p. 22), slightly more lighting is allowed in the CR District.

Sec. 16-5-109. Stormwater Management and Erosion and Sedimentation Control Standards[405]

A. Purpose[406]

The purpose of the standards in this section is to ensure that developments incorporate ***best management practices*** to minimize and manage stormwater runoff so as to control flooding, protect the quality of the ground and surface waters within and surrounding the ***Town***, and minimize erosion and sedimentation. Specifically, this section is intended to supplement the ***State***'s stormwater management program and standards with additional standards that ensure control of the volume and flow of stormwater runoff, limit pollutants in stormwater runoff, provide opportunities for the filtering and settling of pollutants from runoff before it enters the ***ground water*** and surface waters, and minimize erosion and sedimentation from stormwater runoff.

B. Applicability

1. General

Except as otherwise provided in paragraph 2 below, this section applies to all ***development***.

2. Exceptions[407]

The following ***development*** is exempt from the standards in this section:

a. ***Development*** exempt from Development Plan Review in accordance with Sec. 16-2-103.G.3, Exemptions;

b. The establishment of, or additions or modifications to, a ***single-family dwelling*** or its ***accessory structure***, provided that such ***development*** shall be subject to all standards in Sec. 16-5-109.I, Erosion and Sedimentation Control, except the requirement to submit an erosion control plan (Such ***development*** is also subject to the ***flood*** damage control standards in Chapter 9 of Title 15 of the ***Municipal Code***, and must conform to the grading scheme and finished floor elevation established by the approved Development Plan.);

c. Development that does not disturb more than a total of ½ acre of ***land*** or alter or disrupt existing drainage patterns;

d. ***Maintenance*** and ***repair*** of public ***streets***, pathways, storm drainage, or similar public infrastructure subject to government ***maintenance***;

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[405] This section generally carries forward the stormwater management and erosion and sedimentation control standards in Art. VI of Chapter 5 of the current LMO. The current standards are reorganized, with simplified wording, to make them easier to understand. They are modified in response to Town staff requests. Those modifications are noted in subsequent footnotes.

[406] This new subsection is added to provide LMO users some background on why these standards are in the LMO.

[407] At the request of Town staff, this is revised to broaden the current exemption of single-family dwellings in subdivisions to apply to all single-family dwellings, to exclude manufactured homes from the exemption, to limit the single-family dwelling exemption to require compliance with erosion and sedimentation control standards, and to add the exemption for routine maintenance and repair of public infrastructure.

e. New or existing ***agricultural activity*** (as defined in Sec. 16-10-105, General Definitions) not involving the ***filling*** or drainage of ***land***; and

f. Emergency work by agencies or ***property owners*** required to address flooding conditions, provided:

i. Such work is verbally approved by the ***Official*** or other duly appointed official in charge of emergency preparedness or emergency relief if practicable (***public way*** performing emergency work will be responsible for any damage or injury to ***persons*** or property caused by their unauthorized actions);

ii. The ***Official*** or other duly appointed official who verbally approved the action delivers written notice of the action to the ***landowner*** and any affected agency at the earliest possible time; and

iii. ***Public way*** performing emergency work restore the site of the emergency work within 60 days following the end of the emergency period.

C. General Standards for Stormwater Management[408]

1. Compliance with State and Federal Stormwater Management Standards

All ***development*** shall comply with the stormwater management standards of the South Carolina Department of Health and Environment Control (DHEC) and any applicable federal stormwater standards and permits (e.g., NPDES permits), unless such standards are waived by the appropriate ***State*** or federal agency.

2. Compliance with Maximum Impervious Cover Standards

All ***development*** shall comply with the maximum ***impervious cover*** standards applicable to the zoning district in which the ***development*** is located (see Chapter 16-3: Zoning Districts). (See definition of ***impervious surface*** in Sec. 16-10-105, General Definitions.)

3. Compliance with OCRM Critical Area Permitting Requirements

For ***development adjacent*** to the OCRM Critical Line, all stormwater management facilities located in the critical areas shall obtain a permit from the South Carolina Office of Ocean and Coastal Resource Management (OCRM) prior to installation.

4. No Increased Flood Potential

Development shall not appreciably increase the ***flood*** potential within the ***development***, on ***adjacent*** or surrounding ***lands***, or on tidal or freshwater wetlands, as determined by the Town Engineer.

[408] This carries forward Sec. 16-5-602 of the current LMO and adds provisions from the subsequent section of design standards that pertain more to restrictions or general requirements rather than design standards (e.g., compliance with OCRM permitting requirements, alteration of water bodies, water surface elevation alteration and adjustment), or that seem to belong with the general standards in this subsection (e.g., discharges into water bodies). It adds standards for pre-design conferences, as requested by Town staff, and for coordination with other agencies.

5. No High-Maintenance Facilities

Development shall not incorporate ***structures*** and facilities that the Town Engineer determines will demand considerable ***maintenance***.

6. Discharges onto Beaches and into Wetlands and Water Bodies[409]

a. No stormwater discharge shall be permitted onto ***beaches***.

b. No direct stormwater discharge shall be permitted into tidal or freshwater wetlands unless approved by the Town Engineer.

c. Discharging stormwater runoff directly into water bodies from impervious areas shall not be allowed unless methods are provided to filter the runoff to the ***maximum extent practicable***. Such methods include filtering runoff through sheet flow, grass swales, drywells, infiltration ditches, gravel, sand, or other filter mediums before the runoff leaves the site or enters any natural or shared-in-common manmade water body.

7. Alteration of Water Bodies

Dredging, clearing, deepening, widening, straightening, stabilizing, or otherwise altering water bodies may be permitted by the Town Engineer only when a positive benefit can be demonstrated. Such approval does not obviate the need for other applicable ***Town***, ***State***, or federal agency approvals.

8. Water Surface Elevation Alteration and Adjustment

a. No ***development*** shall construct, establish, maintain, or permanently alter the surface water elevation of any water body or wetland so as to adversely affect the natural drainage from any upstream areas, or to any downstream areas, of the ***drainage basin***.

b. The water surface elevations proposed for lagoons or water bodies are subject to approval by the Town Engineer as part of the ***development*** review process. The ***applicant*** shall submit sufficient ***ground water***, topographic elevation data, and hydrologic data on or around the proposed water body site to assist in establishing the water surface elevation.

9. Reference Guides

The standards and design guidelines as set forth in the latest editions of the *Beaufort County Manual for Storm Water Best Management and Design Practices*, the South Carolina DHEC's *Stormwater Management BMP Handbook*, and the *Georgia Coastal Stormwater Supplement* shall serve as guides to technical specifications for the design and ***construction*** of various types of stormwater management facilities (including, but not limited to, structural and nonstructural stormwater ***best management practices*** (BMPs) and ***maintenance*** standards).

[409] This consolidates related standards from current Sec. 16-5-602.D and Sec. 16-5-605.P.1. A current reference to the opportunity to seek a variance from these standards is not carried forward because it is redundant.

10. Pre-Design Conference

A pre-design conference with the Town Engineer or his or her designee is suggested for small projects not affecting major drainage ways or environmentally sensitive areas, and is required for all Subdivision Review and Development Plan Review applications.

11. Professional Engineer or Surveyor

All surveys, plans, specifications, and reports shall be prepared and certified by the appropriate professional engineer or professional surveyor registered in South Carolina, in accordance with the current South Carolina Code of Laws, Title 40–Professions and Occupations, Chapter 22, Engineers and Surveyors.

D. Drainage Design Standards[410]

1. General

a. Design Methodology[411]

i. The two accepted hydrological methodologies for computing surface runoff are the rational method and the USDA NRCS TR-55 method. Other methods approved by the Town Engineer are allowable.

ii. The rational method may be used only for sizing individual culverts or storm drains that are not part of a pipe network or system and have a contributing drainage area of 20 acres or less.

iii. The USDA NRCS TR-55 method or other approved methodology may be used for ***sites*** of any size.

iv. Proposed ***development*** design shall consider the hydrological features within the total watershed, including the ***development*** site, upstream and downstream areas.

b. Site Area

The site area incorporated in stormwater management design shall be the total area of proposed ***development***, including any noncontiguous ***lands*** that are part of a Planned Development, which is owned in fee simple by the ***landowner***/***developer*** of the Planned Development, or is included in perpetual cross ***easements*** for drainage purposes.

c. Design Storm

The design storm, to be used in the design of all drainage systems and permanent stormwater management facilities, is the 25-year frequency/24-hour/8.4-Inch rainfall and Antecedent Moisture Condition II (AMC II).

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[410] This consolidates design standards in current Sec. 16-5-604 (Methodologies) and 16-5-605 (Design Standards), modifying them to incorporate staff-requested revisions. At the request of Town staff, this subsection does not carry forward current standards pertaining to first flush runoff, ***pervious*** surface materials, and velocities, as well as the current standards in Sec. 16-5-605.P pertaining to discharging runoff from streets and parking areas.

[411] This is substantially simplified and updated at the request of Town staff.

d. Engineering Checklist[412]

Detailed design standards for all stormwater management systems required by this section can be found in the Engineering Checklist maintained by the Town Engineer.

2. Pre-Development Peak Discharge Rates[413]

a. All ***development*** shall incorporate stormwater management facilities sufficient to ensure that for the design storm and Type III rainfall distribution, the post-***development*** peak discharge rate across ***adjacent*** property lines will not exceed the pre-***development*** peak discharge rate. In the case of redevelopment, the pre-***development*** condition shall be defined as the existing state at the time of ***development application***.

b. Stormwater ***best management practices*** (BMPs) shall be used to retain and detain the increased and accelerated runoff that the ***development*** generates.

c. The Town Engineer may waive this peak discharge requirement on determining that the ***applicant*** has demonstrated that:

i. A suitable means of flow into a downstream tidal discharge point is accessible; or

ii. The ***development*** includes a drainage system with adequate capacity to carry site flows to an ultimate downstream tidal discharge point.

3. On-Site Retention of First Inch of Runoff

a. All ***development*** shall provide for ***on-site*** retention (dry or wet) or percolation of a minimum of one inch of runoff from ***on-site impervious surfaces***, regardless of pre-***development*** condition. Major drainage canals may not be used for retention where doing so may adversely impact the storm hydrology upstream or downstream.

b. The one inch of runoff from all such ***impervious surfaces*** shall be dissipated by percolation into the soil, evaporation, or other methods of treatment or handling acceptable to the Town Engineer.

c. Where ***on-site*** retention of runoff is also required by OCRM standards, evidence of OCRM approval of the ***on-site*** retention shall be submitted to the Town Engineer.

4. On-Site Detention or Percolation of Runoff

a. All ***development*** shall provide for ***on-site detention*** (dry or wet) or percolation of stormwater runoff that is sufficient to maintain the same peak discharge rate as occurred pre-***development***. Major drainage canals may not be used for ***detention*** where doing so may adversely impact the storm hydrology upstream or downstream.

b. ***Off-site detention*** (dry or wet) or percolation areas may be used, provided:

[412] This is added at the request of Town staff.
[413] This consolidates related standards currently contained in various provisions in Sec. 16-5-605, eliminating redundancies.

i. The Town Engineer determines that such ***improvements*** are in the common good and are of satisfactory design to cause no hardship to others utilizing the same drainageway, whether ***on-site*** or upstream or downstream;

ii. A recorded, permanent drainage ***easement*** is provided that complies with this section and Sec. 16-5-109.G, Drainage Easements, and benefits the ***land*** described in the **application** for ***development*** permit;

iii. Adequate ***maintenance*** of the areas is provided for in accordance with Sec. 16-5-109.H.1, Ownership and Maintenance Responsibility; and

iv. The ***developer*** bears the total cost of the areas and their ***detention*** or percolation facilities.

5. Design of Detention and Retention Facilities[414]

a. ***Detention*** and retention facilities shall be designed to provide at least one-half foot of freeboard or vertical ***detention*** storage volume for runoff above the design storm peak elevation.

b. ***Detention*** and retention facilities shall be designed for ten-year sediment loads before the one-half foot storage volume required in subparagraph a above is included. Sediment storage may be accommodated below the dry weather water level design, as long as an adequate permanent pool depth is maintained.

c. ***Detention*** and retention facilities shall be designed with relatively flat side slopes (maximum horizontal to vertical ratio of 3:1) along the shoreline.

d. Where possible, ***detention*** and retention facilities shall be designed with meandering shorelines to increase the length of shoreline, thus offering more space for the growth of littoral vegetation for pollution control purposes.

e. Where cleared site conditions exist around ***detention*** or retention areas, the banks shall be sloped to the proposed dry weather water surface elevation and planted for stabilization purposes. Where slopes are not practical or desired, other methods of bank stabilization will be used and noted on plans submitted for approval.

6. Adequate Outfall

A ***developer*** shall provide adequate outfall ditches, pipes, and ***easements*** downstream from a proposed discharge if public or private facilities adequate to carry the proposed discharge do not exist or are not available for use by the ***developer***.

7. Use of Wetlands[415]

a. The use of wetlands for stormwater retention is allowable with approval by the Town Engineer. ***Adjacent*** BMPs that benefit from retention of normal wetland water table elevations are acceptable.

[414] This consolidates related standards currently contained in various provisions in Sec. 16-5-605, eliminating redundancies.
[415] At the request of Town staff, the last standard is expanded to require flow dissipation devices.

b. Regulated wetlands shall not be disturbed by the ***construction*** of BMPs in them or sufficiently near to deprive them of required runoff or to lower their normal water table elevations.

c. If a BMP is proposed to be located near a regulated wetland or in a required ***wetland buffer*** (see Sec. 16-6-102, Wetland Protection), the ***applicant*** will provide data showing that impacts will not be detrimental to the wetland or ***wetland buffer***, and the BMPs shall include flow dissipation devices ensuring that discharge to wetlands occurs at non-erosive velocities.

8. Incorporation of Stormwater Management into Landscape Design[416]

Final landscape designs and plantings shall not adversely affect stormwater conveyance or ***maintenance*** of stormwater management facilities, but rather should further opportunities for percolation, retention, ***detention***, filtration, and plant absorption of site-generated stormwater runoff (e.g., using low impact ***development*** (LID) measures—see guides in Sec. 16-5-109.C.9, Reference Guides).

E. Inspection and Certification of Construction[417]

The **application** for a Certificate of Compliance for a ***development***, or approved phase thereof, shall include certification by a professional engineer registered in South Carolina that the ***development*** site work was constructed in accordance with approved plans and the requirements of this Ordinance. Prior to approval of such **application**, the Town Engineer or his or her designee shall conduct an inspection of constructed stormwater management facilities. Any deficiencies identified by the inspection shall be corrected before a Certificate of Compliance is issued.

F. As-Built Survey[418]

1. Before issuance of a Certificate of Compliance, the ***applicant*** shall submit to the Town Engineer an ***as-built survey*** prepared and certified by a South Carolina professional ***land*** surveyor that accurately identifies and depicts the horizontal location of all property corners, ***easements***, and the horizontal and vertical locations of all ***on-site improvements***. The ***as-built survey*** shall show:

a. Closed polygons of all impervious areas (***buildings***, sidewalks, parking facilities, paved areas), utilities, storm drainage ***structures***, pipes, channels, and ***detention***/retention areas;

b. The diameter and type of material for all new storm drainage pipes;

c. All storm drainage ***structures***, grate/rim, and invert elevations, along with ***finish grades*** on pavements and curbing as per the design plans (with design elevations to be struck through and the actual as-built elevations to be underlined and shown directly above or below the design elevation).

2. The ***as-built survey*** shall be clearly labeled and based on NAD 83, NAD 83 State Plane South Carolina Feet Intl, and NAVD 88 datums.

[416] This is expanded to add the parenthetical.
[417] This is added to reflect Town staff's request.
[418] This is added at the request of Town staff.

3. The ***as-built survey*** shall be submitted in the form of two sets of hard copy, sealed prints at a legible scale, and the digital file in AutoCAD 2007 format or newer.

G. Drainage Easements[419]

1. General

Developments shall provide adequate ***access*** for ***maintenance*** and ***improvement*** of the drainage easement and required stormwater management facilities.

2. Closed Pipe Easements

Generally, the minimum width of a drainage easement with underground storm drain pipes shall be at least 15 feet. The Town Engineer may require additional width as necessary to allow for ***access*** by service equipment and storage of removed fill to one side of the pipes, or to accommodate larger or more deeply buried pipes.

3. Open Channel Easements

Drainage ***easements*** for open drainage channels shall have a minimum width equal to the maximum top width of the channel plus an additional 15 feet. The Town Engineer may require additional width as necessary to allow for ***access*** by service equipment to one side of the channel.

4. Shared Easements

Drainage ***easements*** may be shared with other ***easements*** with the written approval of the Town Engineer and with consent of the easement holders. Nothing herein shall be construed as prohibiting the use of drainage ***easements*** for ***access*** to various properties or other compatible ***uses*** with the consent of the ***landowners*** and easement holders.

H. Maintenance of Stormwater Management Facilities and Easements

All required drainage ***easements*** and stormwater management facilities shall be maintained in accordance with the provisions in this subsection.

1. Ownership and Maintenance Responsibility

a. The ***applicant*** shall designate what specific entity or entities will own and be responsible for operation and ***maintenance*** of drainage ***easements*** and required stormwater management facilities. Specific entities may include, but are not limited to, the ***Town***, the ***developer*** or a homeowners' or property owners' association or regime.

b. For systems conveying runoff from a public ***street*** right of way, the ***applicant*** shall dedicate permanent drainage ***easements*** to the ***Town***.

c. Any stormwater management facility serving a single-***lot*** commercial or single-***lot*** industrial ***development*** shall be privately owned and maintained.

[419] This modifies current Sec. 16-5-606 to reorganize and simplify the wording of current provisions to make them easier to understand. At the request of Town staff, a requirement for an Operation and Maintenance Agreement is added and the current provision pertaining to excess discharge is not carried forward.

d. Private ***maintenance*** of drainage ***easements*** and stormwater management systems shall be provided for in restrictive covenants (e.g., through reference to the operation and ***maintenance*** agreement required in paragraph 2 below).

e. Prior to the issuance of a Certificate of Compliance, all required drainage ***easements*** and restrictive covenants ensuring ***maintenance*** of drainage ***easements*** and stormwater management facilities shall be recorded with the Beaufort County Register of Deeds.

2. Operation and Maintenance Agreement[420]

Where drainage ***easements*** and stormwater management facilities are to be privately operated and maintained, the ***applicant*** shall obtain ***Town*** approval of a DHEC Operation and Maintenance Agreement ensuring adequate and perpetual operation and ***maintenance*** of the ***easements*** and facilities by the ***developer*** or a homeowners' or property owners' association. In addition to meeting DHEC requirements, the operation and ***maintenance*** agreement shall:

a. Require the parties responsible for operation and ***maintenance*** of stormwater management facilities to inspect the facilities on an annual basis and submit an annual facilities inspection report to the Town Engineer each December; and

b. Authorize the ***Town***, ***State***, or other legal entity having authority to enforce stormwater management requirements to perform, or require the homeowners' or property owners' association or ***landowner*** to perform, actions necessary to:

i. Correct any lack of ***maintenance*** resulting in an adverse effect on drainage flow, or

ii. Alleviate flooding or other emergency drainage problems upstream or downstream of the ***development*** site.

I. Erosion and Sedimentation Control

1. Applicability[421]

Erosion, sedimentation, and pollution controls shall be required for all ***land disturbing activities*** subject to this section. The Town Engineer shall have the authority to require an erosion and sediment control plan for any other ***land*** disturbance activity that may impact ***adjacent*** drainageways.

2. General Standards[422]

a. The ***applicant*** for a ***development*** shall identify potential sources of erosion, sedimentation, and other forms of pollution that could be transported by stormwater runoff on the ***construction*** site, and shall prepare plans to prevent and minimize adverse effects.

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[420] Town staff request for a requirement for a DHEC Operation and Maintenance Agreement is expanded to add agreement content standards that incorporate staff-requested provisions requiring annual inspections and a current authorization/requirement to correct deficiencies.

[421] This expands the applicability provision in the first sentence of Sec. 16-5-608 of the current LMO to apply to all land disturbing activities—not just those adjacent to water bodies or drainageways (in accordance with State law).

[422] This new paragraph expands the general plan submittal requirement in the second sentence of the current Sec. 16-5-608, at the request of Town staff.

b. Erosion, sedimentation, and pollution control plans shall be submitted with ***development applications*** according to the provisions set forth by DHEC for ***land disturbing activities***.

c. All erosion, sedimentation, and pollution control plans shall conform to the standards of the most recent South Carolina NPDES General Permit for Stormwater Discharges from Construction Activities (SCR100000) and South Carolina Regulation 72-300, when applicable.

d. All erosion, sedimentation, and pollution control BMPs shall be designed, installed, and maintained in accordance with the South Carolina DHEC's *Stormwater BMP Handbook*. All symbols and standard details on plans shall conform to those found within the *BMP Handbook*.

3. Stabilization of Disturbed Areas[423]

a. Temporary stabilization measures shall be established on the site of any ***land disturbing activity*** that is inactive for more than 14 days, until activity recommences.

b. Permanent stabilization measures shall be established on the ***development*** site prior to the issuance of final approval or a Certificate of Compliance for the ***development***.

4. Construction Buffer Zones[424]

Land disturbing activities adjacent to regulated wetlands and waters of the ***State*** shall be subject to the applicable ***wetland buffer*** standards in Sec. 16-6-102, Wetland Protection, or NPDES buffer requirements.

Sec. 16-5-110. Utility Standards[425]

A. Required Utility Services and Standards

All ***development*** shall be provided with minimum services in accordance with the provisions of this section. The ***property owner*** or ***developer***, agents or assignees shall assume responsibility for the provision of basic services within the proposed ***development***. The requirement of services as a prerequisite for ***development*** does not in any way obligate the ***Town Council*** or its departments or agents to furnish such services.

B. Minimum Service Requirements

No ***development*** shall be undertaken unless appropriate documentation is provided for the following basic services, as applicable:

1. Water supply of acceptable quality and quantity to satisfy demand for potable water and firefighting service.

[423] This reflects Town staff's request for a much-simplified version of the stabilization standards in current Sec. 16-5-608.B, C, and E.

[424] This simplifies the current Sec. 16-5-608.D to refer to wetland buffer requirements in Sec. 16-6-102 and adds a staff-requested reference to NPDES buffer requirements.

[425] This section carries forward Chapter 5, Article XVII – Utility Standards, of the current LMO.

2. Means for treatment and disposal of domestic sewage and other liquid wastes, or the approval of the use of septic tanks, together with appropriate soil tests.
3. Electric power supply.
4. Telephone service.

C. Conformance to Standards and Regulations

No ***development*** shall be undertaken except in conformance with all applicable standards, regulations, specifications and permitting procedures established by any duly authorized ***governing body*** or its ***authorized agents*** for the purpose of regulating utilities and services. It shall be the responsibility of the ***developer*** to show that the ***development*** is in conformance with all such standards.

D. Easements

No ***development*** shall be undertaken unless adequate ***easements*** are provided for the installation and ***maintenance*** of all required or planned utilities. The ***developer*** shall also demonstrate that adequate provisions have been made for ***access*** to and ***maintenance*** of all ***easements***.

E. Utilities Underground

All new or relocated electrical, cable television, telephone, and gas utility lines, whether publicly or privately owned, shall be installed underground, except where the ***Official*** determines that underground installation is inappropriate.

Sec. 16-5-111. Fire Protection Water Supply[426]

A. All ***development*** shall be served by a water supply—including water lines—capable of supplying the fire flow required by the Fire Code to provide fire protection for the ***development*** or in the case of a ***subdivision***, for the anticipated ***development*** of ***subdivision lots***.

B. The location, spacing, and type of fire hydrants shall be in accordance with the Fire Code.

C. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. The Fire Chief shall provide for the annual inspection of all fire hydrants. The owner of the ***land*** shall provide for fire hydrants to be flow-tested annually by a company licensed by the ***State*** to conduct such tests.

Sec. 16-5-112. Flood Zone Standards[427]

A. Applicability

1. All ***development*** activity on Hilton Head Island shall conform to the standards governing ***flood*** zones that are referenced to the floodplain protection zones

[426] This section carries forward Chapter 5, Article XVI (Fire Protection Water Supply Standards) of the current LMO, modified to consolidate standards for minor subdivisions with those for all other development. All development, whether part of minor subdivision or otherwise, is subject to the same set of water supply standards and hydrant spacing standards (based on required fire flow).

[427] This section carries forward Chapter 5, Article XV (Flood Zone Standards) of the current LMO.

identified by the Federal Emergency Management Agency (FEMA), unless a variance from such standards is granted by the ***Town*** in accordance with Title 15 (Building and Building Codes) of the ***Municipal Code***.

2. The location of the ***flood*** zones on Hilton Head Island is shown on the FEMA Flood Hazard Zones Map of the ***Comprehensive Plan***, which is adopted as part of this Ordinance, or any more recent ***Town***-adopted ***flood*** zones map.

3. The Island is covered by the following four ***flood*** zones that range from most vulnerable to flooding and ***flood*** damage to least vulnerable:

a. V-Zone, or ***coastal high hazard area***, subject to 100-year coastal flooding and storm surge;

b. A-Zone, or 100-year ***flood*** plain area;

c. B-Zone, or 100 to 500-year ***flood*** plain area; and

d. C-Zone, or areas of minimal flooding.

B. Flood Zone Standards

On all plats within "V" or "A" zones for which ***lots***, ***sites***, or ***structures*** are to be sold, the following statement shall be clearly affixed to the plat and shall be recorded:

> Some or all areas on this plat are ***flood*** hazard areas and have been identified as having at least a one percent chance of being flooded in any given year by rising tidal waters associated with possible hurricanes. Local regulations require that certain ***flood*** hazard protective measures be incorporated in the design and ***construction*** of ***structures*** in these designated areas. Reference shall be made to the ***development*** covenants and restrictions of this ***development*** and requirements of the Town Building Official. In addition, federal law requires mandatory purchase of ***flood*** insurance as a prerequisite to federally insured mortgage financing in these designated ***flood*** hazard areas.

C. Elevation of Sites

Sites shall not be elevated with fill material to an average ***height*** greater than three feet above existing ***grade***. The fill material shall be retained under the footprint of the ***structure***. Other methods of elevation may be used solely or in conjunction with three feet of fill to meet ***base flood elevation*** requirements. ***Single-family*** residential ***development*** is exempt from this provision.

Sec. 16-5-113. Fence and Wall Standards[428]

A. Purpose and Intent[429]

The purpose and intent of this section is to establish minimum standards to regulate the location, ***height***, and appearance of fences and walls to maintain visual harmony within

[428] This section builds on Chapter 5, Article XIX – Fence Standards (Section 16-5-1901) and Section 16-5-706, of the current LMO, but includes additional basic provisions and standards for fences and walls, based on best practices. Proposed new provisions and modifications to current provisions are noted in footnotes.

[429] This new subsection sets forth the purpose and intent of fence and wall standards.

neighborhoods and zoning districts throughout the ***Town***, protect ***adjacent*** properties from the indiscriminate placement and unsightliness of fences and walls, and ensure the safety, security, and privacy of properties.

B. Applicability[430]

1. This section applies to the ***construction***, substantial reconstruction, or replacement of fences or walls not required for support of a principal or ***accessory structure***, and to any other linear barrier intended to delineate different portions of a ***lot***, within the ***Town***.
2. Temporary fences for ***construction sites***, sand fencing in beachfront areas, and ***tree*** protection fencing are exempt from the standards and requirements of this section.

C. Height[431]

Except as otherwise required or allowed in Sec. 16-5-102, Adjacent Setback Standards, fences and walls shall be subject to the following ***height*** limits:

1. Fences up to seven feet in ***height*** are allowed on or along common property lines.
2. Fences up to four feet in ***height*** are allowed within required setbacks along ***streets***, ***beaches***, and regulated wetland areas, if they comply with the requirements of this section and are approved by the ***Official*** in accordance with this Ordinance.
3. The ***gates***, posts, columns, and associated details of entry ***gates*** are allowed within the required setbacks along ***streets*** if they do not exceed six feet in ***height*** and are approved by the ***Official*** in accordance with the requirements of this Ordinance.

D. Appearance[432]

Fences and walls visible from a ***street right-of-way*** shall be composed of a design, materials, and colors that are compatible with those of ***buildings*** and other elements of ***development*** on the site.

Sec. 16-5-114. Sign Standards[433]

A. Purpose

It is the purpose of this section to promote the public health, safety, and general welfare through a comprehensive system of reasonable, consistent, and nondiscriminatory sign standards and requirements. These sign regulations are intended to:

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430 This new subsection clarifies the applicability of the section.

431 This carries forward standards in Sec. 16-5-706 and 16-5-1901 of the current LMO.

432 The current LMO's only fence-related standards (Sec. 16-5-706 and Sec. 16-5-1901) both call for the Official to determine if a fence is "aesthetically acceptable," but provide no guidance on when a fence is "aesthetically acceptable." Nor does the Hilton Head Island Design Guide address fences or walls. This new subsection is intended to provide a basic standard that guides the Official in determining whether a fence or wall is "aesthetically acceptable."

433 This section carries forward Chapter 5, Article XIII (Sign Standards) of the current LMO as recently updated by the Town. The procedural provisions for review of Sign Permit applications—currently split between Chapter 3, Article IX (Sign Permits), Sec. 16-5-1305 (Sign Permit Guidelines), Sec. 16-5-1321 (Sign Alterations Exempt from Permit), and Sec. 16-5-1322 (Signs Allowed Without a Permit) of the current LMO—are consolidated into this section. Current Sec. 16-5-1323 (Prohibited Signs) is relocated from the end of the sign regulations to the beginning of the substantive sign standards. No other changes from the current sign regulations are made other than as necessary to match the formatting of the rest of the LMO and to correct grammatical and spelling errors.

1. Maximize the value of commercial signage as a means of locating and identifying commercial establishments providing goods and services while, at the same time, discouraging the use of commercial signage to sell goods and services;
2. Encourage the ***construction*** of commercial ***signs*** of high-quality materials that are aesthetically pleasing and are compatible with their natural surroundings and with the ***buildings*** they identify;
3. Avoid the creation of a distracting atmosphere that can result when businesses compete for attention through the use of commercial advertising ***signs***;
4. Protect, preserve, and enhance the unique aesthetic character, beauty, and charm of the ***Town***, and thereby encourage the continued economic ***development*** within the ***Town***; and
5. Improve pedestrian and traffic safety and eliminate physical and visual clutter caused by ***signs*** that compete for the attention of pedestrian and vehicular traffic.

B. Applicability and Provisions

1. Applicability

a. A sign may be erected, placed, established, painted, created, or maintained in the ***Town*** only in conformance with the standards, procedures, exemptions, and other requirements of this section and this Ordinance. Signs exempt from regulations under Sec. 16-5-114.E.1.b.ii, Signs Allowed Without a Sign Permit, shall not otherwise be subject to this Ordinance.

b. With the exception of Sec. 16-5-114.H.5, Residential Real Estate Sales Signs, and Sec. 16-5-114.H.6, Residential Short-Term Rental Signs, the provisions of this Ordinance shall not apply to ***single-family uses***.

c. Signs located on property within those portions of a PD-1 district where vehicular ***access*** by the general public is restricted by a security ***gate*** staffed 8 hours each day by a security guard and within the Spanish Wells PD-1 District, and where such ***signs*** are not visible from any ***beach***, navigable waterway, or ***public ways*** are not subject to the provisions of this Ordinance.

d. Notwithstanding any other provision of this section, no sign shall be subject to any limitation based on the content of the message contained on such sign.

e. Any ***legal sign*** that does not comply with the provisions of this section due solely to the enactment of an amendment shall, upon the effective date of such amendment, become a legal ***nonconforming sign*** and shall be subject to the provisions of Title 16, Chapter 16-7: Nonconformities.

f. All ***signs*** shall comply with applicable ***building*** and electrical code requirements.

g. In accordance with IBC Section 1609.1, applications for new freestanding ***signs*** larger than 40 square feet shall include wind load calculations stamped and signed by a certified engineer and stating that the sign can withstand winds of up to 130 miles per hour.

2. Substitution of Noncommercial Message

Noncommercial ***signs*** shall be allowed in all zoning districts and may be substituted for any sign expressly allowed under this Ordinance. Noncommercial ***signs*** shall be subject to the same permit requirements, restrictions on size and type, and other conditions and specifications as apply to the sign for which they are being substituted.

C. Sign Design, Construction, and Maintenance Guidelines

1. Design Guide

The Hilton Head Island Design Guide defines Island Character and describes how ***development*** should be directed to preserve Island Character. Goals of the Design Guide that pertain to sign design include:

a. Demonstrate the fundamental principles of good architectural design.

b. Design ***structures*** with subtle visual impact and utilize natural materials, textures, and colors.

c. Coordinate and harmonize the design of ***structures***, parking, and site amenities.

d. Conceal visually undesirable utilities and equipment.

2. Sign Design, Construction, and Maintenance Standards

To meet these goals, sign design, ***construction***, and ***maintenance*** shall comply with the following standards:

a. Materials, colors, and shapes of proposed ***signs*** shall be complementary to the related ***buildings*** and to nearby ***structures*** and ***signs***. Sign colors shall be non-reflective and shall not contain fluorescent colors. (See Figure 16-5-114.C: Examples of Signs that are Complementary to Nearby Structures.)

b. Signs shall be constructed of high-quality materials. (See Design Guide.)

c. The amount of information on ***signs*** shall be no more than is necessary to provide reasonable identification of the business or of any message to be conveyed. Objective factors to consider in determining reasonableness shall include, but not be limited to, physical location, size of the sign and typeface, colors of the sign and typeface, and sign ***height***.

d. The visual impact of freestanding ***signs*** shall be softened with landscaping appropriate to the site.

The common architectural elements of the park—cluster posts, hipped copper roofs and caps, Savannah Grey Brick, Tabby—are all incorporated into the Monument sign and reinforce the project's design.

The signature roofline of the church is easily identifiable on the top-line of the monument sign, making it an architectural component of the overall project. All of the elements complement one another and further reinforce the Island's ideal of a ***development*** integrating itself into the site.

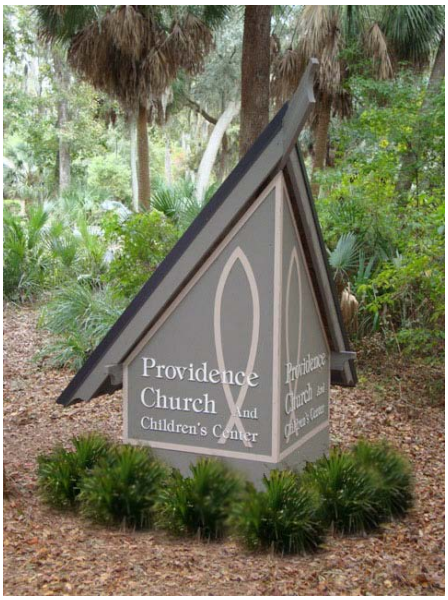

Figure 16-5-114.C.2: Examples of Signs that are Complementary to Nearby Structures

e. Sign illumination shall comply with the standards in Sec. 16-5-114.D, Sign Illumination.

The overall attention to detail makes both ***signs*** outstanding examples of what the Design Guide outlines for sign design. The strength of the graphic design, the subtleties in use of fonts, the shadow lines created by a deep third dimension, and the understated use of rich color to draw the eye, all contribute to the overall craftsmanship and design of the ***signs*** that make them unique. Although they both are predominantly nature blending in color, the ***signs***' overall quality draws attention, as well as more traditional attention-grabbing elements, such as bright lights or colors, typically used in commercial signage.

Figure 16-5-114.C.3: Examples of Freestanding Signs that Meet the Intent of The Hilton Head Island Design Guide[434]

f. Signs shall be maintained in good condition at all times and shall be kept free of cracked or peeling paint, missing or damaged sign panels or supports, and weeds, grass or vegetation that obscures the view of the sign message.

D. Sign Illumination

Electrical requirements pertaining to sign illumination shall be as prescribed under the latest adopted edition of the IBC. Illuminated ***signs*** shall conform to the following standards:

1. External illumination shall be by a steady stationary light source, shielded and directed solely at the sign. Light fixtures shall be restricted to not more than one shielded light fixture per side for ***signs*** up to 40 square feet and not more than two shielded light fixtures per side for ***signs*** over 40 square feet.

2. Light sources to illuminate ***signs*** shall neither be visible from any ***street right-of-way***, nor cause glare hazardous to pedestrians or vehicle drivers or so as to create a nuisance to ***adjacent*** properties. All ground-mounted lighting must be obscured by landscaping approved by the ***Official***.

3. The intensity of the light shall not exceed 20 ***foot-candles*** at any point on the sign.

4. Signs shall not have light-reflecting backgrounds but may use light-reflecting lettering or halo lighting.

5. The ***Official*** may permit internal illumination for menu board ***signs*** for ***eating establishments*** with a ***drive-through***. Such ***signs*** shall not cause glare hazardous to pedestrians or vehicle drivers or so as to create a nuisance to ***adjacent*** properties. Such ***signs*** shall be placed and angled so that, to the greatest extent possible, they are not visible from public or private ***streets***.

6. Lamps shall only produce a white light.

[434] These figures carry forward a few of the many photographs included in the current sign regulations. Because such photos take up so much memory, making it more difficult to download this draft document, we are not including the other photos now – but will do so in final drafts.

E. Sign Permits[435]

1. Applicability

a. General[436]

Unless exempted in accordance with subparagraph b below, a Sign Permit is required for each of the following types of ***signs*** prior to the sign being erected, placed, or displayed:

i. Freestanding Signs (Sec. 16-5-114.EF).

ii. Tenant Panels on Freestanding Signs (Sec. 16-5-114.F.10.a).

iii. Facade and Hanging Signs (Sec. 16-5-114.G).

iv. Temporary Signs for Permitted Signs (Sec. 16-5-114.H.1).

v. Construction Signs (Sec. 16-5-114.H.2).

vi. Nonresidential Real Estate Sales Signs (Sec. 16-5-114.H.3).

vii. Nonresidential Real Estate Lease or Rent Signs (Sec. 16-5-114.H.4).

viii. Residential Real Estate Sales Signs (Sec. 16-5-114.H.5).

ix. Residential Short-Term Rental Signs (Sec. 16-5-114.H.6).

x. Sign Systems (Sec. 16-5-114.H.7).

xi. Temporary Special Event Signs (Sec. 16-5-114.H.9).

xii. Signs with Changeable Copy (Sec. 16-5-114.H.10).

xiii. Price Displays at Gas Sales Establishments (Sec. 16-5-114.H.11).

xiv. Planned Unit Development Off-Premises Signs (Sec. 16-5-114.H.12).

b. Exemptions[437]

i. Sign Alterations Exempt from Sign Permit

A Sign Permit is not required prior to engaging in the following alterations to a sign:

01. The changing of ***copy*** on a sign permitted for ***changeable copy***.

02. The painting or refinishing of the surface of a ***sign face*** or ***sign structure*** of a ***permitted sign*** so as to keep the appearance of such sign as permitted.

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[435] As noted in an earlier footnote, this subsection incorporates the procedural provisions scattered among multiple chapters and sections of the current LMO. It modifies the current provisions only to reference the standard review procedures in Chapter 2 rather than repeat them.

[436] This carries forward the initial paragraph of Sec. 16-5-1305 of the current LMO. The second paragraph of that section merely identifies the specific sign types for which specific standards are provided in following sections; the third paragraph merely references those sections identifying signs exempt from a Sign Permit. Due to the proposed organization of this section, both provisions are no longer needed.

[437] This carries forward the exemptions in Sec. 16-5-1321 and -1322 of the current LMO.

ii. Signs Allowed Without a Sign Permit

The following ***signs*** shall be allowed subject to compliance with the standards of this section, but no Sign Permit shall be required. The ***property owner***'s consent shall be obtained before erecting such signage.

01. Flags

Non-governmental flags are deemed to be ***signs*** and shall be subject to the provisions of this section. The official flags of the federal, state, county, or municipal governments are not deemed to be ***signs*** provided no such flag shall exceed 40 square feet per face. The ***Official*** may waive this size provision for the United States flag when:

(A) The ***Design Review Board*** approves a larger flag for use on a telecommunications tower designed as a flagpole; or

(B) The ***Town Council*** approves a larger flag for display on public property or other appropriate noncommercial ***sites*** as determined by ***Town Council***.

02. Holiday decorations

Decorations that are not internally illuminated shall not require a Sign Permit, provided they are displayed for no more than a total of 60 days per calendar year, excluding the time period between November 1 and January 15. Such decorations shall be maintained in a good condition at all times and shall be removed or replaced when they are overly weathered, torn, broken, or otherwise present a potential safety hazard.

(A) Strings of lights used as holiday decorations shall be subject to the provisions of Sec. 16-5-114.E.1.b.ii.12, String Lights for Decoration.

(B) Inflated holiday decorations are allowed from November 1 through January 15 of each year.

(C) Windblown decorations are prohibited at all times.

Figure 16-5-114.E.1.c.ii.02(A): Example of Conforming Holiday Decorations with String Lights

Figure 16-5-114.E.1.c.ii.02(B): Example of Conforming Holiday Decorations Without String Lights

03. Incidental Signs

Addresses, ***building*** numbers, entrance and exit ***signs***, and traffic directional ***signs*** shall not require Sign Permits if they do not exceed four square feet in area per sign. If such ***sign*** contains commercial ***copy***, the ***sign*** counts toward the allowable square footage for ***freestanding signs***.

Figure 16-5-114.E.1.c.ii.03: Example of a Conforming Incidental Sign

04. Interior Signs

Any sign that, in the ***Official***'s reasonable opinion, is to be viewed from the inside of a ***building*** only.

05. Nonresidential Real Estate for Lease or Rent Signs

Such ***signs*** shall meet the requirements in Sec. 16-5-114.H.4, Nonresidential Real Estate Lease or Rent Signs.

06. Menus

Menus attached to the ***facade*** of a ***building*** with no more than four square feet of ***sign face*** area located at the entrance or service window of a business.

07. Parking Signs

Signs that reserve parking spaces for specific ***uses*** or businesses, except that such ***signs*** are not allowed in ***shopping centers*** per Sec. 16-5-114.I, Prohibited Signs. Parking ***signs*** shall not exceed 1.5 square feet in area per sign. No more than three parking ***signs*** shall be displayed at any given time on each ***parcel***.

08. Public Signs

Signs erected by the federal, state, or local government, or governmental entity, including interpretive ***signs*** located on ***Town***-owned property. Signs that are required by a public entity are considered public ***signs***.

09. Sandwich Boards and Chalkboards

Freestanding, framed chalkboard ***signs*** that comply with each of the following standards:

(A) One sign per business may be displayed during hours of operation.

(B) Signs shall be placed within ten feet of the ***building*** entrance of the business displaying the sign.

(C) Signs shall be placed to allow at least 36 inches of unobstructed pedestrian clearance ***adjacent*** to the sign.

(D) Signs shall be limited to a maximum of six square feet in total area.

Figure 16-5-114.E.1.c.ii.09: Example of a Conforming Sandwich Board Sign

(E) Sign frame colors are limited to ***earth tones***. ***Sign face*** colors are limited to black (Pantone® Black or equivalent) or dark green (Pantone® 574 U or equivalent) with a matte finish.

(F) Plastic or dry erase boards shall not be allowed.

10. Shopping Cart Return

Signs identifying shopping cart return areas, provided that such ***signs*** are no larger than ten square feet.

11. Stadium Signs

Signs or banners that are located within a stadium and are not intended to be visible from outside of a stadium.

12. String Lights for Decoration

(A) Strings of lights may be used for outside lighting or ***tree*** decoration from November 1 through January 15 of each year.

(B) Because many colors are used to celebrate various holidays during this time, multi-color lights are allowed.

(C) Flashing, blinking and chasing lights are prohibited.

13. String Lights for Ambient Illumination

(A) Strings of white lights may be used to provide ambient lighting for outdoor seating areas of an ***eating establishment***. Such string lights shall be limited to the dining area.

(B) Colored bulbs, colored lanterns, or other housing and rope lights are prohibited. Flashing and chasing lights are prohibited.

(C) Strings of white lights may be hung from or displayed on ***trees***, but may not be attached to ***trees*** with nails, hooks, fasteners, or other materials that penetrate the ***tree***'s bark.

Figure 16-5-114.E.1.c.ii.13: Example of Conforming Strings of Lights Used for Ambient Illumination

14. Towing Signs

(A) Public notice required by applicable law to be displayed on a property where vehicles may be towed.

(B) Such ***signs*** shall not exceed four square feet in size and shall be limited to one sign per vehicular entrance to the property.

Figure 16-5-114.E.1.c.ii.14: Example of a Conforming Towing Sign

15. Traffic Control Signs

Any public notice or warning required by applicable federal, state, or local law, regulation, or ***ordinance***—including, but not limited to, warning flashers and variable message ***signs*** (VMSs) deployed temporarily by a government agency to guide traffic. When such ***signs*** are located on private property, they are subject to each of the following:

(A) ***Sign faces*** shall not exceed four square feet per ***sign face***.

(B) The ***Official*** shall have authority to limit the number, location, and color of such ***signs***.

(C) ***Sign faces*** shall meet South Carolina Department of Transportation standards.

16. Window Signs

Signs on the inside, or attached to the outside, of window glass shall comply with each of the following:

(A) Window ***signs*** shall cover no more than 25 percent of the gross area of glass on any one side of a ***building***.

(B) Window ***signs*** shall not be illuminated.

(C) No single window sign shall exceed four square feet in totality.

2. Sign Review

a. Sign Review

i. Signs Subject to Administrative Sign Review

Unless review by the ***Design Review Board*** is required in accordance with Sec. 16-5-114.E.2.a.ii below, the following ***signs*** are subject to review and approval of a Sign Permit **application** by the ***Official***:

01. Real estate ***signs***;

02. Project ***signs***;

03. Temporary ***signs***;

04. Sign systems not subject to DRB Sign Review; and

05. Permanent ***signs***, including the ***sign face*** and ***structure***, that are 40 square feet or less.

ii. Signs Subject to DRB Sign Review

Any permanent sign, including the ***sign face*** and ***structure***, that is greater than 40 square feet, or any sign system that includes such a sign, is subject to review and approval of a Sign Permit **application** by the ***Design Review Board*** in accordance with the following procedures, which relate to the standard review steps and specific procedures in Sec. 16-2-102, Standard Review Procedures.

b. Sign Review Procedures[438]

i. Application Submittal

An **application** for a Sign Permit may be submitted by ***persons*** identified in Sec. 16-2-102.C.1, and shall be submitted in accordance with Sec. 16-2-102.C.

[438] This subsection carries forward the procedural provisions in Sec. 16-3-904 through Sec. 16-3-908 of the current LMO, adapted to reference standard review procedures rather than repeat them.

ii. Staff Review and Action

01. On receiving a Sign Permit **application** subject to administrative sign review (see Sec. 16-5-114.E.2.a.i), the ***Official*** shall review and make a final decision on the **application** in accordance with Sec. 16-2-102.D. The ***Official***'s decision shall be based on the standards in Sec. 16-5-114.E.3, Sign Review Standards, and shall be one of the following:

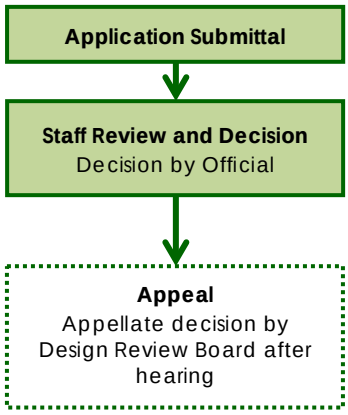
(A) Approve the Sign Permit;

(B) Approve the Sign Permit, subject to conditions of approval; or

(C) Deny the **application**.

02. On receiving a Sign Permit **application** subject to DRB sign review (see Sec. 16-5-114.E.2.a.ii), the ***Official*** shall transmit the **application** to the DRB.

Administrative Sign Review



iii. Decision-Making Body Review and Decision

On receiving a Sign Permit **application** subject to DRB sign review (see Sec. 16-5-114.E.2.a.ii), the ***Design Review Board*** shall review and make a final decision on the **application** in accordance with Sec. 16-2-102.G. The Board's decision shall be based on the standards in Sec. 16-5-114.E.3, Sign Review Standards, and shall be one of the following:

01. Approve the Sign Permit;

02. Approve the Sign Permit, subject to conditions of approval; or

03. Deny the **application**.

DRB Sign Review

iv. Post-Decision Actions and Limitations

01. Notice of Decision

The ***Official*** shall provide notice of the final decision on the **application** in accordance with Sec. 16-2-102.H.1.

02. Appeal

(A) Appeals from the final decision of the ***Official*** on an **application** for a Sign Permit are governed by Sec. 16-2-103.V, Appeal of Official's Decision to Design Review Board, and S.C. Code Ann. § 6-29-890.

(B) Appeals from the final decision of the ***Design Review Board*** on an **application** for a Sign Permit are governed by S.C. Code Ann. § 6-29-890.

3. Sign Review Standards

A Sign Permit **application** shall be approved on a finding the ***applicant*** demonstrates the sign complies with the standards in this section, including the standards in:

a. Sec. 16-5-114.I, Prohibited Signs;

b. Sec. 16-5-114.C, Sign Design, Construction, and Maintenance Guidelines;

c. Sec. 16-5-114.D, Sign Illumination;

d. Sec. 16-5-114.F, Freestanding Signs;

e. Sec. 16-5-114.G, Facade and Hanging Signs; and

f. Sec. 16-5-114.H, Standards for Specific Types of Signs.

4. Effect of Approval

If a Sign Permit **application** is approved, the ***Official*** shall issue a Sign Permit. A Sign Permit authorizes only the approved sign, and not any other sign.

5. Expiration

A Sign Permit is valid for a period of six months, unless the ***Official*** approves an extension for good cause in accordance with Sec. 16-2-102.J.2.b, Extension of Expiration Time Period.

6. Amendment

A Sign Permit may be amended only in accordance with the procedures and standards for its original approval.

F. Freestanding Signs

1. The total area and quantity of any freestanding ***signs*** for which a Sign Permit is required shall conform to the standards in Table 16-5-114.F, Freestanding Sign Standards. For ***Planned unit developments*** that contain more than one category of ***use***, the ***Official*** shall apply the appropriate ***use*** category to each ***building*** or ***development*** to calculate the total area and quantity of freestanding ***signs*** allowed. The number of freestanding ***signs*** for any ***development*** may not exceed the total number allowed in Table 16-5-114.F: Freestanding Sign Standards.

TABLE 16-5-114.F: FREESTANDING SIGN STANDARDS

RESIDENTIAL DEVELOPMENT				
NUMBER OF DWELLING UNITS	NUMBER OF SIGNS	NUMBER OF FACES PER SIGN	NO SINGLE SIGN FACE SHALL EXCEED	TOTAL SIZE OF ALL SIGN FACES
> 500 Dwelling Units	1 per entrance	4	120 sf	240 sf
300 – 500 Dwelling Units	1 per entrance	4	80 sf	160 sf
< 300 Dwelling Units	1 per entrance	4	40 sf	80 sf

TABLE 16-5-114.F: FREESTANDING SIGN STANDARDS				
COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL DEVELOPMENT				
TOTAL SQUARE FEET OF GROSS FLOOR AREA	NUMBER OF SIGNS	NUMBER OF FACES PER SIGN	NO SINGLE SIGN FACE SHALL EXCEED	TOTAL SIZE OF ALL SIGN FACES
> 100,000	4, if the ***development*** fronts on more than 1 ***street*** 2, if the ***development*** fronts on 1 ***street***	4	120 sf	480 sf
40,000 – 100,000	3, if the ***development*** fronts on more than 1 ***street*** 2, if the ***development*** fronts on 1 ***street***	4	80 sf	320 sf
2,500 – 39,999	2	4	40 sf	160 sf
2,499 or Less[1]	1	2	40 sf	40 sf
NOTES sf = square feet 1. If an ***applicant*** in this category shall waive the right to have a ***freestanding sign***, the ***applicant*** shall be permitted to exceed the size limitations of Sec. 16-5-114.G, Facade and Hanging Signs, by 50 percent.				

2. The maximum ***height*** of any ***freestanding sign*** above the average ***grade*** elevation surrounding the sign shall not exceed the following:

a. Eight feet where the ***sign face*** does not exceed 40 square feet;

b. Ten feet where the ***sign face*** does not exceed 60 square feet; or

c. Twelve feet where the ***sign face*** exceeds 60 square feet.

3. The bottom edge of the sign shall not exceed four feet in ***height*** from the lowest ***grade*** elevation at the base of the sign.

4. The maximum width of any ***freestanding sign*** shall not exceed the following:

a. Fifteen feet where the ***sign face*** does not exceed 40 square feet;

b. Twenty feet where the ***sign face*** does not exceed 60 square feet; or

c. Twenty-five feet where the ***sign face*** exceeds 60 square feet.

5. All freestanding ***signs*** fronting on a ***street right-of-way*** shall be required to be set back at least 20 feet from the edge of the ***adjacent street right-of-way***. However, if conditions exist so as to make this impractical, this setback may be reduced by the ***Official*** provided such reduction does not create a hazard to motorists or pedestrians and that no portion of the sign is located in the ***right-of-way***.

6. Freestanding ***signs*** shall be separated by a distance of not less than 200-foot intervals along each ***street frontage*** of the ***premises***.

7. Freestanding menu boards—including, but not limited to, those used for ***drive-through eating establishments***—shall meet the standards of this section, but shall not count toward the total number of ***signs*** allowed for a business.

8. In lieu of a ***freestanding sign***, a ***development*** may use ***signs*** on entrance ***structures*** such as fences or walls. The number of ***sign faces*** is limited to two per entrance, on either side of the entrance, and are confined to the entrance area. The distance between ***sign faces*** shall not exceed 100 feet. Such ***signs*** are subject to the size

limitations of this section. Entrance ***structures*** are subject to the provisions of Sec. 16-5-102, Adjacent Setback Standards.

9. Signs may be permitted in ***access easements***, subject to the approval of the ***Official***, if the ***applicant*** can demonstrate that the ***access*** easement provides a necessary means of vehicular ***access*** to the property for which the sign is proposed. In the event where a property is served by more than one necessary ***access*** easement, the sign shall be located within the easement that serves the ***street*** with the highest number of average daily vehicle traffic (ADT) as determined by the ***Official***.

10. ***Directory signs*** are subject to the following standards:

a. Changing the tenant panels of a ***directory sign*** does not require a Sign Permit where the new panel matches the approved tenant panel design, including materials, dimensions, and colors.

b. The sign should not be, to the greatest extent practicable, visible from a ***street*** or ***right-of-way***.

G. Facade and Hanging Signs

1. The total size of ***facade*** and hanging ***signs*** shall not occupy more than ten percent of the area of the ***facade*** on which they are placed, with the maximum size of any one sign limited to 40 square feet. Developments with less than 2,500 square feet of ***gross floor area*** that waive the right to have a ***freestanding sign*** shall be permitted to exceed these size limitations by 50 percent.

These ***facade signs*** both sit within a single architectural element of their respective ***buildings***. Their colors, materials, and fabrication complement the quality of the ***structure***'s design. Their depth and quality of graphic design make the signage a true architectural addition to the ***building*** itself, like any well-conceived roofline, bracket, or window. They complement and reinforce the ***building*** rather than hang from it as an afterthought.

Figure 16-5-114.G.1: Examples of Facade and Hanging Signs that Meet the Intent of The Hilton Head Island Design Guide

2. No more than two ***signs*** may be placed on or displayed from any one ***facade*** of any one ***building***. ***Shopping centers*** shall be permitted two ***signs*** per tenant ***facade***, provided that only one such tenant sign is visible from any ***public way***. Such tenant ***signs*** shall only be permitted in lieu of ***facade signs*** identifying the name of the ***shopping center*** or ***building***.

3. ***Facade signs*** shall be contained within any single wall panel, window, door, or other architectural component upon which they are placed.

4. Hanging ***signs*** shall be located in consideration of their respective architectural element.

Figure 16-5-114.G.2: Example of a Tenant Space in a Shopping Center with Two Conforming Signs—One Facade Sign and One Hanging Sign Perpendicular to the Storefront

5. Tenant ***facade*** and hanging ***signs*** shall be located on the tenant space being identified. If this requirement cannot be reasonably achieved, the ***Official*** shall approve an alternate location.

H. Standards for Specific Types of Signs

1. Temporary Signs for Permitted Signs

a. When a Sign Permit has been issued for a permanent commercial sign, a separate Sign Permit may be issued for a ***temporary sign*** to identify the business while the permanent sign is being constructed. The ***temporary sign*** shall comply with the following standards:

i. Only one sign with no more than two ***sign faces*** shall be displayed per proposed permanent sign.

ii. Any temporary ***sign face*** shall not exceed 16 square feet.

iii. The ***copy***, logo, and colors on a ***temporary sign*** shall be identical to the ***copy***, logo, and colors on the related permanent sign.

iv. A ***temporary sign*** shall be constructed of ½-inch MDO or a material of equal durability. Banners shall not be a permitted material.

v. A ***temporary sign*** shall be removed upon installation of the permanent identification sign or within 45 days from the date of its permit, unless an extension is approved by the ***Official***.

b. Temporary ***signs*** advertising a sales event, such as a grand opening or a seasonal sale, shall not be permitted.

c. Temporary ***special event signs*** are permitted as specified in Sec. 16-5-114.H.9, Temporary Special Event Signs.

This sign would not be approved as a ***temporary sign*** for the following reasons:
1. It does not provide reasonable identification of a business.
2. The colors are not muted and nature-blending as specified in the Design Guide.
3. The material used for the sign board is corrugated plastic instead of MDO or a material of equal durability.

Figure 16-5-114.H.1.a: Example of A Prohibited Temporary Sign

This sign would be approved as a ***temporary sign*** for the following reasons:
1. It provides reasonable identification of a business.
2. The colors are muted and nature-blending.
3. The sign is constructed of MDO or a material of equal durability.

Figure 16-5-114.H.1.b: Example of a Conforming Temporary Sign

2. Construction Signs

Any sign identifying a project under ***construction*** and located on the ***construction*** site shall comply with the following standards:

Figure 16-5-114.H.2: Example of a Conforming Construction Sign

a. Quantity is limited to one per ***street*** front of the property on which the ***construction*** is occurring.

b. The total area of a freestanding ***construction*** sign shall not exceed 40 square feet. The total area of a ***facade construction*** sign shall not exceed 20 square feet. Each ***sign face*** shall not exceed 20 square feet.

c. A ***freestanding sign*** shall be mounted so that its top edge is no higher than eight feet above ***grade***. A ***facade***-mounted sign shall be mounted so that its top edge is no higher than eight feet above ***grade***.

d. Such ***signs*** shall not be illuminated by artificial light.

e. Such ***signs*** shall be square or rectangular in shape.

f. Such ***signs*** may not be erected prior to issuance of a ***Building Permit*** and shall be removed prior to the issuance of a Certificate of Occupancy.

3. Nonresidential Real Estate Sales Signs

a. A Sign Permit is required for the design of ***signs*** that advertise the sale of nonresidential property and are four square feet or smaller in size. Such ***signs*** shall comply with the following standards:

- **i.** The number of such ***signs*** placed on any one ***premises*** shall be limited to one sign per ***street frontage*** of the property being sold.
- **ii.** The sign shall be square or rectangular in shape.
- **iii.** The sign shall not exceed four square feet in area.
- **iv.** The amount of information on the sign shall be no more than is necessary to provide reasonable identification of the offering.
- **v.** The sign shall not be illuminated by artificial light.
- **vi.** The sign shall be removed within two days of completion of the sale of the property.

b. A Sign Permit is required for each sign that advertises the sale of nonresidential property and is larger than four square feet. Such ***signs*** shall comply with the following standards:

- **i.** The number of ***signs*** placed on any one ***premises*** shall be limited to one sign per ***street frontage*** of the property being sold.
- **ii.** The sign shall be rectangular or square in shape.
- **iii.** The area of each sign shall not exceed 40 square feet total and 20 square feet per ***sign face***.
- **iv.** The maximum ***height*** of each sign shall not exceed eight feet above the average ***grade*** within a 20-foot radius of the sign. The lower edge of each sign shall not exceed four feet in ***height*** from the lowest ***grade*** at the base of the sign.
- **v.** The amount of information on the sign shall be no more than is necessary to provide reasonable identification of the offering.
- **vi.** The sign shall not be illuminated by artificial light.
- **vii.** The sign shall be removed within two days of completion of the sale of the property.

c. Where a ***freestanding sign*** is not feasible, the ***Official*** may approve a real estate sales ***facade sign***. The sign shall comply with the following standards:

- **i.** The number of ***signs*** placed on any one ***premises*** shall be limited to one sign per ***street frontage*** of the property being sold.
- **ii.** The sign shall be square or rectangular in shape.
- **iii.** The area of each sign shall not exceed 20 square feet.
- **iv.** The maximum ***height*** of each sign shall not exceed ten feet above the average ***grade*** within a 20-foot radius of the sign.
- **v.** The sign shall be contained within any single wall panel, window, door, or other architectural component upon which it is placed.

vi. The amount of information on the sign shall be no more than is necessary to provide reasonable identification of the offering.

vii. The sign shall not be illuminated by artificial light.

viii. The sign shall be removed within two days of completion of the sale of the property.

4. Nonresidential Real Estate Lease or Rent Signs

a. Buildings for Lease or Rent[439]

On ***premises*** where a whole ***building*** or whole ***buildings*** are offered for lease or rent and where there are no other tenant spaces on the ***premises***, a nonresidential ***real estate sign*** offering the ***building*** or ***buildings*** for lease or rent may be displayed. Such ***signs*** shall comply with the following standards:

i. A Sign Permit is required.

ii. The number of ***signs*** placed on any one ***premises*** shall be limited to one sign per ***street frontage*** of the property to be let.

iii. The sign shall be square or rectangular in shape.

iv. The area of each sign shall not exceed 40 square feet total and 20 square feet per ***sign face***.

v. The maximum ***height*** of each sign shall not exceed eight feet above the average ***grade*** within a 20-foot radius of the sign. The lower edge of each sign shall not exceed four feet in ***height*** from the lowest ***grade*** at the base of the sign.

vi. The amount of information on the sign shall be no more than is necessary to provide reasonable identification of the offering.

vii. The sign shall not be illuminated by artificial light.

viii. The sign shall be removed within two days of execution of a lease for the property.

b. Tenant Spaces for Lease or Rent

i. A nonresidential ***real estate sign*** offering tenant space for lease or rent shall be placed as a tenant panel on a permitted sign or as a panel on a permitted ***freestanding sign*** if there are such ***signs*** on site. Such ***signs*** shall comply with the following standards:

01. A Sign Permit is required.

02. If placed on a sign with other panels, such panels shall match the dimensions, materials, and colors of the other panels. The amount of information on the panel shall be no more than is necessary to provide reasonable identification of the offering.

[439] This carries forward Sec. 16-5-1212.A.1 of the current LMO. That section includes a provision requiring a Sign Permit, which directly conflicts with the current Sec. 16-5-1222, which lists these signs as allowed without a Sign Permit. We assume the former provision is applied and thus carry forward the requirement for a Sign Permit.

03. If placed on a ***freestanding sign*** without other panels, a Sign Permit is required to ensure the panel complements the design of the ***freestanding sign***. The amount of information on the panel shall be no more than is necessary to provide reasonable identification of the offering.[440]

Figure 16-5-114.H.4.b: Example of a Directory Sign with a Conforming Space for Lease Tenant Panel

ii. If there are no permitted ***signs*** on which a tenant panel or other panel may be placed to advertise a tenant space for lease or rent, a sign not exceeding four square feet in area may be used. The sign shall comply with the following standards:

01. A Sign Permit is required for an individual sign, regardless of whether the sign design has been approved for other ***uses***.[441]

02. The number of ***signs*** placed on any one ***premises*** shall be limited to one sign per ***street frontage*** of the ***building*** that includes the space to be let.

03. The sign shall be square or rectangular in shape.

04. The sign shall not exceed four square feet in area.

05. The amount of information on the sign shall be no more than is necessary to provide reasonable identification of the offering.

06. The sign shall not be illuminated by artificial light.

07. The sign shall be removed within two days of the execution of a lease for the property.

5. Residential Real Estate Sales Signs

a. A Sign Permit is required for each sign advertising the sale of residential real estate. The design of the sign shall comply with the following:

i. The sign shall be square or rectangular in shape.

ii. The sign shall not exceed four square feet in area.

[440] See footnote above.
[441] See footnote above.

iii. The amount of information on the sign shall be no more than is necessary to provide reasonable identification of the offering and identification of the agent.

b. Once a Sign Permit is issued for a sign design, individual ***signs*** are not required to be permitted.

c. Such ***signs*** shall meet the following standards:

i. The number of ***signs*** placed on any one ***premises*** shall be limited to one sign per ***street frontage*** of the property being sold.

ii. Signs shall be placed on the ***parcel*** for sale. In ***multifamily*** or condominium ***development***, ***signs*** shall be placed near the front door of the unit for sale.

iii. Signs shall not be illuminated by artificial light.

iv. Signs shall be removed within two days of the completion of the sale of the property.

v. Each sign may have one information box or tube attached to the ***sign structure***. Information boxes or tubes shall not be independently freestanding.

d. A residential ***development*** (such as a named ***subdivision***) with multiple properties for sale may use one ***real estate sign*** in lieu of individual real estate ***signs*** on each ***lot***. A Sign Permit is required for each sign. Such ***signs*** shall comply with the following standards:

i. The number of ***signs*** shall be limited to one per entrance of the ***development***, not including paired one-way entrance lanes.

ii. Signs shall be square or rectangular in shape.

iii. The area of each sign shall not exceed 40 square feet total and 20 square feet per ***sign face***.

iv. The maximum ***height*** of each sign shall not exceed eight feet above the average ***grade*** within a 20-foot radius of the sign. The lower edge of each sign shall not exceed four feet in ***height*** from the lowest ***grade*** at the base of the sign.

v. The amount of information on the sign shall be no more than is necessary to provide reasonable identification of the offering.

vi. Signs shall not be illuminated by artificial light.

vii. Signs shall be removed within two days of the completion of the sale of the property.

viii. Each sign may have one information box or tube attached to the ***sign structure***. Information boxes or tubes shall not be independently freestanding.

6. Residential Short-Term Rental Signs

A Sign Permit is required for each sign advertising the short-term rental of a residence. Such ***signs*** shall meet the following standards:

a. Signs are limited to one per residence. The sign shall be placed near the entrance of the residence, visible from the ***street*** and wall mounted no more than six feet above FEMA ***base flood elevation***. The sign shall not be visible from the ***beach***.

b. The sign shall be 12 inches in ***height*** by 18 inches in length.

c. The sign shall be made of ½-inch PVC sign board or another material approved by the ***Official***.

d. The amount of information on the sign shall be no more than is necessary to provide reasonable identification of the offering.

e. The sign shall not be illuminated by artificial light.

7. Sign Systems

An integrated sign system design shall be required for all ***planned unit developments***, commercial developments, office complexes, and ***shopping centers***.

a. These systems shall be reviewed for materials, colors, shapes, sizes, compatibility and architecture, and establishment of unity of design for the ***development***. (See the Hilton Head Island Design Guide for guidance.)

b. New individual ***signs*** and changes to existing individual ***signs*** shall conform to such sign systems.

c. In the case of changes to any integrated sign system design, all existing ***signs*** in the sign system shall be brought into compliance with the changed design within three months of approval of any changes to the integrated sign system.

8. Permanent Special Event Signs

Permanent ***signs*** identifying ***special events*** may be erected only by the Town of Hilton Head Island. They shall comply with the following standards:

a. Permanent special event ***signs*** may only announce events that are sponsored by a nonprofit or public entity, or public service announcements. Requests to display announcements shall be made to the Town Manager.

Figure 16-5-114.H.8: Example of a Conforming Permanent Special Event Sign

b. Guidelines for determining the events or functions to be announced, ***copy***, space, location, and display time limit shall be as proposed by the ***Official*** and approved by the ***Town Council***.

c. Public service announcements may obtain a higher priority for display than special event announcements, at the discretion of the Town Manager.

9. Temporary Special Event Signs

The organizer of a special event (see definition in Sec. 16-10-105, General Definitions), shall obtain a Temporary Special Event Sign Permit prior to displaying temporary ***signs*** at a special event. The **application** shall state the location and dates of the event, the expected number of attendees, and the types and number of proposed temporary ***signs***. The **application** shall be submitted no fewer than five business days prior to the event. The following temporary special event ***signs*** may be used as specified:

a. Off-Premises Signs Directing Traffic

i. Signs directing traffic to the site of an event may be used for events at which more than 5,000 attendees are expected.

ii. Signs shall meet South Carolina DOT standards.

b. Off-Premises Signs Identifying Race Routes

Signs intended to direct pedestrians, runners, and bicyclists on race routes are subject to the following standards:

i. Such ***signs*** shall be no larger than two square feet each.

ii. Such ***signs*** may be displayed one day prior to the event, during the duration of the event, and one day after the event.

c. On-Premises Signs Identifying an Event

Signs located at the entrances of ***special events*** that are meant to identify a special event are subject to the following standards:

i. No more than two ***signs*** shall be displayed per event, with no more than four ***sign faces***. Any single ***sign face*** shall not exceed 16 square feet.

ii. Signs shall be constructed of ½-inch MDO, or a material of equal durability, mounted on four-by-four wood posts.

iii. The amount of information on ***signs*** shall be no more than is necessary to provide reasonable identification of the event or other information to be conveyed.

iv. Signs shall be displayed no sooner than one day prior to the event, during the duration of the event, and one day after the event.

v. Signs shall not be illuminated by artificial light.

d. On-Premises Signs

Signs displayed within a special event are subject to the following standards:

i. Signs shall be displayed no sooner than one day prior to the event, during the duration of the event, and one day after the event.

ii. Banners and pennants are permitted within the area where the special event takes place.

10. Signs with Changeable Copy

a. Signs with ***changeable copy*** are limited to one sign per ***street frontage*** per ***parcel***.

b. The total size of ***changeable copy*** shall not exceed 20 square feet per ***sign face***, with no more than three lines of ***copy***.

c. ***Copy height*** shall be eight inches maximum and four inches minimum.

d. ***Copy*** shall be securely fastened to the ***sign face*** and neatly maintained.

e. ***Changeable copy*** shall be limited to announcing:

i. On-***premises special events***.

ii. Motion pictures or entertainment at a theater whose primary function is to provide musical or dramatic events; or

iii. Gasoline prices as described in Sec. 16-5-114.H.11, Price Displays at Gas Establishments.

f. Permanent Special Event Signs as described in Sec. 16-5-114.H.8, Permanent Special Event Signs, are exempt from the requirements of this section.

11. Price Displays at Gas Sales Establishments

a. Petroleum product pumps and dispensers that are within view of a ***public way*** shall be allowed to display only the information needed to reasonably identify the products dispensed.

b. Premises from which retail petroleum products are dispensed by pump shall be allowed one additional sign with a maximum size of ten square feet announcing the price per gallon of the products. The additional sign shall require a Sign Permit.

c. In lieu of the one additional sign allowed above, the price per gallon may be displayed by increasing by ten square feet the area allowed within this section for a single ***freestanding sign***.

12. Planned Unit Development Off-Premises Signs

a. Planned Unit Development Off-Premises Directional Signs

i. Planned unit developments (PUDs) may erect freestanding off-***premises*** directional ***signs*** for the purpose of directing vehicle traffic to destinations within the ***development***. Such ***signs*** must be located within the boundary of the PUD or on a ***parcel*** within 500 feet of the boundary that fronts on the major arterial serving the PUD.

ii. Off-***premises*** directional ***signs*** that are viewed from any ***public way*** shall comply with the following requirements:

01. The amount of information on ***signs*** shall be no more than is necessary to provide reasonable identification of the destination(s) and direction thereto.

02. Such ***signs*** shall be located within one mile of the intersection where vehicles must turn to reach the PUD. No more than two ***signs*** shall be placed in any one direction from such intersection with no more than three ***signs*** for any one ***development***.

03. The total area of all ***signs*** for any one ***development*** shall not exceed 200 square feet of ***sign face*** with no single ***sign face*** greater than 80 square feet. Sign ***height***, width, and ***structure*** shall meet the requirements of Sec. 16-5-114.F, Freestanding Signs.

iii. Off-***premises*** directional ***signs*** that are viewed from private ***streets*** internal to the ***development*** shall comply with the following requirements:

01. The amount of information on ***signs*** shall be no more than is necessary to provide reasonable identification of the destination(s) and direction thereto.

02. Such ***signs*** must be located within 200 feet of an intersection with no more than one sign viewed from any one direction.

03. Such ***signs*** shall be limited to 20 square feet of ***sign face***.

b. Planned Unit Development Off-Premises Identification Signs

i. A planned unit ***development*** (PUD) whose primary entrance (***right-of-way*** or easement) is located on a public ***street*** but is not within the boundary of the PUD shall be allowed one off-***premises*** identification sign, which shall be located within the ***right-of-way*** or easement for the entrance street.

ii. This sign shall comply with the following requirements:

01. The amount of information on such sign shall be no more than is necessary to provide reasonable identification of the PUD.

02. Such sign shall be subject to the standards of Sec. 16-5-114.F, Freestanding Signs.

I. Prohibited Signs

The following types of ***signs*** are prohibited:

1. Abandoned ***signs*** and ***sign structures***.

2. Signs with animated or moving effects (including but not limited to ***sign faces*** that periodically change to show different images or messages), and ***signs*** carried, waved, or otherwise displayed by ***persons*** either on public ways or in a manner visible from public ways, are prohibited. This provision is directed toward such displays intended to draw attention for a commercial purpose, and is not intended to limit the display of placards, banners, flags, or other signage by ***persons*** participating in demonstrations, political rallies, and similar events.

3. Balloons.

4. Banners, except within the boundaries of a special event. (See Sec. 16-5-114.H.9, Temporary Special Event Signs.)

5. Bench ***signs***.

6. Dilapidated or damaged ***signs***.

7. Signs attached to or painted upon piers, docks, or seawalls, other than official regulatory or warning ***signs***.

8. Signs that emit sound, vapor, smoke, odor, particles, or gaseous matter.

9. Inflated ***signs*** and windblown ***signs*** other than holiday decorations.

10. Information boxes not attached to a ***real estate sign***.

11. Internally illuminated ***signs*** that contain a visible light source, except for those ***signs*** complying with the provisions of Sec. 16-5-114.D, Sign Illumination.

12. Signs that are displayed or erected for which a Sign Permit has been denied or has not been issued.

13. Signs that exhibit statements, words, or pictures of an obscene or pornographic nature.

14. Signs that are not located on the ***parcel*** of the business or ***development*** it identifies, except that special event ***signs***, directional ***signs***, public park ***signs***, and other ***signs*** that are specifically allowed under this section are exempt.

15. Parking ***signs*** that limit parking spaces to certain ***uses*** or businesses within a ***shopping center***.

16. Pennants except within the boundaries of a special event. (See Sec. 16-5-114.H.9, Temporary Special Event Signs.)

17. Portable ***signs***, or any sign not permanently attached to the ground or other permanent ***structure***, including but not limited to ***signs*** attached to or painted on vehicles or trailers, either parked or being driven, and visible from the ***right-of-way***, unless said vehicle is used as a vehicle in the normal day-to-day operations of the business, except that sandwich boards, chalkboards, and other ***signs*** that are specifically allowed under this section are exempt.

Figure 16-5-113.I.17: Examples of Prohibited Portable and Off-Premises Signs

18. Signs located in the public ***rights-of-way***, except ***signs*** in landscaped medians of private ***streets*** where the sign meets the minimum ***sight triangle*** distances of Sec. 16-5-105.H.4, Sight Triangles.

19. Signs where the sign or any portion of the sign is located on or extends above the roof of the ***building*** where the sign is located.

20. Signs attached to, placed on, painted on, or otherwise displayed on or from any ***tree*** or other vegetation.

21. Signs in or upon any body of water, other than official regulatory or warning ***signs***, including any sign located on any ***land*** subject to periodic inundation by tidal saltwater. The ***Design Review Board*** may approve a permanent monument sign in or

upon a body of water within a ***parcel*** if the ***Official*** determines that there is no other reasonable location for that sign on that ***parcel***.

22. Signs towed behind a vehicle, watercraft, or aircraft.

23. All other ***signs*** that are not expressly exempt from regulation or expressly allowed under this Ordinance.

Sec. 16-5-115. Subdivision Standards[443]

A. Purpose and Intent

The purpose of ***subdivision*** layout is to create a functional and attractive ***development*** with infrastructure and ***lots*** appropriately sized and located to minimize adverse impacts. The intent of this section is to provide clear requirements and guidelines for ***subdivision*** design for both Major and Minor Subdivisions. ***Subdivisions*** should promote the health, safety, convenience, order, prosperity and welfare of the present and future residents of the Town by:

a. Providing for the orderly growth and ***development*** of the Town**;**

b. Coordinating with the existing ***street*** system, transportation plans, and public facilities;

c. Providing ***right-of-way*** for ***street*** and vehicular ***easements***;

d. Avoiding congestion and overcrowding and encouraging proper arrangement of ***streets*** in relation to existing planned ***streets***;

e. Ensuring there is adequate ***open space*** and recreation facilities; and

f. Ensuring there is proper recordation of ***land*** ownership.

B. Applicability

Subdivisions shall comply with all applicable design and performance standards of this section and this Ordinance, including the adjacent setback and buffer standards in Sec. 16-5-102 and 16-5-103.

C. General Requirements

1. Layout of the ***subdivision*** shall be based on complete ***site*** analysis. ***Streets*** and ***lots*** shall be designed and situated to minimize alteration of natural and historic ***site*** features to be preserved.

2. The ***subdivision*** layout shall consider the practicality and economic feasibility of ***development*** of individual ***lots*** including the environmental characteristics, size of the ***site***, and the requirements of this Ordinance.

[443] This carries forward Chapter 5, Article II (Subdivision Standards) of the current LMO.

3. Unique and fragile elements including, but not limited to wetlands, significant stands of ***trees*** and individual ***trees*** of significant size, shall be preserved where practical, with ***development*** reserved for environmentally stable areas.

4. ***Open space*** and recreational areas shall be planned in accordance with Sec. 16-5-104, Open Space Standards.

5. ***Lots*** shall be situated so that stormwater may be easily directed away from ***buildings*** in subsequent ***site***-specific ***development***. ***Lots*** shall be configured so that ***buildings*** and general ***flood*** sensitive ***site*** facilities can be located out of drainageways. ***Subdivisions*** shall be designed so as to comply with Sec. 16-5-109, Stormwater Management and Erosion and Sedimentation Control Standards.

6. All ***lots*** shall have the ***access*** required by Sec. 16-5-105.I, Access to Streets.

D. Layout of Lots and Blocks

1. ***Subdivisions*** may be laid out in conventional, cluster, or a combination of block/***lot*** designs.

2. The ***lot*** configuration and shape shall provide appropriate ***sites*** for ***buildings***, and be properly related to topography, natural elements, ***access***, drainage and utilities, and conform to all requirements of this Ordinance.

3. The dimensions of ***corner lots*** shall permit the required minimum setbacks from ***streets*** (see Sec. 16-5-102, Adjacent Setback Standards) and required ***site*** triangles (see Sec. 16-5-105.H.4, Sight Triangles).

4. The number of ***lots*** within a block shall be as appropriate for the location and the type of ***development*** contemplated, as practical. Visual monotony created by excessive blocks of ***lots*** which are not interrupted by intersections, ***open space***, buffers or features shall be avoided.

5. Pathways and sidewalks are encouraged throughout the ***subdivision***. Pathways and sidewalks may be required by the ***Official*** to provide circulation or ***access*** to schools, playgrounds, shopping, or other community facilities. Interconnection with other pathways and sidewalks is also desirable.

E. Street Access

1. All Major Subdivisions shall have direct vehicular ***access*** to a public ***street*** that meets the standards of Sec. 16-5-105.C, General Street Design Standards.

2. Minor Subdivisions shall be permitted to provide vehicular ***access*** to ***lots*** via a minimum 20-foot wide unobstructed ***access*** easement, provided the ***access*** easement complies with the following standards:

   a. ***Access easements*** shall contain an ***all-weather driving surface*** approved by the Fire Chief for the Town of Hilton Head Island.

   b. Dead-end ***easements*** shall have a turn-around as required by the latest edition of the International Fire Code as adopted by ***Town Council***.

   c. No ***access*** easement shall be permitted to exceed a maximum traffic volume of 50 ADT due to the further ***subdivision*** of ***lots*** without upgrading the accessway to meet the design standards of Sec. 16-5-105.C, General Street Design Standards.

d. ***Access easements*** are not allowed in any ***wetland buffer*** required by Sec. 16-6-102.D, Wetland Buffer Standards, except for approximately perpendicular crossings as approved by the ***Official***.

e. A bridge may be permitted within an ***access*** easement as long as the driving surface is at least 20 feet wide and is approved by the Fire Chief of the Town of Hilton Head Island.

F. Miscellaneous Standards

1. Monuments and Markers

a. Horizontal control monuments shall be placed in the pavement of ***subdivision streets*** so that no ***lot*** is more than 2,000 feet from a control monument. Alternatively, control monuments may be placed in ***open space*** areas, park areas, and the like. The control monument shall be placed in a manner satisfactory to the Town Engineer.

b. Corner monuments or markers shall be installed at all ***lot*** corners.

c. All corner monuments or markers shall consist of a concrete marker with metal cap marking the exact corner and bearing the name of the surveying company or the ***land*** surveyor in responsible charge of the survey. If the corner location falls on pavement, concrete, or other material where it cannot be marked with a cap, a shaft of ferrous metal (iron pipe or bar), spikes, or scribes may be installed in or on the surface. These methods shall be used unless exceptional circumstances warrant the use of other materials.

d. If a corner cannot be monumented or marked, one or more witness monuments shall be placed on the boundary line and described by bearings or distances so that the inaccessible point may be located accurately on the ground. A witness monument shall adhere to the same standards applicable to a corner monument.

2. Addressing and Lot Numbering

The ***Official*** shall determine a method of ***street*** addressing/***lot*** numbering. ***Applicants*** should consult with the ***Town*** for ***site***-specific review.

3. Lots with Septic Systems

Subdivisions creating ***lots*** to which public sanitary sewer is unavailable shall demonstrate that all such ***lots*** are sized to accommodate septic systems. Such systems shall be set back from property lines, approved by SCDHEC, and located within septic ***easements*** recorded with the ***subdivision*** plat.

Sec. 16-5-116. Impact Fees[444]

A. Purpose

This section is intended to ensure timely ***construction*** of ***off-site*** public capital ***improvements*** that are necessary to serve new ***development*** by ensuring that necessary financing is available for such ***improvements***. The impact fees to be paid by each new ***development*** in accordance with this section is to be proportional to the impact that the new ***development*** will have on the types of facilities for which the fees are charged.

B. Applicability

The collection of impact fees shall apply to all ***development***, unless otherwise provided herein.

1. The movement of a ***structure*** onto a ***lot*** shall be considered ***development*** and shall be subject to these impact fee provisions, unless otherwise provided in paragraphs 2 and 3 below.

2. The impact fee provisions shall not apply to the following actions:

a. The movement of a ***manufactured home*** onto a ***lot*** or ***parcel*** for ***use*** as a residence that does not result in a net increase in the number of ***manufactured home sites*** on the Island;

b. Placing on a ***lot*** in the ***Town*** a temporary ***construction*** trailer or office, but only for the life of the ***Building Permit*** issued for the ***construction*** served by the trailer or office;

c. Converting an existing ***structure*** from one ***use*** to another; and

d. Any ***development***, including but not limited to the mere ***subdivision*** of ***land***, installation of utilities, or the ***use*** of ***land*** for limited recreational, agricultural, ***filling*** or dredging purposes, which, in the opinion of the ***Official***, will not result in a net increase of more than one one-way ADT.

3. The impact fee provisions shall not apply to public projects.

C. Impact Fee Benefit District

1. There shall be one impact fee benefit district that encompasses the entire ***Town***.

2. The appropriateness of the designation and boundaries of the benefit district shall be reviewed by the ***Town*** as part of the impact fee revision process set forth below. Following such review and a public hearing, the benefit district may be amended.

3. Impact fees collected within the benefit district shall be spent within the benefit district.

D. Payment of Impact Fee as Condition of Approval

Until any impact fee required by this section has been paid in full, no ***Building Permit***, Electrical Permit, Certificate of Compliance, Certificate of Occupancy, or other permit

[446] This is revised to better relate to and focus on the standards in the section.

subsequent to Development Plan Review for any ***development*** that is not exempted by Sec. 16-5-116.B, Applicability, shall be issued. A stop work order shall be issued on any ***development*** for which the applicable impact fee has not been paid in full.

E. Calculation of Fees Using Fee Schedule

Impact fees shall be calculated as follows:

1. Unless an ***applicant*** requests an administrative determination or individual assessment as set forth in the following subsections, the impact fees shall be calculated for the proposed ***development*** based on the Development Plan Approval or permit allowing the ***use***, according to the applicable fee schedule.

2. The following impact fee schedules are hereby adopted and incorporated herein by reference:

a. Transportation Impact Fee Schedule

3. The units of ***development*** specified in the fee schedule shall be interpreted as follows:

a. A ***hotel*** "room" shall include any space that is part of the same rental unit and that does not have a separate entrance.

b. Building square footage shall be measured in terms of ***gross floor area***.

4. For categories of ***uses*** not specified in the applicable impact fee schedule, the ***Official*** shall apply the category of ***use*** set forth in the applicable fee schedule that is deemed to be most similar to the proposed ***use***.

5. If the Development Plan Approval or permit for the proposed ***development*** indicates a mix of ***uses*** in the ***development***, the impact fees shall be calculated separately for each ***use*** according to the fee schedule, and the results aggregated.

6. For an addition to or replacement of existing ***structures***, the impact fee to be paid shall be the difference, if any, between:

a. The fee, if any, that would be payable for existing ***development*** on the ***site*** or, in the case of demolition or removal of a ***structure***, the previous ***development*** on the ***site***, provided that the demolition or removal occurred after October 23, 1989, or within ten years of the date of submittal of the **application** for which impact fees are assessed, whichever is less; and

b. The fee, if any, that would be payable for the total ***development*** on the ***site*** after the new ***development***.

7. Upon written request of an ***applicant***, the ***Official*** shall provide an estimate of the current fee based on the data provided by the ***applicant***. However, the ***Official*** shall not be responsible for determining at such preliminary date the accuracy of the information provided.

F. Individual Assessment of Impact Fees

1. If any ***person*** submitting an **application** for which payment of an impact fee is a prerequisite to approval believes that the impacts of the proposed ***development*** will be substantially less than would be indicated by using a strict interpretation of the fee schedule or an administrative determination of the fee, such ***person*** may request that the ***Town*** perform an individual assessment of the impact of the proposed

development, consistent with the methodology set forth in paragraph 2 below. A request for an individual assessment must be made prior to submittal of an **application** for a ***Building Permit***.

2. The individual assessment shall be subject to the Transportation Impact Fees as set forth in Sec. 16-5-116.R, Individual Transportation Fee Assessments.

3. The ***Town*** shall accept the calculations of the individual assessment if the ***Planning Commission*** finds at a public meeting that:

a. The proposed ***development*** is in fact so unique in the impacts it will generate that the strict **application** of the fee schedule or administrative determination would result in inaccurate impact projections; and

b. The individual assessment results in a fee which differs by at least five percent from the fees calculated under the fee schedule or administrative determination.

4. If the ***Town*** accepts the computations of the individual assessment under this section, the applicable fee shall be determined from the individual assessment, regardless of whether it is higher or lower than the fee calculated under the fee schedule or administrative determination.

G. Collection of Impact Fees

The collection of impact fees shall be as follows:

1. Except as set forth in the following paragraph, the impact fees for all new ***development*** shall be calculated and collected in conjunction with the **application** for the first ***Building Permit***, Electrical Permit, Certificate of Compliance, Certificate of Occupancy, or other permit subsequent to approval of a Development Plan for such ***development***, whichever occurs first in time.

2. For other ***uses*** not ultimately requiring a ***Building Permit***, Electrical Permit, Certificate of Compliance, Certificate of Occupancy, or other permit subsequent to approval of a Development Plan, the fee shall be calculated and collected at the time of approval of the Development Plan.

H. Fund Accounting for Impact Fees

1. The ***Town*** shall establish a separate accounting fund in which the impact fees collected for a particular type of facility within the benefit district shall be credited. Such fees shall be invested by the ***Town*** and the yield on such fees, at the actual rate of return to the ***Town***, shall be credited to such accounting fund periodically in accordance with the accounting policies of the ***Town***. Such funds need not be segregated from other ***Town*** monies for banking purposes.

2. Any yield on such accounting fund into which the fees are deposited shall accrue to that fund and shall be used for the purposes specified for such fund.

3. The ***Town*** shall maintain and keep financial records for such accounting fund showing the revenues to such fund and the disbursements from such fund, in accordance with normal ***Town*** accounting practices. The records of such fund shall be open to public inspection in the same manner as other financial records of the ***Town***.

I. Expenditure of Impact Fees

Transportation Impact Fees shall only be spent on qualifying public ***street*** and pathway ***improvements***, as set forth in Sec. 16-5-116.S, Use of Transportation Impact Fees.

J. Refunds of Impact Fees

1. Any impact fee or portion thereof collected in accordance with this section that has not been committed for a ***use*** permitted by Sec. 16-5-116.S, Use of Transportation Impact Fees, within six years from the last day of the fiscal year in which it was received by the ***Town***, shall be refunded to the current record owner of the property upon written **application**. Impact fees shall be deemed to be "committed" when they have been spent or encumbered by contract. Impact fees shall be deemed to be "committed" in the order in which they are received and committed by the ***Town***. The refund shall include accrued interest at the rate of return on investments earned by the ***Town*** on such amount. In disbursing such funds the ***Town*** may rely on the written certification of the current record owner of the property as to his or her entitlement to the refund, in the absence of a written assertion by another party that such proposed payee is not the proper payee. If in doubt, the ***Town*** may deposit such funds in an appropriate court for disposition as the court may determine. In such event, the ***Town*** may deduct from the funds deposited an amount equal to the reasonable cost of causing the funds to be deposited with the court, including reasonable attorney's fees.

2. If ***development*** for which an impact fee has been paid has not begun, the impact fee and any accrued interest thereon shall be returned to the ***applicant*** provided that the ***applicant*** applies for the refund in writing within 60 days after the expiration of the ***Building Permit*** or other approval (or any extension thereof) on which it was assessed.

3. The ***Town*** shall charge an administrative fee for verifying and computing the refund of three percent of the amount of the refund.

K. Offsets to Impact Fees

Offsets, which are reductions from the impact fee that would otherwise be due from a ***development***, shall be subject to the following provisions.

1. The ***Planning Commission*** shall grant an offset only for qualifying ***improvements*** that are required to be made by a ***developer*** as a condition of ***development*** approval after [*insert date impact fee ordinance became effective*][445] against which such offset is claimed.

2. Offsets shall be allowable and payable only to offset impact fees otherwise due for the same category of ***improvements*** and shall not result in reimbursement from, nor constitute a liability of, the ***Town***.

3. Offsets shall be given only for the value of any ***construction*** of ***improvements*** or contribution or dedication of ***land*** or money by a ***developer*** or the ***developer***'s predecessor in title or interest for qualifying ***improvements*** of the same category for which an impact fee was imposed.

[446] This is revised to better relate to and focus on the standards in the section.

4. The ***person*** applying for an offset shall be responsible for providing appraisals of ***land*** and ***improvements***, ***construction*** cost figures, and documentation of all contributions and dedications necessary to the computation of the offset claimed. The ***Planning Commission*** shall have no obligation to grant offsets to any ***person*** who cannot provide such documentation in such form as the ***Planning Commission*** may reasonably require.

5. The value of ***land*** dedicated or donated shall be based on the appraised ***land*** value of the parent ***parcel*** (which ***land*** value is based on the date of transfer of ownership to the ***Town***) as determined by a certified appraiser who was selected and paid for by the ***applicant***, and who used generally accepted appraisal techniques. If the ***Town*** disagrees with the appraised value, the ***Town*** may engage another appraiser at the ***Town***'s expense, and the value shall be an amount equal to the average of the two appraisals. If either party rejects the average of the two appraisals, a third appraisal shall be obtained, with the cost of such third appraisal being shared equally by the ***property owner*** and the ***Town***. The third appraiser shall be selected by the first two appraisers, and the third appraisal shall be binding on both parties.

6. Offsets provided for qualifying ***improvements*** meeting the requirements of this section shall be valid from the date of approval until ten years after the date of approval or until the last date of ***construction*** within the project, whichever occurs first. The right to claim offsets shall run with the ***land*** and may be claimed only by owners of property within the ***development*** for which the qualifying ***improvement*** was required.

7. Any claim for offsets must be made no later than the time of submittal of a ***Building Permit*** **application** or **application** for another permit subsequent to Development Plan Approval that is subject to impact fees. Any claim not so made shall be deemed waived.

L. Developer Agreements for Impact Fees

1. Where a ***development*** includes or requires a qualifying ***improvement***, the ***Town*** and the ***developer*** may agree in writing to have the ***developer*** participate in the financing or ***construction*** of part or all of the qualifying ***improvement***(s). Such agreement may provide for cash reimbursements, offsets, or other appropriate compensation to the ***developer*** for the ***developer***'s participation in the financing and/or ***construction*** of the ***improvement***(s.

2. The agreement shall include:

a. The estimated cost of the qualifying ***improvement***(s), using the lowest responsive bid by a qualified bidder, which bid is approved by the ***Official***; or, if no bid is available, the estimated cost certified by a licensed South Carolina engineer and approved by the ***Official***;

b. A schedule for initiation and completion of the ***improvement***(s);

c. A requirement that the ***improvement***(s) be designed and completed in compliance with any applicable ***Town ordinances***; and,

d. Such other terms and conditions as deemed necessary by the ***Town***.

M. Relief Procedures and Hearings

The ***developer*** who owes or has paid an impact fee may appeal the assessment or payment of the fee to the ***Board of Zoning Appeals*** in accordance with Sec. 16-2-103.T, Appeal of Administrative Decisions and Written Interpretations to Board of Zoning Appeals.

N. Fee Supplemental to Other Financing Methods

1. Except as otherwise provided in this section, impact fees are in addition to any other requirements, taxes, fees, or assessments imposed by the ***Town*** on ***development*** or the issuance of ***Building Permits*** or Certificates of Occupancy which are imposed on and due against property within the jurisdiction of the ***Town***. Such fees are intended to be consistent with the ***Town***'s ***Comprehensive Plan***, ***Capital Improvements Program***, LMO, and other ***Town*** policies, ***ordinances***, and resolutions by which the ***Town*** seeks to ensure the provision of capital facilities in conjunction with ***development***.

2. In addition to the use of impact fees, the ***Town*** may finance qualifying capital ***improvements*** through the issuance of bonds, the formation of assessment districts, or any other authorized mechanism, in such manner and subject to such limitations as may be provided by law.

O. Updates and Revisions of the Impact Fees

Not less often than every five years and to be tied to the ***Comprehensive Plan*** update, the ***Planning Commission***, following a public hearing, shall review and, if warranted, recommend changes in the schedules of impact fees. Factors to be considered may include, without limitation, past and projected growth in residential and nonresidential ***development***, qualifying ***improvements*** actually constructed, changing levels of service, revised cost estimates for qualifying ***improvements***, changes in the availability of other funding sources, changes in demand generation characteristics, sources of non-***Town*** funds, and such other factors as may be relevant.

P. Transportation Impact Fee Schedule

TABLE 16-5-117.P: TRANSPORTATION IMPACT FEE SCHEDULE

LAND USE	UNITS	1-WAY ADT	PRIMARY FACTOR	PRIMARY TRIPS	TRIP LENGTH	VMT/ UNIT	COST/ VMT	FEE/ UNIT
Single Family (1500 sf)	Dwelling	4.78	100%	4.78	2.78	13.29	$61.38	$816
Single Family (<1500 sf)	Dwelling	3.72	100%	3.72	2.78	10.34	$61.38	$635
Multifamily	Dwelling	2.93	100%	2.93	2.78	8.15	$61.38	$500
Retirement Housing	Dwelling	1.65	100%	1.65	2.78	4.59	$61.38	$282
Hotel	Room	4.72	100%	4.72	2.78	13.12	$61.38	$805
Motel	Room	5.1	100%	5.1	2.78	14.18	$61.38	$870
Bank w/o drive-thru	1000 sf	70.31	15%	10.55	2.78	29.33	$61.38	$1,800
Bank w/ drive-thru	1000 sf	132.6	15%	19.89	2.78	55.29	$61.38	$3,394
Church	1000 sf	4.66	100%	4.66	2.78	12.95	$61.38	$795
Community College	1000 sf	6.44	100%	6.44	2.78	17.9	$61.38	$1,099
Convenience Market	1000 sf	369	15%	55.35	2.78	153.87	$61.38	$9,445
Day Care Center	1000 sf	39.63	15%	5.94	2.78	16.51	$61.38	$1,013
Discount Store	1000 sf	35.07	75%	26.3	2.78	73.11	$61.38	$4,487

TABLE 16-5-117.P: TRANSPORTATION IMPACT FEE SCHEDULE								
LAND USE	UNITS	1-WAY ADT	PRIMARY FACTOR	PRIMARY TRIPS	TRIP LENGTH	VMT/ UNIT	COST/ VMT	FEE/ UNIT
Elem/Secondary School	1000 sf	5.36	100%	5.36	2.78	14.9	$61.38	$915
Golf Course	Acre	18.8	100%	18.8	2.78	52.26	$61.38	$3,208
High School	1000 sf	5.45	100%	5.45	2.78	15.15	$61.38	$930
Hospital	1000 sf	8.39	100%	8.39	2.78	23.32	$61.38	$1,431
Industry, Light	1000 sf	3.49	100%	3.49	2.78	9.7	$61.38	$595
Library	1000 sf	22.75	100%	22.75	2.78	63.25	$61.38	$3,882
Marina	Berth	1.48	100%	1.48	2.78	4.11	$61.38	$252
Medical Clinic/ Office	1000 sf	17.09	100%	17.09	2.78	47.51	$61.38	$2,916
Mini-Warehouse	1000 sf	1.31	100%	1.31	2.78	3.64	$61.38	$223
Office, General (<25,000 sf)	1000 sf	11.65	100%	11.65	2.78	32.39	$61.38	$1,988
Office, General (25,000 sf)	1000 sf	8.31	100%	8.31	2.78	23.1	$61.38	$1,418
Park	Acre	1.12	100%	1.12	2.78	3.11	$61.38	$191
Racquet Club	1000 sf	8.57	100%	8.57	2.78	23.82	$61.38	$1,462
Restaurant, Quality	1000 sf	48.25	75%	36.19	2.78	100.61	$61.38	$6,175
Restaurant, High-Turnover	1000 sf	102.68	50%	51.34	2.78	142.73	$61.38	$8,761
Restaurant, Fast Food	1000 sf	316.06	27%	85.34	2.78	237.25	$61.38	$14,562
Service Station	Hose	48.29	15%	7.24	2.78	20.13	$61.38	$1,236
Shopping Center (50,000 sf)	1000 sf	35.34	55%	19.44	2.78	54.04	$61.38	$3,317
Specialty Retail (<50,000 sf)	1000 sf	20.34	75%	15.26	2.78	42.42	$61.38	$2,604
Supermarket/Food Store	1000 sf	62.75	40%	25.1	2.78	69.78	$61.38	$4,283
Warehousing	1000 sf	2.44	100%	2.44	2.78	6.78	$61.38	$416

Q. Transportation Impact Fee Calculation

1. At the option of the ***Official***, the transportation impact fee may be calculated based on the formula in paragraph 4 below.

2. The ***Official*** shall determine the ***land use*** category that best represents the proposed ***use*** in terms of trip generation characteristics. Trip generation rates or equations and/or primary trip data contained in the most current edition of the Institute of Transportation Engineers *Trip Generation Manual* (*ITE Manual*) shall be utilized.

3. The ***Official*** shall make the determination of the appropriate ***land use*** category, trip generation rate or equation and primary trip factor based on the appropriateness and quality of the data, the guidelines for determining whether to use trip generation rates or equations set forth in the *ITE Manual*, and other relevant considerations.

4. Calculation

a. FEE = One-Way ADT x Primary Trip Factor x Average Trip Length x Average Cost per Daily Travel Mile

b. WHERE:

i. "One-Way ADT" means one-half the average daily trip ends on a weekday.

ii. "Primary Trip Factor" means the percentage of average daily trips to or from the ***development*** that are primary trips, as opposed to pass-by or diverted-link trips.

iii. "Average Trip Length" means the average distance per trip traveled on public ***streets*** in the ***Town***. The average trip length is 2.78 miles based on analysis of 1990 trip and travel data. This distance shall be used until updated using the ***Town***'s transportation model, and this Ordinance is updated to reflect such re-calculation.

iv. "Average Cost per Daily Travel Mile" means the total cost of required future public ***street improvements*** at ***Town*** build-out divided by the projected number of new vehicle travel miles to be generated by new ***development***. This cost shall be $61.38 per daily mile until this Ordinance is updated to reflect recalculation by the ***Town***.

R. Individual Transportation Fee Assessments

Individual assessments of transportation impact fees shall be allowed as follows:

1. The traffic engineer or engineering firm to perform each individual assessment shall be selected by the ***applicant*** from a list of qualified traffic engineers or engineering firms maintained by the ***Town***. The list of engineers shall be created through the solicitation by the ***Town*** of professional traffic engineers qualified to perform this service. The list shall contain the names of at least three traffic engineers or traffic engineering firms, along with statements of qualifications on each. The list shall be updated periodically by a committee appointed by the ***Planning Commission***.

2. The traffic study shall be signed by the traffic engineer submitting the assessment and shall include, without limitation, the following elements:

a. A projection of the number of vehicular trips entering and departing from the project during an average weekday.

b. If the ***site*** is already developed, and some or all of the existing ***development*** will be replaced by the completed project, a calculation of the number of vehicular trips for that portion of the existing ***development*** that will be replaced by the completed project.

c. The percentage of those trips identified in paragraphs a and b above that are "primary trips" (as opposed to "pass-by trips" or "diverted-link trips" for which the project is not the primary destination).

d. The assumptions and conclusions from which any projections are made. If the assumptions or conclusions are derived from the current edition of the ITE Manual or other standard reference materials, the materials shall be identified and appropriate excerpts or specific references provided. Otherwise, the reasoning underlying the assumptions and conclusions shall be clearly stated in writing.

e. Such other information as the ***Official*** shall reasonably request.

3. Following action by the ***Planning Commission***, the ***Official*** shall determine the fee based on the review of the independent assessment and the guidelines and formula described above.

S. Use of Transportation Impact Fees

1. The revenues from transportation impact fees collected within the benefit district and accrued interest on such revenues shall be used to finance project costs of qualifying transportation ***improvements***, as determined by the ***Town Council***, provided that the ***improvements*** are shown on the ***Capital Improvements Program*** and are located within the same benefit district.

2. Qualifying transportation ***improvements*** include:

a. Project engineering costs;

b. The acquisition cost of ***rights-of-way*** and ***easements***, including legal costs;

c. The ***construction*** cost of ***improvements***—including, but not limited to, public ***street*** travel lanes, public pedestrian and bicycle pathways, turning lanes or the portion thereof located within the ***right-of-way*** of a public ***street***, lighting, signalization, signage, and landscaping ***improvements***—that are required for the transportation ***improvement*** to function effectively; and

d. The principal, interest, and other financing costs of bonds, notes or other obligations issued by or on behalf of the ***Town*** to finance qualified ***improvements***.

3. Such revenues may also fund the cost of consultants used in updating the transportation portion of the ***Capital Improvements Program*** and in updating the fee computations.

4. Monies collected as transportation impact fees shall not be used to pay for any of the following:

a. Construction, acquisition, or ***expansion*** of public facilities other than qualifying transportation ***improvements***;

b. ***Repair***, operation, or ***maintenance*** of existing or new public ***street*** or pathway ***improvements***;

c. ***Town*** personnel and consultants hired for purposes other than those expressly permitted under paragraphs a and b above; and

d. ***Streets***, pathways, and related transportation ***improvements*** that are within and intended to serve only a specific ***development*** such as a new residential ***subdivision***.

Chapter 16-6: Natural Resource Protection

COMMENTARY:

Chapter 16-6, Natural Resource Protection, contains standards for the preservation and protections of natural resources that are important to Hilton Head Island: wetlands, dunes and beaches, and trees.

Section 16-6-101, General, states the general intent and applicability of this chapter.

Section 16-6-102, Wetland Protection, largely carries forward current wetland protection regulations, reorganizing them to make them easier to read. Those standards include general performance standards for wetland areas and specific regulations requiring the mitigation of any unavoidable alteration of wetlands areas. They also include requirements that certain ***structures*** be set back from wetlands. This section converts those setback standards into standards establishing and regulating buffers around wetlands. Buffers are generally deemed the most effective means for protecting wetlands. To retain and enhance development flexibility adjacent to wetlands, the buffers allow limited development activities that do not threaten their effectiveness. The section also expands standards authorizing the establishment of view corridors through the buffers.

Section 16-6-103, Beach and Dune Protection, largely carries forward current beach and dune protection standards, reorganizing them to make them easier to understand. The major change is expansion of standards authorizing the establishment of view corridors over dune systems.

Section 16-6-104, Tree Protection, carries forward most of the current specimen ***tree*** preservation regulations and consolidates and reorganizes general provisions regarding replacement trees. It also carries forward current standards requiring development sites to include trees whose trunk diameters add up to 900 inches per acre. Measures for protecting trees during the development process are also substantially expanded.

This commentary box and the footnotes included in this draft are provided for reference purposes and will not be included in the adopted LMO.

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Chapter 16-6: Natural Resource Protection

Sec. 16-6-101. General

A. Purpose and Intent

The intent of this chapter is to establish standards to conserve or restore the natural resources that help define the character of Hilton Head Island and enhance the well-being of Island residents and visitors. Wetlands, dunes, ***beaches***, and ***trees*** contribute substantially to the functioning of the Island's natural systems and processes, protection of wildlife habitat, water quality, control of flooding, community resiliency to natural hazards and ***disasters***, and economic viability.

B. Applicability

Except as expressly provided otherwise, the standards in this chapter shall apply to all ***development*** in the territorial limits of the ***Town***.

Sec. 16-6-102. Wetland Protection

A. Purpose and Intent[446]

The purpose and intent of the standards in this section are to protect and conserve natural wetlands that control flooding by absorbing and retaining ***flood*** waters, minimize erosion and sedimentation, maintain and enhance the chemical, physical, and biological integrity of open bodies of water, provide important wildlife habitat and native vegetation, and otherwise enhance the sustainability of the coastal island environment so important to the livability and economy of Hilton Head Island. The standards are intended to regulate ***development*** and activities in and around wetlands so as to:

1. Avoid the disturbance or alteration of wetlands wherever practicable;
2. Minimize any unavoidable alteration of wetlands;
3. Mitigate any loss of wetlands or wetland integrity by the revegetation or restoration of altered wetlands, creation of new wetlands, and conservation of existing wetlands;
4. Minimize erosion, sedimentation, and pollution of wetlands;
5. Limit the placement of fill in and excavation of wetlands; and
6. Provide buffers along the perimeter of wetlands that will protect the wetlands from impacts of ***adjacent development*** and allow for filtration of stormwater runoff before it enters wetlands, and allow for wetland views.

[446] This is revised to better relate to and focus on the standards in the section.

B. Applicability

1. Except as expressly provided otherwise, the standards in this section shall apply to all ***development*** in the territorial limits of the ***Town***.
2. ***Development*** within or ***adjacent*** to wetlands is also subject to ***State*** and federal regulations.

C. General Performance Standards

1. Fertilizers, pesticides, and other potential pollutants shall be prevented from directly entering into wetlands, whether by surface flow, ***ground water*** flow, or outfall ***structures***.
2. During ***development***, every precaution shall be taken to prevent the disruption of ***adjacent*** wetlands and open bodies of water. Siltation fences and other best-management practices shall be used at all times to minimize siltation, sedimentation, erosion, and disturbance of vegetation.
3. To ensure that sediment is not transported into ***adjacent*** wetlands or open bodies of water, erosion and sediment controls shall be left in place until filled areas are stabilized with permanent vegetation that will prevent the transport of sediment off the ***site*** of ***land***-disturbing activities
4. When the use of fill is permitted, fill material shall be clean and shall not consist of garbage, refuse, toxic or contaminated material, or any material that through the actions of soil leaching may cause the degradation of surface or ***ground water*** quality.
5. ***Filling*** shall be limited to the minimum amount to achieve the purpose for which the fill is permitted.
6. Slopes resulting from the placement of fill shall be no steeper than a 3 to 1 (horizontal to vertical) ratio and shall be stabilized with vegetation to prevent erosion and sedimentation. The stabilization shall be completed at least 30 days before issuance of a Certificate of Compliance. The vegetation used for fill stabilization shall be maintained in a living condition.
7. Where wetlands are filled for street ***construction*** and culverts are deemed appropriate, a sufficient number of culverts shall be used to allow for the passage of water and maintain the natural hydrologic regime.

D. Wetland Buffer Standards[447]

1. Applicability

Wetland buffers shall be provided along the perimeter of all wetlands.

[447] Although the definitions section of the current LMO defines water shed buffers are areas next to wetlands that are left undisturbed, the "wetland buffer" standards in current Section 16-6-204.B only require various types of structures to be set back from the edge of wetlands. This subsection incorporates the approach reflected in the definition of "wetland buffers" and most commonly applied by wetland protection regulations—treating wetland buffers as areas adjoining wetlands in which little or no land disturbance is allowed.

2. Wetland Buffer Width[448]

a. ***Wetland buffers*** shall comply with the average and minimum width standards in Table 16-6-102.D.2, Wetland Buffer Width, for the type of ***development*** and the type of wetland.

TABLE 16-6-102.D.2: WETLAND BUFFER WIDTH [1,2,3]			
TYPE OF ADJACENT DEVELOPMENT		TYPE OF WETLAND[449]	
		TIDAL WETLAND	FRESHWATER WETLAND
Single-Family (including ***accessory structure*** and ***pervious*** or ***impervious surfaces***)		Minimum: 20 feet	n/a
Multifamily or Nonresidential ***Development***	***Pervious*** Paved Surfaces	Average: 35 feet Minimum: 15 feet	Average: 35 feet Minimum: 10 feet
	Structures	Average: 40 feet Minimum: 20 feet	Average: 35 feet Minimum: 20 feet
	Impervious Paved Surfaces	Average: 50 feet Minimum: 25 feet	Average: 40 feet Minimum: 20 feet
Lagoons and Stormwater Retention or ***Detention*** Areas		n/a	Minimum: 20 feet

NOTES:
1. Measured from the outer edge of the wetland, as certified in writing by U.S. Army Corps of Engineers (USACE), a ***Town***-approved wetlands consultant, or Ocean & Coastal Resource Management (OCRM).
2. Average buffer width is determined by quantifying the buffer width for every 10-foot linear increment of ***pervious*** surface, ***impervious surface***, or ***structure***, as appropriate; summing these; and dividing the number of increments measured. Quantification of each increment of buffer shall be approved by the ***Official***.
3. Buildings, surface parking lots, and vehicular accessways shall be set back at least 5 feet beyond the outer edge of the ***wetland buffer***.

b. The ***Official*** may authorize a reduction in the average or minimum ***wetland buffer*** width by up to ten percent on determining that pollution of the wetlands due to ***adjacent land*** disturbance is comparably reduced due to ***site***-specific conditions (e.g., the buffer area drains away from the wetlands) or because the ***adjacent development*** is designed to reduce the flow, and maximize the filtration, of stormwater runoff towards the wetlands beyond the extent required by stormwater management regulations.

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[448] This carries forward the wetland buffer width standards in Sec. 16-2-204 of the current LMO.

NOTE: The Ballantine Summary Report mentioned by the LMO Rewrite Committee recommended that wetland buffer width standards reflect the relative value of the wetland being buffered. The report specifically suggested buffer width standards be based on scores resulting from the wetland evaluation forms currently required as part of a wetland alteration permit. There is one form for permanently and intermittently flooded wetlands, and one form for seasonally flooded or saturated wetlands. In response to the Ballantine Report, we suggested alternative wetland buffer width standards that, for each of these two wetland types, require increased buffer width minimums (15 feet, 25 feet, 35 feet, and 50 feet) for four point threshold. Town staff felt this alternative, however, would be too onerous on applicants and Town staff.

[449] In response to comments from the LMO Rewrite Committee, we originally suggested having reduced minimum buffer widths alongside isolated freshwater wetlands that are man-made—e.g., constructed ponds that do not drain into streams, channels, or other wetlands. Such a reduction was eliminated in response to request by Town staff. Elimination of the reduction may be appropriate from an environmental perspective, for isolated freshwater wetlands can be considered more sensitive to pollutants because they are not flushed out by tides or flowing water and thus accumulate pollutants.

3. Development Within Wetland Buffers

a. Prohibited Development Activities

The following activities are specifically prohibited in a ***wetland buffer*** unless expressly authorized in subparagraph b below or elsewhere in this Ordinance:

i. Removal, excavation, or disturbance of the soil, except for minimal disturbance associated with the installation of ***trees*** and plants as approved by the ***Official***, where a ***wetland buffer*** is re-established;

ii. Dumping or ***filling*** with any materials;

iii. Placement of any sod or garden of any type;

iv. Placement of ***structures*** or other ***pervious*** or ***impervious surfaces***; and

v. Removal or destruction of ***trees***, plants, grasses, or vines.

b. Allowed Development Activities

i. The following activities may occur in a required ***wetland buffer***, subject to specified limitations and the requirements in subparagraphs ii and iii below.

01. ***Maintenance*** of existing buffer landscaping in a manicured fashion, as approved by the ***Official***;

02. Construction and ***maintenance*** of public multi-purpose pathways , including minor associated ***structures*** such as footbridges, benches, and signage—provided the pathway is not more than ten feet wide;

03. Construction and ***maintenance*** of pedestrian walkways, including minor associated ***structures*** such as benches and signage, that provide public ***access*** to ***adjacent*** wetlands for wildlife management and viewing, fishing, and recreational purposes, or that provide ***access*** to approved water-dependent ***development*** activities—provided the walkway is not more than four feet wide, is not paved, and is not boarded;

04. Construction and ***maintenance*** of bulkheads, including associated backfill in tidal ***wetland buffers***—provided:

(A) A ***wetland buffer*** in accordance with the standards in this section is re-established; and

(B) The ***Official*** approves the replanting plan and any tree removal;

05. Clearing needed to establish or improve view corridors in accordance with paragraph 4 below;

06. Essential ***development*** activities such as stormwater management facilities and water, sanitary sewer, telephone, natural gas, cable TV, or other utility lines—provided:

(A) Stormwater management facilities and utility lines that must cross the buffer shall do so at approximately a right angle to minimize the area of buffer width disturbed; and

(B) Stormwater management facilities and utility lines may run approximately parallel to the edge of the wetland if the utility or drainage easement allows the vegetation necessary to provide for significant filtration of stormwater runoff before it reaches the wetland; otherwise additional buffer width shall be required to provide the space for such filtration.

07. Water-dependent ***development*** activities such as docks, ***boat ramps***, shoreline stabilization, and stream and ***wetland restoration***;

08. Limited removal of:

(A) ***Trees*** or other vegetation determined by the ***Official*** to be dead, dying, or diseased, provided the root system is retained intact;

(B) Non-native ***trees*** or other vegetation determined by the ***Official*** to constitute a threat to the growth or reintroduction of native species of vegetation;

(C) Fallen ***trees***, ***tree*** limbs, brush, and similar debris that have accumulated in or along stream beds and are determined by the ***Official*** to substantially impede stream flow

(D) Fallen ***trees***, ***tree*** limbs, and brush that are determined by the ***Official*** to impede pedestrian or bicycle traffic along approved multi-purpose pathways and pedestrian walkways.

ii. Any ***impervious surfaces*** shall either be sloped away from the wetland and stormwater runoff from them shall be routed over a greater distance for filtration purposes, or constructed or installed In accordance with an alternative filtration design approved by the ***Official*** as ensuring that the ***impervious surfaces*** do not adversely impact the natural functionally of the ***wetland buffer***.

iii. The allowed ***development*** activity incorporates any additional measures the ***Official*** deems necessary to adequately protect the wetland's water quality and mitigate any loss of or damage to wildlife habitat or native plant communities.

4. View Corridors[450]

Vegetation within ***wetland buffers*** may be removed or selectively pruned to establish view corridors to the wetlands, subject to the ***Official***'s determination of compliance with the following standards:

a. To the ***maximum extent practicable***, view corridors shall be located where the least amount of native vegetation is required to be removed or pruned (i.e., where little vegetation exists or where existing vegetation is non-native), and the pruning of ***trees*** and vegetation ***adjacent*** to the corridor can be done in a manner that maintains the health of such ***trees*** and other vegetation.

[450] Sec. 16-6-204.C.5 of the current LMO allows selective pruning to provide views into the wetland. In accordance with the Code Assessment (pp. 2-44 and 3-15), this expands that current provision to expressly authorize the establishment of view corridors to the wetlands through the removal or pruning of buffer vegetation. Although the Code Assessment recommends that standards address the maximum width and minimum spacing of view corridors, Town staff asked that such limitations not be included.

b. No healthy ***specimen tree*** may be removed to create a view corridor. Selective pruning of ***trees*** (including ***specimen trees***) is allowed, in accordance with accepted International Society of Arboriculture practices.

c. Any ***trees*** removed shall be cut flush with existing ***grade*** and their root systems left intact. All removed vegetation shall be replaced with shrubs or other low-growing vegetation (not turf or sod) that will maximize the buffer's function in slowing runoff and removing pollutants before they reach the wetland system.

E. Wetland Alteration and Mitigation Requirements[451]

1. Wetland Alteration Allowed Only Where Unavoidable[452]

a. Alteration to a wetland shall be allowed only when the ***applicant*** clearly demonstrates that ***wetland alteration*** cannot be avoided. ***Wetland alteration*** shall be considered unavoidable only if there no feasible alternative layout or design that would avoid disturbance of wetland and still practically accomplish the overall basic purpose of the proposed ***development*** or activity, or if an overriding public interest in the alteration can be demonstrated. Examples of alternative layouts and design that might allow ***wetland alteration*** to be avoided include, but are not limited to: using wetland as required ***open space***; locating ***buildings***, parking, and other disturbed areas in non-wetland areas; using existing wetland crossings for needed street or utility ***access*** to upland areas; renovating, remodeling, or expanding existing ***buildings*** rather than constructing new ***buildings***; using already disturbed areas as ***sites*** for new ***development***; and minimizing the footprint of ***buildings*** and parking areas (building "up" rather than "out").

b. Where alteration to a wetland is allowed, any impact of the alteration on the wetland shall be minimized through the use of ***best management practices***, re-design, innovative technology (e.g., ***pervious*** parking areas), preservation, and ***legal protection*** (e.g., deed restrictions, conservation ***easements***).

c. Any mitigation proposal to alter a wetland shall ensure that, upon completion, there will be no net loss to the wetland's values, functions, and area.

2. Mitigation Required for Altered Wetlands

a. Where alteration of a wetland cannot be avoided, mitigation to compensate for the loss of wetland shall be required through any approved combination of ***wetland revegetation***, ***wetland restoration***, ***wetland creation***, ***wetland preservation***, ***wetland mitigation banking***, or the payment of fees in lieu of mitigation, in accordance with the following standards.

b. The ***applicant*** shall demonstrate every effort to avoid and minimize the impact prior to pursuing mitigation through ***wetland revegetation***, ***wetland restoration***,

[451] This subsection carries forward regulations in Sec. 16-6-205 through 16-6-214 of the current LMO. They are reorganized and modified to eliminate redundancies and otherwise make them easier to read and understand.

[452] This paragraph is revised to add guidance in determining when wetland alteration cannot be avoided. The additions reflect SC coastal policies that prohibit wetland alteration "unless no feasible alternative exists or an overriding public interest can be demonstrated," and add examples of design measures that might allow wetland alteration to be avoided.

wetland creation, ***wetland preservation***, ***wetland mitigation banking***, or the payment of fees in lieu of mitigation.

3. Minimum Mitigation Ratio

a. Mitigation completed prior to grading or during ***construction*** of an approved ***development*** shall compensate for the altered wetland at a ratio of at least 1:1 (e.g., an acre of restored or created wetland for each acre of altered wetland). A higher mitigation ratio may be required based on the value of the altered wetland, or as required by OCRM. Although OCRM will accept upland buffers for wetland mitigation, this provision does not allow replacement of altered wetlands by upland buffers, since the goal is no net loss of wetland value, function, and area.

b. Mitigation completed post-construction for an approved ***development*** shall compensate for the altered wetland at a ratio of at least 3:1 (e.g., three acres of restored or created wetland for each acre of altered wetland).

4. Location of Mitigation

Wetland revegetation, restoration, creation, or preservation shall be provided on the ***site*** of the altered wetland wherever practical and beneficial to the wetland resources. If such mitigation cannot be provided ***on-site***, it may be provided ***off-site***, but only within a watershed on Hilton Head Island as identified on the ***Official*** Watershed Map.

5. Wetland Revegetation

Wetland revegetation involves the replanting of native vegetation in wetland areas where man-made changes have altered vegetation, but where wetland hydrologic and soil conditions have been retained. ***Wetland revegetation*** shall comply with the following standards:

a. All plants used for revegetation shall be native plants. Refer to U.S. Fish and Wildlife Service, 1988, National List of Plant Species that Occur in Wetlands: 1988 National Summary, Biological Reports 88(24).

b. Revegetated areas shall be protected from vehicular encroachment.

c. ***Trees*** and plants required herein shall be inspected over a three year period after installation to determine whether they are surviving in a healthy condition. If the ***trees*** or plants appear unable to promote healthy future growth, they shall be replaced by other native plants.

d. The size and species of vegetation shall be appropriate to the location being revegetated and the type of habitat being created, and shall be of the same species and diversity as that being removed.

e. All revegetation shall be done in accordance with ***best management practices***.

f. ***Wetland restoration***, enhancement, or creation may be permitted only where the proposed project exhibits that the hydrologic, soil, side slope, and other basic characteristics of the wetland are adequate to achieve the proposed project goals.

g. ***Wetland restoration*** or creation may be permitted to compensate for new wetland losses only where the restored or created wetland will be at least as persistent as the existing wetland system it is intended to replace.

6. Wetland Restoration

Wetland restoration involves the restoration of wetland conditions on ***lands*** altered by man-made changes in vegetation, hydrology, or soils. Areas suitable for ***wetland restoration*** include agricultural ***lands***, mining ***sites***, silvicultural ***lands***, industrial ***sites***, and other degraded wetland systems. ***Wetland restoration*** projects shall comply with the following standards.

a. The degraded nature of the system shall be documented by the ***applicant*** before a restoration plan can be considered.

b. A ***wetland restoration*** plan shall be submitted to demonstrate achievement of a long-term wetland hydrologic regime through the re-establishment of natural hydrophytic vegetation or the planting of hydrophytic vegetation species, as appropriate to the ***site***.

c. The ***wetland restoration*** plan shall include a planting plan that identifies the species composition, sizes, plant spacing, and planting schedule for any new plants.

d. The ***wetland restoration*** plan shall include a monitoring program to ensure the success of the project. Success criteria include a predominance of hydrophytic plant species from natural regeneration or the reasonable growth of planted hydrophytic vegetation with a survival rate of at least 75 percent over a three-year establishment period.

e. Any problems detected during monitoring shall immediately be evaluated as to the cause and measures shall be taken to alleviate the problem or readjust the mitigation plan. A contingency plan shall be developed on how detected problems will be corrected to meet the success criteria.

7. Wetland Creation

Wetland creation involves the conversion of uplands into wetland systems. Sites suitable for ***wetland creation*** are prior converted wetlands, cut-overs, agricultural ***lands***, or very young forest stands. Creation ***adjacent*** to existing wetlands may be beneficial to obtain hydrology. ***Wetland creation*** projects shall comply with the following standards.

a. A ***wetland creation*** plan designed by a qualified wetland consultant shall be submitted to demonstrate achievement of a long-term wetland hydrological regime through the creation of new wetlands.

b. The ***wetland creation*** plan shall include a planting plan that identifies the species composition, sizes, plant spacing, and planting schedule for any new plants.

c. If at all possible, hydric soils from a wetland area to be filled or excavated shall be used for the base soils of the created wetland. To provide a stock of seed and rhizomes to assist in vegetating the creation ***site***, the creation ***site*** shall be excavated below ***grade*** and backfilled with the hydric topsoil to a depth of six

to 16 inches. Usable hydric soils shall be moved and spread quickly. If hydric soils are not available, nonhydric topsoils shall be used. Under no circumstances shall bare sub-soil be used as a planting medium.

d. Vegetation shall match that being altered as to species, ***density***, and diversity.

e. The ***wetland creation*** plan shall include a monitoring program to ensure the success of the project in terms of both vegetation and hydrology. The monitoring program shall be spelled out in a recorded memorandum of agreement and included as part of the conditions of approval. Unless otherwise established in the mitigation plan, success criteria include a predominance of hydrophytic plant species from natural regeneration or the reasonable growth of planted hydrophytic vegetation with a survival rate of at least 75 percent over a three-year establishment period.

f. Any problems detected during monitoring shall immediately be evaluated as to the cause and measures shall be taken to alleviate the problem or readjust the mitigation plan. A contingency plan shall also be developed on how detected problems will be corrected to meet the success criteria. The contingency plan shall be spelled out in the recorded memorandum of agreement and included as part of the conditions of approval.

8. Wetland Preservation

Wetland preservation involves the conservation of a ***wetland*** area in perpetuity through legal limitations on the use and disturbance of the area. ***Wetland preservation*** projects are allowed under the following conditions:

a. No more than 50 percent of required mitigation shall be in ***wetland preservation***.

b. Total ***wetland*** area preserved shall be multiplied by a factor of 0.2 to obtain the amount eligible to be applied toward required mitigation.

*Example: If the mitigation requirement for a **site** is 1.0 acre, then a maximum of 0.5 acres is eligible for mitigation through preservation. To obtain maximum credit for preservation mitigation in this case, at least 2.5 acres of **wetland**s and their associated upland buffers must be preserved through deed restrictions or conservation **easements** (2.5 acres *0.2 adjustment = 0.5 acre credit).*

c. Upland buffers shall be included in all preservation mitigation, but only ***wetland*** area shall be applied toward the mitigation requirement.

9. Wetland Mitigation Banking

Wetland mitigation banking involves the purchase of credits from an established mitigation bank for ***wetland*** area that has previously been restored, created, enhanced, or preserved on another ***site*** to compensate for ***wetland*** lost to ***development***. ***Wetland mitigation banking*** is allowed under the following conditions:

a. The bank to be debited is within any watershed on Hilton Head Island as shown on the Official Watershed Map.

b. The mitigation bank to be debited has received federal and ***State*** approval prior to allowance of debits for ***wetlands*** impacts.

10. Payment of Fees in Lieu of Mitigation[453]

If the ***applicant*** has made all reasonable efforts to mitigate altered ***wetland*** through ***wetland revegetation***, restoration, creation, and preservation, and no mitigation bank credits are available, then the ***applicant*** may pay a fee to the ***Town*** in lieu of mitigation, subject to the following standards:

a. The fee shall be calculated by the ***Official*** based on the area of ***wetland*** altered but not mitigated in accordance with this subsection, the current cost of ***land*** in the watershed, and the cost of ***wetland*** mitigation design, ***construction***, plant installation, and ***maintenance***.

b. The fee shall be submitted to the ***Town*** prior to approval of a Development Plan for the ***development*** proposing the ***wetland alteration***.

c. The ***Town*** shall establish a separate accounting fund in which the fees in lieu of ***wetland*** mitigation shall be deposited, subject to the following requirements:

i. Such funds need not be segregated from other ***Town*** monies for banking purposes.

ii. Any yield on the accounting fund shall accrue to that fund and be used for the purposes specified for the fund.

iii. The ***Town*** shall maintain and keep financial records for the accounting fund showing the revenues to, and disbursements from, the fund, in accordance with normal ***Town*** accounting practices. The records of the fund shall be open to public inspection in the same manner as other financial records of the ***Town***.

iv. Fees in lieu of mitigation shall only be spent on qualifying ***wetland creation*** projects. Qualifying debits include ***land*** acquisition, design, ***construction***, plant installation, and ***maintenance*** of ***wetland*** mitigation areas.

11. Maintenance and Monitoring

a. For all mitigation projects, the ***Official*** shall require, at a minimum:

i. ***Maintenance*** of all plantings at a survival rate of at least 75 percent over a three-year establishment period;

ii. Replantings as necessary to maintain the required survival rate; and

iii. Removal of exotic species.

b. The ***applicant*** shall submit monitoring reports every six months for a three-year establishment period (unless otherwise established at the time of project approval).

c. These requirements shall be spelled out in a recorded memorandum of agreement and included as part of the conditions of approval.

[453] NOTE: This carries forward Sec. 16-6-214 of the current LMO. Town staff indicates that the in-lieu payment option doesn't work well. The provisions themselves are quite similar to those used for similar programs in other codes.

Sec. 16-6-103. Beach and Dune Protection

A. Purpose and Intent

The purpose of this section is to protect, preserve, restore, and enhance the ***beach*** and ***dune systems*** that are so important to protecting life and property from storms, providing significant economic benefits through tourism, providing habitat for important plants and animals, providing a healthy environment for recreation, and improving the quality of life for citizens of and visitors to Hilton Head Island.

B. Applicability

1. The standards in this section shall apply to all ***development***.

2. If these standards conflict with standards in any ***Town***-adopted shoreline management program, the standards in that program govern.

3. ***Development*** on ***beaches*** and dunes is also subject to ***State*** regulations administered by OCRM.

C. General Standards

Development Plan approval shall be granted for ***development adjacent*** to the ***beach*** only if the ***applicant*** can demonstrate that the proposed ***development***:

1. Will not result in the removal or diminution of the amount of sand, silt, shell, sediment, or other geologic components of any ***beach***, or interfere with natural patterns of wind and water movement of sand, silt, shell, sediment or other ***beach*** components, except for ***maintenance*** of any ***structures*** causing these effects that existed before July 21, 1998;

2. Will not result in the direct discharge of stormwater onto any ***beach***;

3. Will not result in the discharge of treated or untreated sewage or other human waste from ***land*** or waterborne sources, with the exception of advanced treated effluent irrigation systems approved by the South Carolina Department of Health and Environmental Control;

4. Will not result in the direct or indirect removal, destruction, depletion, or digging out of vegetation that contributes to ***beach*** stability;

5. Will minimize any interference with the natural use of the ***beach*** for feeding, foraging, resting, nesting, and breeding by indigenous and migratory birds, shellfish, marine fishes, sea turtles, and other wildlife (Such interference shall include the destruction or diminution of organisms or material upon which wildlife feed.);

6. Will not interfere with the customary rights of the public for ***access*** to and use of the active ***beach***; and

7. Will not remove, alter or destroy any ***beach*** protection ***structure***, such as seawalls or revetments, unless specifically authorized by an appropriate Development Plan approval or ***Building Permit***.

D. Beach Nourishment and Erosion Control

Private or public projects for ***beach nourishment*** or control of ***beach*** erosion shall adhere to the following standards:

1. Fill materials shall come from approved areas and use approved methods as regulated by the appropriate state and federal agencies. Fill materials shall be of similar sediment size and material as the existing material.

2. Use of natural features of the ***beach*** and ***dune system*** shall be favored over artificial ***structures***. (Examples: trapping sand by use of sand fencing; planting ***dune*** vegetation on small dunes to encourage growth.)

3. Erosion control ***structures*** shall not interfere with existing or planned public ***access*** to the ***beach*** unless equivalent, alternate ***access*** can be provided.

4. Beach nourishment or ***construction*** of erosion control ***structures*** shall be done at times of the year when impact on wildlife, particularly endangered species, is minimized. Appropriate state and federal permits shall be secured before ***Town*** approval.

E. Beach Access Standards

1. Pedestrian or bicycle ***access*** to ***beach*** areas shall be provided by elevated walkways with a two foot minimum clearance where dunes of any size or age exist or are to be restored. In no case shall direct vehicular ***access*** to ***beach*** areas be permitted unless specifically authorized by the ***Town***.

2. In reviewing all ***development applications*** involving property ***adjacent*** to the ***beach***, the ***Official*** shall consider the need for ***beach access*** to meet the general public interest.

3. The ***Official*** shall not approve any ***development*** on property ***adjacent*** to the ***beach*** that would cause the net loss of any existing officially designated ***beach access***.

F. Development on Dunes

1. General[454]

No ***dune*** in an active ***beach*** system shall be leveled, breached, altered, or undermined in any way by ***development*** or other human-caused activity, and no ***dune*** vegetation may be disturbed or destroyed, except for:

a. The ***construction*** and ***maintenance*** of very limited elevated boardwalks with a two foot minimum clearance necessary for pedestrian and bicycle ***access*** to the ***beach***, in accordance with the standards in paragraph 2 below;

b. The establishment and ***maintenance*** of a view corridor in accordance with paragraph 3 below;

c. The planting of native, salt-tolerant vegetation or the placement and ***maintenance*** of wood-and-wire sand fences, where used to speed accumulation of sand for ***dune*** stabilization, restoration, or reconstruction;

[454] Sec. 16-6-305 of the current LMO includes standards that authorize and restrict development allowed on dunes. This carries forward those standards not specific to boardwalks or view corridors, expanding them slightly to make them more understandable and to add several types of development.

d. The removal of non-native invasive vegetation, provided any ***trees*** removed shall be cut flush with existing ***grade*** and their root systems left intact;

e. The placement of informational ***signs***, trash receptacles, and other similar minor ***structures*** serving ***persons*** accessing the ***beach***;

f. Tie-downs or anchors to existing minor ***structures*** or ***trees***;

g. Limited shore stabilization measures approved under the S.C. Beachfront Management Act; and

h. Temporary measures (e.g., sandbags, sand scraping) approved by the ***Town*** or OCRM to address an emergency situation.

2. Dune Boardwalks

All boardwalks constructed on dunes for pedestrian and bicycle ***access*** to the ***beach*** shall comply with the following standards:

a. ***Dune boardwalks*** shall be designed and sited to protect ***dune*** features, minimize disturbance of native ***dune*** vegetation, avoid lateral ***beach access***, and minimize the amount of ***construction*** material that may become debris during a storm event. If removal or disturbance of native ***dune*** vegetation cannot be avoided, replacement vegetation in an equivalent amount shall be planted.

b. ***Dune boardwalks*** shall generally be constructed perpendicular to the shoreline and extend at least to the seaward toe of the ***primary dune***.

c. ***Dune boardwalks*** constructed across existing or proposed native ***beach*** and ***dune*** vegetation shall be post-supported and elevated a minimum of two feet above the vegetation to allow for sand build-up and clearance above the vegetation.

d. Where possible, stairways and ramps leading from the ***dune*** crest down to the ***beach*** shall be designed to minimize the quantity of material used in ***construction***.

e. ***Dune boardwalks*** shall not exceed an overall width of six feet unless otherwise permitted by SCDHEC-OCRM. Support posts shall not be encased in concrete or installed in ***dune*** slopes greater than 30 degrees.

f. Windblown sand may be removed from ***dune boardwalks***.

3. View Corridors[455]

Dune vegetation may be removed or selectively pruned to establish view corridors to the ***beach***, in accordance with the following standards:

[455] Sec. 16-6-305.A.2 of the current LMO allows selective pruning to preserve existing views to the beach. In accordance with the Code Assessment (pp. 2-45 and 3-15), this expands that current provision to expressly authorize the establishment of view corridors to the beach through the removal or pruning of dune vegetation. Although the Code Assessment and Response to LMO Rewrite Committee Comments on Code Assessment (p. 36) recommend that standards address the maximum width and minimum spacing of view corridors, Town staff asked that such limitations not be included.

a. To the ***maximum extent practicable***, view corridors shall be located where the least amount of native ***dune*** vegetation is required to be removed or pruned (i.e., where little ***dune*** vegetation exists or where existing vegetation is non-native), and the pruning of ***trees*** and vegetation ***adjacent*** to the corridor can be done in a manner that maintains the health of such ***trees*** and other vegetation.

b. No healthy ***specimen tree*** may be removed to create a view corridor. Selective pruning of ***trees*** (including ***specimen trees***) is allowed, in accordance with accepted International Society of Arboriculture practices.

c. Any ***trees*** removed shall be cut flush with existing ***grade*** and their root systems left intact. All removed vegetation shall be replaced with shrubs or other low-growing vegetation (not turf) that will enhance the stabilization of the ***dune system***.

Sec. 16-6-104. Tree Protection[456]

A. Purpose and Intent[457]

The purpose and intent of this section is to provide standards for the management of ***trees*** and forest areas, including the ***tree*** canopy and ***specimen trees***, that contribute to the ambience, economy, and quality of life on Hilton Head Island by adhering to principles of sustainable management and use of forests, forest ***lands***, and ***trees*** in a way that protects the ecosystems supporting the forests and ***trees***, maintains their biodiversity, productivity, and ability to regenerate, and maintains their overall health and potential to fulfill, now and into the future, relevant ecological, economic, and social functions. Specifically, the standards in this section are intended to:

1. Lessen air pollution and promote clean air quality by increasing dust filtration;

2. Prevent soil erosion;

3. Improve surface drainage and minimize flooding, and minimize the cost of constructing and maintaining drainage systems necessitated by the increased flow and diversion of surface waters;

4. Conserve energy by reducing heating and cooling costs;

5. Ensure that noise, glare, and other distractions originating in one area do not adversely affect ***adjacent*** areas;

6. Reduce noise, heat, dust, and glare;

7. Provide a visual buffer between ***adjacent*** developments and ensure that distractions of movement and other aspects of any ***development*** do not adversely impact activity in ***adjacent development***;

[456] This section is substantially revised from prior drafts at the request of Town staff and the LMO rewrite Committee to reinstate most of the current tree protection standards in Chapter 6, Art. IV and eliminate proposed existing tree canopy standards. Such revisions eliminate the current standards authorizing the relocation of specimen trees. They also add, in modified form, the tree survey and **application** content requirements in Chapter 3, Art. IV. New or substantially modified provisions that continue to be proposed include fuller identification of tree protection zones and expanded provisions for protecting trees in tree protection zones during the construction process.

[457] This carries forward the purpose statement in Sec. 16-6-401 of the current LMO, reorganized to use an easier-to-read list of related benefits.

8. Beautify and enhance improved and undeveloped ***land*** and views from the ***Town***'s entryways, public ***lands*** and ***streets***; and,

9. Maintain the ambiance of the ***Town*** and enhance property values.

B. Applicability[458]

1. General

a. Except as exempted in subsection 2 below, no ***person*** shall cut, destroy, cause to be destroyed, move or remove, transplant, prune, or limb any protected ***tree*** in the ***Town*** without first receiving approval of a Natural Resources Permit in accordance with the procedures and standards of Sec. 16-2-103.K, Natural Resources Permit, and the standards in this section.

b. Consistent with the purposes of this section, all ***persons*** are encouraged to make all reasonable efforts to preserve and retain any existing stands of ***trees***, individual ***trees***, and other self-supporting plants, whether or not such plants are protected under this section, as well as such other flora that make up part of the understory, shrub layer, or herb layer.[459]

c. Failure to comply with the standards of this section shall be a violation of this Ordinance and subject to the remedies and penalties specified in Chapter 16-8: Enforcement.

2. Exemptions[460]

a. The following activities are exempt from the standards in this section and the requirement for a Natural Resources Permit:

i. Removal of damaged protected ***trees*** during an emergency such as a hurricane, tornado, ice or wind storm, ***flood***, wildfire or any other such act of nature;

ii. Removal of a dead or naturally fallen ***tree*** or limb, or a diseased ***tree*** posing a threat to ***adjacent trees***, or a ***tree*** that constitutes an imminent danger to the environment, property, public health, safety, or welfare due to the hazardous or dangerous condition of such ***tree***, provided such removal is reported to the ***Official*** within five days after removal;

iii. The selective and limited pruning and removal of ***trees*** or vegetation within ***sight triangles*** (see Sec. 16-5-105.H.4, Sight Triangles) as necessary to obtain clear visibility at ***street*** and ***driveway*** intersections;

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[458] This carries forward applicability provisions in Sec. 16-6-402.A and B of the current LMO.

[459] Modified to encourage the general preservation of vegetation and incorporate a similar provision in Sec. 16-3-405.B of the current LMO.

[460] This modifies the current list of activities exempted from a Natural Resources Permit to add selective removal of vegetation in sight triangles, pre-development underbrushing, and tree removal associated with forestry activities. This last exemption is consistent with the State's Right to Practice Forestry Act (S.C. Code Ann. § 48-23-205) as interpreted by the S.C. Attorney General. That Act, however, does allow local governments to enforce regulations requiring deferred consideration of development applications submitted soon after forestry activities. The addition of underbrushing is intended to clarify the current LMO's apparent authorization of underbrushing prior to development without a Natural Resources Permit.

iv. Necessary ***tree*** removal by a utility company consistent with plans submitted periodically to the ***Official*** for approval in accordance with Sec. 16-5-110, Utility Standards, provided such plans include appropriate provision for removal of any felled ***trees***;

v. Topping of healthy ***trees*** is only permitted on ***land*** of the Hilton Head Island Airport, and only for the ***maintenance*** of the slope approaches to the airport as referenced in Sec. 16-3-106.E, Airport Overlay (A-O) District;

vi. ***Tree*** removal associated with forestry activities shielded from local ***development*** regulation in accordance with S.C. Code Ann. § 48-23-205, subject to the limitations on subsequent ***development*** in Sec. 16-6-104.E, Limitations on Development Applications Subsequent to Exempt Forestry Activity; and

vii. Routine or seasonal pruning (see Sec. 16-5-103.H, Existing Vegetation, for restrictions on limbing ***trees*** in adjacent street and use buffers), subject to the following requirements and conditions:

01. Pruning shall be done according to the guidelines of the International Society of Arboriculture, as published in the *Arborist Certification Guide*.

02. No more than ten percent of the ***tree***'s leaf surface shall be removed.

03. Climbing spikes shall not be used on ***trees*** that are not being removed.

04. ***Property owners*** bear the burden of proving that they have met the above requirements.

viii. Removal or pruning of trees in PD-1 zones under the following conditions:

01. On the Common Property owned by a Property Owners Association, to which all landowners of property located behind the security gate must belong, that is behind any security gate or access point that is manned a minimum of eight (8) hours per day, or at any point within the Spanish Wells PD-1, where the ***tree*** or ***trees*** to be removed or pruned are:

a) Damaged, dead or dying or a fall hazard; or,

b) Causing an actual, imminent hazard to pedestrian, bicycle or vehicular travel because roots of any ***tree*** or ***trees*** have uplifted pavement, or because branches and foliage are impeding travel sight lines, or because branches and foliage impede travel areas for pedestrians, bicycles and vehicles, and no feasible alternative to removing or pruning the ***tree*** or ***trees*** exists.

b. No Natural Resources Permit is required where the proposed ***tree*** removal or alteration is reviewed and authorized in accordance with an approved Subdivision Plan (see Sec. 16-2-103.F), Development Plan (Minor or Major) (see Sec. 16-2-103.G), Small Residential Development (see Sec. 16-2-103.H) or Public

Project (see Sec. 16-2-103.Q)—though compliance with the standards in this section is required.[461]

C. Tree Protection Information in Applications

1. General

a. Except as otherwise provided in subparagraph b below, all applications for a Natural Resources Permit or for new ***development*** shall include at least the following information:

i. A complete ***tree survey***, as described in paragraph 2 below**;**

ii. A brief written narrative of proposed plans for ***tree*** protection and replacement;

iii. A complete ***tree*** tally sheet listing ***trees*** by category (See Sec. 16-6-104.H, Tree Equivalency Table);

iv. A complete ***site development*** plan showing utility lines, grading activities, and ***building*** elevations in relation to existing ***trees*** and denoting ***trees*** to be removed with an "X"; and

v. A replacement ***tree*** planting schedule, if required by Sec. 16-6-104.I.5, Timing.

b. Applications for redevelopment or alteration of existing ***development*** may include a sketch plan showing the ***trees*** on the ***site*** and the proposed ***buildings*** in lieu of the information in provisions i, iii, iv, and v above.

2. Tree Survey

a. The ***tree survey*** shall be in the form of a map or a ***site plan*** prepared and sealed by a registered ***land*** surveyor within two years of the date of **application**. The ***tree survey*** shall be at the same scale as the required ***site development*** plan and shall include the following information:

i. The location of all Category I, II and IV ***trees*** with a ***DBH*** of 6 inches or greater and Category III ***trees*** with a ***DBH*** of 12 inches or greater within the areas to be developed and within areas 25 feet beyond such area in each direction, or extending to the property line, whichever is less;

ii. The location of any ***trees*** with a ***DBH*** less than 6 inches that the ***applicant*** wishes to count toward the minimum standard of ***tree*** coverage on the ***site***; and

iii. The species and ***DBH*** of all ***trees***.

b. In conjunction with the ***tree survey***, ***trees*** shall be marked with color ribbons, using blue ribbons to mark ***trees*** to be preserved, red ribbons for ***trees*** to be removed, and orange ribbons for hazard ***trees*** that are counted in the survey. In heavily wooded areas, the ***Official*** may allow large groups of ***trees*** to be preserved or removed to be marked with the appropriately colored ribbon extending around the perimeter of the group of ***trees***.

[461] This recognizes that review for compliance with tree protection regulations is incorporated into the review of these general development applications.

D. Pre-Construction Underbrushing[462]

No ***underbrushing*** of property other than public utility ***easements*** shall occur before a ***building*** permit is issued unless approved by the ***Official*** as in compliance with this section.

1. ***Applicants*** for final ***development*** approval shall schedule an ***on-site*** inspection with the ***Official*** to explain the extent and purpose of the ***underbrushing*** activity. Purposes that will be considered justification for pre-***development underbrushing*** activity include showing property for sale and facilitating surveying work in very densely vegetated areas.
2. In all cases, ***applicants*** shall be required to maintain all vegetation in required buffers except for a six-foot-wide path providing ***access*** to the interior of the property. Such buffer areas shall be clearly marked and protected prior to the commencement of the ***underbrushing*** activity.
3. The intent of this provision is to retain suitable species of native understory that can be incorporated into landscape plans and ***development*** plan approvals so as to conserve water, preserve indigenous plant species and dependent wildlife species, protect wildlife habitat, and save the ***applicant*** landscaping and irrigation costs.
4. Following the receipt of final ***development*** approval, the ***applicant*** shall work with the ***Official*** to preserve understory in the front and side buffers.
5. Any ***property owner*** who fails to abide by this restriction shall be required to restore the affected property to a condition as close to its original condition as practicable.

E. Limitations on Development Applications Subsequent to Exempt Forestry Activity[463]

Clearing of a ***site*** to circumvent the requirements of this section is prohibited. If the forestry exemption in Sec. 16-6-104.B.2.a.vi above is used to remove all or substantially all of the ***trees*** that would have been protected by this section pursuant to a ***development application***, no such **application** shall be accepted for a period of one year after completion of the timber harvest, or for a period of five years after completion of the timber harvest if the ***tree*** removal constituted a willful violation of this section.

F. Specimen Tree Preservation[464]

1. Specimen Tree Defined[465]

For purposes of this section, a ***specimen tree*** is any ***tree*** of a species designated by the ***State*** or federal government as an endangered, threatened, or rare species, or any ***tree*** of a type and with a ***DBH*** exceeding that indicated in Table 16-6-104.F.1, Specimen Trees, for the ***tree*** type.

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[462] This carries forward provisions in Sec. 16-6-402.C of the current LMO, which apparently authorizes certain tree and vegetation removal without a Natural Resources Permit. At the request of Town staff, it modifies current provisions to no longer exclude single family lots.

[463] This is a new provision authorized by S.C. Code Ann. § 48-23-205(C)(1) to deter abuse of the statutory exemption of forestry activities from local tree protection regulations.

[464] This carries forward the standards in Sec. 16-6-608 and Sec. 16-6-41o of the current LMO, clarifying that specimen trees are generally required to be preserved.

[465] This carries forward the list from Sec. 16-6-408 of the current LMO.

TABLE 16-6-104.F.1: SPECIMEN TREES		
TREE TYPE		DBH (INCHES)
Live oak	Single trunk	35
	Multiple trunks	60 (sum of all trunks)
Laurel oak		35
Water oak		30
Red oak		25
White oak		20
All hickories		20
American elm		15
Loblolly and slash pines		25
Longleaf and pond pines		15
Red bay		20
Southern magnolia		30
Bald cypress and pond cypress		15
Black gum and sweet gum		30
Red maple		30
Spruce pine		Any size
Red cedar		10
Sycamore		30
Black cherry		25
Sassafras		12

2. General Requirements

a. No ***specimen tree*** may be removed except in accordance with paragraph b below. In addition, all ***specimen trees*** shall have the following protections, whether located on public or private ***land***:

i. Any activities performed within the drip line of a ***specimen tree*** shall have the prior approval of the ***Official***.

ii. ***Specimen trees*** shall not be cut, removed, pushed over, killed, or otherwise harmed.

iii. No more than 20 percent of the total area within the drip line of any ***specimen tree*** shall be subject to paving or soil compaction, and no paving or soil compaction is allowed within 15 feet of the ***tree*** trunk. (See Figure 16-6-104.F.2: Limits of Paving or Compaction near Specimen Trees.) The ***Official*** may allow paving or soil compaction beyond the 20 percent limit if low impact ***development*** techniques (e.g., ***pervious*** pavers, materials placed at or above ***grade***, no use of mechanical machinery) are used as an alternative means of protecting the ***specimen tree***.

b. If preservation of a ***specimen tree*** causes unnecessary hardship, the ***applicant*** may apply for a variance from this subsection (see Sec. 16-2-103.S, Variance) once any required ***State*** or federal government agency approval to remove the ***tree*** is received in writing.

G. Minimum Tree Coverage Standard

1. Applicability

a. All new ***development*** except for the ***construction*** of any public ***street***, pathway, drainage project, or minor utility and the redevelopment or alteration of existing ***development*** (see subparagraph b below) shall include at least 900 adjusted caliper inches (ACI) of ***trees*** per acre of ***pervious*** surface area. ***Pervious*** surface area equals the ***gross acreage*** less the maximum ***impervious cover*** required for the proposed ***development***.

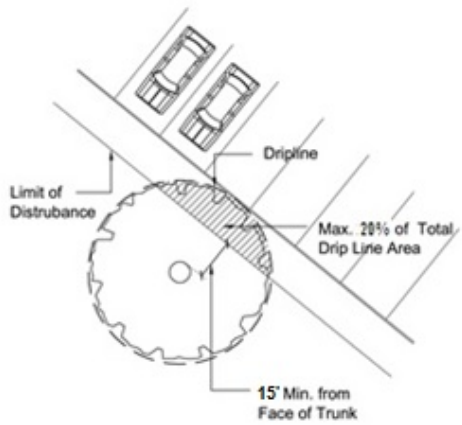

Figure 16-6-104.F.2: Limits of Paving or Compaction near Specimen Trees

b. Redevelopment or alteration of existing ***development*** shall have the option of meeting the standard in subparagraph a above or meeting replacement requirements in Sec. 16-6-104.I, Standards for Supplemental and Replacement Trees, based on ***trees*** removed by ***tree*** category.

*Example: A 2-acre **site** in a PR, Parks and Recreation District, is permitted a maximum impervious surface coverage of 45 percent or 0.9 acres. This leaves 1.1 acres of pervious surface. Multiplied by 900 adjusted caliper inches (ACI), it gives a **site** standard of 990 adjusted caliper inches which must be met post-**development**.*

2. Measurement of ACI

To measure the ACI of ***trees*** on the ***development site***, the following Tree Value Factors in Table 16-5-104.G.2, Tree Value Factors, shall be multiplied by the respective ***DBH*** in inches of ***trees*** in each category as listed in the Tree Equivalency Table in Sec. 16-6-104.H and then totaled.

TABLE 16-5-104.G.2: TREE VALUE FACTORS		
TREE CATEGORY		TREE VALUE FACTOR
Category I	Broad-leaved Evergreen Overstory Hardwoods and Endangered Species	1.00
Category II	Deciduous Overstory Hardwoods and Broad-leaved Evergreen Understory	0.75
Category III	Cone-Bearing Evergreens and Palms	0.5
Category IV	Ornamentals	0.25

*Example: Site has 200 inches of Category I **trees**; 550 inches of Category II; 1,020 inches of Category III; 100 inches of Category IV for a total pre-**development tree** value ACI of 1,147.5 for this **site**.*

3. Supplemental Planting

Supplemental planting shall be at 15 percent of the difference between the minimum standard ACI less the pre-***development*** ACI on the ***site***.

*Example: The **site** has 1,147.5 ACI pre-**development** (which is greater than the **site** requirement of 990 ACI, so no supplemental planting is required). If, however, the **site** had 800 ACI pre-**development**, it would be 190 inches below the **site** requirement. Multiplying 190 x .15 = 28.5 inches of **trees** to be planted to raise the **site** to the minimum standard.*

4. Replacement Planting

Replacement planting shall be at 30 percent of the difference between minimum standard ACI and the ACI of ***trees*** remaining after ***construction***.

*Example: If the **site** has 500 ACI after **development**: 990-500 = 490 x .30 = 147 inches must be replaced.*

H. Tree Equivalency Table

The purpose of Table 16-6-104.H Tree Equivalency Table, is to illustrate the relative value of broad groups of ***trees***, as well as individual ***trees***, provide guidance in choosing ***trees***, and provide guidance in selecting ***trees*** to supplement inadequate buffers.

TABLE 16-6-104.H TREE EQUIVALENCY TABLE	
COMMON NAME	LATIN NAME
CATEGORY I: BROAD-LEAVED EVERGREEN OVERSTORY HARDWOODS AND ENDANGERED SPECIES	
American Holly	*Ilex opaca*
Bald Cypress	*Taxodium distichum*
Laurel Oak	*Quercus laurifolia*
Live Oak	*Quercus virginiana*
Loblolly Bay	*Gordonia lasianthus*
Pond Cypress	*Taxodium ascendens*
Spruce Pine	*Pinus glabra*
Southern Magnolia	*Magnolia grandiflora*
CATEGORY II: DECIDUOUS OVERSTORY HARDWOODS AND BROAD-LEAVED EVERGREEN UNDERSTORY	

TABLE 16-6-104.H TREE EQUIVALENCY TABLE	
COMMON NAME	**LATIN NAME**
American Beech	*Fagus grandifolia*
American Elm	*Ulmus americana*
American Hornbeam	*Carpinus caroliniana*
American Sycamore	*Platanus occidentalis*
Bitternut Hickory	*Carya cordiformis*
Black Cherry	*Prunus serotina*
Black Gum	*Nyssa sylvatica*
Black Willow	*Salix nigra*
Boxelder	Acer negundo
Buckthorn Bumelia	Bumelia lycioides
Carolina Ash	*Fraxinus caroliniana*
Carolina Basswood	*Tilia caroliniana*
Carolina Buckthorn	*Rhamnus caroliniana*
Carolina Silverbell	*Halesia carolina*
Carolina Willow	*Salix caroliniana*
Common Persimmon	*Diospyros virginiana*
Dahoon Holly	*Ilex cassine*
Devilwood	*Osmanthus americanus*
Eastern Cottonwood	*Populus deltoides*
Eastern Hophornbeam	*Ostrya virginiana*
Florida Basswood	*Tilia floridana*
Florida Maple	*Acer barbatum*
Hercules Club	*Zanthoxylum clava-herculis*
Honeylocust	*Gleditsia triancanthos*
Mockernut Hickory	*Carya tomentosa*
Overcup Oak	*Quercus lyrata*
Pecan	*Carya illinoensis*
Pignut Hickory	*Carya glabra*
Post Oak	*Quercus stellata*
Red Buckeye	*Aesculus pavia*
Red Maple	*Acer rubrum*
Red Mulberry	*Morus rubra*
Redbay	*Persea borbonia*
River Birch	*Betula nigra*
Sand Hickory	*Carya pallida*
Sassafras	*Sassafrass albidum*
Scrub Hickory	*Carya floridana*
Southern Bayberry	*Myrica cerifera*
Southern Red Oak	*Quercus falcata*
Sugarberry	*Celtis laevigata*
Swamp Chestnut Oak	*Quercus michauxii*
Swamp Cottonwood	*Populus heterophylla*
Sweet Gum	*Liquidamber styraciflua*
Sweetbay	*Magnolia virginiana*
Tough Bumelia	*Bumelia tenax*
Tupelo	*Nyssa biflora*
Turkey Oak	*Quercus laevis*
Water Hickory	*Carya aquatica*

TABLE 16-6-104.H TREE EQUIVALENCY TABLE	
COMMON NAME	**LATIN NAME**
Water Oak	*Quercus nigra*
Water Tupelo	*Nyssa aquatica*
Waterlocust	*Gleditsia aquatica*
White Oak	*Quercus alba*
Yaupon Holly	*Ilex vomitoria*
CATEGORY III: CONE-BEARING EVERGREENS AND PALMS	
Cabbage Palmetto	*Sabal palmetto*
Eastern Red Cedar	*Juniperus virginiana*
Loblolly Pine	*Pinus taeda*
Long Leaf Pine	*Pinus palustris*
Pond Pine	*Pinus serotina*
Slash Pine	*Pinus elliottii*
Shortleaf Pine	*Pinus echinata*
Southern Red Cedar	*Juniperis silicicola*
CATEGORY IV: ORNAMENTALS AND SMALL UNDERSTORY TREES	
American Plum	*Prunus americana*
Carolina Laurelcherry	*Prunus caroliniana*
Chickasaw Plum	*Prunus angustifolia*
Common Sweetleaf	*Symplocus tinctoria*
Crepe Myrtle	*Lagerstroemia indica*
Dahoon Holly	*Ilex cassine*
Eastern Coralbean	*Erythrina herbacea*
Eastern Redbud	*Cercis canadensis*
Flatwoods Plum	*Prunus umbellata*
Florida Chinkapin	*Castanea floridana*
Flowering Dogwood	*Cornus florida*
Fringetree	*Chionanthus virginicus*
Littlehip Hawthorn	*Crataegus spathulata*
Parsley Hawthorn	*Crataegus marshallii*
Possumhaw Holly	*Ilex decidua*
Southern Crab Apple	*Malus angustifolia*
Sparkleberry	*Vaccinium arboreum*
Swamp Dogwood	*Cornus stricta*
Witch Hazel	*Hamamelis viginiana*

I. Standards for Supplemental and Replacement Trees[466]

Supplement and replacement ***trees*** provided in accordance with Sec. 16-6-104.G, Minimum Tree Coverage Standard, or Sec. 16-6-104.K, Tree Damage During Development, shall comply with the following standards.

1. Location

Supplemental and replacement ***trees*** shall be planted within any part of the ***development site***. If the ***site*** is within a PUD, the ***Official*** may allow supplemental and

[466] This carries forward, consolidates, and expands various provisions regarding replacement tree in Art. IV of Chapter 6 of the current LMO. It adds requirements that replacement trees be of native species and of the same or higher category as the tree being replaced.

replacement ***trees*** to be planted on adjoining ***open space*** or other ***open space*** within the same PUD.

2. Native Species Required

Supplemental and replacement ***trees*** shall be species native to Hilton Head Island (see the list of acceptable native plant species in Appendix D: Recommended).

3. Replacement Rate, Tree Category, Planting Size[467]

a. ***Trees*** that are removed shall be replaced at the rate of one ***tree*** for every ten ***tree*** inches removed per ***tree*** category.

b. Supplemental and replacement ***trees*** shall be within the same or lower-numbered ***tree*** category (see Sec. 16-6-104.H, Tree Equivalency Table) as the ***trees*** being replaced.

c. At the time of planting, supplemental and replacement ***trees*** shall have the minimum ***height*** and trunk diameter shown in Table 16-6-104.I.3 for the category of the ***tree***.

TABLE 16-6-104.I.3: MINIMUM PLANTING SIZE FOR SUPPLEMENTAL AND REPLACEMENT TREES

TREE CATEGORY	MINIMUM HEIGHT (FEET)	MINIMUM TRUNK DIAMETER (INCHES)
Category I	10	2
Category II	10	2
Category III	6	1
Category IV	6	1

4. Planting Standards

Planting, staking, mulching, and care of all supplemental and replacement ***trees*** shall be in accordance with the guidelines of the International Society of Arboriculture, as published in the latest edition of the Arborist Certification Study Guide.

5. Timing

Replacement ***trees*** shall be planted within 180 days after removal of the ***tree*** being replaced, or a final Certificate of Compliance shall not be issued. The ***Official*** may extend this time period to accommodate the planting season (October 1 through June 1).

6. Post-Development Inspections

a. After ***development*** is complete, the ***Official*** shall continue to make random inspections to insure that all existing ***trees*** of protected size as well as supplemental and replacement ***trees*** are maintained.

[467] This carries forward planting standards for supplemental and replacement trees in Sec. 16-6-406.D-F of the current LMO.

b. ***Tree*** planting shall be required should any of these ***trees*** die, be removed, or be destroyed at any time after completion of ***development***.

c. This regulation applies to all projects regardless of the date the ***development*** permit or ***development*** approval was issued.

J. Tree Protection During Development Activity[468]

1. Tree Protection Zones

a. ***Tree protection zones*** shall include the areas of a ***development site*** that are within the drip lines of the all individual ***trees*** and stands of ***trees*** proposed to be retained and protected in accordance with Sec. 16-6-104.F, Specimen Tree Preservation, and Sec. 16-6-104.G, Minimum Tree Coverage Standard, as well as areas for any supplemental or replacement ***trees*** proposed to be provided in accordance with Sec. 16-6-104.G, Minimum Tree Coverage Standard, or Sec. 16-6-104.K, Tree Damage During Development

b. ***Tree protection zones*** shall be depicted on all ***development*** plans.

2. Responsibility

During any ***development*** activity (including demolition activity), the ***property owner*** or ***developer*** shall be responsible for protecting existing, supplemental, or replacement ***trees*** within ***tree protection zones***.

3. Protective Fencing, Marking, and Signage

a. Protective Fencing

i. Continuous ***tree*** protective fencing shall be provided along the boundaries of ***tree protection zones***. The ***Official*** shall consider existing ***site*** conditions and the species and size of the ***trees*** to be protected in determining the exact location of ***tree*** protective fencing, and may require the fencing to be extended to include the critical root zones of ***trees***.

ii. Protective fencing shall consist of a bright orange plastic mesh or more durable material that is at least four feet high.

[468] This codifies the Town's current tree protection practices.

b. Warning Signage

Warning ***signs*** shall be installed along any required ***tree*** protective fencing at points no more than 150 feet apart. The ***signs*** shall be clearly visible from all sides of the outside of the fenced-in area. The size of each sign must be a minimum of two feet by two feet. The sign message shall identify the fenced or marked area as a ***tree protection zone*** and direct ***construction*** workers not to encroach into the area (e.g., "Tree Protection Zone: Do Not Enter").

c. Duration of Protective Fencing or Signage

Required protective fencing and signage shall be erected before any grading or other ***development*** activity begins and shall be maintained until issuance of a Certificate of Compliance following completion of all ***development*** in the immediate area of the fencing or signage.

(See Figure 16-6-104.J.2): ***Tree*** Protective Fencing and Signage.)

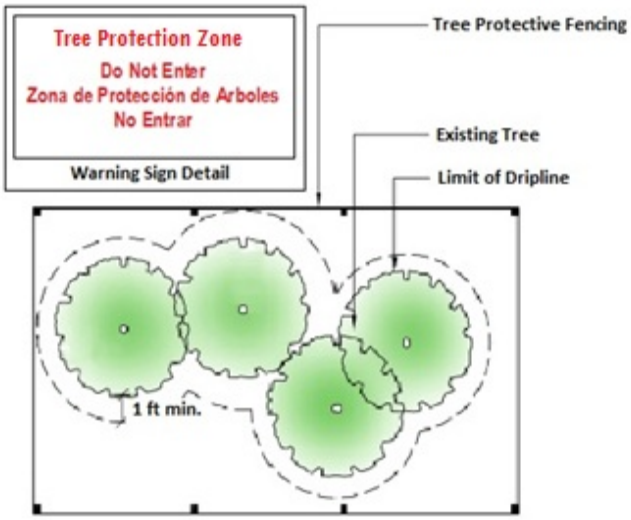

Figure 16-6-104.J.2: ***Tree*** Protective Fencing and Signage.

4. Tree Protection Zone Encroachments and Protective Measures

Encroachments into ***tree protection zones*** may occur only when no other alternative exists, and shall comply with landscaping ***best management practices*** and the following limitations and requirements:

a. Construction Activity, Equipment, or Materials Storage

No ***development*** or demolition activity—including grading, the operation or parking of heavy equipment, or the storage of material—shall be allowed within the ***tree protection zone***.

b. Soil Compaction

Where compaction might occur due to ***construction*** traffic or materials delivery through a ***tree protection zone***, the area must first be mulched with a minimum four-inch layer of wood chips. Equipment or materials storage shall not be allowed within a ***tree protection zone***.

c. Fill, Retaining Walls, and Drywells

No fill shall be placed within a ***tree protection zone*** unless retaining walls and drywells are used to protect ***trees*** to be preserved from severe ***grade*** changes

and venting adequate to allow air and water to reach ***tree*** roots is provided through any fill.

d. Chemical Contamination

Trees located within a ***tree protection zone*** shall be protected from chemical contamination from liquids or other materials, including but not limited to paint, chemical solvents, gasoline, oil, diesel fuel, hydraulic fluid, concrete spoils, or rinse water from vehicle cleaning, including rinsing of concrete truck tanks and chutes.

e. Impervious Surface

No ***impervious surface*** is allowed within a ***tree protection zone***.

f. Trenching Prior to Clearing

The removal of ***trees adjacent*** to ***tree protection zones*** can cause inadvertent damage to the protected ***trees***. Prior to clearing activities, trenches with a minimum width of one-and-one-half inches and a minimum depth of 12 inches shall be cut along the limits of ***land*** disturbance, so as to cut, rather than tear ***tree*** roots.

5. Inspections

a. All ***tree*** protection measures shall be inspected by the ***Official*** before start of any ***land disturbing activities*** and during the ***development*** process. The ***Official*** may continue to conduct random inspections to ensure that retained ***trees***, supplemental ***trees***, and replacement ***trees*** are maintained in a healthy state.

b. If any ***tree*** protected by this section is removed, dies, or is destroyed at any time during ***development*** activities or after completion of the ***development***, it shall be replaced in accordance with Sec. 16-6-104.l, Standards for Supplemental and Replacement Trees.

K. Tree Damage During Development[469]

1. If a ***specimen tree*** or other existing ***tree*** to be preserved under the ***tree*** protection plan is damaged during ***development*** of the ***development site***, an arborist or other qualified professional shall, at the expense of the ***applicant***, assess the damage and provide a written report to the ***Official*** that documents the following:

a. Severity of the ***tree*** damage;

b. Determination on whether corrective measures can be taken to save the ***tree*** or whether the ***tree*** has been damaged beyond ***repair***; and

c. Any corrective measures recommended to ensure the ***tree***'s survival (e.g., pruning damage to ***tree*** canopy, root pruning, fertilization, soil enhancements for damage to ***tree*** roots, and **application** of irrigation to compensate for root loss).

[469] This is a new subsection intended to hold an applicant accountable for damage done to protected trees during development.

2. If the assessment concludes that the ***tree*** can survive with corrective measures, the ***applicant*** shall promptly have recommended corrective actions undertaken by an arborist or other qualified professional. Such corrective measures shall be completed before issuance of a Certificate of Compliance for the ***development***.

3. If the assessment concludes that a ***tree*** has been damaged beyond ***repair***, the ***tree*** shall be replaced with one or more ***trees*** that shall comply with the standards in Sec. 16-6-104.I, Standards for Supplemental and Replacement Trees.

L. Tree Mitigation Fee[470]

1. General

The ***tree*** mitigation fee is established to allow the future planting of replacement ***trees*** removed for ***development*** in limited cases where this section's requirements for preservation of ***specimen trees*** (see Sec. 16-6-104.F) or for retention of existing ***tree*** coverage (see Sec. 16-6-104.G) cannot be reasonably achieved, and to allow the future planting of ***trees*** following a disaster.

2. Airport

On Hilton Head Island Airport property, The ***Official*** may allow a ***tree*** mitigation fee payment to be paid in lieu of the replacement of ***trees*** removed from beneath the side and approach slopes to the airport runway on determining that adequate buffers are being established in addition to those required in Sec. 16-5-102, Adjacent Setback Standards, and Sec. 16-6-102.D, Wetland Buffer Standards.

3. Amount of Fee

The ***tree*** mitigation fee shall be calculated by the ***Official*** based on the cost of the required replacement ***trees*** and the cost of planting. Such costs shall be determined based on a cost estimate received from a local landscaping firm or through pricing information available through a project completed no more than one year earlier.

4. Timing of Fee Payment

All required ***tree*** mitigation fees shall be paid prior to Development Plan approval.

5. Tree Replacement Fund

a. The ***Town*** shall establish and maintain a separate accounting fund for the deposit of ***tree*** mitigation fees paid in lieu of providing required replacement ***trees***. Such funds need not be segregated from other ***Town*** monies for banking purposes. Any yield on such accounting fund shall accrue to that fund and shall be used for the purposes specified for the fund.

b. The ***Town*** shall maintain and keep financial records for such accounting fund showing the revenues to such fund and the disbursements from such fund, in accordance with normal ***Town*** accounting practices. The records of such fund shall be open to public inspection in the same manner as other financial records of the ***Town***.

[470] This carries forward Sec. 16-6-409 of the current LMO, modified to refer to allowed use of the tree mitigation fee where standards in this section are waived and tree replacement is not practicable.

C. Monies from the ***tree*** replacement fund shall only be spent on planting of ***trees*** on publicly owned and maintained property. Qualifying debits include the cost of the ***trees***, cost of installation of the ***trees***, and cost of one year of ***maintenance*** for the ***trees***.

Chapter 16-7: Nonconformities

COMMENTARY:

Chapter 16-7, Nonconformities, carries forward Chapter 7, Nonconformities, of the current LMO, with refinements to clarify language and add flexibility provisions. The refinements are noted in the text. The Chapter includes five sections:

Section 16-7-101, General Provisions, contains the general standards applicable to all nonconformities.

Section 16-7-102, Nonconforming Uses, addresses the standards for nonconforming uses of land.

Section 16-7-103, Nonconforming Structures, includes the standards for nonconforming structures.

Section 16-7-104, Nonconforming Signs, includes standards for nonconforming signs.

Section 16-7-105, Nonconforming Site Features, establishes rules for nonconforming ***site*** features.

This commentary box and the footnotes included in this draft are provided for reference purposes and will not be included in the adopted LMO.

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Chapter 16-7: Nonconformities

Sec. 16-7-101. General Provisions

A. Purpose[471]

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.

B. Applicability[472]

This Chapter applies to ***uses***, ***structures***, ***signs***, and ***site*** features that were made nonconforming by initial adoption of this Ordinance or a subsequent amendment to this Ordinance. It also applies to ***uses***, ***structures***, ***signs***, and ***site*** features that were a lawful nonconformity under a provision of a previously applicable ***ordinance*** of the ***Town*** and that remain nonconforming with one or more provisions of this Ordinance, even if the type or extent of nonconformity is different.

C. Authority to Continue[473]

Legal nonconformities are allowed to continue in accordance with the regulations of this Chapter.

D. Burden of Proof

The burden of establishing that any nonconformity is a legal nonconformity as defined by this Title shall, in all cases, be upon the owner of such nonconformity and not upon the Town or any other person.

E. Repairs and Maintenance[476]

1. ***Repairs*** and normal ***maintenance*** required to keep legal ***nonconforming uses***, ***structures***, or ***site*** features in a safe condition are permitted, provided that no

[471] This subsection generally carries forward Sec. 16-7-101 of the current LMO, with modest changes to clarify language.

[472] The language in this subsection replaces the language in Sec. 16-7-102 of the current LMO on the applicability of the nonconformity chapter. This is done to more clearly explain to what the Chapter applies: nonconforming uses, structures, signs, and site features.

[473] This subsection carries forward Sec. 16-7-103 of the current LMO, with minor changes to clarify language.

[476] This subsection carries forward Sec. 16-7-105 of the current LMO.

alterations may be made except those allowed by this Chapter, or as may be required by other law or ***ordinance***.

2. This Chapter shall not be construed to prevent strengthening or ***repair*** of a ***structure*** in compliance with the order of a public official whose duties include protecting the public safety.

F. Substitution of Nonconformities for Redevelopment[477]

To provide flexibility and encourage redevelopment of ***sites*** with nonconforming features or ***structures***, the ***Official*** is authorized to approve a Development Plan for such ***sites*** if the proposed ***development***:

1. Will not include any new ***development*** that increases the amount of encroachment into any required buffer or setback;

2. Will not increase the ***impervious cover*** on the ***site*** over the maximum allowed for the district or the existing ***impervious cover***, whichever is greater;

3. Will not result in a ***density*** in excess of what is allowed under this Ordinance, or the existing ***density***, whichever is greater;

4. Will lessen the extent of existing ***nonconforming site features*** to the greatest extent possible;

5. Will not have an adverse impact on the public health, safety or welfare; and

6. Will lessen the extent of nonconformities related to any existing ***nonconforming structure*** on the ***site*** to the greatest extent possible.

G. Discontinuance or Abandonment[478]

1. A legal ***nonconforming use*** which has been discontinued for a period of 18 consecutive months shall not be re-established. Any ***structure*** or ***land***, or ***structure*** and ***land*** in combination which was formerly devoted to a legal ***nonconforming use*** which has been discontinued for a period of 18 consecutive months, shall not again be devoted to any ***use*** other than a ***use*** that is allowed in the zoning district in which the ***land*** is located. A conforming ***use*** shall not be permitted to revert back to a ***nonconforming use***.

2. A legal ***nonconforming use*** shall be considered discontinued immediately if it is replaced by a conforming ***use*** on the ***land*** and thereafter the ***nonconforming use*** shall not be re-established.

3. A legal ***nonconforming structure*** shall be considered abandoned immediately if it is replaced by a conforming ***structure***. Thereafter the ***nonconforming structure*** shall not be re-established.

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[477] This subsection refines and renames Sec. 16-7-106 of the current LMO. Pursuant to the discussion on pp. 26-27 of the Response to LMO Rewrite Committee Comments, it should work with the other flexibility provisions added in the draft LMO to remove obstacles to redevelopment (e.g., restructuring and revision of the zoning districts; modifications to the street and adjacent use buffer and setback standards; modifications to the off-street parking standards; the use of tree canopy retention concepts for tree protection; the addition of alternative compliance provisions in the development standards; and revisions to the redevelopment overlay district).

[478] This subsection carries forward Sec. 16-7-107 of the current LMO, with minor changes to clarify language.

4. Discontinuance of a legal ***nonconforming use*** or abandonment of a legal ***nonconforming structure*** shall be deemed to exist upon the occurrence of any one or more of the following, for a period of 18 consecutive months:

a. Failure to obtain permits or take all other necessary steps to resume a legal ***nonconforming use***; or

b. Utility services, such as water and electricity, to the property are disconnected; or

c. Removal of equipment or fixtures which are necessary for the operation of a legal ***nonconforming use***; or

d. ***Structures*** that have fallen into disrepair as defined by Section 9-8-10 of the ***Municipal Code***; or

e. Signs advertising a legal ***nonconforming use*** are removed.

H. Expansion, Enlargement, or Extension[479]

For purposes of this Chapter only, the terms "expansion", "enlargement" or "extension" refer to any increase in the size of a legal ***nonconforming structure***, or ***site*** feature. The footprint of any existing ***nonconforming site feature*** or ***structure*** may be maintained or expanded as long as the ***applicant*** receives an approval as provided in Sec. 16-7-101.F, Substitution of Nonconformities for Redevelopment, unless one of the following is involved:

1. ***Expansion***, enlargement, or extension associated with a ***nonconforming use***; and

2. Replacement of a nonconforming ***site*** feature with a ***nonconforming structure***; and

3. The demolition or modification of an existing ***nonconforming structure*** with the intent to rebuild or remodel the ***structure*** in accordance with an approved Zoning Map Amendment for the Redevelopment Overlay (R-O) District (see Sec. 16-3-106.K); and

4. ***Nonconforming signs***.

Sec. 16-7-102. Nonconforming Uses

A. Expansion[480]

A legal ***nonconforming use*** shall not be enlarged, expanded, or extended to occupy a greater area of ***land*** or ***gross floor area*** than was occupied on the date it became a legal ***nonconforming use***. No new ***accessory use*** or ***structure*** shall be established on the ***site*** of a ***nonconforming use***.

B. Relocation[481]

A legal ***nonconforming use*** may not be moved, in whole or in part, to any other portion of the ***parcel*** of ***land*** on which it is located, or to another ***parcel*** of ***land***, unless the ***use*** will be in conformance with the ***use*** regulations of the district into which it is moved.

[479] This carries forward Sec. 16-7-108 of the current LMO.
[480] This subsection carries forward Sec. 16-7-201 of the current LMO.
[481] This subsection carries forward Sec. 16-7-202 of the current LMO, with minor changes to clarify language.

C. Change in Use[482]

1. A ***nonconforming use***, if changed to a conforming ***use***, may not thereafter be changed back to any ***nonconforming use***.

D. Accessory Use[483]

A ***use*** that is accessory to a legal ***nonconforming use*** shall not continue after the legal ***nonconforming use*** has ceased or been abandoned or discontinued, unless it conforms to all provisions of this Ordinance.

Sec. 16-7-103. Nonconforming Structures

The following provisions apply to all ***nonconforming structures*** unless approved in accordance with Sec. 16-7-101.F, Substitution of Nonconformities for Redevelopment.

A. Expansion, Relocation or Redevelopment[484]

A legal ***nonconforming structure*** shall not be expanded, enlarged, relocated, or redeveloped, in whole or in part, unless the ***structure*** is made conforming in accordance with the provisions of this Ordinance or is otherwise allowed by the provisions in this Chapter or Chapter 16-9: Disaster Recovery.

B. Damage or Destruction of Nonconforming Structure[485]

A legal ***nonconforming structure*** that is damaged or destroyed by means not covered by Chapter 16-9: Disaster Recovery (including intentional human destruction), may be repaired, reconstructed, or rebuilt only in accordance with the following requirements.

1. Single-Family Exception

a. A ***single-family dwelling unit*** existing within the ***Town*** that is damaged or destroyed, and is either permitted in the district in which it is located, or is a ***legally established nonconforming use*** in that district, may be rebuilt, restored or repaired consistent with the requirements of Title 15 of the ***Municipal Code***.

b. If any such ***dwelling unit*** is a ***legally established nonconforming structure*** as to a ***development*** standard under this Ordinance, then the rebuilding, restoration or ***repair*** shall comply with the ***development*** standards of this Ordinance to the extent deemed reasonably practical by the ***Official***. In such circumstances, the ***applicant*** shall make every effort to eliminate the nonconformities and lessen the extent of the nonconformity.

[482] This carries forward Sec. 16-7-203 of the current LMO.
[483] This provision carries forward Sec. 16-7-204 of the current LMO, with minor changes to clarify language.
[484] This subsection carries forward Sec. 16-7-301 of the current LMO.
[485] This subsection carries forward Sec. 16-7-302 of the current LMO, with minor changes to clarify language.

2. Structure Less Than 50 Percent Destroyed

a. A ***building*** permit may be issued to rebuild, restore, or ***repair*** a legal ***nonconforming structure*** within 18 months of damage or destruction of not more than 50 percent of its appraised fair market value immediately prior to the damage.

b. Such appraisal, undertaken and submitted to the ***Town*** at the owner's expense, may be challenged by the ***Town*** on the basis of its own appraisal. The ***Town*** shall notify the ***applicant*** within 15 days of its intent to obtain another appraisal. The ***Board of Zoning Appeals*** shall have final determination authority in the case of any dispute.

c. If the reconstruction is delayed through litigation or other cause beyond the control of the owner, the time of such delay shall not be considered when computing the 18-month period.

3. Structure More Than 50 Percent Destroyed

a. A legal ***nonconforming structure*** damaged or destroyed to the extent of 50 percent or more of its appraised fair market value immediately prior to the damage shall not be repaired or replaced except in accordance with the requirements of this Ordinance.

b. Such appraisal, undertaken and submitted to the ***Town*** at the owner's expense, may be challenged by the ***Town*** on the basis of its own appraisal. The ***Town*** shall notify the ***applicant*** within 15 days of its intent to obtain another appraisal. The ***Board of Zoning Appeals*** shall have final determination authority in the case of any dispute.

c. This provision shall not be construed or enforced to deprive a unit owner in a horizontal property regime from rebuilding in the event the members of the regime vote for and fully fund, through insurance or otherwise, the total restoration of the project. The ***Town*** shall require a surety to insure full performance of the restoration project when regime insurance is not sufficient to fully cover the costs of reconstruction.

Sec. 16-7-104. Nonconforming Signs[486]

A. Enlargement or Expansion[487]

A legal ***nonconforming sign*** shall not be enlarged or structurally altered in any way that increases the extent of the nonconformity.

[486] The provisions on nonconforming signs are separated from the provisions on nonconforming site features (they are currently together in Chapter 7, Article IV-Other Nonconformities, in the current LMO). No substantive changes are made to the current provisions, except that provisions on abandonment and damage or destruction are added.

[487] This is a new subsection that sets down the general rule that a nonconforming sign cannot be enlarged or expanded. This is the current rule established in Sec. 16—7-402 of the current LMO.

B. Maintained in Good Condition[488]

A legal ***nonconforming sign*** shall be maintained in good and working condition in accordance with Sec. 16-5-114.C.2.f. Painting, ***repair***, and refinishing of the ***sign face*** or ***sign structure*** is permitted, as long as the appearance of the sign is maintained and complies with the approved Sign Permit.

C. Change to Nonconforming Sign Shall Comply with this Ordinance

If a legal ***nonconforming sign*** is changed in any way (its dimensional standards, message, or any other element) because of a change in ***use***, change in business name or location, or for any other reason, the sign shall comply with Sec. 16-5-114, Sign Standards. Any modification that fails to comply with Sec. 16-5-114 shall render the prior Sign Permit void and shall result in the sign being in violation of this Ordinance.[489]

D. Repair, Reconstruction, or Replacement After Damage or Destruction[490]

Repair, reconstruction, or replacement of a damaged or destroyed legal ***nonconforming sign*** shall be subject to the same provisions applicable to the ***repair***, reconstruction, or replacement of a damaged or destroyed legal ***nonconforming structure*** in Sec. 16-7-103.B, Damage or Destruction of Nonconforming Structure.

Sec. 16-7-105. Nonconforming Site Features[491]

A. Purpose

The purpose of this section is to cause certain legal ***nonconforming site features*** to be brought into compliance with the standards of this Ordinance as part of remodeling or ***expansion*** of an existing ***development***.

B. Applicability

1. Examples of Nonconforming Site Features

For the purposes of this Chapter and section, the term "***nonconforming site features***" includes ***site*** features to the extent they fail to comply with the standards in the referenced sections. ***Nonconforming site features*** include, but are not limited to, the following:

a. Lack of or inadequate adjacent street or use buffer width or screening (Sec. 16-5-1023);

[488] This subsection carries forward Sec. 16-7-402 B. 1 of the current LMO, with minor changes to clarify language.

[489] This subsection consolidates Sec.16—7-402 B. 2 and 3 of the current LMO, with edits to consolidate the provisions and clarify language.

[490] This is a new subsection that applies the same rule for damage or destruction to nonconforming structures to nonconforming signs.

[491] The provisions on nonconforming site features are separated from the provisions on nonconforming signs (they are placed together in Chapter 7, Article IV-Other Nonconformities, in the current LMO), and placed in their own section.

b. Lack of or inadequate number or dimensions of parking spaces (Sec. 16-5-107.D-E);

c. Lack of or inadequate parking lot landscaping (Sec. 16-5-107.G);

d. Fence or wall ***height*** (Sec. 16-5-113.C);

e. Lack of or inadequate screening for particular ***uses***;

f. Use-Specific Conditions for Principal Uses; Sec. 16-4-103.E, Use-Specific Conditions for Accessory Uses and Structures; and Sec. 16-4-104.D, Use-Specific Conditions for Temporary Uses and Structures).

2. Applicability

If an **application** is filed for a ***development*** approval or permit that proposes or would result in alteration of a ***nonconforming site feature*** on the ***development site***, such ***nonconforming site feature***(s) shall be brought into conformance with the standards of this Ordinance to the ***maximum extent practicable***, except for disaster recovery situations covered by the provisions in Chapter 16-9: Disaster Recovery.

Chapter 16-8: Enforcement

COMMENTARY:

Chapter 16-8, Enforcement, carries forward Chapter 8, Enforcement, of the current LMO, with modest refinements that are noted. It includes twelve sections:

Section 16-8-101, Purpose, sets forth the purpose of the Chapter (Section 8.1, Purpose);

Section 16-8-102, Compliance Required, establishes that compliance with all provisions of the Ordinance is required;

Section 16-8-103, Violations, spells out what actions result in violation of the LMO;

Section 16-8-104, Responsible Persons, establishes that any person who violates this LMO shall be subject to the remedies and penalties set forth in this chapter;

Section 16-8-105, Enforcement Responsibility, Complaints, details who is responsible for enforcement (the Official), handling complaints, investigating and determining violations, notifying violators, and initiating remedies and penalties;

Section 16-8-106, Town Enforcement Actions, spells out the enforcement actions the Town may take as a remedy for a LMO violation;

Section 16-8-107, Private Civil Relief, states that, along with an enforcement action, a landowner who would be specially damaged by a violation of the Ordinance may take private civic relief;

Section 16-8-108, Tree Protection Violation, discusses the remedies for the removal or destruction, or failure to replace ***trees*** protected by this Ordinance;

Section 16-8-109, Impoundment of Signs, states that in addition to other remedies, the Official shall have the authority to remove and impound certain signs or sign structures;

Section 16-8-110, Violations Continue, clarifies violations of the previous LMO shall continue to be a violation, unless the ***development*** complies with the requirements of the revised LMO;

Section 16-8-111, Penalties, spells out the penalties (criminal and civil) that can be used against violators;

Section 16-8-112, Remedies Cumulative, clarifies that remedies, whether criminal or civil, are cumulative.

This commentary box and the footnotes included in this draft are provided for reference purposes and will not be included in the adopted LMO.

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Chapter 16-8: Enforcement

Sec. 16-8-101. Purpose[492]

This chapter establishes procedures to ensure compliance with the provisions of this Ordinance and obtain corrections for violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this chapter are intended to encourage the voluntary correction of violations, where possible.

Sec. 16-8-102. Compliance Required

A. Compliance Required[493]

Compliance with all the requirements, procedures and standards of this Ordinance, and all terms and conditions of permits and ***development*** approvals is required by all ***persons*** owning, developing, managing, using, or occupying ***land***, ***structures***, or ***signs*** in the ***Town***.

B. Violations Generally[494]

1. Any failure to comply with a standard, requirement, prohibition, or limitation imposed by this Ordinance, or the terms or conditions of any permit or ***development*** approval granted in accordance with this Ordinance, shall constitute a violation of this Ordinance punishable as provided in this chapter.

2. Permits or ***development*** approvals issued on the basis of applications approved by the ***Town Council***, ***Planning Commission***, ***Board of Zoning Appeals***, ***Design Review Board***, or ***Official*** authorize only the ***use***, arrangement, location, design, ***density***/intensity, and ***development*** set forth in such permits or ***development*** approvals, and no other ***development***.

3. Violations of this Ordinance continue until the violation is abated and the ***land*** is brought into compliance with this Ordinance. Violations of this Ordinance run with the ***land, structure*** or ***development***. The sale or transfer of ***land, structure*** or ***development*** that is in violation of this Ordinance does not affect the nature or existence of the violation or the requirement that the violation be corrected.

Sec. 16-8-103. Violations[495]

Doing any of the following constitutes a violation of this Ordinance. The following list is illustrative and is not intended to be all inclusive or to limit the variety or number of acts that constitute a

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[492] Chapter 8: Enforcement, carries forward Chapter 8: Violations and Enforcement, of the current LMO, with both organizational and minor refinements, as noted in the footnotes to the chapter. This first section on purpose sets out the general purpose of the enforcement chapter.

[493] This is a new section. It provides that all persons who own, develop, manage, or occupy land, structures, or signs are required by law to comply with the standards and procedures of the updated LMO and the terms and conditions of permits or development approvals. Those who violate this requirement are subject to the enforcement provisions and penalties established in this chapter.

[494] This section builds on Sec. 16-8-101 of the current LMO, and adds additional detail about what actions generally constitute a violation of the LMO.

[495] This section builds on Section 16-8-102 of the current LMO.

violation of this Ordinance. The fact that any specific act does not appear on this list does not exclude the act from being a violation of this Ordinance.

A. Develop or attempt to develop ***land*** or a ***structure*** in any way not consistent with the requirements of the LMO.

B. Erect or attempt to erect a ***building*** or other ***structure*** in any way not consistent with the requirements of the LMO.

C. Develop ***land*** or a ***structure*** without first obtaining the appropriate permits or ***development*** approvals.

D. Occupy or use ***land*** or a ***structure*** without first obtaining the appropriate permits or ***development*** approvals.

E. Develop ***land*** or a ***structure*** without complying with the terms or conditions of the permits or ***development*** approvals required to engage in ***development***.

F. Occupy or use ***land*** or a ***structure*** in violation of the terms or conditions of the permits or ***development*** approvals.

G. Subdivide ***land*** without first obtaining the appropriate permits or ***development*** approvals required to engage in ***subdivision***.

H. Subdivide ***land*** without complying with the terms or conditions of the permits or ***development*** approvals required to engage in ***development***.

I. Transfer title to any newly created ***lots*** or parts of a ***development*** unless the ***development*** plan or ***subdivision*** has received all ***development*** approvals or permits required under this Ordinance and an approved plan or plat, if required, has been filed in the appropriate County office.

J. Submit for recording with a County office any ***subdivision*** plat or other ***development*** plan that has not been approved in accordance with the requirements of this ***ordinance***.

K. Excavate, grade, cut, clear, or undertake any ***land disturbing activity*** without first obtaining the appropriate permits or ***development*** approvals, and complying with their terms and conditions.

L. Remove existing ***trees*** or other landscaping from a ***site*** or ***parcel*** of ***land*** without first obtaining the appropriate permits and ***development*** approvals, and complying with their terms and conditions.

M. Install, create, erect, alter, or maintain any sign without first obtaining the appropriate permits or ***development*** approvals.

N. Fail to remove any sign installed, created, erected, or maintained in violation of this Ordinance, or for which the permits have lapsed.

O. Create, expand, replace, or change any nonconformity except in compliance with this Ordinance.

P. Reduce or diminish the requirements for ***development***, design, or dimensional standards below the minimum required by this Ordinance.

Q. Increase the intensity or ***density*** of ***development***, except in accordance with the standards of this Ordinance.

R. Obscure or obstruct a notice required to be posted or otherwise given in accordance with this Ordinance.

S. Violate any lawful order issued by any ***person*** or board in accordance with this Ordinance.

T. Through any act or omission, fail to comply with any other provisions, procedures, or standards as required by this Ordinance.

U. Continue any violation as defined above, with each day of continued violation to be considered a separate violation for purposes of computing cumulative civil or criminal penalties.

Sec. 16-8-104. Responsible Persons[496]

Any ***person*** who violates this Ordinance shall be subject to the remedies and penalties set forth in this chapter.

Sec. 16-8-105. Enforcement Responsibility, Complaints[497]

A. Responsibility

The responsibility for enforcement of this Ordinance is delegated to the ***Official***.

B. Complaints

1. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any ***person*** may file a signed written complaint with the ***Official***. The complaint shall state fully the causes of the alleged violation and the basis thereof.

2. The ***Official*** shall properly record such complaint, immediately investigate the complaint to determine the validity of the charge, and take whatever action is necessary to ensure compliance with this Ordinance.

C. Notice of Violation

1. On determining that any provisions of this Ordinance are being or have been violated, the ***Official*** shall deliver to the ***person*** responsible for the violation(s), a written ***notice of violation*** that sets forth the nature of the violation(s) and orders the action necessary to correct it.

2. If no one is present to accept the ***notice of violation***, or acceptance of the notification is refused, the ***Official*** shall post the notice on a primary entrance to a ***principal building*** on the ***site*** of the violation. If the ***land*** is unimproved, the notice should be posted visibly on the subject property. [498]

3. A written notice containing the same information as the notice delivered or posted on the ***land*** shall be mailed by certified mail, return receipt requested, to the record owner of the ***land*** subject to the violation, or the record owner's ***authorized agent***, and to any other ***person*** responsible for the violation. [499]

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[496] This new section clearly establishes any person who violates the LMO is subject to its penalties and remedies. "Person" is broadly defined in Chapter 10 to mean … "any individual, corporation, government agency, business trust, partnership, two or more persons having a joint interest, or any other legal entity."

[497] This section carries forward Sec. 16-8-103 and 104of the current LMO, with minor refinements to clarify language.

[498] This is a new subsection.

[499] This is a new subsection.

D. Authority

Upon presentation of proper credentials, the ***Official*** may enter upon ***land*** or inspect any ***structure*** to ensure compliance with the provisions of this Ordinance. These inspections shall be carried out during normal business hours unless the ***Official*** determines there is an emergency necessitating inspections at another time.

Sec. 16-8-106. Town Enforcement Actions[500]

On behalf of the ***Town***, the ***Official*** may take any one or more of the following actions as a remedy for any violation of this Ordinance:

A. Withhold any pending or subsequent ***development*** approvals or permits required by this Ordinance;

B. Issue stop work orders against any work undertaken by an entity not having a proper ***development*** approval or permit required by this Ordinance;

C. Issue stop work orders against any actions in violation of this Ordinance;

D. Revoke a permit ***development*** approval if: [501]

1. There is a failure to comply with the approved permit, ***development*** approval, plans, specifications, or terms or conditions required under the permit or ***development*** approval;

2. The permit or ***development*** approval was procured by false representation; or

3. The permit or ***development*** approval was issued in error;

E. Bring an action for an injunction (or, in appropriate cases, for mandamus) to prevent the violation or to prevent the occupancy or ***use*** of any ***site*** or ***structure*** involved in the violation;

F. Bring an action for injunction or mandamus to abate a violation;

G. Prosecute the violation as a misdemeanor; or

H. Take any other action at law or in equity to prevent or remedy any violation, or otherwise enforce the provisions of this Ordinance.

Sec. 16-8-107. Private Civil Relief[502]

An ***adjacent*** or neighboring ***landowner*** who would be specially damaged by any violation of this Ordinance may in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful erection, ***construction***, reconstruction, alteration, conversion, ***maintenance***, or ***use***, or to correct or abate the violation, or to prevent the occupancy of the ***building***, ***structure*** or ***land***. This is in addition to the right of the ***Town*** to bring an enforcement action.

[500] This section carries forward Sec. 16-8-106 of the current LMO.
[501] This is a new subsection.
[502] This section carries forward Sec. 16-8-106 of the current LMO.

Sec. 16-8-108. Tree Protection Violation[504]

A. Each unauthorized removal or destruction of a ***tree***, or failure to replace a ***tree***, shall constitute a separate offense. Nothing herein shall prevent the ***Town*** from taking such other lawful action as is necessary to prevent or remedy any violations.

Sec. 16-8-109. Impoundment of Signs[505]

A. In addition to other remedies identified in this chapter, the ***Official*** shall have the authority to remove and impound:

1. Any prohibited sign listed in Sec. 16-5-114.I,Prohibited Signs, without notice to the owner; and

2. Any sign that is installed or used in any way that is not consistent with the requirements of this Ordinance, provided that notice has been given as set forth in Sec. 16-8-105.C, Notice of Violation, and no action to correct the violation has been taken by the owner within the specified timeframe.

B. The owner of an impounded sign or ***sign structure*** may recover the impounded sign or ***sign structure*** upon the payment of $50.00 for each sign plus the costs of removal. If the sign or ***sign structure*** is not claimed within ten days after the date of impoundment, the ***Official*** shall have authority to dispose of the sign or ***sign structure*** without compensation to the owner.

Sec. 16-8-110. Violations Continue[506]

Any violation of the previous Ordinance 16, Chapter 7 shall continue to be a violation under the terms of this Ordinance. Resolving the violation shall require conformance to the regulations in effect at the time the violation is terminated, not regulations that may have been in effect at the time the violation was initiated. Any violation that was not discovered by the ***Town*** under the previous Ordinance 16, Chapter 7, shall be resolved under the provisions of this Ordinance. The lack of prior enforcement shall not constitute any degree of recognition, approval, waiver, or enforcement.

Sec. 16-8-111. Penalties[507]

A. Fine and Imprisonment

Any ***person*** violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall forfeit and pay such penalties as the court may decide as prescribed by South Carolina law, not to exceed $500.00 plus applicable court fees or 30 days imprisonment or both for each violation. Each day's continued violation shall constitute a separate offense.

[504] This section carries forward Sec. 16-8-106 of the current LMO, with minor refinements to clarify language.
[505] This section carries forward Sec. 16-8-107 of the current Ordinance, with minor refinements to clarify language.
[506] This section carries forward Sec. 16-8-108 of the current LMO.
[507] This section carries forward Sec. 16-8-109 of the current LMO, with minor refinements to clarify language.

B. Further Penalties

If any person is found guilty by a court of competent jurisdiction of undertaking any ***development*** activity prior to approval and issuance of a ***development*** approval or permit in accordance with this Ordinance, the ***Official*** shall not consider that person's **application** for ***development*** approval or permit nor issue a ***development*** approval or permit for that project for a period not to exceed 90 days from the date of determination of violation.

Sec. 16-8-112. Remedies Cumulative[508]

The remedies provided for violations of this Ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

[508] This new section expresses that the Town's enforcement remedies are cumulative, and may be exercised in any order.

Chapter 16-9: Disaster Recovery

COMMENTARY:

Chapter 16-9: Disaster Recovery, carries forward the procedures for allowing landowners to repair and rebuild structures that have been damaged or destroyed due to a disaster (defined by this Ordinance and declared by the Mayor) back to their prior existing condition. There are no substantive changes to this chapter from the current LMO. The chapter includes the following sections:

Sec. 16-9-101, Emergency Permitting, contains important general provisions that are relevant to emergency permitting as a whole. This section carries forth all of the provisions from the current LMO.

Sec. 16-9-102. Temporary Units for Single-Family Damaged or Destroyed Single-Family Dwelling Units, describes the provisions for allowing a temporary residential unit on a property where the original structure/building was damaged or destroyed, while the site is being repaired or rebuilt to its prior existing condition.

Sec. 16-9-103, Temporary Nonresidential Units for Damaged or Destroyed Nonresidential, Development, describes the provisions for allowing a temporary nonresidential unit on a property where the original property was damaged or destroyed, while the development is being repaired or rebuilt.

This commentary box and the footnotes included in this draft are provided for reference purposes and will not be included in the adopted LMO.

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Chapter 16-9: Disaster Recovery

Sec. 16-9-101. Emergency Permitting

A. Purpose

1. There are a significant number of ***structures*** within the ***Town*** that are nonconformities. In the event of a natural disaster, it is impractical to require all of these ***nonconforming structures*** to rebuild in a way that conforms to all the procedures and standards of this Ordinance. Furthermore, the ***Town***'s economy depends on the ability of all ***landowners*** to be able to ***repair***, reconstruct, or rebuild existing ***structures*** and become operational as quickly as possible following a natural disaster.
2. The purpose of this chapter is to allow a ***landowner*** to obtain ***development*** approval to ***repair***, reconstruct, or rebuild any ***structure*** that is damaged or destroyed as a direct result of a natural disaster to the state or condition that existed prior to the disaster without the necessity of a full review as is normally required under this Ordinance, and that may otherwise be required under Chapter 16-2: Administration.
3. Any **application** to ***repair***, reconstruct or rebuild a ***structure*** that does not comply with the following procedures shall only be reviewed and acted on in accordance with all applicable provisions of this Ordinance.

B. Applicability

1. This chapter shall apply in all cases where any ***structure*** is damaged or destroyed as a direct result of any event that has been declared a State of Emergency due to a disaster, as defined in Sec. 16-10-105, General Definitions, by the Mayor in accordance with Ordinance 7, Chapter 7 (State of Emergency) of the ***Municipal Code***.
2. In such cases, this chapter takes precedence over Chapter 16-7: Nonconformities. Damage to or destruction of any ***structure*** by any other means shall be repaired, reconstructed, or rebuilt only in accordance with all relevant procedures and standards of this Ordinance.

C. Horizontal Property Regime

1. The provisions in this chapter shall not be construed or enforced to deprive an owner of a ***dwelling unit*** within a horizontal property regime from rebuilding in the event the members of the regime vote for and fully fund, through insurance or otherwise, the total restoration of the ***development*** of which the ***dwelling unit*** is a part.
2. The ***Town*** shall require a surety in accordance with the requirements of this Ordinance to insure full performance of the restoration project when regime insurance is not sufficient to fully cover the costs of reconstruction.

D. Placards and Safety Assessment

1. Following a disaster, the ***Town*** will perform a safety assessment to determine the safety of ***structures*** that sustained damage or were destroyed as a result of the disaster. When the safety assessment is complete, each ***structure*** will receive a

placard informing the owner about the safety of the ***structure***. The following placards will be issued following a safety assessment:

a. Green Placard means Inspected—Lawful Occupancy Permitted.

b. Yellow Placard means Restricted Use.

c. Red Placard means Unsafe—Do Not Enter or Occupy.

E. Planning Review Not Required

1. Planning Review Not Required

a. Any ***structure*** that sustains damage as a direct result of a disaster and receives a green placard after a safety assessment may be repaired to the state or condition that existed prior to the disaster without the necessity of obtaining a ***development*** approval or permit. The ***repair*** work shall be completed within 18 months of the date the Mayor declares the ***Town*** is ready to begin receiving applications for permits after the declared disaster.

b. If a ***structure*** receives a green placard after a safety assessment and the ***repair*** is delayed through litigation or other cause beyond the control of the owner, the time of such delay due to litigation or other cause beyond the control of the owner shall not be considered when computing the 18-month period for the ***repair*** work.

c. Owners who want to ***repair*** or rebuild damaged ***structures*** who cannot or do not comply with the time period requirements for ***repair*** work set forth in subparagraphs a and b above, shall comply with all relevant procedures and standards of this Ordinance in repairing or rebuilding a ***structure***.

2. Other Requirements

In repairing a ***structure*** in accordance with this section, the requirements of Title 15 (Building and Building Codes) of the ***Municipal Code*** shall be met.

F. Planning Emergency Permitting

In order to be reviewed under the remaining sections of this chapter a ***structure*** that sustains damage or is destroyed as a direct result of a disaster shall:

1. Receive a yellow or red placard and require an emergency ***construction building*** permit after a safety assessment.

2. Be repaired, reconstructed, or rebuilt to the state or condition that existed prior to the disaster.

G. Planning Emergency Permitting Application

The planning emergency permitting **application** shall be submitted within six months of the date the Mayor declares the ***Town*** is ready to begin receiving applications for permits. At its discretion, the ***Town Council*** may extend the **application** submittal period by resolution.

H. Planning Emergency Permitting Affidavit

1. A planning emergency permitting affidavit shall be submitted as part of the planning emergency permitting **application**. The affidavit shall be signed by the owner of record and notarized.

2. It shall state that all ***structures*** are being built back to the ***height*** and ***density*** that legally existed prior to the disaster.

3. If any local, state, or federal regulations require changes to the ***structure*** with regard to ***height*** or square footage, the affidavit will allow the owner to build back with changes to comply with the local, state, or federal regulations.

I. Single-Family Dwelling

1. Planning Emergency Permit

Any ***single-family dwelling unit*** that sustains damage or is destroyed as a direct result of a disaster may be repaired or reconstructed in accordance with this chapter on approval of a planning emergency permitting **application** in accordance with Sec. 16-9-101.G. The **application** shall include such information and documentation as may be reasonably required by the ***Official***, including all the following items:

a. If the ***structure*** sustains damage amounting to less than 50% of the fair market value:

i. A planning emergency permitting affidavit as described in Sec. 16-9-101.H.

ii. Elevation drawings previously approved by the ***Town*** or the County showing the ***height*** of all four elevations of all ***structures*** on the ***site*** prior to the disaster or pre-disaster photos showing all four sides of each ***structure*** on the property.

iii. Pre-disaster photos of the entire property layout including front, rear, and side yards.

b. If the ***structure*** sustains damage amounting to 50% or more of the fair market value:

i. A planning emergency permitting affidavit in accordance with Sec. 16-9-101.H; and

ii. Two copies of an ***as-built survey***.

2. Other Requirements

a. In repairing a ***structure*** in accordance with this section, the requirements of Title 15 (Building and Building Codes) of the ***Municipal Code*** shall be met.

b. For ***applicants*** who cannot meet the requirements of paragraph 1 above, and for all ***applicants*** who do not meet the time period set forth by Sec. 16-9-101.G, Planning Emergency Permitting , any ***repair***, reconstruction, or rebuilding that occurs must comply with all requirements of this Ordinance.

J. Non-Single-Family Structures

1. Planning Emergency Permit

a. Any ***structure***, other than a ***single-family dwelling unit*** that sustains damage or is destroyed as a direct result of a disaster may be repaired or reconstructed in accordance with this chapter on approval of a planning emergency permitting **application** in accordance with Sec. 16-9-101.G. The **application** shall include such information and documentation as may be reasonably required by the ***Official***, including all the following items:

i. A planning emergency permitting affidavit as described in Sec. 16-9-101.H.

ii. An approved Development Plan and two copies of all approved plans, or two copies of an ***as-built survey***.

b. If the property is located within the Corridor Overlay District, two copies of ***building*** elevation drawings previously approved by the ***Town*** or the ***County*** showing all four elevations of all ***structures*** on the ***site*** prior to the disaster or pre-disaster photos showing all four sides of each ***structure*** on the property and the entire property layout including ***street***, ***adjacent use***, ***wetland*** and OCRM Beachfront Baseline buffer areas.

2. Other Requirements

a. In repairing a ***structure*** in accordance with this section, the requirements of Title 15 (Building and Building Codes) of the ***Municipal Code*** shall be met.

b. For ***applicants*** who cannot meet the requirements of paragraph 1 above and for all ***applicants*** who do not meet the time period set forth by Sec. 16-9-101.G, Planning Emergency Permitting , any ***repair***, reconstruction, or rebuilding that occurs shall comply with all relevant procedures and standards of this Ordinance.

K. Manufactured Homes

Manufactured homes that are damaged or destroyed may be repaired, replaced, or changed to stick built ***construction*** in accordance with the following requirements:

1. If the ***structure*** receives a green placard after a safety assessment in accordance with Sec. 16-9-101.D, Placards and Safety Assessment, the ***structure*** may be repaired in accordance with Sec. 16-9-101.E, Planning Review Not Required.

2. If the ***structure*** receives a yellow or red placard after safety assessment, the ***structure*** may be repaired, replaced, or changed to stick built ***construction***.

3. In repairing a ***structure*** in accordance with this section, the requirements of Title 15 (Building and Building Codes) of the ***Municipal Code*** shall be met.

4. The ***structure*** may be replaced using the current replacement **application** and procedures followed by the Town of Hilton Head Island and Beaufort County, South Carolina.

5. The ***structure*** may be removed and a stick built home may be constructed in accordance with the current requirements of this Ordinance. (This would be

considered a change to the existing condition; therefore, the benefits of Sec. 16-9-101.I, Single-Family Dwelling, would not apply.)

L. Landscape and Tree Standards

Properties that sustain damage or are destroyed as a direct result of a disaster shall be required to comply with the requirements of Chapter 16-6: Natural Resource Protection, for ***tree*** coverage, and comply with an approved landscape plan. The timeframe for meeting this requirement shall be extended to three years, with one third of the required planting to be done in each of the three years. The three-year time period shall begin when the property is issued a Certificate of Compliance by the ***Town***.

M. Applications Under Review at the Time of a Disaster

1. Applications Acted on by the Official

All applications for ***development***, ***subdivision***, or other ***development*** approvals or permits that are reviewed and acted on by the ***Official*** and are submitted during or are in progress at the time of a State of Emergency due to a disaster declaration by the Mayor shall be suspended for such time as the ***Official*** deems necessary, provided that such suspension shall not exceed 18 months. The time frames established for reviews as set forth elsewhere in this Ordinance shall be suspended during this period. All such applications shall be reviewed and acted on based on the provisions of this Ordinance in effect at the time the **application** was deemed complete.

2. Applications Acted on by a Board, Commission or Council

All applications for ***development*** approvals or permits that are reviewed and acted on by the ***Design Review Board***, the ***Board of Zoning Appeals***, the ***Planning Commission***, or the ***Town Council*** and are submitted during or are in progress at the time of a State of Emergency due to a disaster declaration by the Mayor shall be suspended until such time that the ***Design Review Board***, ***Board of Zoning Appeals***, ***Planning Commission***, or ***Town Council*** can reasonably schedule any required public hearing(s) and meetings to review and act on such applications, provided that such suspension shall not exceed 18 months. All such applications shall be reviewed and acted on based on the provisions of this Ordinance in effect at the time the **application** was deemed complete.

Sec. 16-9-102. Temporary Units for Damaged or Destroyed Single-Family Dwelling Units

A. Purpose

The purpose of this section is to allow owners of ***single-family dwelling units*** to place a temporary ***dwelling*** on the property where the damaged or destroyed ***dwelling unit*** is located, while the existing ***single-family dwelling*** is being repaired or rebuilt.

B. Applicability

1. This section shall apply in all cases where any ***single-family dwelling unit*** is damaged or destroyed as a direct result of any event that has been declared a State of Emergency due to a disaster, as defined in Sec. 16-10-105, General Definitions, by the Mayor in accordance with Ordinance 7, chapter 7 (State of Emergency) of the ***Municipal Code***. In such cases where the provisions of this section conflict with other LMO provisions, the provisions of this section control.
2. These provisions shall be in effect for six months from the date the Mayor declares the ***Town*** is ready to begin receiving applications for permits. At its discretion, ***Town Council*** may extend this time period by resolution.

C. Provisions

1. The owner of the ***single-family dwelling unit*** shall place the temporary ***dwelling*** within the legal limits of the property where the damaged or destroyed ***single-family dwelling unit*** is located.
2. Each ***single-family*** property is limited to one temporary ***dwelling***.
3. The temporary ***dwelling*** shall be ***travel ready***.
4. Basic sanitation facilities shall be in place prior to placement of the temporary ***dwelling*** on the property.
5. The location of the temporary ***dwelling*** shall comply with health and safety regulations as stated by the Building Official and the Fire Marshal.

Sec. 16-9-103. Temporary Nonresidential Units for Damaged or Destroyed Nonresidential Development

A. Purpose

The purpose of this section is to allow permitted nonresidential ***development*** to place a temporary nonresidential unit on the property where the damaged or destroyed nonresidential ***development*** is located, while the existing nonresidential ***development*** is being repaired or rebuilt.

B. Applicability

1. This section shall apply in all cases where any nonresidential ***development*** is damaged or destroyed as a direct result of any event that has been declared a State of Emergency due to a disaster, as defined in Sec. 16-10-105, General Definitions, by the Mayor in accordance with Ordinance 7, chapter 7 (State of Emergency) of the ***Municipal Code***. In such cases where the provisions of this section conflict with other LMO provisions, the provisions of this section control.
2. These provisions shall be in effect for six months from the date the Mayor declares the ***Town*** is ready to begin receiving applications for permits. At its discretion, ***Town Council*** may extend this time period by resolution.

C. Provisions

1. Nonresidential ***development*** shall place temporary unit(s) on the property where the damaged or destroyed nonresidential ***development*** is located.
2. Temporary nonresidential units shall be ***travel ready***.
3. Basic sanitation facilities shall be in place prior to placement of the temporary nonresidential units.
4. The location of the temporary nonresidential units shall comply with health and safety regulations as stated by the Building Official and the Fire Marshal.

Chapter 16-10: Definitions, Interpretations, and Measurement

COMMENTARY:

Chapter 16-10: Definitions, Interpretation and Measurement, contains the standards for interpretation; rules for measurement; use classifications, categories, types, and definitions: and the general definitions used in the LMO. The chapter adds, consolidates, and refines definitions from the current LMO, and adds new definitions when appropriate. This draft includes definitions relevant to Chapters 1, 2, 3, 4, 8, and 9. Additional definitions will be included in the next Module. The chapter includes the following sections:

Section 16-10-101, General Rules for Interpretation, address the meanings and intent of words and commonly used phrases, clarifies that the text is the controlling factor when a diagram, table, or chart differs from the text, discusses how time is to be calculated, and includes provisions authorizing the delegation of authority from the Official to professional-level designees.

Section 16-10-102, Interpretation of Official Zoning District Map Boundaries, carries forward Section 16-1-104 of the current LMO. It clarifies that if any uncertainty arises with regard to the location of a particular property within a base or overlay district's boundaries, the Official, shall make a written determination of the applicable base or overlay district. The section also sets out the criteria the Official should use in making the decision.

Section 16-10-103, Rules of Measurement, sets out the rules for determining things like density, height, setback, and lot coverage requirements.

Section 16-10-104, Use Classifications, Types, and Definitions, sets out the use classifications and types, and the use definitions, used in the LMO.

Section 16-10-105, Table of Abbreviations, sets out a table of abbreviations used in the Ordinance. It carries forward Sec. 16-10-103 – Abbreviations – of the current LMO.

Section 16-10-106, General Definitions, includes the definitions used in the LMO, as discussed above.

This commentary box and the footnotes included in this draft are provided for reference purposes and will not be included in the adopted LMO.

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Chapter 16-10: Definitions, Interpretation, and Measurement

Sec. 16-10-101. General Rules for Interpretation

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance.

A. Meanings and Intent

All words, terms, phrases and expressions used in this Ordinance shall have their usual and customary meaning in the context of the general purposes of this Ordinance set out in Sec. 16-1-103, Purpose and Intent, and elsewhere. Defined terms in this Ordinance shall have the meaning stated in the definition of the term. Defined terms are shown in bold italicized type. Where a defined term is not shown in bold italicized type, it shall have its usual and customary meaning.

B. Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

C. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

D. Computation of Time

1. The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the ***Town***, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the ***Town***. References to days are calendar days unless otherwise stated.
2. Whenever a ***person*** has the right or is required to do some act within a prescribed period of time following the service of a notice or other document via mailed ***delivery***, three days shall be added to the prescribed period.

E. References to Other Regulations/Publications

Whenever reference is made to a resolution, ***ordinance***, statute, regulation, or document, it shall mean a reference to the most recent edition of such regulation, resolution, ***ordinance***, statute, regulation, or document, unless otherwise specifically stated.

F. Delegation of Authority

Any act authorized by this Ordinance to be carried out by the ***Official*** may be delegated by the ***Official*** to a professional-level employee under the ***Official***'s authority or control.

G. Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the Town of Hilton Head Island, South Carolina, unless otherwise indicated.

H. Mandatory and Discretionary Terms

The words "shall," "must," "should" and "will" are mandatory, establishing an obligation or duty to comply with the particular provision. The word "may" is permissive.

I. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions or events apply; and
2. "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

J. Tenses and Plurals

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

K. Term Not Defined

If a term used in any chapter of this Ordinance is not defined, the ***Official*** is authorized to interpret its meaning through the Interpretation procedure (see Sec. 16-2-103.R, Written Interpretation) based upon the definitions used in accepted sources—including, but not limited to, *A Planners Dictionary*, *A Glossary of Zoning, Development, and Planning Terms*, and *A Survey of Zoning Definitions* (all published by the American Planning Association), as well as general dictionaries such as *Merriam-Webster*, *American Heritage*, *Webster's New World*, and *New Oxford American* dictionaries.

Sec. 16-10-102. Rules of Measurement

A. Measurements, Generally

1. Distance Measurements, Generally

Unless otherwise expressly stated, distances between two points specified in this Ordinance are to be measured as the length of an imaginary straight line joining those points. Where distance is to be measured between two properties, or between two buildings, or between a property and a building, it is measured as the length of

an imaginary straight line joining the closest two points of the perimeter boundaries of the two properties, or the closest two points of the exteriors of the two buildings, or the closest two points of the perimeter boundary of the property and the exterior of the building, as appropriate.

2. Irregular Shapes

The ***Official*** shall determine the applicable dimensional standards and setbacks for irregularly-shaped ***lots***.

B. Density

1. Density[510]

A measurement of intensity of the ***development*** of a ***parcel*** of ***land***, calculated by dividing total number of **dwelling units** by the ***net acreage*** of the ***parcel*** for residential **development**; by dividing the total number of guest rooms by the net acreage of the **parcel** for **hotel development;** and by dividing the total number of square feet of **gross floor area** by the **net acreage** of the parcel for other nonresidential **development**. In ***mixed-use*** developments, acreage allocated to residential ***use*** shall not be used to calculate nonresidential ***density***, and acreage allocated for nonresidential ***uses*** shall not be used to calculate residential ***density***; and acreage allocated to ***hotel use*** shall not be used to calculate other nonresidential ***density***, and acreage used for other nonresidential ***uses*** shall not be used to calculate ***hotel density***. Where residential and nonresidential ***uses*** are combined in a single ***building***, the ***density*** of each ***use*** within the ***building*** shall be calculated separately.

2. Gross Floor Area[512]

The area within the inside perimeter of the exterior walls of a ***building*** or other ***structure*** with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of areas open and unobstructed to the sky. Unless expressly provided otherwise, ***gross floor area*** is measured in square feet.

3. Net Acre[513]

A measurement of the area of a ***parcel*** of ***land***. A ***net acre*** includes all ***land*** and fresh water ***wetlands*** lying within the perimeter boundary of the ***parcel***.

C. Height

1. Calculation of Height[514]

a. Maximum ***structure height*** for ***development*** in each zoning district shall be calculated from the ***base flood elevation***. If the ***site*** does not lie within a ***flood***

[510] This replaces the definition from Section 16-10-210 of the current LMO.
[512] This carries forward the definition from Section 16-10-210 of the current LMO.
[513] This replaces the definition from Section 16-10-210 of the current LMO.
[514] This modifies Section 16-4-1702 of the current LMO to expand height measurement provisions and to exempt roof-top equipment from height limits.

zone with a designated ***base flood elevation***, the maximum ***structure height*** shall be calculated from ***predevelopment grade***.

b. The measurement of the ***height*** of a ***structure*** shall be the distance from the preconstruction grade or ***base flood elevation*** immediately ***adjacent*** to the ***structure*** to a point level with the highest point of the ***structure***.

c. Equipment such as ***satellite dishes*** and heating and air conditioning equipment installed on top of ***buildings*** are excluded from the measurement of ***height*** provided they are screened from view.

d. The ***height*** of fences shall be measured from preconstruction grade.

2. Height in Excess of Limits[515]

a. Certain facilities, due to their intrinsic functional nature, may require ***height***s exceeding the specified limit. These include, but are not limited to, telecommunication towers, water storage tanks, and utility transmission lines. These facilities shall require review and approval by the ***Official***, who shall consider and determine that the location is appropriate and its ***height*** is no more than absolutely necessary to carry out its function.

b. The ***Official*** may approve architectural elements such as church steeples, spires, and chimneys that do not exceed the otherwise allowable ***height*** by more than 20 percent.

3. Base Flood Elevation[516]

That elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once in every one hundred years, or which is subject to a one percent or greater chance of flooding in any given year.

4. Grade[517]

A plane representing the average ground level between a ***structure*** and points six feet from the ***structure***, measured at one foot intervals.

5. Grade, Finish[518]

The resultant grade following alteration as part of a ***development*** activity.

6. Grade, Predevelopment[519]

The grade as determined by the natural topography that existed before alteration, as indicated by the best available historical data.

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[515] This carries forward Section 16-4-1703. - Height in Excess of Limits, of the current LMO
[516] This carries forward the definition from Section 16-10-210 of the current LMO.
[517] This carries forward the definition from Section 16-10-210 of the current LMO.
[518] This carries forward the definition from Section 16-10-210 of the current LMO.
[519] This carries forward the definition from Section 16-10-210 of the current LMO (in the definitions, the term used is "predevelopment grade."

D. Setbacks

1. Exemptions[520]

No setback is required for landscaping, lagoons, retaining walls, ***streets***, parking, ***street*** lights, and other amenities.

2. Determination of Setback[521]

a. Required setbacks for any ***development*** shall be determined according to the relationship of the proposed ***use*** to the existing ***contiguous use*** on each property ***adjacent*** to the ***development*** and the requirements of Sec. 16-5-102, Adjacent Setback Standards.

b. For purposes of determining the appropriate setback distance where the ***adjacent*** property is vacant, it shall be classified as the ***use*** which would require the greatest setback allowed ***by right*** in that district.

c. The required setback and setback angle as set in Sec. 16-5-102, Adjacent Setback Standards, shall be measured inward from the property line to the closest portion of a ***structure*** located on the property.

E. Lot Coverage

1. Impervious Cover[522]

The percentage of a ***parcel*** of ***land*** or ***lot*** that is covered by ***impervious surfaces***, calculated by dividing the total area covered by **impervious surfaces** (expressed in square feet), by ***net acreage*** (expressed in square feet) of the **land** or **lot**.

2. Impervious Surface[523]

A surface composed of any material that significantly impedes or prevents natural infiltration of water into soil. Impervious surfaces include roofs, ***buildings***, ***streets***, ***driveways***, parking areas, sidewalks, asphalt or concrete surfaces, compacted gravel surfaces, permanent ponding/storage areas, and permanent surface water bodies.

3. Open Space[524]

Land not utilized for ***single-family lots***, rights of way, commercial ***buildings***, ***multifamily buildings***, parking, or loading areas.

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[520] This carries forward Section 16-5-702 of the current LMO.
[521] This carries forward Section 16-5-703 of the current LMO.
[522] This is a new definition.
[523] At the request of Town staff, this is revised to incorporate wording from the Beaufort County BMP Manual and to add compacted gravel surfaces and permanent ponding/storage areas.
[524] This carries forward the definition from Section 16-10-210 of the current LMO.

Sec. 16-10-103. Use Classifications, Use Types, and Definitions

A. Residential Uses

1. Description

The Residential Uses classification is primarily characterized by the residential occupancy of a ***dwelling unit*** by a household. Such household living ***uses*** include ***single-family dwellings*** and ***multifamily dwellings*** (triplexes and other ***multifamily development***, including townhouse ***development***). The Residential Uses classification also includes ***group living uses*** (the residential occupancy of a group of living units by ***persons*** who do not constitute a ***single-family***), as well as ***recreational vehicle (RV) parks*** (providing spaces for overnight accommodation of people in a ***recreational vehicle***). ***Accessory uses*** commonly associated with Residential Uses are recreational activities, raising of pets, hobbies, parking of the occupants' vehicles, and administrative offices in ***multifamily***, ***group living***, and ***recreational vehicle (RV) parks*** developments. Home occupations are ***accessory uses*** that are subject to additional regulations (see Sec. 16-4-103.E.3, Home Occupation).

2. Use Types and Definitions[525]

Group Living[527]

The residential occupancy of a group of living units by ***persons*** who do not constitute a ***single-family*** and may receive some level of personal care. Individual living units often consist of a single room or group of rooms without cooking and eating facilities, but unlike a ***hotel***, are generally occupied on a monthly or longer basis. ***Uses*** include group homes, assisted living facilities, and similar ***uses***. Although continuing care retirement communities may include ***single-family*** and ***multifamily dwellings*** and health care ***uses***, they are categorized as a group living ***use*** because of their focus on the present or future provision of personal care to senior citizens and their integration of various ***uses*** as a single cohesive ***development***. Group living does not include ***uses*** where ***persons*** generally occupy living units for periods of less than 30 days (e.g., ***hotels***), which are categorized as Resort Accommodation uses. It also does not include ***uses*** where residents or inpatients are routinely provided more than minor health care services (e.g., ***nursing homes***, ***hospitals***) unless they are associated with a continuing care retirement community. These types of facilities are categorized as Health Services ***uses***. ***Accessory uses*** common to group living ***uses*** include recreational facilities, administrative offices, and food preparation and dining facilities.

Multifamily[528]

A ***building***, ***parcel***, or ***development*** containing three or more ***dwelling units***. This ***use*** includes townhouse developments and manufactured housing parks.

[525] At the request of Town staff, the "duplex" use is deleted from the LMO.

[527] This definition characterizes a Group Living Use similarly to the way it is characterized in most modern development codes—a use that provides for the residential occupancy of a group of living units by persons who do not constitute a single family and may receive some level of personal care (The language in the current LMO describes Group Living as Household Living).

Mixed-Use[529]

Development that includes two or more different ***uses***, which shall include ***multifamily use*** and one or more of the Office **uses,** as described in Sec. 16-10-103.F or one or more of the Commercial Services ***uses***, as described in Sec. 16-10-103.G or some combination thereof. Such ***uses*** should be functionally integrated and share vehicular use areas, ingress/egress, and pedestrian ***access***.

Recreational Vehicle (RV) Park[530]

An establishment consisting of paved parking spaces, served by utilities and accessways, that are utilized for overnight parking and occupancy of ***recreational vehicles***. A recreational vehicle park may include an office for an ***on-site*** manager and rental of parking spaces, and amenities for the use of park tenants and residents, such as ***swimming pools***, tennis courts, play grounds and covered or uncovered picnic areas. ***Accessory uses*** include offices, limited retail sales and services oriented to the needs of park occupants, and recreational facilities (e.g., swimming pool, playgrounds, and picnic areas) for the use of park occupants.

Single-Family[531]

A freestanding ***structure*** containing not more than two ***single-family dwelling units***. Two ***single-family*** homes may be located on the same ***lot*** if the applicable ***density*** standard is met. More than two ***single-family dwellings*** on a single ***lot*** constitute a ***multifamily dwelling***.

B. Public, Civic, Institutional, and Educational Uses

1. Description

The Public, Civic, Institutional, and Educational Uses classification includes a wide range of ***uses*** generally operated by public or ***nonprofit organizations*** to provide governmental, educational, recreational, utility, transportation, communication, religious, and social services to the community.

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528 This definition carries forward the definition from Section 16-10-201 of the current LMO.

529 This is a new definition.

530 This is a new definition.

531 This definition carries forward the definition of single-family detached residence from Section 16-10-201 of the current LMO, simplifying the wording. It replaces the provision in Sec. 16-4-1211.B.1's description of household living that limits the number of single-family detached homes on a parcel to one with a provision reflecting the Town's practice of allowing two single-family dwellings on a lot if the applicable density standard is met (but not three, which would constitute a multifamily dwelling use).

2. Use Types and Definitions

Aviation and Surface Transportation[532]

Uses that provide facilities for the landing and takeoff of airplanes and helicopters, including loading and unloading areas. These facilities may be improved or unimproved. An aviation and surface transportation ***use*** also includes passenger terminals for bus service. ***Uses*** include airports, bus terminals, and helicopter landing facilities. ***Accessory uses*** may include passenger waiting areas and facilities, freight handling areas, concessions, offices, parking and ***maintenance*** and fueling facilities.

Aviation Services[533]

Establishments that are engaged in storage, ***repair*** or servicing of airplanes, helicopters, and related aviation equipment, charter aviation services, flying-related education, and warehousing related to air shipping ***uses***. ***Uses*** include fixed base operators, flying schools, and air shipment warehouses. ***Accessory uses*** may include offices, parking, warehouses, and storage.

Cemetery[534]

Land used or intended for the burial of the dead and dedicated for such a purpose. A ***cemetery*** may include a funeral home or mortuary or a mausoleum or columbarium, but shall not include a crematory.

Community Service Use[535]

A ***use*** of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, community service uses provide the service ***on-site*** or have employees at the ***site*** on a regular basis. The service is ongoing, not just for ***special events***. Community service uses may provide special counseling, education, or training of a public, nonprofit or charitable nature. They may have membership provisions that allow the general public to join at any time (for instance, a senior center where a senior citizen could join at any time). Community service uses include libraries, museums, senior centers, community centers, youth club facilities, social service facilities, and nonprofit community theaters. ***Accessory uses*** may include offices, meeting areas, food preparation areas, parking, health and therapy areas, and athletic facilities.

[532] This derives from the same use category in Sec. 16-4-1212.A of the current LMO.
[533] This derives from the same use category in Sec. 16-4-1212.A of the current LMO.
[534] This is a new definition.
[535] This carries forward Section 16-4-1212 B. of the current LMO, with minor changes.

Education Use[536]

A ***use*** that provides state-mandated basic education at the primary, elementary, middle, junior high, or high school level Education uses also include colleges, universities, and other institutions of higher learning that offer courses of general or specialized study leading to a degree. Education uses include public and private daytime schools, boarding schools, military academies, community colleges, nursing and medical schools not accessory to a ***hospital***, seminaries, business, trade schools, and vocational schools. ***Accessory uses*** at schools include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care. ***Accessory uses*** at colleges and universities include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, ***maintenance*** facilities, and supporting retail sales and services.

Government Use[537]

An establishment providing for the general operations and functions of local, state, or federal governments. Government uses include courthouse facilities, government administrative offices, post offices, fire and EMS stations, fire training facilities, law enforcement facilities, correctional facilities, and government ***maintenance***, storage, and distribution facilities. Government uses do not include passenger terminals for transportation services (which constitute an ***aviation and surface transportation use*** type), or ***Town***, county, or state parks (which constitute a ***public park use*** type), or water, wastewater, gas, electric, or other infrastructure services (which constitutes a ***major utility or minor utility use*** type). A wide range of ***accessory uses*** may be found, depending on the specific ***use***.

Major Utility[538]

A major facility that provides public or private Infrastructure services providing Island-wide service. Major utilities include water towers, electrical substations, and similar ***uses*** (but not waste treatment plants, which are classified as Industrial Uses). Major utility uses generally do not regularly have employees at the ***site***. Services may be publicly or privately provided. ***Accessory uses*** may include administrative offices, parking and control, monitoring, data, or transmission equipment. Independent utility offices are classified as offices.

Minor Utility[539]

A minor facility that provides public or private infrastructure services and that needs to be located in or near the area where the service is provided. Minor utilities include water and sewage pump stations, stormwater retention and ***detention*** facilities, telephone exchanges, electrical transformers, and similar ***uses***.

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[536] This carries forward Section 16-4-1212 D. of the current LMO, with minor changes. Business, trade, and vocational schools are added.

[537] This carries forward Section 16-4-1212 E. of the current LMO, with minor edits.

[538] This is a new definition, based on language from Sec. 16-4-1212.I – Public and Civic Use Categories, Utilities of the current LMO.

[539] This carries forward a description in the current LMO, modified to add examples.

Public Park[540]

Land used to provide ***open space***, scenic views, ***access*** to natural amenities, and recreational and leisure facilities for use by the general public for leisure, exercise, and recreation. Public park includes parks, athletic fields and courts, ***beach*** accesses, publicly-owned golf courses, public squares, plazas, trails, botanical gardens, and nature preserves. Accessory use***s*** include rest rooms, bathrooms, changing rooms, ***maintenance*** facilities, concessions, and parking.

Religious Institution[541]

A **nonprofit organization** providing facilities for worship, ceremonies, rituals, and education, together with its accessory ***buildings*** and ***uses*** (including ***buildings*** used for educational and recreational activities), operated, maintained, and controlled under the direction of a religious group. ***Religious institutions*** include churches, mosques, synagogues, and temples. ***Accessory uses*** may include school facilities, parking, caretaker's housing, and pastor's housing.

Telecommunication Tower, Monopole[542]

A ***telecommunications facility*** with a tubular, self-supporting telecommunications mast, as distinguished from a lattice tower. Monopole telecommunication towers include antenna placed on the tower as well as ground based equipment typically located in ground-mounted ***buildings*** or equipment cabinets.

C. Health Services[543]

1. Description

Health Services includes ***uses*** providing a variety of health care services, including surgical or other intensive care and treatment, various types of medical treatment, nursing care, preventative care, diagnostic and laboratory services, and physical therapy. Care may be provided on an inpatient, overnight, or outpatient basis. ***Uses*** include ***hospitals***, ***nursing homes***, and medical labs. Health Services uses do not include medical and dental offices and clinics (which constitute an Office use), assisted living facilities or group homes (which focus on providing personal care rather than medical care to residents, and constitute a ***Group Living use***). ***Accessory uses*** may include food preparation and dining facilities, recreation areas, offices, meeting rooms, teaching facilities, hospices, ***maintenance*** facilities, staff residences, and limited accommodations for members of patients' families.

[540] This consolidates the various types of public parks recognized and defined in the current LMO.
[541] This is a new definition.
[542] This is a new definition.
[543] This builds on the Hospital Use Category in the current LMO (Section 16-4-1212 F.). The primary uses in Health Services are hospitals, nursing homes, and medical labs.

2. Use Types and Definitions

Hospital[544]

A facility organized and administered to provide overnight medical or surgical care or nursing care of illness, injury, or infirmity, and may provide obstetrical care. This use type does not include ***nursing homes***. It also does not include medical clinics and doctors' or dentists' offices.

Nursing Home[545]

A facility with an organized nursing staff to maintain and operate organized facilities and services to accommodate two or more unrelated ***persons*** over a period exceeding twenty-four hours, which is operated for the express or implied purpose of providing intermediate or skilled nursing care for ***persons*** who are not in need of ***hospital*** care, but have limited capacity to care for their health care needs.

Other Health Services

A facility other than a ***hospital*** or ***nursing home*** that primarily provides clinically related, diagnostic, treatment, or rehabilitative services, including alcohol, drug abuse, and mental health services. This use type does not include medical clinics and doctors' or dentists' offices, or post incarceration facilities.

D. Resort Accommodations

1. Description

The Resort Accommodation use classification includes ***uses*** providing lodging units or rooms for short-term stays of less than 30 days for rent or lease. ***Uses*** include ***bed and breakfasts*** and ***hotels***. ***Accessory uses*** may include pools and other recreational facilities, restaurants, bars, limited storage, laundry facilities, gift shops, supporting retail sales and services, meeting facilities, and offices. Resort Accommodations do not include ***recreational vehicle (RV) parks*** (which are considered Residential Uses).

2. Use Types and Definitions[546]

Bed and Breakfast[547]

A commercial establishment whose outside appearance is that of a residential property with no more than ten guest rooms designed for and occupied by transients renting rooms on a daily basis and usually staying less than seven days. The rooms are connected by internal corridors for ***access***.

[544] This new definition derives from language in the S.C. Code provisions licensing ***hospitals***.
[545] This new definition derives from language in the S.C. Code provisions licensing nursing homes.
[546] At the request of Town staff, the "inn" use is merged with the "hotel" use, and the "interval occupancy" is deleted.
[547] This definition carries forward and consolidates the definitions from Section 16-10-201 of the current LMO.

Hotel[548]

A ***building*** or group of ***buildings*** with guest rooms for sleeping designed for and occupied by transients renting rooms on a daily basis and usually staying less than seven days. ***Accessory uses*** include check-in and reception facilities, a dining room providing meals for guests, business and conference rooms, and guest amenities such as a swimming pool. A ***hotel*** is generally distinguished from a ***bed and breakfast*** primarily by the number of rooms and the residential appearance of the ***bed and breakfast***.

E. Commercial Recreation Uses[551]

1. Description

Commercial Recreational Uses involve providing indoor or outdoor facilities for recreation or entertainment-oriented activities by patrons or members. There are two types of Commercial Recreation uses: Indoor commercial recreation and outdoor commercial recreation. These ***uses*** do not include banquet halls that are accessory to a ***hotel***, restaurants (considered an ***Eating Establishment use***), or recreational facilities that are accessory to a ***community service use*** or ***religious institution use***, or ***uses*** reserved for use by a particular residential ***development***'s residents and their guests (and thus considered accessory to the Residential Use). ***Accessory uses*** may include offices, concessions, snack bars, and ***maintenance*** facilities.

2. Use Types and Definitions

Indoor Commercial Recreation[552]

An establishment that offers entertainment activities, events, or attractions to the general public on a commercial or fee basis. Indoor commercial recreation uses include: movie theaters, stage theaters, auditoriums, amusement and electronic game arcades (video games, pinball, etc.), pool or billiard tables, theme or amusement parks, boardwalks, midway type attractions such as rides, bumper cars, go-cart tracks, game booths, bowling alleys, pool halls, dance studios and dance halls, indoor firing ranges, health clubs and spas, indoor tennis and ***swimming pools***, and indoor archery ranges.

[548] This definition carries forward the definition from Section 16-10-201 of the current LMO, modifying it to eliminate mandatory elements and distinguishing it from a bed and breakfast.

[551] This is a new Use Classification that is based on Sections 16-4-1213 B. Indoor Recreation/Entertainment, and C. Outdoor Recreation/Entertainment) of the current LMO. It consolidates the concept of entertainment and recreation uses, and then distinguishes between indoor entertainment/recreation and outdoor entertainment/recreation. Each is defined.

[552] This is a new definition.

Outdoor Commercial Recreation Other than a Water Park[553]

An establishment that offers entertainment and recreation activities, events, or attractions to the general public, outdoors, on a commercial or fee basis. Outdoor commercial recreation uses include golf courses; driving ranges; miniature golf courses; zip line courses, and active sports complexes with such ***uses*** as tennis courts, ball fields and basketball courts; and facilities that are available for the benefit of spectators like stadiums, amphitheaters, and band shells. This ***use*** does not include ***Water Parks***.

Water Park[554]

A type of ***outdoor commercial recreation use*** that includes water slides, wave pools, and ***swimming pools*** and is open to the general public on a commercial basis. ***Accessory uses*** may include food and beverage concessions, parking, and ***maintenance*** facilities.

F. Office Uses[555]

1. Description

Establishments that primarily accommodate activities conducted in an office setting, and generally focusing on professional offices or business service offices. Office Uses also include health services offices. A special type of Office Use is the ***contractor's office***. Office Uses do not include offices that are accessory to a ***principal use*** in another use category, or government administration offices (considered a government use), or banks or financial institutions (considered a Commercial Services Use). Except for doctor's or dentist's offices, ***accessory uses*** may include cafeterias, child care facilities, recreational or fitness facilities, incidental commercial ***uses***, or other amenities primarily for the use of employees of the business or in the ***building*** in which the establishment is located. In doctors' and dentists' offices, ***accessory uses*** may include support labs.

2. Use Types and Definitions

Contractor's Office

A ***contractor's office*** is a suite of rooms, or ***building*** used to house ***construction*** services, including builders and specialty contractors such as firms involved in roofing, installing doors and windows, painting, flooring, heating and air conditioning, general contracting, plumbing, electrical, or other similar businesses where the majority of client contact generally occurs at the job ***site***. No contractor materials are stored or housed at the ***site***.

[553] This is a new definition.
[554] This definition is based on Section 16-4-1213 J. of the current LMO.
[555] This builds on Section 16-4-1213 D. of the current LMO, but recognizes contractor's offices as a special type of office.

Other Office Uses

Office Uses other than a ***contractor's office***. This includes establishments that primarily accommodate the provision of business services and professional services in an office setting. Such office uses include, but are not limited to: employment agencies; insurance agents; real estate sales and service; travel agencies; utility company offices; accounting, auditing and bookkeeping services; advertising agencies; attorneys; business associations; chambers of commerce; commercial art and design services; counseling services; court reporting services; architecture, engineering, landscape architecture, urban planning, and other design services; detective agencies; educational, scientific and research organizations; financial management and investment counseling; literary and talent agencies; management and public relations services; media and postproduction services; news services; photographers and photography studios; political campaign headquarters; secretarial, stenographic, word processing, and temporary clerical employee services; security and commodity brokers; and writers and artists offices.

This use type also includes offices providing health care services—including medical treatment, nursing care, preventative care, diagnosis, and physical therapy—in an office setting. Such health services office uses include, but are not limited to, medical doctors' and dentists' offices (with support labs) and psychiatrists' and psychologists' offices. Such health care office uses do not include ***hospitals*** or other health service uses where health care services are provided in a more intensive manner and in a more institutional setting.

G. Commercial Services[559]

1. Description

Establishments involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the ***premises*** to a consumer. Commercial Services may also include ***uses*** that provide personal services, or product ***repair***, or services for consumer and business goods. Commercial Services does not include sales or service establishments related to vehicles (considered Vehicle Sales and Services), or establishments primarily selling supplies to contractors or retailers (considered ***Wholesale Sales***), or the provision of financial, professional, or business services in an office setting (considered Office Uses), or ***uses*** providing recreational or entertainment opportunities (considered Commercial Recreation Uses). ***Accessory uses*** may include offices, storage of goods, assembly or repackaging of goods for ***on-site*** sale, concessions, ATM machines, and outdoor display of merchandise.

2. Use Types and Definitions

Adult Entertainment Use[560]

An establishment offering any of the products, entertainment or services defined in Section 16-7-20 of the Municipal Code.

[559] This builds on the current description of the Retail Sales and Services use category in Sec. 16-4-1212.G of the current LMO, modifying it to include eating establishments.

Animal Services[561]

An establishment that provides for the care and treatment of animals, primarily household pets and other domestic animals. This ***use*** includes veterinary facilities that provide medical care and treatment of animals, and may provide boarding and grooming services. It includes kennels that provide boarding, as well as establishments providing grooming services. Also included are retail pet stores that sell household pets and related goods.

Bicycle Shop[562]

An establishment that sells, services, or rents new or used bicycles, and accessories, with ***outdoor storage*** facilities permitted in certain zoning districts.

Convenience Store[563]

A retail establishment that offers for sale any of the following types of articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, beer, wine, candy, papers and magazines, general hardware articles, gasoline, and related petroleum products. Fast food may be offered, but only as a secondary activity of a ***convenience store***. A ***convenience store*** may also provide ***gasoline sales*** (but not ***auto repair***).

Eating Establishment[564]

An establishment that involves the preparation and selling of food and beverages for immediate or direct on- or off-premise sale and consumption. Examples include restaurants, fast food establishments, yogurt or ice cream stores, pizza establishments that deliver, and specialty ***eating establishments***. ***Accessory uses*** may include kitchens for food preparation, decks and patios for outdoor seating and dining, and ***drive-through*** facilities.

Grocery Store[565]

An establishment primarily engaged in the retail sale of a broad range of prepackaged and perishable foods, but may also sell other convenience and household goods. It is distinguished from a ***convenience store*** primarily by its size and the broader range of foods and products it sells.

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[560] This carries forward the current definition of adult entertainment from the Code of Ordinances.
[561] This consolidates the current LMO's definitions of veterinary services, kennels, and pet stores.
[562] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[563] This is a new definition, replacing the one from Chapter 10, Definitions, in the current LMO.
[564] This builds on Sec. 16-4-1213.A of the current LMO, modernizing the example principal and accessory uses.
[565] This definition carries forward the definition of Supermarket from Section 16-10-201 of the current LMO.

Landscape Business[566]

An establishment that grows, stores, or sells garden plants, shrubs, ***trees***, vines, groundcovers, and other related landscaping materials, either for retail or wholesale. Landscape business uses may include ***greenhouses***, ***outdoor storage*** of goods, materials, equipment, and irrigation systems.

Liquor Store[567]

An establishment licensed by the state exclusively for the retail sale of liquor or spirits in sealed containers for consumption off the ***premises***.

Nightclub or Bar[568]

An establishment that sells alcoholic beverages for consumption on the ***premises***, and that may provide live or televised entertainment or dancing. Food items may be offered for sale to patrons, but the sale of food items is not a major source of revenue.

Open Air Sales[569]

An establishment that sells goods or products that are displayed or otherwise merchandised outdoors, and not in enclosed ***buildings***.

Shopping Center[570]

A group of three or more architecturally unified commercial establishments located on a single ***site*** with common parking facilities which is planned, developed, and owned or managed as a single operating unit.

Tattoo Facility[571]

An establishment primarily engaged in the practice of tattooing—i.e., the indelible marking or coloring of human skin by subcutaneous introduction of nontoxic dyes or pigments.

Other Commercial Services

A Commercial Services establishment other than those listed and defined above that primarily involves the sale, rental, and incidental servicing of consumer goods and commodities, or the provision of personal services or business-related services to consumers. This ***use*** includes, but is not limited to, day care centers, banks and other financial institutions, clothing stores, department and discount stores, furniture stores, hair and nail salons, laundry and dry-cleaning establishments, funeral homes, home electronics and small appliance stores, shoe ***repair*** shops, and tanning salons.

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566 This is a new definition.
567 This is a new definition.
568 This consolidates definitions of nightclub and bar in Sec. 16-10-201 of the current LMO.
569 This is a new definition. (The Current LMO regulates, but does not defined, this use.)
570 This definition carries forward the definition from Section 16-10-201 of the current LMO.
571 This carries forward and consolidates the definitions of tattoo facility and tattooing in Sec. 16-10-201 of the current LMO.

H. Vehicle Sales and Services[572]

1. Description

The Vehicle Sales and Services classification includes ***uses*** involving the direct sales, leasing, and servicing of automobiles (including motorcycles and light trucks), whether for personal transport, commerce, or recreation. The ***uses*** include but are not limited to: ***auto rental***, ***auto repair***, ***auto sales***, ***car wash***, ***gas sales***, ***taxicab service***, towing service, truck or trailer rental, and commercial parking lots. This use classification does not include airports (considered an Aviation and Surface Transportation use type) or the storage, recycling, and resale of inoperable vehicles or vehicle parts (considered a salvage and recycling facility and thus part of the ***Waste-Related Services Use*** Other than a Waste Treatment Plant). ***Accessory uses*** may include offices, sales of parts, ***maintenance*** facilities, outdoor display, and vehicle storage.

2. Use Definitions

Auto Rental[573]

An establishment where new or used passenger automobiles are offered for short-term lease to the general public.

Auto Repair[574]

An establishment that ***repairs***, rebuilds, or reconditions passenger automobiles, not including bodywork, framework, welding, and major painting service.

Auto Sales[575]

An establishment where new or used passenger automobiles or light trucks in operating condition are offered for sale or long-term lease to the general public.

Car Wash[576]

An establishment containing special equipment and facilities for the washing, waxing, and cleaning of private motor vehicles, but not commercial fleets. The ***use*** may involve automatic operations whereby vehicles are manually driven or pulled by a conveyor through a system of rollers or brushes, or self-service operations whereby vehicles are driven into a ***structure*** and their operators use equipment to wash, wax, and clean the vehicle themselves. Interior cleaning or drying may be conducted manually by vehicle operator or ***on-site*** attendants.

[572] This uses Section 16-4-1213 I as a starting point, but refines the description of use characteristics and accessory uses.
[573] This is a new definition.
[574] This is a new definition.
[575] This is a new definition.
[576] This is a new definition.

Gas Sales[577]

An establishment where gasoline, motor oils, lubricants, batteries, tires and automobile accessories may be supplied and sold. ***Uses*** permissible at a ***gas sales*** establishment do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in a gas service station. A towing service may be allowed as an ***accessory use*** to a ***gas sales use***.

Taxicab Service[578]

An establishment that offers transportation in passenger automobiles and vans to ***persons***, in return for remuneration. The business shall not include facilities for servicing, repairing, and fueling the automobiles ***on-site***.

Towing Service[579]

An establishment engaged in the towing of vehicles or equipment from one location to another. Such an establishment may also include storage for towed vehicles, but may not include storage of junked, salvage, or inoperable vehicles or equipment.

Truck or Trailer Rentals[580]

An establishment where new or used light trucks or trailers are offered for short-term lease to the general public.

Watercraft Sales, Rentals, or Service[581]

An establishment that rents, sells, or services watercrafts to or for the general public.

I. Industrial Uses

1. Description

The Industrial Uses classification includes ***uses*** primarily engaged in the manufacture, fabrication, processing, assembly, packaging, storage, and distribution of goods or commodities, where the end product is generally not acquired by the ultimate user on the ***premises***. Industrial uses also include related ***uses*** that provide support services to any of the above ***uses***.

[577] This carries forward the definition of gas sales from Section 16-10-201 of the current LMO.
[578] This is a new definition.
[579] This is a new definition.
[580] This is a new definition.
[581] This is a new definition.

2. Use Types and Definitions

Light Industrial, Manufacturing, or Warehouse Use[582]

An establishment or business primarily engaged in the manufacturing, fabrication, processing, assembly, packaging of goods, or the provision of equipment, ***repair***, storage, distribution, and other services related to industrial ***uses***. This use type excludes ***uses*** involving the manufacturing, processing, or storage of significant amounts of materials that are flammable, explosive, or toxic, or create hazardous conditions. Relatively few customers come to the ***site*** and there is little ***on-site*** sales activity with the customer present.

A light industrial use is primarily engaged in the ***repair*** or servicing of industrial, business, or consumer machinery, equipment, products or by-products. Examples of light industrial uses include: welding shops; machine shops; tool ***repair***; electric motor ***repair***; ***repair*** of scientific or professional instruments; ***building***, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; janitorial and ***building maintenance*** services; fuel oil distributors; research, testing and ***development*** laboratories; laundry, dry-cleaning and carpet cleaning facilities; and photo-finishing laboratories.

A manufacturing use is primarily engaged in the manufacturing, processing, fabrication, packaging, or assembly of goods. Examples of manufacturing uses include catering establishments; woodworking, cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; motion picture production facilities; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of equipment, instruments, including musical instruments, appliances, precision items and other electrical items; production of artwork and toys; and sign making. This use type does not include ***seafood processing***.

A warehouse use is primarily engaged in the storage or movement of goods for themselves or other businesses. Examples of warehouse uses include separate warehouses used by retail stores (such as furniture and appliance stores); household moving and general freight storage; food storage; cold storage plants, including frozen food lockers; parcel services; and the stockpiling of sand, gravel, or other aggregate materials.

Seafood Processing[583]

A manufacturing establishment that processes seafood for human consumption through canning, curing, or byproduct processing.

Self Service Storage[584]

An establishment providing individual, self-contained units or areas leased to individuals, organizations, or businesses for ***self-service storage*** of household and personal property. The storage units or areas are designed to allow private ***access*** by

[582] This use consolidates and builds on the descriptions of the Light Industrial, Manufacturing and Production, and Warehouse and Freight Movement use categories in Sec. 16-4-1214.B, c, and D of the current LMO.

[583] This is a new definition.

[584] This builds on the description of the Self Service Storage use category in Sec, 16-4-1213.H of the current LMO, modernizing the use characteristics and accessory uses.

the tenant for storing or removing personal property. This ***use*** is also called a "mini-warehouse." The ***use*** does not include a transfer and storage business not involving individual storage areas and businesses where employees are the primary movers of property being stored or transferred (an Industrial, Manufacturing, and Warehouse Use). ***Accessory uses*** may include leasing offices, ***outdoor storage*** of boats and ***recreational vehicles***, incidental sales or rental of moving supplies and equipment, and living quarters for a resident manager or security guard. Use of the storage areas for sales, service, ***repair***, or manufacturing operations is not considered accessory to ***self-service storage***. The rental of trucks or equipment is also not considered accessory to the ***use***.

Waste Treatment Plant[585]

An establishment that receives solid or liquid wastes from others for disposal ***on-site*** or for the transfer to another location.

Waste-Related Services Use Other than a Waste Treatment Plant[586]

An establishment that receives solid or liquid wastes from others for disposal on the ***site*** or for transfer to another location, that collects sanitary wastes, or that manufactures or produces goods or energy from the composting of organic material. ***Uses*** include: waste transfer or composting centers; salvage and recycling facilities; resource recovery facilities; recycling drop-off centers; and water treatment plants. ***Accessory uses*** may include offices, ***outdoor storage***, recycling of materials, and repackaging and transshipment of by-products. Disposal of dirt, concrete, asphalt, and similar non-biodegradable materials is considered fill.

Wholesale Sales

An establishment involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. This ***use*** emphasizes ***on-site*** sales or order taking and often includes display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. ***Uses*** include the sale or rental of machinery, equipment, heavy trucks, ***building*** materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, and ***building*** hardware. ***Accessory uses*** may include offices, product ***repair***, warehouses, parking, minor fabrication services, and repackaging of goods. Businesses that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales and Service. Businesses that are primarily storing goods with little ***on-site*** business activity are considered an Industrial, Manufacturing, and Warehouse Use.

[585] This is a new definition of a use regulated by, but not defined in, the current LMO.
[586] The Waste-Related Service Use Category carries forward Section 16-4-1214 E. of the current LMO.

J. Other Uses

1. Use Types and Definitions

Agriculture[587]

Activities that involve the noncommercial raising, producing, or keeping of plants or animals, including: the noncommercial breeding or raising of fowl or other animals; stables; riding academies; kennels; or other animal boarding places; and gardening. Agriculture ***accessory uses*** include produce stands, ***dwellings*** for proprietors and employees of the ***use***, and animal training. Processing of animal or plant products are considered light industrial, manufacturing, and warehouse uses. Plant nurseries that are oriented to retail sales are classified as landscape businesses.

Boat Ramp

A facility to launch and retrieve recreational boats from a trailer. ***Accessory uses*** may include parking and restrooms.

Docking Facility[588]

A ***structure*** built over or floating on the water used as a landing place for boats or other marine transport, fishing, swimming, and other recreational ***uses***. Docks may include boat houses, seating areas, gazebos, boat lifts, and storage facilities.

Marina[589]

A commercial harbor, boat basin, or other facility that provides storage or ***docking facilities***, supplies, or other services for water craft, including facilities for storing water craft in or out of the water, but excluding storage of water craft at a private dock associated with a residential unit or on private property where no fee is charged.

[587] This section carries forward Section 16-4-1215 A. of the current LMO, with minor changes.
[588] This is a new definition.
[589] This definition carries forward the definition from Section 16-10-201 of the current LMO.

Sec. 16-10-104. Table of Abbreviations[590]

Table 16-10-105, Abbreviations, includes the abbreviations and their corresponding terms as used in this Ordinance.

TABLE 16-10-105: ABBREVIATIONS

ABBREVIATION	COMPLETE TERM
ac	Acre
AADA	Annual Average Daily Traffic
ADA	Americans with Disabilities Act
ADT	Average daily trips
ANSI	American National Standards Institute
AASHTO	American Association of State Highway and Transportation Officials
BFE	Base flood elevation
BMP	Best management practice
DBH	Diameter at breast height
DRB	Design review board
CIP	Capital improvements program
DHEC	South Carolina Department of Health and Environmental Control
du	Dwelling unit(s)
EV	Electric vehicle
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Maps
ft	Feet
GFA	Gross floor area
HHI	Hilton Head Island
IBC	International Building Code
IESNA	Illuminating Engineering Society of North America
ITE	Institute of Transportation Engineers
LMO	Land Management Ordinance
LOS	Level of service
MSL	Mean sea level
NAD	North American Datum
NAVD	North American Vertical Datum
NPDES	National Pollutant Discharge Elimination System
OCRM	(DHEC) Office of Ocean and Coastal Resource Management
PD	Planned development
PSD	Public Service District
PUD	Planned unit development
SC	South Carolina
S.C. Code of Laws	Code of Laws of South Carolina
SCDOT	South Carolina Department of Transportation
sf	Square feet
USACOE	United States Army Corps of Engineers
WEC	Wind energy conversion

[590] This section carries forward Sec. 16-10-103 - Abbreviations of the current LMO.

Sec. 16-10-105. General Definitions

Terms defined in this section shall have the meanings stated in the definition of the term.

Abutting[591]

The condition of two or more adjoining ***parcels*** of ***land*** having a common property line or boundary, including cases where two or more ***parcels*** of ***land*** join at a corner. Parcels of ***land*** that are separated by a ***street*** or alley are not ***abutting***.

Access[592]

The right or ability of pedestrians, vehicles, and boats to enter and leave property.

Accessory Structure[593]

A ***building*** or ***structure*** subordinate and incidental to, and located on the same ***lot*** with, a ***principal building*** and ***use***, the use of which is customarily found in association with and is clearly incidental to that of the main ***building*** or to the ***use*** of the ***land***, and which is not attached by any part of a common wall or roof to the ***principal building***.

Adjacent[594]

A ***parcel*** of ***land*** or ***development site*** that shares all or part of a common ***lot*** line or boundary with another ***parcel*** of ***land***, or a ***parcel*** of ***land*** that would abut another ***parcel*** of ***land***, but for the fact a ***street*** or ***right-of-way*** divides the ***parcels***.

Adopted Traffic Service Level Standards

See Sec. 16-5-106.C, Traffic Impact Analysis Plan Standards.

Agricultural Activity

For purposes of stormwater management, any activity directly related to: (a) the production of crops, dairy products, poultry, or livestock; (b) the cultivation or harvesting of ***trees***; or (c) fish farms. ,

Airport Runway Primary Surface Area[596]

A surface longitudinally centered on the runway which extends beyond the runway. The width and length of the primary surface area are set forth in Sec. 16-3-106.E.3, Delineation of the District. The elevation of any point on the primary surface area is the same as the elevation of the nearest point on the runway centerline.

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591 This is a new definition.
592 This definition carries forward the definition from Section 16-10-201 of the current LMO.
593 This definition carries forward the definition from Section 16-10-201 of the current LMO.
594 This is a new definition.
596 This definition carries forward the definition from Section 16-10-201 of the current LMO.

All-Weather Driving Surface[597]

A driving surface capable of supporting the imposed load of fire apparatus weighing at least 60,000 pounds.

Amenity[598]

A natural or man-made feature which enhances a particular property.

Applicant[599]

A ***person*** who has submitted an ***application*** for review under applicable provisions of this Ordinance.

Application[600]

The completed form or forms and all accompanying documents, exhibits, and fees required by this Ordinance to be submitted as part of the review of a request for a ***development*** permit or approval.

Archaeological Resource or Archaeological Site[601]

Place of past human settlement or activity, where archaeological remains are present, whether known, suspected, or unknown. ***Sites*** vary in size and use; examples include burial and campsite (e.g., for temporary hunting or fishing), quarry, mine, industry, fort, pueblo, or rock shelter.

As-Built Survey[602]

A plat prepared by a South Carolina registered ***land*** surveyor that accurately identifies and depicts a ***parcel*** of ***land*** and shows the location of all boundaries, ***easements***, and ***on-site improvements***—including, but not limited to, all ***structures***, parking facilities, utilities, and stormwater ***detention***/retention areas.

Authorized Agent[604]

A ***person*** with express written consent to act upon another's behalf.

Average Daily Traffic (ADT)

The number of vehicles passing a point on a street during a 24-hour period, usually calculated as the average of two or more days of traffic, and based on trip generation rates taken from the latest edition of the Institute of Transportation Engineers *Trip Generation Manual* (*ITE Manual*).

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597 This definition carries forward the definition from Section 16-10-201 of the current LMO.
598 This definition carries forward the definition from Section 16-10-201 of the current LMO.
599 This definition carries forward the definition from Section 16-10-201 of the current LMO.
600 This is a new definition.
601 This definition carries forward the definition from Section 16-10-201 of the current LMO.
602 This replaces the definition from Section 16-10-201 of the current LMO.
604 This is a new definition.

Base Flood Elevation

See Sec. 16-10-102.C.3, Base Flood Elevation.

Beach[606]

That area of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation (usually the effective limit of storm waves).

Beach Nourishment (also Beach Renourishment)[607]

A process by which sand lost through longshore drift or erosion is replaced from sources outside of the eroding ***beach***.

Beachfront Line[608]

Beachfront Line shall have the same location as the 1999 OCRM Baseline. The South Carolina State Plane coordinates which bound the 1999 OCRM Baseline are the same as those utilized to locate the Beachfront Line.

Best Management Practice (BMP)[609]

A practice, facility, or ***site improvement***—or a combination of practices, facilities, or ***site improvements***—that is generally accepted by professionals in the field to be an effective and practical means (technological, economical, and institutional) of preventing or reducing the amount of pollution generated by nonpoint sources of stormwater runoff. Examples of BMPs include, but are not limited to, ***detention*** ponds, sediment basins, filter strips, and buffer zones. Although BMPs may be identified and described in various documents, the *Storm Water Management BMP Handbook* published by the South Carolina Department of Health and Environmental Control is an example of such a document pertinent to Hilton Head Island.

Bike Lane[610]

A corridor expressly reserved for bicycles that exists on a ***street roadway*** in addition to any lanes for use by motorized vehicles.

Board of Zoning Appeals[611]

The Town of Hilton Head Island Board of Zoning Appeals. See Appendix A-3, Board of Zoning Appeals.

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[606] This is a new definition taken from the Town's sea turtle protection regulations (Sec.8-5-11 of the Municipal Code).
[607] This is a new definition.
[608] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[609] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[610] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[611] This definition carries forward the definition from Section 16-10-201 of the current LMO.

Building[612]

Any ***structure*** having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any ***person***, commercial or business activity, process, equipment or goods. Each portion of a ***building*** separated from other portions by a firewall shall be considered as a separate ***building***.

Building Code[613]

The latest edition of the International Building Code (IBC), International Mechanical Code, International Energy Efficiency Code, International Plumbing Code, International Fuel Gas Code, and International Residential Code as adopted by the South Carolina Building Codes Council.

Building Permit[614]

A permit issued by the ***Town*** in accordance with the ***Building Code*** then in effect, and this Ordinance.

Building, Principal[615]

A ***structure*** on or in which the main or primary ***use*** of the ***lot*** is conducted, as contrasted to an accessory ***building*** in which ***uses*** subordinate to the primary ***use*** are conducted.

By Right[616]

Land uses that are permitted in a zoning district without being subject to ***use***-specific conditions or requiring approval of a Special Exception.

Capital Improvements Program[617]

The plan for public capital ***improvements*** within the ***Town*** which has most recently been approved by the ***Town Council***.

Change of Use[618]

A change in the ***use*** of a ***structure*** or ***land***. Change of ***use*** shall include a change from one ***use*** type to another ***use*** type.

Changeable Copy

Any ***copy*** or ***graphics*** on a sign designed to be changed manually in the field.

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[612] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[613] This is a new definition.
[614] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[615] This definition expands the definition from Section 16-10-201 of the current LMO.
[616] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[617] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[618] This is a new definition.

Circuit Court[619]

The Court of Common Pleas for Beaufort County, South Carolina.

Clerk of Circuit Court[620]

The Clerk of the Court of Common Pleas for Beaufort County, South Carolina.

Coastal High Hazard Area[621]

A velocity (v) zone as shown on ***flood*** insurance rate maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA). Alternately, a ***flood*** hazard area subject to high velocity waters. (See also "Flood Hazard District").

Coastal High Velocity Area

See "***Coastal High Hazard Area***."

Common Open Space[623]

Any part of a ***development site*** that is not utilized for ***single-family lots***, ***rights-of-way***, ***streets***, commercial ***structures***, ***multifamily structures***, and parking and loading areas. The following are included in the definition of ***common open space***: golf courses, tennis courts, areas for other court games, ***swimming pools***, pedestrian and bicycle paths, equestrian trails, play fields, picnic areas, horse stables, places for people to gather, and passive recreation areas.

Community Garden[624]

A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one ***person***, household, or ***family***.

Comprehensive Plan[625]

The Comprehensive Plan for the Town of Hilton Head Island, as amended, including the Transportation Element of said plan and other such adopted supplements.

Conditional Use[626]

A ***use*** that is permitted subject to listed conditions.

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619 This is a new definition.
620 This is a new definition.
621 This definition carries forward the definition from Section 16-10-201 of the current LMO.
623 This replaces the definition in Sec. 16-10-201 of the current LMO.
624 This is a new definition.
625 This definition carries forward the definition from Section 16-10-201 of the current LMO.
626 This definition carries forward the definition from Section 16-10-201 of the current LMO.

Construction[627]

The erection of any ***building*** or ***structure*** or any preparations (including ***land disturbing activities***) for the same.

Construction/Storage Trailers[628]

A temporary mobile unit located at a ***development site*** to be used for ***construction***, storage, or sales purposes.

Contiguous[629]

Directly or immediately ***adjacent*** to a boundary or separated only by a ***street*** or public utility ***right-of-way***.

Copy

Any letters, numerals or characters used in any combination and displayed on a sign.

Corner Lot

A ***lot abutting*** two or more ***streets*** at their intersection, where the interior angle of the intersection does not exceed 120 degrees.

County[630]

Beaufort County, South Carolina.

Cul-de-Sac

A ***street*** with only a single means of ingress or egress leading to a turnaround at the end.

Delivered

A document, notice or other item shall have been ***delivered*** upon the earliest of the following:
1. The item is given to the intended recipient by personal hand delivery to the applicant or authorized representative; or,
2. The item is deposited into the United States Mail, with the postage required by the form of the mailing (i. e., first class mail, certified mail, return receipt requested), in which case the item is deemed to have been delivered as of the date of the post mark.

Delivery[631]

A transfer of the possession of an object, property, or document to another.

[627] This is a new definition.
[628] This is a new definition.
[629] This is a new definition.
[630] This is a new definition.
[631] This is a new definition.

Density

See Sec. 16-10-102.B.1, Density.

Design Review Board[632]

The Town of Hilton Head, Design Review Board. See Appendix A-4, Design Review Board.

Detention

The collection and storage of surface water for subsequent controlled discharge at a rate that is less than the rate of inflow. (See also "retention.")

Developer[633]

The legal or beneficial owner or owners of a ***lot*** or of any ***land*** proposed to be included in a proposed ***development***, including the holder of an option or contract to purchase, or any other ***person*** having an enforceable proprietary interest in such ***land***.

Development[634]

The ***use*** of a ***structure*** or ***land***; or the ***construction***, reconstruction or alteration of a ***structure***; or an increase in ***land use*** intensity; or ***filling***, excavating or dredging a ***parcel*** or intertidal or underwater ***land***; or a change in effects or conditions of a ***site***; or the alteration of a shore, bank or floodplain; or the ***construction*** or extension of a utility; or the ***subdivision*** of ***land***.

Development Agreement[635]

An agreement entered into by the ***Town*** in accordance with Sec.6-31-10, et seq. of the S.C. Code of Laws.

Diameter at Breast Height (DBH)

The diameter of a ***tree*** four and one-half (4.5) feet above ground level.

Disaster[637]

Any occurrence of widespread or severe damage, injury, or loss of life or property resulting from a natural, technological, or national security incident, including but not limited to earthquake, explosion, fire, ***flood***, high water, hostile military action, hurricane, landslide, mudslide, storm, tidal wave, tornado, or wind-driven water, when a State of Emergency is declared by the Mayor in accordance with Section 7-7-20 of the ***Municipal Code***.

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632 This is a new definition.
633 This definition carries forward the definition from Section 16-10-201 of the current LMO.
634 This definition carries forward the definition from Section 16-10-201 of the current LMO.
635 This is a new definition.
637 This definition carries forward the definition from Section 16-10-201 of the current LMO.

Divisible Dwelling Unit[638]

A ***dwelling unit*** in a ***multifamily*** residential ***development*** that includes one or more lock-out bedrooms that can be physically closed or locked off from the remainder of the ***dwelling***. Such units must have a bathroom. Size is limited to 50 percent of the square footage of the remaining base unit.

Drainage Basin

A drainage area or watershed contributing to the flow of stormwater runoff into a receiving body of water.

Drive Aisle[639]

A vehicular accessway within a parking bay providing direct ingress and egress to ***adjacent*** individual parking spaces. Drive aisles include extensions of such accessways that connect ***adjacent*** parking bays.

Drive-Through[640]

An accessory facility designed to enable a motorist to drive up to a window or service point and quickly transact business or obtain services, products, or goods while remaining in the motor vehicle. Drive-throughs can be accessory to restaurants, banks, pharmacies, laundromats, and ATMs.

Driveway[641]

A vehicular accessway providing ingress and egress to a vehicle parking area (including a garage or carport), loading area, or maneuvering area on a ***lot*** from a ***street*** or another driveway.

Dune Boardwalk[642]

A pedestrian walkway constructed of (generally wood) planking that crosses a ***dune system*** to the ***beach***. Boardwalks may also be used for bicycle traffic.

Dune or Dune System

One or a series of hills or ridges of wind-blown sand exhibiting varied topography, but generally running parallel to the ***beach***, or one or a series of hills or ridges of sand resulting directly or indirectly from ***beach*** restoration or ***beach renourishment***. Dunes may or may not be anchored by vegetation (e.g., sea oats) and are in the vicinity of the ***beach***.

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638 This definition carries forward the definition from Section 16-10-201 of the current LMO.
639 This is a new definition.
640 This is a new definition.
641 This replaces the definition in Sec. 16-10-201 of the current LMO.
642 This is a new definition.

Dwelling[643]

A ***building*** or part of a ***building*** designed and occupied exclusively for residential purposes by an individual or ***family*** unit, together with permitted ***accessory uses***.

Dwelling Unit (DU)[644]

A ***building*** or a portion of a ***building*** providing complete and independent living facilities for a ***family***, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Earth Tones

Colors listed as such in the Town of Hilton Head Island Design Guide.

Easement[645]

An interest in ***land*** of another that entitles the holder to a specified limited ***use***.

Electric Vehicle (EV)[646]

A vehicle that operates, either partially or exclusively, on electric energy stored in the vehicle's batteries. "Electric vehicle" includes a vehicle operating exclusively on electrical energy from its batteries (battery electric vehicle, or BEV), or a vehicle that is powered by both an internal combustion engine and an electric motor operating on electrical energy from on-board batteries charged primarily through connections to the electric grid or other off-board electrical source (plug-in hybrid electric vehicle, or PHEV).

Electric Vehicle (EV) Level 1 or 2 Charging Station[647]

An electric vehicle (EV) level 1 or 2 charging station is a vehicle parking space that is served by an electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy, by conductive or inductive means, from the electric grid or other off-board electrical source to a battery or other energy storage device within an ***electric vehicle***. A Level 1 charging station is a slow charging station that typically operates on a 15- or 20-amp breaker on a 120-volt Alternating Current (AC) circuit. A Level 2 charging station is a medium charging station that typically operates on a 40- to 100-amp breaker on a 208- or 240-volt Alternating Current (AC) circuit.

Expansion[648]

An increase in the ***gross floor area*** of an existing ***structure*** or ***building***, or the increase of area or intensity of a ***use***.

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643 This definition carries forward the definition from Section 16-10-201 of the current LMO.
644 This definition carries forward the definition from Section 16-10-201 of the current LMO.
645 This definition carries forward the definition from Section 16-10-201 of the current LMO.
646 This is a new definition.
647 This is a new definition.
648 This is a new definition.

Facade

A ***structure***'s entire single elevation, including wall face, parapet, windows, doors, awnings, or canopies.

Factory Built Housing[649]

A ***structure*** that is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities, designed for long term residential ***use***. For the purposes of this LMO, factory built housing consists of two types: modular homes and ***manufactured homes***. (See definitions of those terms in this Section.)

Fall Zone

The area in which a telecommunication tower may be expected to fall in the event of a structural failure, as measured by engineering standards

Family[650]

One or more ***persons*** who are related by blood, marriage, or adoption and living together as a single household unit in a ***dwelling unit***—provided, however, that "***family***" also includes nine or fewer mentally or physically handicapped ***persons*** provided care on a 24 hour basis and living together as a single household unit in a ***dwelling unit***, where such arrangement is approved or licensed by a state agency or department or under contract with the agency or department.

Farmers' Market[651]

A public market held in a ***structure*** or open area occasionally or periodically for only a limited time period during the year, where farmers primarily sell produce and other farm products they have grown, gathered, or raised directly to consumers.

Filling

Any activity that increases ground surface or substrate elevation—including, but not limited to, sedimentation and dumping.

Finish Grade

The elevation of ***land*** resulting from alteration as part of ***development*** activity. (See also "grade" and "pre-***development*** grade.")

Flood

A general and temporary condition of partial or complete inundation of normally dry ***land*** areas from the overflow of inland or tidal waters or from rain.

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[649] This definition carries forward the definition from Section 16-10-201 of the current LMO.

[650] This definition carries forward the definition from Section 16-10-201 of the current LMO, adding wording from Sec. 6-29-770(E) of the S.C. Code of Laws, which requires licensed, approved, or contracted homes serving nine or fewer mentally or physically handicapped persons be treated as a family for zoning purposes.

[651] This is a new definition.

Foot-Candle

A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle. A foot-candle is equal to one lumen per square foot, or 10.764 lux.

Frontage[652]

The width in linear feet occupied by each separate business or other ***use*** or the width in linear feet of a ***lot*** that fronts on a ***street***. Each ***building*** or ***lot*** front shall, for purposes of sign ***copy*** area allowed, be separately calculated.

Fully Shielded[653]

Fixtures that are shielded in such a manner that light emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. This means that a fully shielded fixture is one used in a way that allows no direct or internally reflected light to shine above the fixture.

Gate

A movable frame or solid ***structure*** which swings, slides, or rolls controlling ingress and egress through an opening in a fence, wall, or vegetation.

Grade

See Sec. 16-10-102.C.4, Grade.

Grade, Finish

See Sec. 16-10-102.C.5, Grade, Finish.

Grade, Predevelopment

See Sec. 16-10-102.C.6, Grade, Predevelopment.

Graphics[657]

For the purposes of Sec. 16-5-114, Sign Standards, any drawing, symbol, picture, motif, or logo displayed on a ***sign face***.

Greenhouse[660]

A ***structure***, primarily of glass, in which temperature and humidity can be controlled for the cultivation or protection of plants.

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652 This is a new definition.
653 This is a new definition.
657 This definition carries forward the definition from Section 16-10-201 of the current LMO.
660 This is a new definition.

Gross Floor Area

See Sec. 16-10-102.B.2, Gross Floor Area.

Ground Water[661]

That portion of water below the ground surface that is under greater pressure than atmospheric pressure.

Height

See Sec. 16-10-102.C, Height.

Home Occupation[662]

Any ***use*** of principal and accessory ***buildings*** located within a residential area that is clearly incidental to their ***use*** for ***dwelling*** purposes and conducted for compensation by a resident thereof.

Housing Unit[663]

See ***Dwelling Unit***.

Impervious Cover

See Sec. 16-10-102.E.1, Impervious Cover.

Impervious Surface[664]

See Sec. 16-10-102.E.2, Impervious Surface.

Improvement[665]

The ***construction*** of ***buildings*** and the establishment of basic services and amenities associated with ***development***, including, but not limited to ***streets*** and sidewalks, parking areas, water and sewer systems, drainage system, property markers and monuments, recreation facilities (i.e., lakes, ***swimming pools***, tennis courts, golf courses, riding stables, club houses, cabanas, ***marinas***, docks and the like) and other similar ***construction*** or establishment.

Land[670]

The earth, water, and air, above, below, or on the surface, and including any ***improvements*** or ***structures*** customarily regarded as land.

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[661] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[662] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[663] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[664] At the request of Town staff, this is revised to incorporate wording from the Beaufort County BMP Manual and to add compacted gravel surfaces and permanent ponding/storage areas.
[665] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[670] This is a new definition.

Land Disturbing Activity[671]

Any change of the ***land*** surface—including, but not limited to, removing vegetative cover, excavation, ***filling***, grading, and the placement or ***construction*** of any ***improvement*** or ***structure***.

Landowner[672]

A ***person*** who holds legal title to a property or the ***authorized agent*** of such a ***person***.

Ldn

The A-weighted equivalent sound level for a 24 hour period with an additional 10 decibels (dB) imposed on the equivalent sound levels for night time hours of 10 p.m. to 7 am; expressed as dBA.

Legal Nonconformity[673]

Any ***land use***, ***development***, ***structure***, or ***site***, including any ***lot of record***, that was legally established, but that is not presently in full compliance with the provisions of this Ordinance.

Legal Protection[674]

For the purposes of ***wetland*** mitigation regulations, a legally-binding agreement that specifically preserves a ***wetland*** mitigation area for a duration of time. Legal Protection includes, but is not limited to deed restriction, covenant, conservation easement, or gift to a conservation group or ***land*** trust.

Legally Established[675]

Any ***land use***, ***development***, ***building***, ***structure*** or ***site***, including any ***lot of record***, which was established, constructed, used or recorded pursuant to, and in conformance with all relevant requirements of the Ordinances then in effect.

Legally Maintained[676]

As used in this Ordinance, the phrase "legally maintained" shall mean that any and all conditions, obligations, and requirements of any permit, ***development*** approval, or certificate of any description issued by Beaufort County, South Carolina, the Town of Hilton Head Island, the State of South Carolina, or other government entity shall have been met within the time frame, if any, required by such permit, approval, or certificate, or that the permit, ***development*** approval, or certificate has been fully executed according to its terms.

[671] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[672] This is a new definition.
[673] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[674] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[675] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[676] This definition carries forward the definition from Section 16-10-201 of the current LMO.

Level of Service (LOS)

A qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.

Lock-Out Room[677]

See "***Divisible Dwelling Unit***".

Lot[678]

A legally described piece of ***contiguous land*** that has been or may be developed as a unit. This term is synonymous with "***parcel***."

Lot of Record [679]

A ***lot*** that exists and is described and defined as part of a recorded ***subdivision*** plat or a ***lot*** otherwise recorded with the Beaufort County Register of Deeds before the date of the ***Town***'s adoption of ***subdivision*** regulations or subsequent to that date and in accordance with ***Town subdivision*** regulations applicable at the time of recordation.

Maintenance

Any activities required to assure successful restoration after a project has begun (i.e. erosion control, water level manipulations).

Manufactured Home[680]

A factory-built, ***single-family structure*** that is manufactured under the authority of 42 USC Section 5401 and that is transportable in one or more sections, is built on a permanent chassis, but is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent ***site***, and does not have wheels or axles permanently attached to its body or frame.

Material[681]

The adjective "material" as contained herein shall be construed to mean objective, substantive, tangible, and consequential.

[677] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[678] This definition carries forward the definition from Section 16-10-201 of the current LMO, revising it to clarify that "lot" and "parcel" have the same meaning.
[679] This definition carries forward the definition from Section 16-10-201 of the current LMO, revising it to clarify that lots of record also include lots created in accordance with the LMO since its adoption.
[680] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[681] This definition carries forward the definition from Section 16-10-201 of the current LMO.

Maximum Extent Practicable[682]

No feasible or practical alternative exists, as determined by the ***Official***, and all possible efforts to comply with the standards or regulation or minimize potential harmful or adverse impacts have been undertaken by an ***applicant***. Economic considerations may be taken into account but shall not be the overriding factor determining "maximum extent practicable."

Mean High Water Line[683]

That line which intersects with the shore representing the average height of high waters over an 18.5-year tidal cycle. Benchmarks purporting to have established mean high or low water values must be verified by Town Hall as meeting ***State*** and National Ocean Survey Standards.

Mobile Home[684]

A transportable, factory-built ***structure*** that was manufactured prior to enactment of the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC Section 5401) and that is designed to be used as a single ***dwelling unit***.

Model Sales Home/Unit[685]

A ***dwelling unit***, or other marketable unit of a new ***development***, that is used for real estate sales or leasing activities associated with the ***development*** pending ***construction*** of the ***development*** and the initial sales of homes or units in the ***development***.

Modular Housing[686]

Factory built housing constructed in accordance with the standards set forth in the South Carolina Modular Buildings Act, and bearing a label of compliance with the Act (Title 23, Chapter 43). Modular homes shall be subject to the same standards as ***site***-built homes.

Motorized Watercraft[687]

Any boat or other type vessel propelled by any type of electric, internal combustion or other type of engine.

Municipal Code

The Municipal Code of the Town of Hilton Head Island, South Carolina, 1983, as amended.

Natural Water Body[689]

Any pond, lake, channel, ***wetland***, marsh, creek, sound, or ocean which ordinarily or intermittently contains water and which has a discernible shoreline and is not the result of ***development***.

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682 This is a new definition.
683 This definition carries forward the definition from Section 16-10-201 of the current LMO.
684 This definition carries forward the definition from Section 16-10-201 of the current LMO.
685 This is a new definition.
686 This definition carries forward the definition from Section 16-10-201 of the current LMO.
687 This definition carries forward the definition from Section 16-10-201 of the current LMO.

Neighborhood[690]

Sub-areas of the ***Town*** within which there are similarities in character, such as ***land use***, ***development*** patterns, natural features or socio-economic attributes.

Net Acre

See Sec. 16-10-102.B.3, Net Acre.

Nonconforming Building or Structure[691]

Any ***structure*** that fails to conform to any provision of this Ordinance, including ***height***, bulk, setback from any ***lot*** line or from the ***street***, ***building*** coverage, or ***building*** design. Also, any ***structure*** that fails to conform to any applicable provision of an approved Development Plan as to ***height***, bulk, setback from any ***lot*** line or from the ***street***, ***building*** coverage, ***building*** size, or ***building*** design.

Nonconforming Sign[693]

Any sign that does not meet the standards of this Ordinance.

Nonconforming Site Feature[694]

Any ***site*** feature or attribute—including but not limited to, parking, buffering, landscaping, screening of mechanical equipment, or walls and fences—that was legally established at the time of ***development***, but that does not conform to all the standards and regulations of this Ordinance.

Nonconforming Use[696]

Any activity using ***land***, ***buildings***, or ***structures*** that was legally established, but that fails to conform in any respect to an applicable ***use*** requirement set forth in this Ordinance.

Non-Contiguous Planned Unit Development (PUD)[697]

Lands in more than one ***tract***, not totally ***adjacent***, or ***contiguous***, that are controlled by one owner or one ownership entity, and are proposed for ***development*** as a PUD.

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[689] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[690] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[691] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[693] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[694] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[696] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[697] This definition carries forward the definition from Section 16-10-201 of the current LMO.

Nonprofit Organization[698]

Any ***person***, partnership, association, corporation, or other group whose activities are conducted for civic, or humanitarian motives, or for the benefit of others, and not for the gain of any private individual or group.

Notice of Violation[699]

An initial notice from the ***Town*** indicating a violation of this Ordinance, not associated with a fine.

Official[700]

The ***Town*** employee to whom the Town Manager has delegated the responsibility of administering and enforcing this Ordinance. See Appendix A-1, Official. The Official is the ***person*** referred to as zoning administrator in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (S.C. Code Ann. § 6-29-310 *et seq*.).

Off-Site[701]

Describing a location or an area of ***land*** which is not ***on-site***; outside the ***lot*** or ***parcel*** that is the subject of a given ***land use*** **application**.

On-Site[703]

On or within the area specified in a ***development*** permit **application** or within other areas that, in accordance with this Ordinance, may define the ***development site***.

Open Space

See Sec. 16-10-102.E.3, Open Space.

Ordinance[704]

A legislative enactment of the ***Town*** adopted in compliance with Section 2-7-40 of the ***Municipal Code***.

Outdoor Display and Sale of Merchandise[705]

The placement of products or materials for sale outside the entrance of a retail or ***wholesale sales*** establishment.

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[698] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[699] This is a new definition.
[700] This is a new definition.
[701] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[703] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[704] This definition carries forward the definition from Section 16-10-201 of the current LMO
[705] This is a new definition.

Outdoor Seasonal Sales[706]

A temporary outdoor business enterprise that is conducted primarily outdoors and offers for retail sale items that, by their nature, are in particular demand during a relatively short peak season—including, but not limited to, Christmas ***trees***, pumpkins, produce, and flowers.

Outdoor Storage [707]

The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

Overstory Tree

Trees that compose the top layer or canopy of vegetation.

Parcel

See "Lot."

Peak Hour

Both the AM and PM single hour on a weekday when the traffic volume reaches its maximum, measured for the AM ***peak hour*** between 7:00 a.m. and 9:00 a.m., and for the PM ***peak hour*** between 4:00 p.m. and 6:00 p.m.

Pedestrian Accessway[709]

A walkway that provides pedestrian or bicycle passage either between ***streets*** or from a ***street*** to a ***building*** or other destination such as a school, park, or transit stop.

Person[710]

A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicator, branch of government, or any group or combination acting as a unit.

[706] This is a new definition.
[707] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[709] This is a new definition.
[710] This definition carries forward the definition from Section 16-10-201 of the current LMO.

Personal Watercraft[711]

A boat less than sixteen feet in length which is propelled by either an outboard or inboard motor that uses an internal combustion engine powering a water jet pump or propeller-driven motor as its primary source of propulsion and is designed to permit the operator and passenger to ride on the outside surfaces of the vessel.

Pervious

A surface which allows natural passage of air and water through it. It includes natural earth surfaces as well as some forms of porous paving such as oyster shell and gravel and it is not covered by manmade materials or structures such as builidngs or paving.

Planned Unit Development[712] (PUD)

A ***tract*** or tracts of ***land*** that are developed in a comprehensive, design-integrated manner according to an overall Master Plan. Generally a PUD will be phased and consist of two or more types, ***densities***, or intensities of ***development***. See Sec. 16-2-103.D, Planned Unit Development (PUD) District.

Planning Commission[713]

The Planning Commission of the Town of Hilton Head Island. See Appendix A-2, Planning Commission.

Pre-Development Conditions[714]

Those conditions that existed before alteration, resulting from human activity, or the natural topography, vegetation and rate, volume or direction of surface or ***ground water*** flow as indicated by the best available historical data.

Premises[715]

A ***lot***, including the ***buildings*** or ***structures*** thereon.

Primary Dune

Any of the dunes that constitute the front row of dunes ***adjacent*** to the Atlantic Ocean.

Property Owner[716]

A ***person*** who holds legal title to ***land***.

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[711] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[712] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[713] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[714] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[715] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[716] This definition carries forward the definition from Section 16-10-201 of the current LMO.

Public Way

Any ***street***, highway, road, pathway, internal and external sidewalk, ***beach***, or waterway, whether privately or publicly owned, that is designed or used for outdoor vehicular, watercraft, or pedestrian traffic, either by public right or custom, or by invitation of one or more owners.

Quorum[717]

The minimum number of ***Town Council***, ***Planning Commission***, ***Board of Zoning Appeals***, or ***Design Review Board*** members that must be present in order to conduct official business or take official action.

Recreational Vehicle[719]

Any of the following vehicles designed for travel, recreation, and vacation uses: motorhome or van (a portable, temporary ***dwelling*** constructed as an integral part of a self-propelled vehicle); pickup camper (a ***structure*** designed to be mounted on a truck chassis); recreational trailer (a portable ***structure*** built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections); park trailer (a semi-portable ***structure*** built on a single chassis, which does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to USDHUD standards); or tent trailer (a canvas or synthetic fiber folding ***structure*** mounted on a hard body base and towed by a vehicle). ***Use*** of a recreational vehicle for residential or accommodation purposes is prohibited except in a ***Recreational Vehicle (RV) Park***.

Repair[720]

The restoration to a good or sound condition of materials, systems, or components of a ***structure*** that are worn, deteriorated, or broken using materials or components identical to or closely similar to existing materials or components.

Right-of-Way[721]

An area dedicated to public or private ***use*** for pedestrian and vehicular movement, which may also accommodate public utilities.

Roadway

That portion of a ***street*** improved, designed, or ordinarily used for vehicular and bicycle traffic. A ***roadway*** includes motor vehicle travel lanes and may include ***bike lanes***.

Satellite Dish[722]

A device used to transmit or receive radio or electromagnetic waves between terrestrially and orbitally based devices.

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[717] This is a new definition.
[719] This definition carries forward the definition from Section 16-10-201 of the current LMO, adding the provision in Sec. 16-4-1211.B.1's description of household living.
[720] This is a new definition.
[721] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[722] This definition carries forward the definition from Section 16-10-201 of the current LMO.

Shared Parking[723]

The use of parking spaces used or proposed to be used to meet the minimum number of off-street parking spaces required for one or more other ***uses***.

Shipping Container[724]

A standardized, reusable shipping vessel used in the transportation of freight and capable of being mounted on a rail car, or mounted on a chassis for movement by truck trailer, or loaded on a ship.

Sight Triangle[725]

A triangular area at each corner of the intersection of two ***streets*** or of a ***street*** and a ***driveway***, where vision is required to be unobstructed.

Sign[726]

Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, ***structures***, costumes, designs, trade names, or trademarks by which anything is made known (all or any of which are sometimes referred to as "***copy***"), and that are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or products, and that are visible from any ***public street*** or ***adjacent*** property and used to attract attention. A sign includes the ***sign structure*** and the ***sign face*** on which any ***copy*** is displayed.

Sign Area

The area enclosed by the perimeter of the ***sign face***. For ***signs*** consisting of ***copy*** or ***graphics*** individually applied to a ***facade***, the ***sign area*** shall be considered as the area of an imaginary rectangle that will enclose all such items.

Sign Face

The part of the sign that is or can be used for the display of any ***copy*** or ***graphics***, including any background material, panel, trim, color, or illumination that differentiates the sign from a ***facade*** or ***sign structure***.

Sign Structure

Any supporting ***structure*** erected, used, or intended for the purpose of displaying any sign, with or without a sign thereon.

Sign Structure Area

The area within an imaginary rectangle that encompasses the sign minus the area of the ***sign face***.

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723 This is a new definition.
724 This is a new definition.
725 This definition carries forward the definition from Sec. 16-10-201(Defined Terms) of the current LMO, in simplified form.
726 This replaces the definition in Sec. 16-10-201 of the current LMO.

Sign, Dilapidated

Any sign that is structurally unsound, has defective parts, or is in need of painting or ***maintenance***.

Sign, Directory[727]

A freestanding or façade sign that serves to identify the location of tenant spaces within a multi-tenant ***building*** or ***development*** to pedestrians or motorists moving with the ***development***.

Sign, Facade

Any sign that utilizes any portion of a ***facade*** for support.

Sign, Freestanding

Any sign supported by a ***sign structure*** secured in the ground and that is wholly independent of any other support.

Sign, Illegal

Any existing sign that does not have a Sign Permit issued by the ***Town*** in accordance with Sec. 16-5-114, Sign Standards. ***Persons*** responsible for such ***signs*** are subject to the enforcement provisions in Chapter 16-8: Enforcement.

Sign, Illuminated

Any sign which is directly or indirectly lighted by an artificial light source.

Sign, Inflatable

Any sign that is either expanded to its full dimensions or supported by gasses contained within the sign, or sign parts, at a pressure greater than atmospheric pressure. Untethered airships are not considered to be inflatable ***signs***.

Sign, Internally Illuminated

Any sign which has light transmitted outward through its face or any part thereof.

Sign, Legal

Any ***permitted sign*** that complies with the provisions of Sec. 16-5-114, Sign Standards.

Sign, Off Premises

Any sign located or proposed to be located at any place other than within the same platted ***parcel*** of ***land*** on which the specific business or activity being identified on such sign is itself located or conducted.

[727] This replaces the definition in Sec. 16-10-201 of the current LMO.

Sign, Permitted

Any sign for which a Sign Permit has been issued by the ***Town*** in accordance with Sec. 16-5-114, Sign Standards.

Sign, Political

Any sign erected for the purpose of advertising a candidate for public office or stating a position on a public issue on which an election or referendum is pending with respect to a particular campaign.

Sign, Project

Any sign erected and maintained on the ***premises*** temporarily during ***construction*** and displaying only the name of the project, architect, engineer, contractor, ***developer*** or finance organization upon which property such individual is furnishing labor, services or material.

Sign, Public Utility

Any sign placed by a publicly regulated utility for the purpose of identifying its utility lines, devices, or other similar equipment.

Sign, Real Estate

Any sign advertising real property as being for rent, for lease, or for sale.

Sign, Roof

Any sign erected over or on the roof of a ***building***.

Sign, Special Event[728]

Any sign erected for the purpose of announcing a special event or function which may be of general interest to the community.

Sign, Temporary

Any sign or information transmitting ***structure*** intended to be erected or displayed for a limited period.

Sign, Traffic Directional/Safety

Any sign that is designed, sized, and erected solely for the purpose of vehicular or pedestrian traffic direction or safety, and is without any commercial ***copy*** or ***graphics***.

Sign, Vehicle

Any permanent or ***temporary sign*** affixed, painted on or placed in or upon any vehicle.

[728] This carries forward the definition of special event sign in Section 16-10-201 of the current LMO.

Site[729]

A ***lot*** or ***lots*** occupied or planned for occupation by a ***structure*** or a set of ***structures***.

Site Plan[730]

A detailed engineering plan, to scale, showing ***uses***, and ***structures*** proposed for a ***parcel*** of ***land*** as required by this Ordinance.

Solar Energy Device[731]

A system consisting of solar panels and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for ***on-site*** use in hot water heating or space heating and cooling, or that collects solar energy and converts it into electricity for direct ***on-site*** use and transfer of excess electricity to an electric utility grid. Solar panels and equipment are typically mounted on the roof(s) of principal or ***accessory structure***, but may be mounted on other parts of ***structures***, or on the ground.

Special Event[732]

A planned, temporary activity as defined in Section 17-12-115 of the Special Events Ordinance.

Specimen Tree

A ***tree*** that is an outstanding representative of its species in size, as listed in Sec. 16-6-104.F.1, Specimen Tree Defined.

Stand of Trees

A relatively uniform group of ***trees*** that form a continuous canopy.

State[733]

The State of South Carolina.

State or Condition that Existed Prior to a Disaster[734]

The state or condition of a ***structure*** that existed prior to any disaster.

Street[735]

An existing or planned public ***right-of-way*** or private easement used or intended to be used primarily for carrying vehicular, bicycle, and pedestrian traffic and providing a principal means of ***access*** to ***abutting*** property.

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[729] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[730] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[731] This is a new definition.
[732] This is a new definition, replacing the one in the current LMO.
[733] This is a new definition.
[734] This replaces the definition from Section 16-10-201 of the current LMO.
[735] This is a new definition that expands the current definition to recognize that streets may provide for bicycle and pedestrian traffic as well as vehicular traffic.

Street, Private[736]

A street that has not been dedicated and publicly accepted by any governmental entity.

Street, Public[737]

A street that has been dedicated and publicly accepted by a governmental entity.

Structure[738]

Anything constructed, installed, or portable, the use of which requires a location on a ***parcel*** of ***land***. Structure includes a fixed or movable ***building*** which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, ***swimming pools***, tennis courts, ***signs***, cisterns, sewage treatment plants, sheds, fences and ***gates***, docks, mooring areas, and similar accessory ***construction***.

Subdivision[740]

Any division of a ***tract*** or ***parcel*** of ***land*** into two or more ***lots***, ***building*** sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or ***development***—including any division of ***land*** involving a new ***street*** or change in existing ***streets***, the alteration of any ***streets*** or the establishment of any new ***streets*** within any ***subdivision*** previously made and approved or recorded according to law, any re-***subdivision*** involving the further division or relocation of ***lot*** lines of any ***lot*** or ***lots*** within a ***subdivision*** previously made and approved or recorded according to law, and the combination of record ***lots***—provided, however, that the following are excepted from this definition:

1) The combination or recombination of portions of previously platted ***lots*** where the total number of ***lots*** is not increased and the resultant ***lots*** are equal to the standards of this Ordinance;
2) The division of ***land*** into ***parcels*** of five acres or more where no new ***street*** is involved and plats of these exceptions are received as information by the ***Town***, which shall indicate that fact on the plats; and
3) The combination or recombination of entire ***lots of record*** where no new ***street*** or change in existing ***streets*** is involved.

Swimming Pool, Spa, or Hot Tub[742]

An above- or below-ground ***structure*** that is filled with water and used for swimming (swimming pool) or for soaking, relaxation, massage, or hydrotherapy (spa or hot tub).

[736] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[737] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[738] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[740] This is a new definition, derived from Sec. 6-29-1110(4) of the S.C. Code of Laws.
[742] This is a new definition.

Telecommunications Facility

A telecommunications facility is the set of equipment and network components—including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment—necessary to provide wireless data and telecommunications services to a discrete geographical area. A telecommunications facility may consist of (a) telecommunications facility equipment and network components that are collocated (attached or mounted) on an existing telecommunications tower, or (b) telecommunications facility equipment and network components that are collated (attached or mounted) on an existing ***building*** or ***structure*** other than a telecommunications tower (such ***building*** or ***structure*** is not considered part of the telecommunications facility), or (c) a monopole tower whose sole or primary purpose is to support and elevate telecommunications facility equipment and network components above the ground, and including any ground-based ***accessory structure*** used to house associated equipment. A distributed antenna system does not constitute a telecommunications facility.

Television or Radio Antenna[744]

An omnidirectional antenna tuned to the broadcast frequencies assigned to television or commercial radio. This ***use*** does not include an amateur radio antenna or a ***satellite dish***.

Town[749]

The Town of Hilton Head Island, South Carolina.

Town Council[750]

The Town Council for the Town of Hilton Head Island, South Carolina.

Tract[751]

A defined area or ***parcel*** of ***land***, the term itself not importing any precise dimension.

Travel Ready[752]

Any temporary ***dwelling*** or temporary nonresidential unit that can be removed entirely from the island or driven or pulled off the island in the event that a subsequent disaster occurs.

Tree[753]

Any living woody or fibrous (e.g., palm) perennial plant having one or several self-supporting stems. Trees may be classified as conifer, deciduous, evergreen, or ornamental.

[744] This is a new definition.
[749] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[750] This is a new definition.
[751] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[752] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[753] This is a slightly modified definition.

Tree Protection Zone

A defined area containing one or more healthy ***trees*** designated for preservation and protection in accordance with Sec. 16-6-104, Tree Protection, delineated generally by the outermost drip line of the ***tree***(s).

Tree Survey

A survey of ***trees*** protected by Sec. 16-6-104, Tree Protection. See Sec. 16-6-104.C.2.

Underbrushing[754]

The removal of the shrub layer or understory from a ***site*** by hand or machine (also known as bush-hogging).

Understory Trees

Trees that grow beneath the overstory.

Upland

For purposes of the ***wetland*** protection standards in Sec. 16-6-102, Wetland Protection, any area that does not qualify as a ***wetland*** because the associated hydrologic regime is not sufficiently wet to elicit ***development*** of vegetation, soils, or hydrologic characteristics associated with ***wetlands***. Such areas occurring within floodplains are more appropriately termed non-***wetlands***.

Use[755]

The purpose or activity of which the ***land*** or ***building*** is designed, arranged, or intended, or for which it is occupied or maintained. ***Accessory use*** is subordinate to the main or ***principal use*** of ***land*** or ***building***.

Use, Accessory[756]

A ***use*** of a ***building***, ***lot***, or portion thereof, which is customarily incidental and subordinate to the ***principal use*** of the ***building*** or ***lot***.

Use, Principal[757]

The primary purpose for which a ***lot*** or the main ***building*** thereon is designed, arranged, or intended and for which it is or may be used, occupied, or maintained.

[754] This is a new definition.
[755] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[756] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[757] This definition carries forward the definition from Section 16-10-201 of the current LMO.

Vested Right[759]

The right to undertake and complete the ***development*** of property under the terms and conditions of a ***site*** specific ***development*** plan or phased ***development*** plan as provided in S.C. Code of Laws Ordinance 6 Chapter 29 Article II Section 6-29-1510 et seq., and Sec. 16-2-102.J.1, Vested Rights for Approvals of Site Specific Development Plans, of this Ordinance.

Wetland

An area that is inundated or saturated by surface or ***ground water*** at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. To be considered a ***wetland***, the following three criteria must be met:

1) the presence of hydric soil;

2) the prevalence of hydrophytic vegetation; and

3) the presence of ***wetland*** hydrology.

Wetlands generally include swamps, marshes, bogs and similar areas.

Wetland Alteration[760]

Any human activity that causes changes in the hydrology, vegetation, or other physical, biological or chemical characteristics of regulated ***wetlands***—including, but not limited to: dredging or ***filling***; drainage; diking; addition of ***impervious surfaces***; addition of sediment and pollutants; removal of or damage to vegetation; and planting of non-native vegetation.

Wetland Buffer

A strip of upland area along the outer edge of a ***wetland*** intended to consist of undisturbed vegetation. See Sec. 16-6-102.D, Wetland Buffer Standards.

Wetland Creation

Construction of a ***wetland*** where one did not previously exist.

Wetland Functions

The physical, chemical, and biological process or attributes of a ***wetland*** without regard to their importance to society.

[759] This definition carries forward the definition from Section 16-10-201 of the current LMO

[760] This is a new definition.

Wetland Mitigation Banking[761]

The restoration, creation, enhancement, or preservation of a ***wetland*** undertaken expressly for the purpose of compensating for unavoidable loss of ***wetland*** to a ***development*** project. The goal is to replace the exact function and value of ***wetlands*** that would be adversely affected by a proposed ***development*** project. Units of restored, created, enhanced, or preserved ***wetland*** are expressed as "credits" that may subsequently be withdrawn to offset "debits" occurring through the loss of ***wetland*** as a ***development site***. Such credits may be bought and sold between those who restore, create, enhance, or preserve ***wetlands*** and those who must compensate or mitigate the loss of ***wetlands*** or ***wetland functions***.

Wetland Preservation

Conservation of a ***wetland*** area in perpetuity through legal protections on the ***use*** and disturbance of the area.

Wetland Restoration

Re-establishment of previously existing ***wetland functions*** at a ***site*** where they have ceased to exist, or exist only in a substantially degraded state.

Wetland Revegetation

The replanting of native vegetation in a ***wetland*** area where man-made changes have altered vegetation, but where hydrologic and soil conditions have been retained.

Wind Energy Conversion System, Small[762]

A wind energy conversion system consisting of a rotating wind turbine and related control or conversion equipment that converts the kinetic energy in wind into mechanical energy, has a rated capacity of not more than 100 kilowatts (kW), and is intended to primarily reduce ***on-site*** consumption of utility power for homes or businesses.

Xeriscape Landscaping[763]

A landscaping method that utilizes water-conserving techniques such as the ***use*** of drought-tolerant plants, mulch, and efficient irrigation.

Zero Lot Line Development[764]

The location of a ***building*** on a ***lot*** in such a manner that one of the ***building***'s sides rests directly on the common ***lot*** line of an ***adjacent lot***.

[761] This is a modified definition derived from various wetland mitigation programs.
[762] This is a new definition.
[763] This is a new definition.
[764] This definition carries forward the definition from Section 16-10-201 of the current LMO.

Zoning District[765]

The various classification of zoning categories provided for in this Ordinance and the areas on the zoning map in which such different districts are mapped, where the regulations governing the ***use*** of ***land***, ***density***, ***height***, and coverage of ***buildings*** and other ***structures*** are uniform.

Zoning District, Base

Those zoning districts grouped into Conservation and Recreation Districts, Residential Districts, and Mixed-Use and Business Districts, and which are described in Sec. 16-3-102 through Sec. 16-3-105 of this Ordinance.

Zoning District, Overlay[766]

A zoning district that is superimposed over one or more underlying ***base zoning districts*** to address area specific conditions or features, and which are described in 0 of this Ordinance.

Zoning Map, Official[767]

The ***Official Zoning Map*** of the Town of Hilton Head Island, on which the boundaries of various zoning districts are drawn and which is an integral part of this Ordinance.

[765] This definition carries forward the definition from Section 16-10-201 of the current LMO.
[766] This is a new definition.
[767] This is a new definition.

Appendix A: Advisory and Decision Making Bodies and Persons

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Appendix A: Advisory and Decision Making Bodies and Persons

A-1. Official

The ***Official*** is the LMO Official who is designated by the Town Manager as the ***person*** who administers and enforces this Ordinance. The ***Official*** shall have the following powers and duties under this Ordinance:

A. Powers and Duties[768]

1. Review and make decisions on:

- **a.** Subdivisions (Minor and Major) (Sec. 16-2-103.F);
- **b.** Development Plan Reviews (Minor and Major) (Sec. 16-2-103.G);
- **c.** Small Residential Development Review (Sec. 16-2-103.H)
- **d.** Minor Corridor Reviews (Sec. 16-2-103.I);
- **e.** Natural Resources Permits (Sec. 16-2-103.J);
- **f.** Wetlands Alteration Permits (Sec. 16-2-103.L);
- **g.** Certain Sign Permits (Sec. 16-5-114.E);
- **h.** Development Project Name Approvals (Sec. 16-2-103.N);
- **i.** Certificates of Compliance (Sec. 16-2-103.P);
- **j.** Administrative Adjustments (Sec. 16-1-101.A);
- **k.** Minor Deviations to PUD/Master Plans (Sec. 16-2-103.D.8).

2. Review and prepare a staff report with a recommendation on:

- **a.** Text Amendments (Sec. 16-2-103.B);
- **b.** Zoning Map Amendments (Rezoning) (Sec. 16-2-103.C);
- **c.** Planned Unit Development (PUD) Districts/Master Plans (Sec. 16-2-103.D);
- **d.** Special Exceptions (Sec. 16-2-103.E);
- **e.** Major Corridor Reviews (Sec. 16-2-103.I);
- **f.** Certain Sign Permits (Sec. 16-5-114.E);
- **g.** Street/Vehicular Access Easement Name Reviews (Sec. 16-2-103.O);
- **h.** Public Project Review (Sec. 16-2-103.Q);

[768] This section carries forward language from Chapter 2, Article 1, of the current LMO, with some changes to reflect new changes on the review made in Chapter 2: Administration. It removes the term "conditional uses.")

i. Variances (Sec. 16-2-103.S).

3. Make Written Interpretations of this Ordinance (Sec. 16-2-103.R).
4. Establish a review schedule for the review of applications (Sec. 16-1-101.A.1).
5. Enforce the provisions of this Ordinance (Sec. 16-8-105)
6. Maintain the ***Official Zoning Map*** (Sec. 16-1-107).
7. Provide expertise and technical assistance to the ***Town Council***, ***Planning Commission***, ***Board of Zoning Appeals***, and ***Design Review Board***, upon request.

A-2. Planning Commission

The ***Planning Commission*** is established under this Ordinance in accordance with state law. The ***Planning Commission*** has the following powers and duties under this Ordinance:

A. Powers and Duties[769]

1. Prepare and periodically revise plans and programs for the ***development*** and redevelopment of areas in the Town, as provided for in this Ordinance.
2. Prepare and recommend for adoption to the ***Town Council*** as a means for implementing the plans and programs:
   a. Zoning ***ordinances*** to include a zoning map(s) and appropriate revisions thereof;
   b. An official map and appropriate revisions of it showing the exact location of existing or proposed public ***street***, highway and utility ***rights-of-way***, and public ***building*** sites, together with regulations to control the erection of ***buildings*** or other ***structures*** or changes in ***land use*** within the ***rights-of-way***, ***building*** sites, or ***open spaces*** within its jurisdiction, or a specified portion of it;
   c. A landscaping ***ordinance*** setting forth required planting, ***tree*** preservation and other aesthetic considerations for ***land*** and ***structures***;
   d. A ***Capital Improvements Program*** setting forth projects required to implement plans which have been prepared and adopted, including an annual listing of priority projects for consideration by the governmental bodies responsible for implementation prior to preparation of their capital budgets; and
   e. Policies or procedures to facilitate implementation of planning documents.
3. Review and make decisions on **application** for:
   a. Street/Vehicular Access Easement Name Reviews (Sec. 16-2-103.O);
   b. Public Project Review (Sec. 16-2-103.Q).
4. Review and make recommendations to the ***Town Council*** on:
   a. Text Amendments (Sec. 16-2-103.B);
   b. Zoning Map Amendments (Rezonings) (Sec. 16-2-103.C); and

[769] This section builds on Chapter 2, Article 1 from the current LMO; modifications are made to conform it with the changes to Chapter 2: Administration.

c. Planned Unit Development (PUD) Districts/Master Plans (Sec. 16-2-103.D).

5. Review and decide appeals (see Sec. 16-2-103.U) on:

a. Subdivisions (Minor and Major);

b. Development Plan Reviews (Minor and Major);

c. Development Project Name Reviews;

d. Small Residential Development Reviews; and

6. Carry out any other powers and duties delegated to it by the ***Town Council***, consistent with the S.C. Code of Laws Section 6-29-310, *et seq*.

B. Membership, Terms and Compensation

1. Number, Appointment

The ***Planning Commission*** shall consist of nine members, appointed by the ***Town Council***, and shall include, to the extent practicable, at least one attorney and one design professional (either a registered architect or a registered landscape architect). None of the members shall hold elected public office or position in the Town or County.

2. Terms

All members shall be appointed for three-year terms. All terms shall end on June 30 of the applicable year.

3. Current Members

Members of the ***Planning Commission*** on the effective date of this Ordinance shall continue to serve until their respective terms expire.

4. Term Limits

No member may serve for more than two successive terms, except for extraordinary circumstances where the ***Town Council*** believes it to be in the best interest of the community to have a continuation for a specified period of time for a particular member of the Commission. This limitation shall not prevent any ***person*** from being appointed to the Commission after an absence of one year. Service for a partial term of less than One and one-half years shall not constitute a term of service for purposes of this paragraph.

5. Vacancies

Vacancies shall be filled by the ***Town Council*** for the balance of an unexpired term.

6. Removal

The ***Town Council*** may remove a member for cause, after written notice and a public hearing. Cause may include, but not be limited to, nonattendance at meetings.

7. Compensation

The ***Town Council*** shall determine the compensation of members, if any.

C. Staff

The ***Planning Commission*** shall use the Town staff. That staff shall be subject to the employment policies of the Town and act under the direction of the Town Manager.

D. Officers, Meetings, Quorum

1. Officers

The ***Planning Commission*** shall elect one of its members Chair and another Vice-Chair, each of whom shall serve one-year terms, beginning on July 1 and ending the following June 30. The Commission shall appoint a secretary, who may be an officer or employee of the Town and need not be a member of the Commission.

2. Meetings

The ***Planning Commission*** shall meet at the call of the Chair and at such regular times as the Commission may determine.

3. Quorum

A majority of the ***Planning Commission*** shall constitute a ***quorum*** for the conduct of business.

4. Notice of Meetings

Public notice of all meetings of the ***Planning Commission*** shall be provided in compliance with the requirements of S. C. Code Ann. § 30-4-10, et seq.; S. C. Code Ann. 6-29-310, et seq.; and this Ordinance.

5. Witnesses

The Chair, or in the absence of the Chair, the Vice-Chair, may administer oaths and compel the attendance of witnesses by subpoena.

6. Rules of Proceeding

The ***Planning Commission*** shall adopt rules for the conduct of business.

7. Minutes

The ***Planning Commission*** and its committee(s) shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact.

E. Territorial Jurisdiction

1. The ***Planning Commission*** shall have jurisdiction over all ***lands*** within the Town.

2. The ***Town Council*** may expand the jurisdiction of the ***Planning Commission*** by ***ordinance*** or intergovernmental agreement, in accordance with the provisions of Section 6-29-330, S.C. Code of Laws.

A-3. Board of Zoning Appeals

The ***Board of Zoning Appeals*** is established under this Ordinance in accordance with state law. The ***Board of Zoning Appeals*** has the following powers and duties under this Ordinance.

A. Powers and Duties

1. To review and decide:
   - a. Special Exceptions Permits; and
   - b. Variances (zoning.
2. To hear and decide appeals (see Sec. 16-2-103.T) on:
   - a. Minor Deviations from a PUD/Master Plan;
   - b. Natural Resources Permits;
   - c. Wetlands Alteration Permits;
   - d. Certificates of Compliance;
   - e. Written Interpretations of the ***Official*** on zoning regulations where it is alleged there is error in an order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinance; and
3. Carry out any other powers and duties delegated to it by the ***Town Council***, consistent with the S.C. Code of Laws Section 6-29-310, et seq.

B. Membership, Terms and Compensation

1. Number, Appointment

The ***Board of Zoning Appeals*** shall consist of seven members, appointed by the ***Town Council***, and shall include, to the extent practicable, at least one attorney, and one design professional (either a registered architect or a registered landscape architect). None of the members shall hold any other public office or position in the Town or County.

2. Terms

All members shall be appointed for three-year terms. All terms shall end on June 30 of the applicable year.

3. Current Members

Members of the ***Board of Zoning Appeals*** on the effective date of this Ordinance shall continue to serve until their respective terms expire.

4. Term Limits

No member may serve for more than two successive terms, except for extraordinary circumstances where the ***Town Council*** believes it to be in the best interest of the community to have a continuation for a specific period of time for a particular member of the Board. This limitation shall not prevent any ***person*** from being appointed to the Board after an absence of one year. Service for a partial term of less than one and one-half years shall not constitute a term of service for purposes of this paragraph.

5. Vacancies

Vacancies shall be filled by the ***Town Council*** for the balance of the unexpired term.

6. Removal

The ***Town Council*** may remove a member for cause, after written notice. Cause may include, but not be limited to, nonattendance at meetings.

7. Compensation

The ***Town Council*** shall determine the compensation of members, if any.

C. Staff

The ***Board of Zoning Appeals*** shall use the Town staff. That staff shall be subject to the employment policies of the Town and act under the direction of the Town Manager.

D. Officers, Meetings, Quorum

1. Officers

The ***Board of Zoning Appeals*** shall elect one of its members Chair and another Vice-Chair, each of whom shall serve one-year terms, beginning on July 1 and ending the following June 30. The Board shall appoint a secretary, who may be an officer or employee of the Town and need not be a member of the Board.

2. Meetings

The ***Board of Zoning Appeals*** shall meet at the call of the Chair and at such regular times as the Board may determine.

3. Quorum

A majority of the members of the ***Board of Zoning Appeals*** shall constitute a ***quorum*** for the conduct of business.

4. Notice of Meetings

Public notice of all meetings of the ***Board of Zoning Appeals*** shall be provided in compliance with the requirements of S. C. Code of Laws Section 30-4-10, et seq.; S. C. Code of Laws Section 6-29-310, et seq.; and this Ordinance.

5. Witnesses

The Chair, or in the absence of the Chair, the Vice-Chair, may administer oaths and compel the attendance of witnesses by subpoena.

6. Rules of Proceeding

The ***Board of Zoning Appeals*** shall adopt rules for the conduct of business.

7. Contempt Penalty

In case of contempt by a party, witness, or other ***person*** before the ***Board of Zoning Appeals***, the Board may certify the fact to the ***Circuit Court*** of the county in which the contempt occurs and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.

8. Minutes

The ***Board of Zoning Appeals*** shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact. The Board shall keep records of its examinations and other official actions, all of which must be immediately filed in the office of the Board and must be a public record.

E. Territorial Jurisdiction

1. The ***Board of Zoning Appeals*** shall have jurisdiction over all ***lands*** within the Town.
2. The ***Town Council*** may expand the jurisdiction of the ***Board of Zoning Appeals*** by ***ordinance*** or intergovernmental agreement, in accordance with the provisions of Section 6-29-330, S.C. Code of Laws.

A-4. Design Review Board

The ***Design Review Board*** is established as a board of architectural and landscape design review for projects in the Corridor Overlay District and for ***signs*** throughout the Town in accordance with state law. The ***Design Review Board*** has the following powers and duties under this Ordinance.

A. Powers and Duties

1. To periodically review and recommend for adoption such amendments to this Ordinance as it may deem appropriate. Any such proposed amendments shall be considered for adoption in accordance with the provisions of Section 16-2-103.B, Text Amendments;
2. To review and decide applications for:
   - **a.** Certain Sign Permits (Sec. 16-5-114.E); and
   - **b.** Major Corridor Development Reviews) (Sec. 16-2-103.I).
3. To review and decide appeals on ***Official*** decisions on Sign Permits and Minor Corridor Permits (Sec. 16-2-103.V).
4. Carry out any other powers and duties delegated to it by the ***Town Council***, consistent with the S.C. Code of Laws Section 6-29-310, et seq.

B. Membership, Terms and Compensation

1. Number, Appointment

The ***Design Review Board*** shall consist of seven members, appointed by the ***Town Council***, and shall include, to the extent practicable, at least one attorney and at least two but not more than three design professionals (such as a registered architect, a landscape architect or a graphic artist). None of the members shall hold elected public office in the Town or County.

2. Terms

All members shall be appointed for three-year terms. All terms shall end on June 30 of the applicable year.

3. Term Limits

No member may serve for more than two successive terms, except for extraordinary circumstances where the ***Town Council*** believes it to be in the best interest of the community to have a continuation for a specified period of time for a particular member of the ***Design Review Board***. No design professional shall serve sequential terms. These limitations shall not prevent any ***person*** from being appointed to the Board after an absence of one year. Service for a partial term of less than one and one-half years shall not constitute a term of service for purposes of this paragraph.

4. Vacancies

Vacancies shall be filled by the ***Town Council*** for the balance of an unexpired term.

5. Removal

The ***Town Council*** may remove a member for cause, after written notice and a public hearing. Cause may include, but not be limited to, nonattendance at meetings.

6. Compensation

The ***Town Council*** shall determine the compensation of members, if any.

C. Staff

The ***Design Review Board*** shall use the Town staff. That staff shall be subject to the employment policies of the Town and act under the direction of the Town Manager.

D. Officers, Meetings, Quorum

1. Officers

The ***Design Review Board*** shall elect one of its members Chair and another Vice-Chair, each of whom shall serve one-year terms, beginning on July 1 and ending the following June 30. The ***Design Review Board*** shall appoint a secretary, who may be an officer or employee of the Town and need not be a member of the Board.

2. Meetings

The ***Design Review Board*** shall meet at the call of the Chair and at such regular times as the ***Design Review Board*** may determine.

3. Quorum

A majority of the members of the ***Design Review Board*** shall constitute a ***quorum*** for the conduct of business.

4. Notice of Meetings

Public notice of all meetings of the ***Design Review Board*** shall be provided in compliance with the requirements of S. C. Code of Laws Section 30-4-10, et seq.; S. C. Code of Laws Section 6-29-310, et seq.; and this Ordinance.

5. Rules of Proceeding

The ***Design Review Board*** shall adopt rules for the conduct of business.

6. Minutes

The ***Design Review Board*** shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact.

E. Territorial Jurisdiction

The ***Design Review Board*** shall have jurisdiction throughout the Town, subject to other provisions of this Ordinance regarding the districts or other areas to which the provisions administered by the Board are applicable.

Appendix B: Maps and Tables

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Appendix B: Maps and Tables

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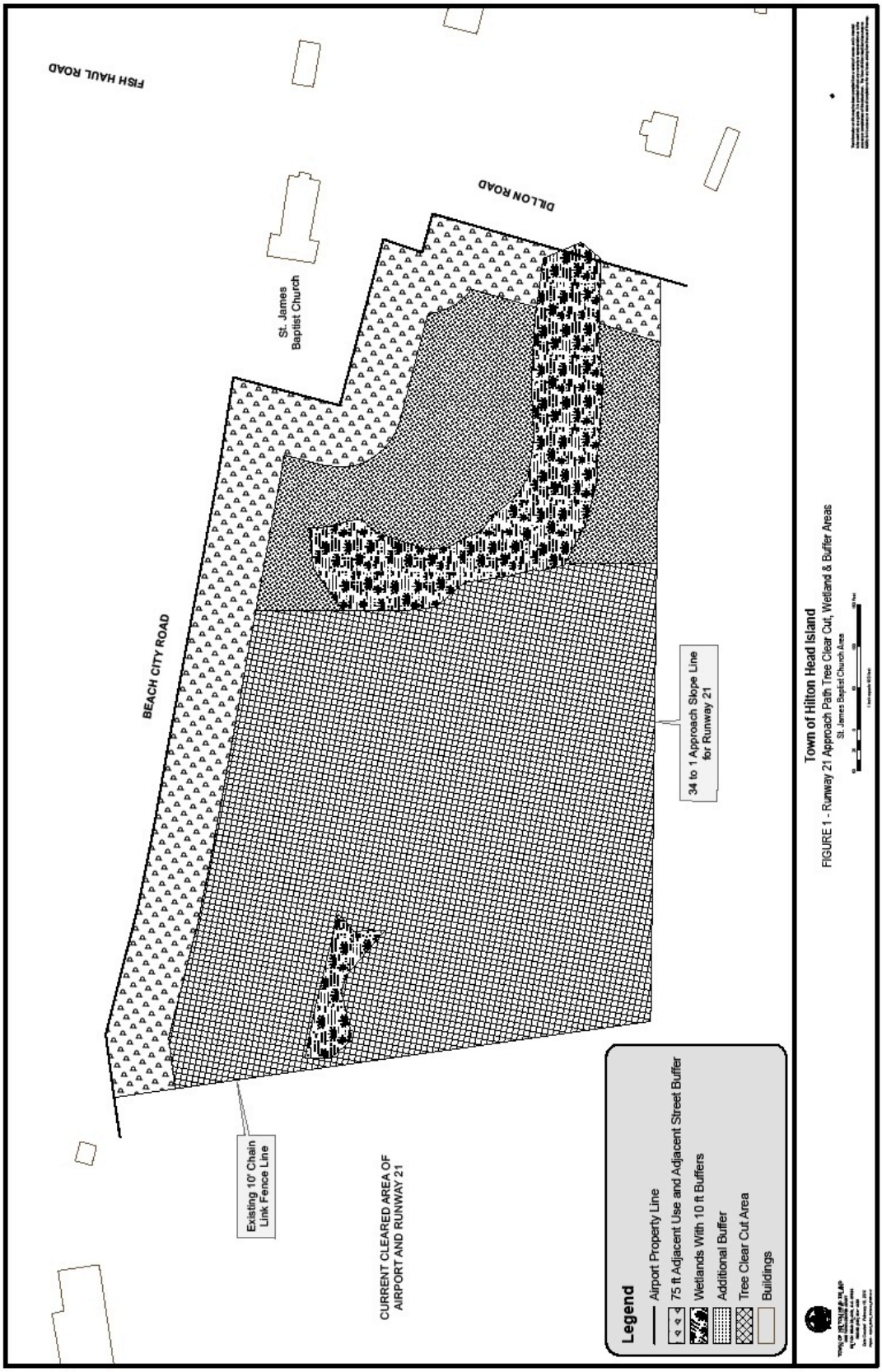
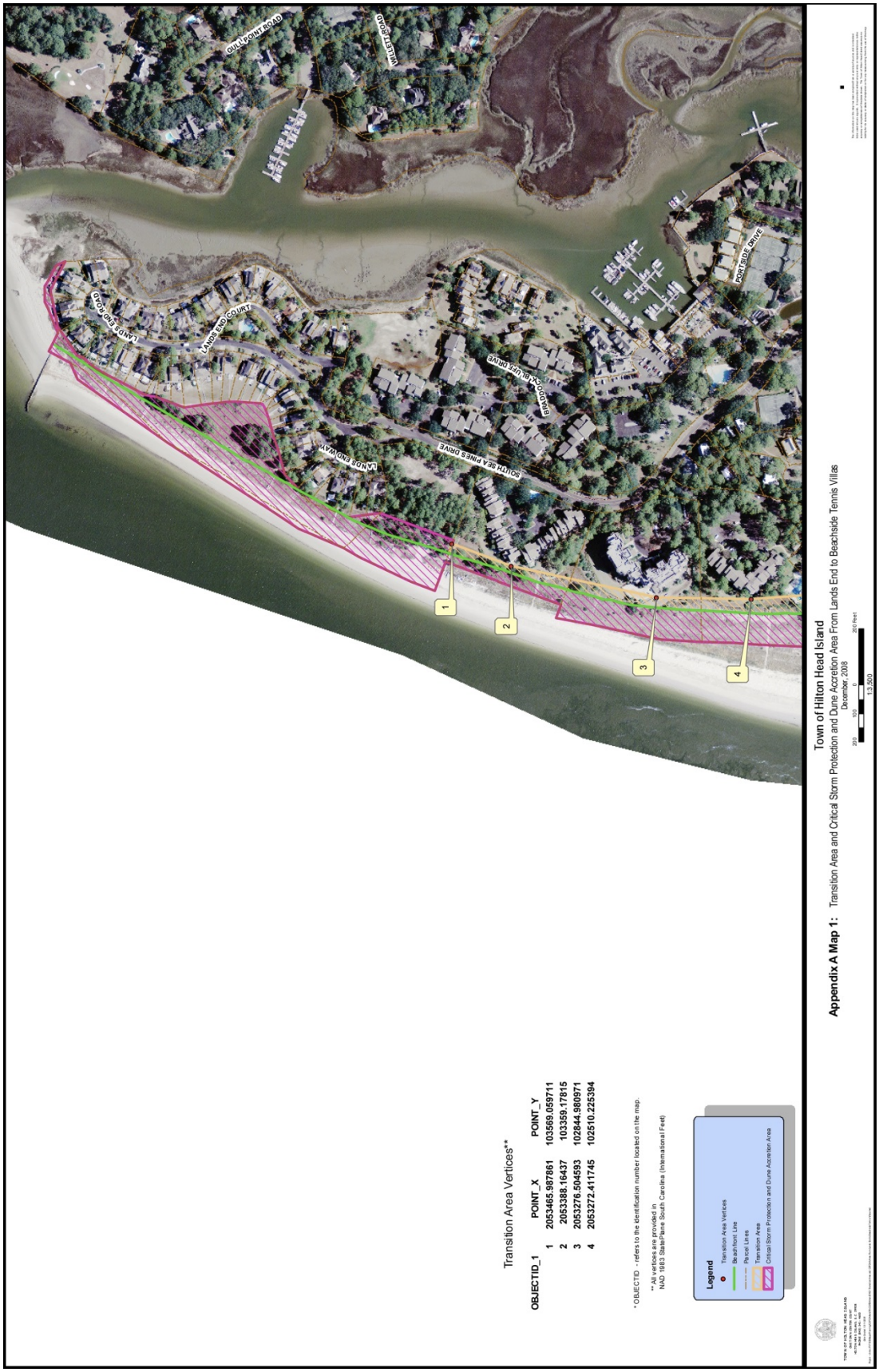
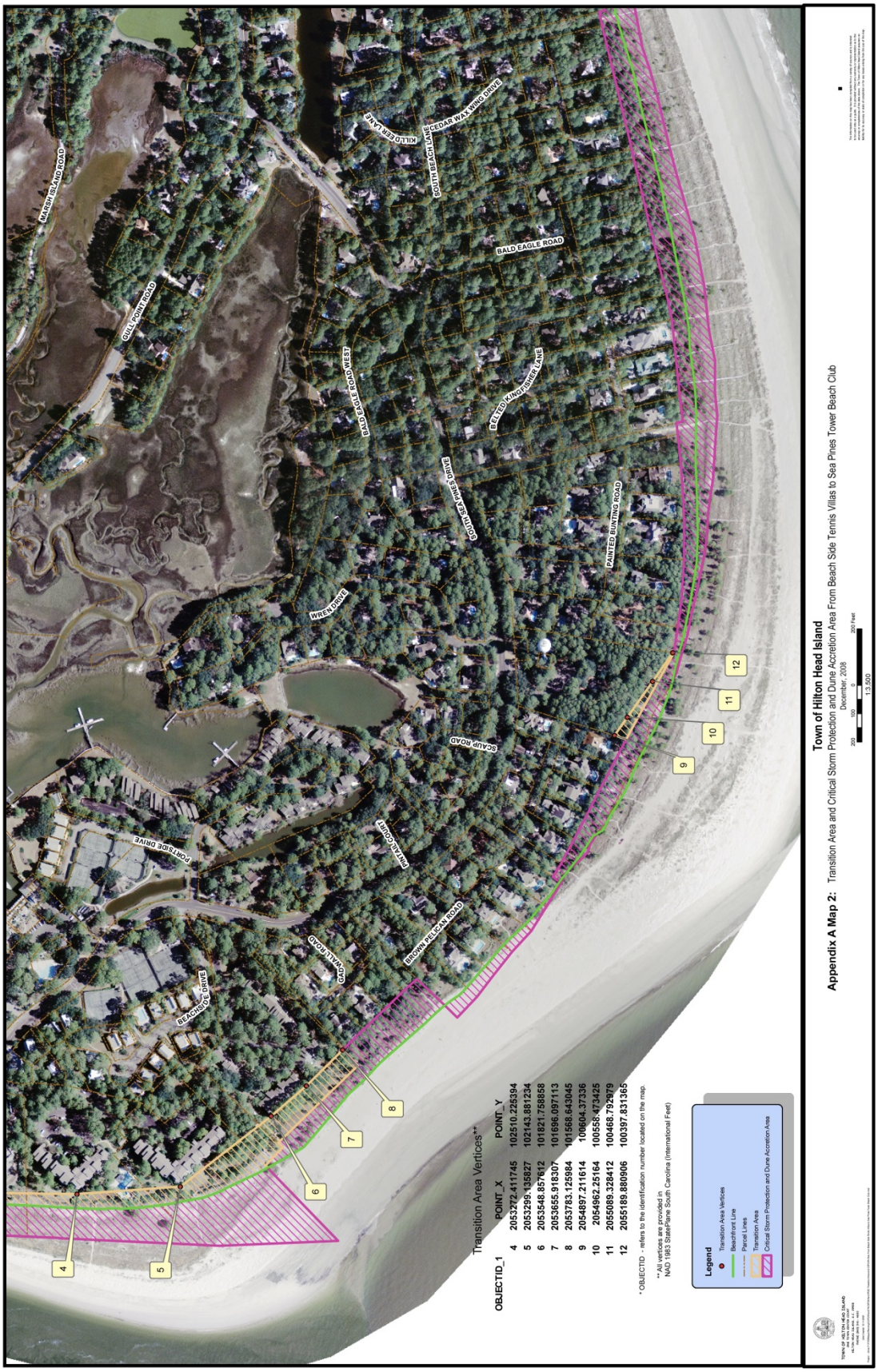
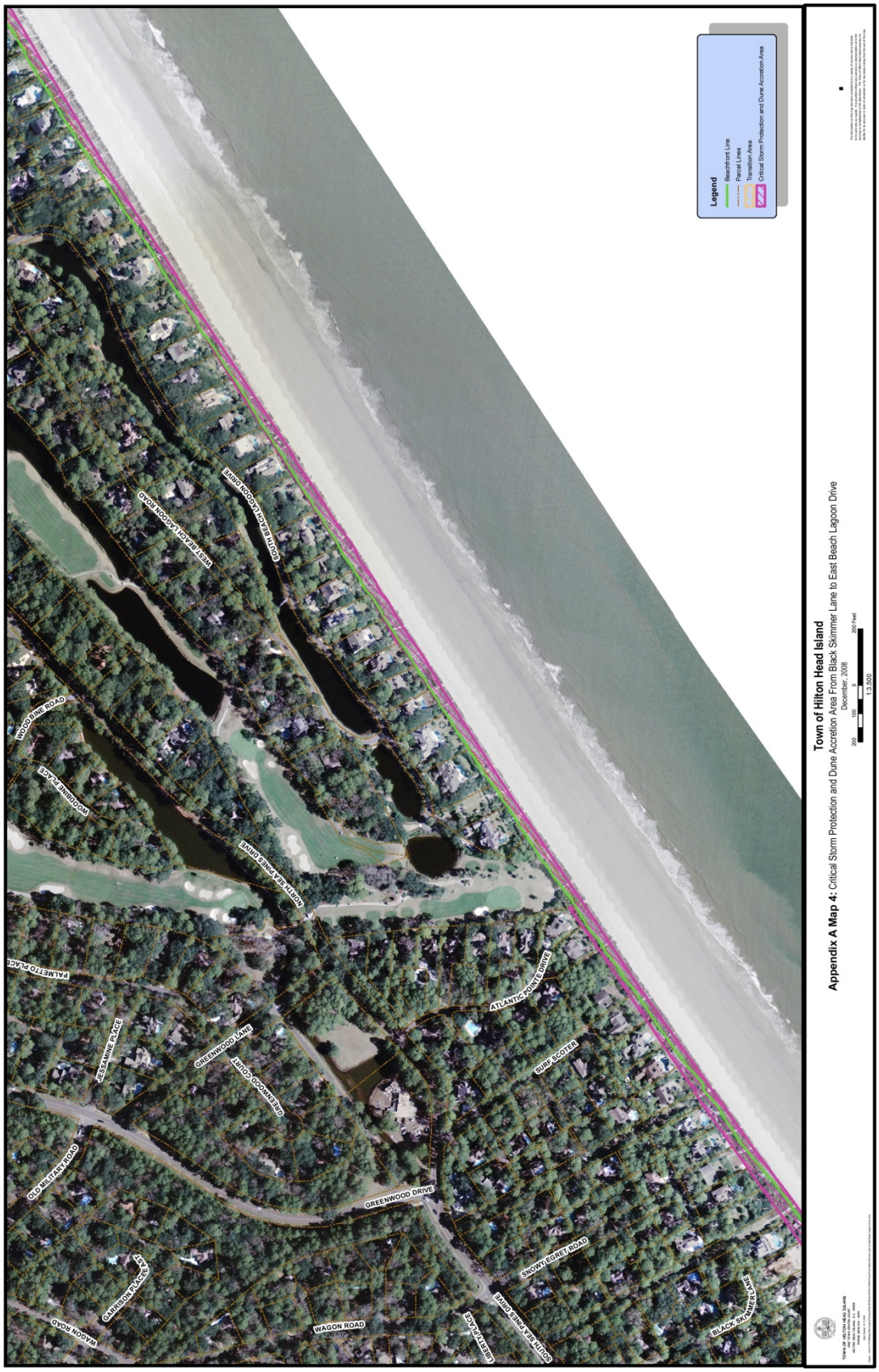
B-2. Critical Protection Area and Transition Area Maps


FISH HAUL ROAD
DILLON ROAD
St. James Baptist Church
BEACH CITY ROAD
34 to 1 Approach Slope Line for Runway 21
Existing 10' Chain Link Fence Line
CURRENT CLEARED AREA OF AIRPORT AND RUNWAY 21
Legend
Airport Property Line
75 ft Adjacent Use and Adjacent Street Buffer
Wetlands With 10 ft Buffers
Additional Buffer
Tree Clear Cut Area
Buildings
Town of Hilton Head Island
FIGURE 1 - Runway 21 Approach Path Tree Clear Cut, Wetland & Buffer Areas
St. James Baptist Church Area


GULLY POINT ROAD
WILLETT ROAD
LANDS END ROAD
LANDS END COURT
LANDS END WAY
SOUTH SEA PINES DRIVE
BRADDOCK
SOUTH DUKE DRIVE
PORTSIDE DRIVE
1
2
3
4
Transition Area Vertices**
OBJECTID_1 POINT_X POINT_Y
1 2053465.987861 103569.059711
2 2053388.16437 103359.17815
3 2053276.504593 102844.980971
4 2053272.411745 102510.225394
* OBJECTID - refers to the identification number located on the map.
** All vertices are provided in
NAD 1983 StatePlane South Carolina (International Feet)
Legend
Transition Area Vertices
Beachfront Line
Parcel Lines
Transition Area
Critical Storm Protection and Dune Accretion Area
Town of Hilton Head Island
Appendix A Map 1: Transition Area and Critical Storm Protection and Dune Accretion Area From Lands End to Beachside Tennis Villas
December, 2008
200 100 0 200 Feet
1:3,500


MARSH ISLAND ROAD
GULL POINT ROAD
KILLDEER LANE
SOUTH BEACH LANE
CEDAR WAXWING DRIVE
BALD EAGLE ROAD
BALD EAGLE ROAD WEST
BELTED KINGFISHER LANE
COUNTRY SAND PIPER DRIVE
PAINTED BUNTING ROAD
WREN DRIVE
SCALP ROAD
PALMAL COURT
BROWN PELICAN ROAD
GAD WALL ROAD
FORTSIDE DRIVE
BEACHS OVER DRIVE
4
5
6
7
8
9
10
11
12
Transition Area Vertices**
OBJECTID_1 POINT_X POINT_Y
4 2053272.411745 102510.226394
5 2053299.135827 102143.881234
6 2053548.857612 101821.758858
7 2053655.918307 101696.097113
8 2053783.125984 101568.643045
9 2054897.211614 100604.37336
10 2054962.25164 100558.473425
11 2055089.328412 100468.792279
12 2055189.880906 100397.831365
* OBJECTID - refers to the identification number located on the map.
** All vertices are provided in
NAD 1983 StatePlane South Carolina (International Feet)
Legend
Transition Area Vertices
Beachfront Line
Parcel Lines
Transition Area
Critical Storm Protection and Dune Accretion Area
Town of Hilton Head Island
Appendix A Map 2: Transition Area and Critical Storm Protection and Dune Accretion Area From Beach Side Tennis Villas to Sea Pines Tower Beach Club
December, 2008
1:3,500
250 Feet

ROYAL TERN ROAD
PIPING PLOVER ROAD
GREAT WIDGEON ROAD
SOUTH SEA PINES DRIVE
SOUTH BEACH LANE
MARSH WREN ROAD
SPRUNT POND ROAD
SEASIDE SPARROW
ADDISON POND DRIVE
GREEN WING TEAL ROAD
MARSH GRAND ROAD
CEDAR WAX WING DRIVE
Legend
Beachfront Line
Parcel Lines
Transition Area
Critical Storm Protection and Dune Accretion Area
Town of Hilton Head Island
Appendix A Map 3: Critical Storm Protection and Dune Accretion Area From Cedar Wax Wing Drive to Black Skimmer Lane
December, 2008
200 100 0 200 Feet
1:3,500


Legend
Beachfront Line
Parcel Lines
Transition Area
Critical Storm Protection and Dune Accretion Area
Town of Hilton Head Island
Appendix A Map 4: Critical Storm Protection and Dune Accretion Area From Black Skimmer Lane to East Beach Lagoon Drive
December, 2006
200 100 0 200 Feet
1:3,600
WOODBINE ROAD
WOODBINE PLACE
WESTBEACH LAGOON ROAD
SOUTH BEACH LAGOON DRIVE
NORTH SEA PINES DRIVE
PALMETTO PLACE
JESSAMINE PLACE
GREENWOOD LANE
GREENWOOD COURT
ATLANTIC POINTE DRIVE
SURF SCOTER
OLD MILITARY ROAD
GREENWOOD DRIVE
SNOWY EGRET ROAD
GARRISON PLACE
WAGON ROAD
WAGON ROAD
EGRET PLACE
SOUTH SEA PINES DRIVE
BLACK SKIMMER LANE

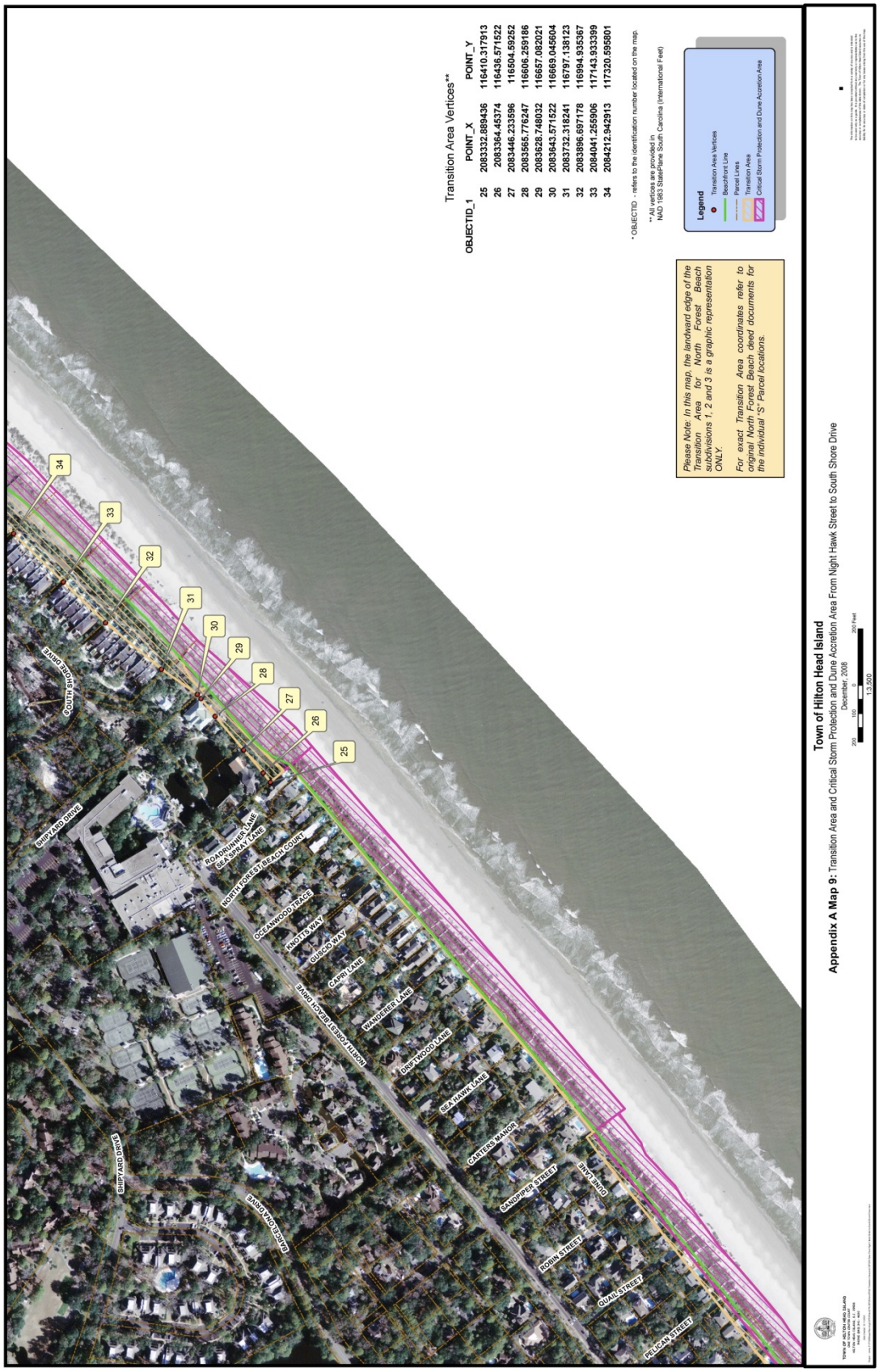
OYSTERCATCHER
LAUGHING GULL ROAD
CAT BIRD LANE
SPOTTED SANDPIPER ROAD
WHISTLING SWAN ROAD
FISHCROW LAGOON ROAD
SAND DUNE PER NELSON
SEA TURTLE CRESCENT
TURTLE LAKE DRIVE
BEACH LAGOON ROAD
BIRD ROOST LAGOON ROAD
LIGHTHOUSE ROAD
13
14
15
16
17
Transition Area Vertices**
OBJECTID_1 POINT_X POINT_Y
13 2065111.73458 105551.396654
14 2065338.519685 105675.776247
15 2065600.639436 105826.702756
16 2066058.644029 106088.506234
17 2066247.189961 106196.855643
* OBJECTID - refers to the identification number located on the map.
** All vertices are provided in NAD 1983 StatePlane South Carolina (International Feet)
Legend
Transition Area Vertices
Beachfront Line
Parcel Lines
Transition Area
Critical Storm Protection and Dune Accretion Area
Town of Hilton Head Island
Appendix A Map 5: Transition Area and Critical Storm Protection and Dune Accretion Area From East Beach Lagoon Drive to Duck Hawk Road
December, 2006
200 100 0 200 Feet
1:3,600

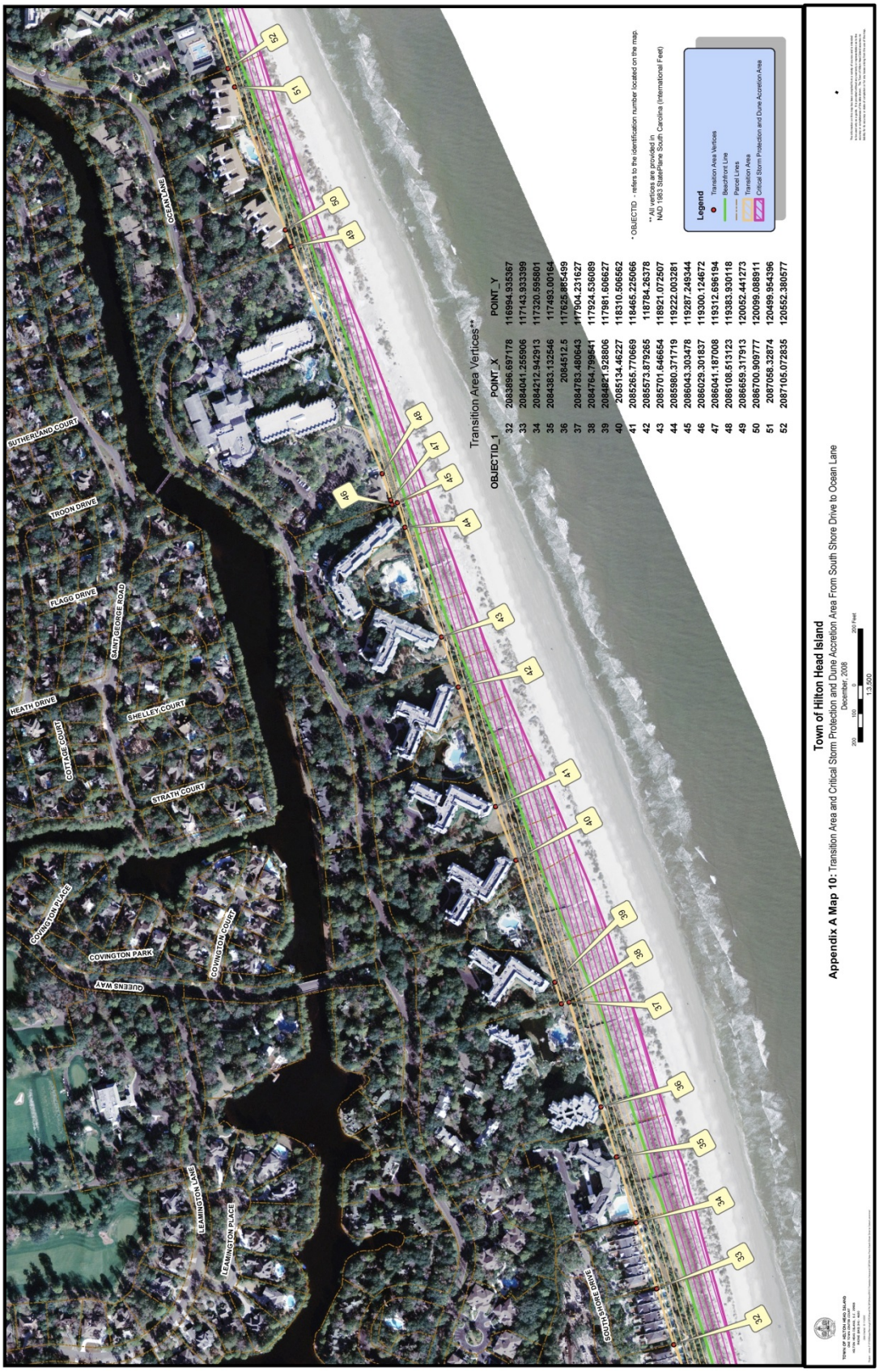
Legend
Beachfront Line
Parcel Lines
Proposed Transition Area
Proposed Critical Storm Protection and Dune Accretion Area
Town of Hilton Head Island
Appendix A Map 6: Critical Storm Protection and Dune Accretion Area From Duck Hawk Road to Cassina Lane
December, 2008
200 100 0 200 Feet
1:3,600
CASSINA LANE
DOGWOOD
SEA OAK LANE
ELDERBERRY LANE
FIRETHORN LANE
SOUTH FOREST BEACH DRIVE
MYRTLE LANE
JUNIPER LANE
HICKORY LANE
LAUREL LANE
CANVAS BACK ROAD
CORNUTO PARKWAY
FOX GRAPE ROAD
RUDDY DUCK ROAD
SAND HILL CRANE ROAD
GREEN HERON ROAD
NORTH FORESTBEACH DRIVE
NORTH FORESTBEACH LANE
WOOD IBIS ROAD
DUCK HAWK ROAD
LAWTON DRIVE

Transition Area Vertices**
OBJECTID_1 POINT_X POINT_Y
18 2073296 110244.069882
19 2074190.5 110692.649934
20 2076231.875 111695.399934
21 2077066.5 112107.899934
22 2077155.5 112153.319882
* OBJECTID - refers to the identification number located on the map.
** All vertices are provided in NAD 1983 StatePlane South Carolina (International Feet)
Legend
Transition Area Vertices
Beachfront Line
Parcel Lines
Transition Area
Critical Storm Protection and Dune Accretion Area
18
19
20
21
22
23
COLIGNY CIRCLE
TANGLEWOOD DRIVE
DEALLYON AVENUE
LEMOYNE AVENUE
SOUTH FORES BEACH DRIVE
WOODWARD AVENUE
ALDER LANE
BAYBERRY LANE
GREENWAY LANE
COUNTRY COURT WAY
Town of Hilton Head Island
Appendix A Map 7: Transition Area and Critical Storm Protection and Dune Accretion Area From Cassina Lane to Coligny Circle
December, 2006
200 100 0 200 Feet
1:3,600

23
22
21
20
19
18
COLIGNY CIRCLE
TANGLEWOOD DRIVE
DEALLYON AVENUE
LEMOYNE AVENUE
SOUTH FOREST BEACH DRIVE
WOODWARD AVENUE
ALDER LANE
BAYBERRY LANE
GREENWAY LANE
COUNTRY COMMON WAY
Transition Area Vertices**
OBJECTID_1 POINT_X POINT_Y
18 2073296 110244.069882
19 2074190.5 110692.649934
20 2076231.875 111695.399934
21 2077066.5 112107.899934
22 2077155.5 112153.319882
* OBJECTID - refers to the identification number located on the map.
** All vertices are provided in NAD 1983 StatePlane South Carolina (International Feet)
Legend
Transition Area Vertices
Beachfront Line
Parcel Lines
Transition Area
Critical Storm Protection and Dune Accretion Area
Town of Hilton Head Island
Appendix A Map 7: Transition Area and Critical Storm Protection and Dune Accretion Area From Cassina Lane to Colgony Circle
December, 2006
200 100 0 200 Feet
1:3,600

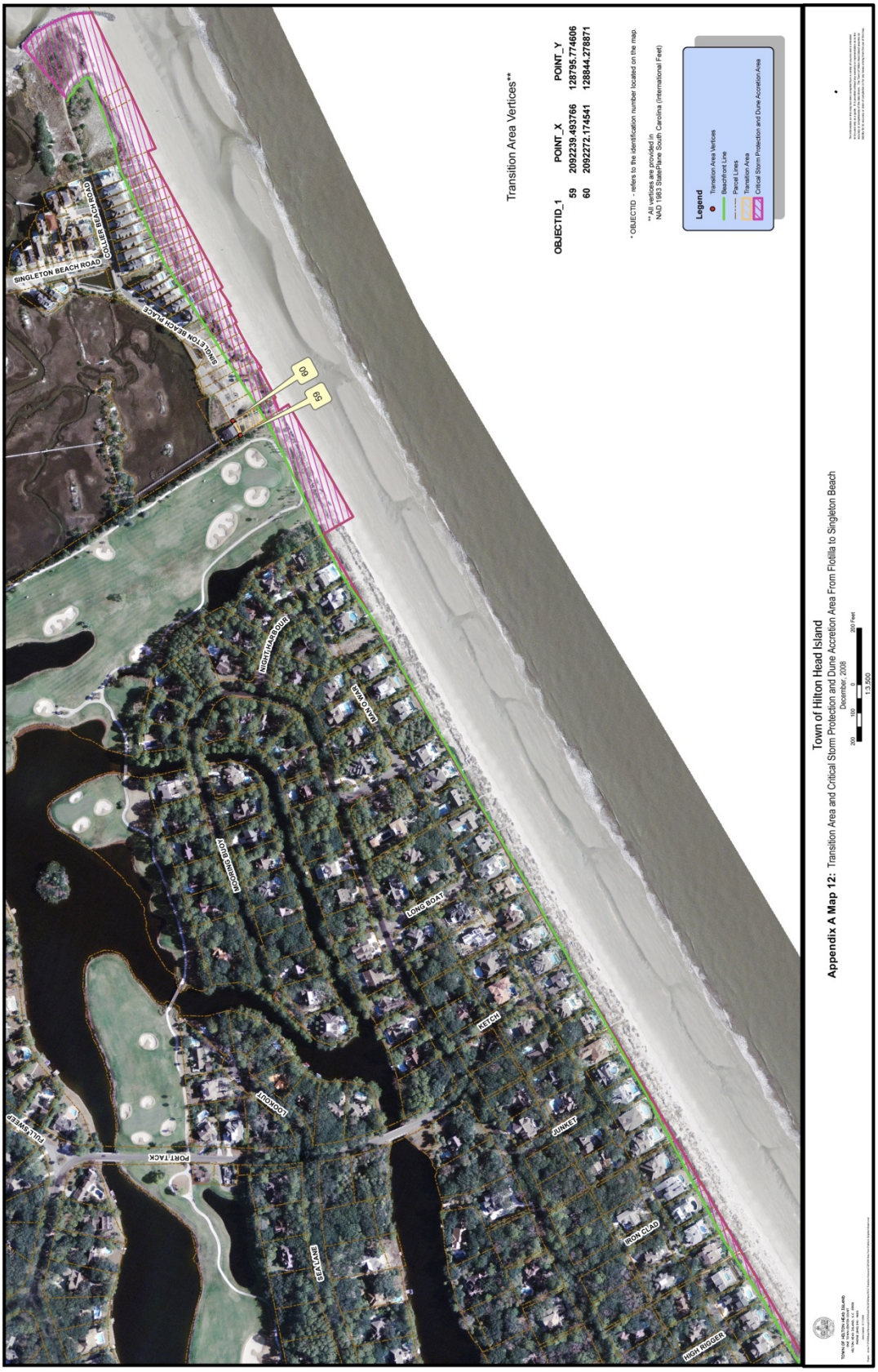
NIGHT HAWK STREET
MALLARD STREET
LARK STREET
KINGFISHER STREET
JACANA STREET
IBIS STREET
PARK ROAD
HERON STREET
CANNET STREET
FLAMINGO STREET
EGRET STREET
DOVE STREET
VALENCIA ROAD
NORTH FOREST BEACH DRIVE
GANNET STREET
DUNE LANE
FLAMINGO STREET
EGRET STREET
DOVE STREET
CURLEW STREET
BITTERN STREET
LEACON ROAD
AVOCET ROAD
HUMMING BIRD VILLAGE SHOPPE
COLIGNY CIRCLE
24
23
22
21
Transition Area Vertices**
OBJECTID_1 POINT_X POINT_Y
21 2077066.5 112107.899934
22 2077155.5 112153.319862
23 2077500.25 112324.479987
24 2077840.375 112492.149934
* OBJECTID - refers to the identification number located on the map.
** All vertices are provided in NAD 1983 StatePlane South Carolina (International Feet)
Please Note: In this map, the landward edge of the Transition Area for North Forest Beach subdivisions 1, 2 and 3 is a graphic representation ONLY.
For exact Transition Area coordinates refer to original North Forest Beach deed documents for the individual "S" Parcel locations.
Legend
Transition Area Vertices
Beachfront Line
Parcel Lines
Transition Area
Critical Storm Protection and Dune Accretion Area
Town of Hilton Head Island
Appendix A Map 8: Transition Area and Critical Storm Protection and Dune Accretion Area From Coligny Circle to Night Hawk Street
December, 2008
200 100 0 200 Feet
1:2,500

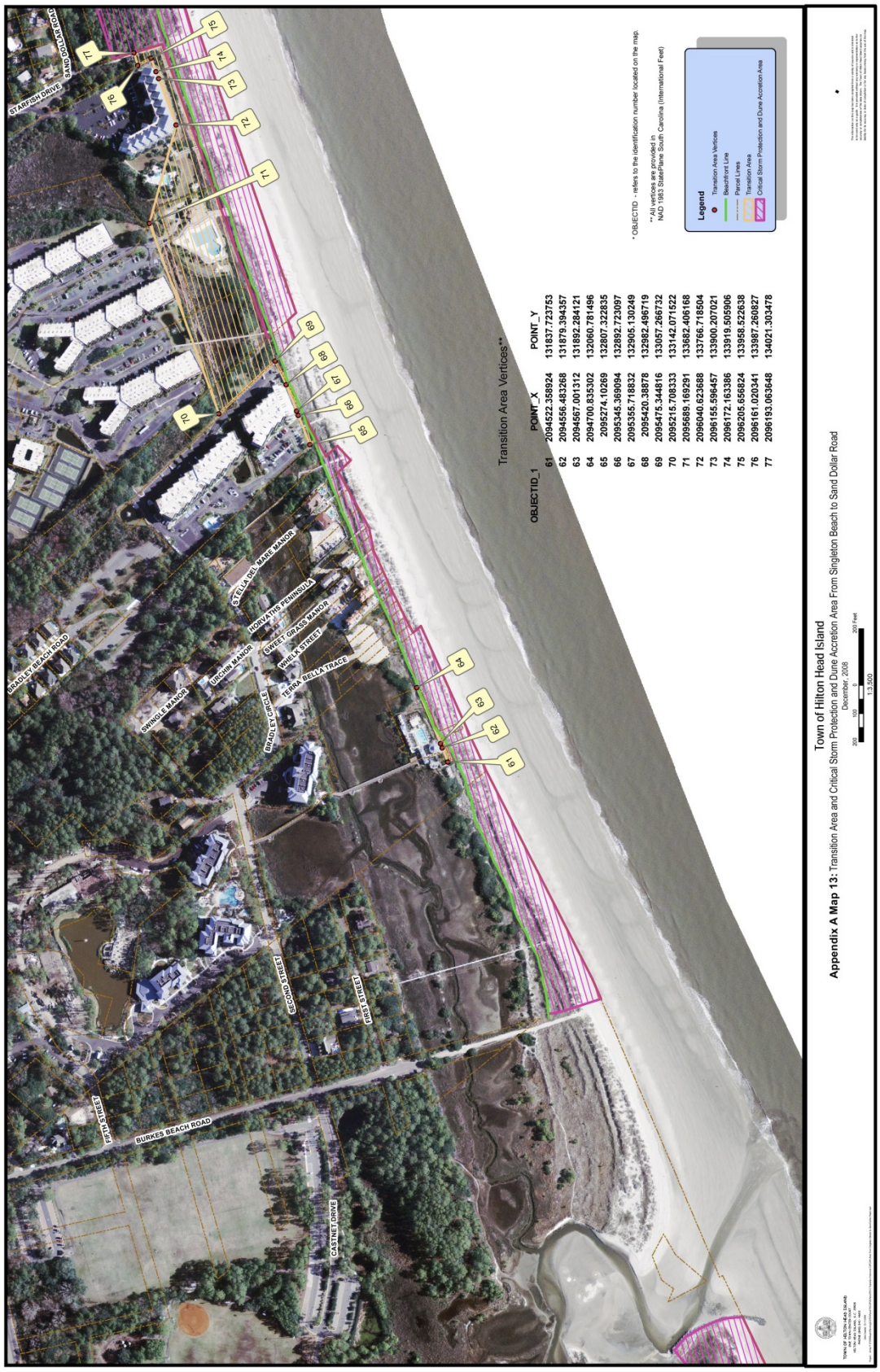

34
33
32
31
30
29
28
27
26
25
SOUTH SHORE DRIVE
SHIPYARD DRIVE
ROADRUNNER LANE
SEA SPRAY LANE
NORTH FOREST BEACH COURT
OCEANWOOD TRACE
MOTTS WAY
BUSCO WAY
CAPRY LANE
WANDERER LANE
BANNISTER LEBOW HUDSON
DREYWOOD LANE
SEA HAWK LANE
CARTERS MANOR
SANDPIPER STREET
DUNE LANE
ROBIN STREET
QUAIL STREET
PELICAN STREET
GARGANEY DRIVE
SHIPYARD DRIVE
Transition Area Vertices**
OBJECTID_1 POINT_X POINT_Y
25 2083332.889436 116410.317913
26 2083364.45374 116436.571522
27 2083446.233586 116504.59252
28 2083565.776247 116606.259186
29 2083628.748032 116657.082021
30 2083643.571522 116669.045604
31 2083732.318241 116797.138123
32 2083896.697178 116994.935367
33 2084041.255906 117143.933399
34 2084212.942913 117320.595801
* OBJECTID - refers to the identification number located on the map.
**All vertices are provided in NAD 1983 StatePlane South Carolina (International Feet)
Please Note: In this map, the landward edge of the Transition Area for North Forest Beach subdivisions 1, 2 and 3 is a graphic representation ONLY.
For exact Transition Area coordinates refer to original North Forest Beach deed documents for the individual "S" Parcel locations.
Legend
Transition Area Vertices
Beachfront Line
Parcel Lines
Transition Area
Critical Storm Protection and Dune Accretion Area
Town of Hilton Head Island
Appendix A Map 9: Transition Area and Critical Storm Protection and Dune Accretion Area From Night Hawk Street to South Shore Drive
December, 2006
200 100 0 200 Feet
1:3,600


SUTHERLAND COURT
TROON DRIVE
FLAGG DRIVE
SAINT GEORGE ROAD
HEATH DRIVE
COTTAGE COURT
SHELLEY COURT
STRATH COURT
COVINGTON PLACE
COVINGTON PARK
COVINGTON COURT
QUEENS WAY
LEAMINGTON LANE
LEAMINGTON PLACE
SOUTH SHORE DRIVE
OCEAN LANE
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
Transition Area Vertices**
OBJECTID_1 POINT_X POINT_Y
32 2083896.697178 116994.935367
33 2084041.255906 117143.933399
34 2084212.942913 117320.595801
35 2084383.132546 117493.00164
36 2084512.5 117625.885499
37 2084783.480643 117904.231627
38 2084764.799841 117924.536089
39 2084821.928806 117981.606627
40 2085134.46227 118310.506562
41 2085265.770669 118465.225066
42 2085573.879265 118784.26378
43 2085701.646654 118921.072507
44 2085980.371719 119222.003281
45 2086043.303478 119287.249344
46 2086029.301837 119300.124672
47 2086041.187008 119312.696194
48 2086108.513123 119383.930118
49 2086659.317913 120052.441273
50 2086700.909777 120099.088911
51 2087058.32874 120499.954396
52 2087105.072835 120552.380577
* OBJECTID - refers to the identification number located on the map.
** All vertices are provided in NAD 1983 StatePlane South Carolina (International Feet)
Legend
Transition Area Vertices
Beachfront Line
Parcel Lines
Transition Area
Critical Storm Protection and Dune Accretion Area
Town of Hilton Head Island
Appendix A Map 10: Transition Area and Critical Storm Protection and Dune Accretion Area From South Shore Drive to Ocean Lane
December, 2008
200 100 0 200 Feet
1:3,500

8

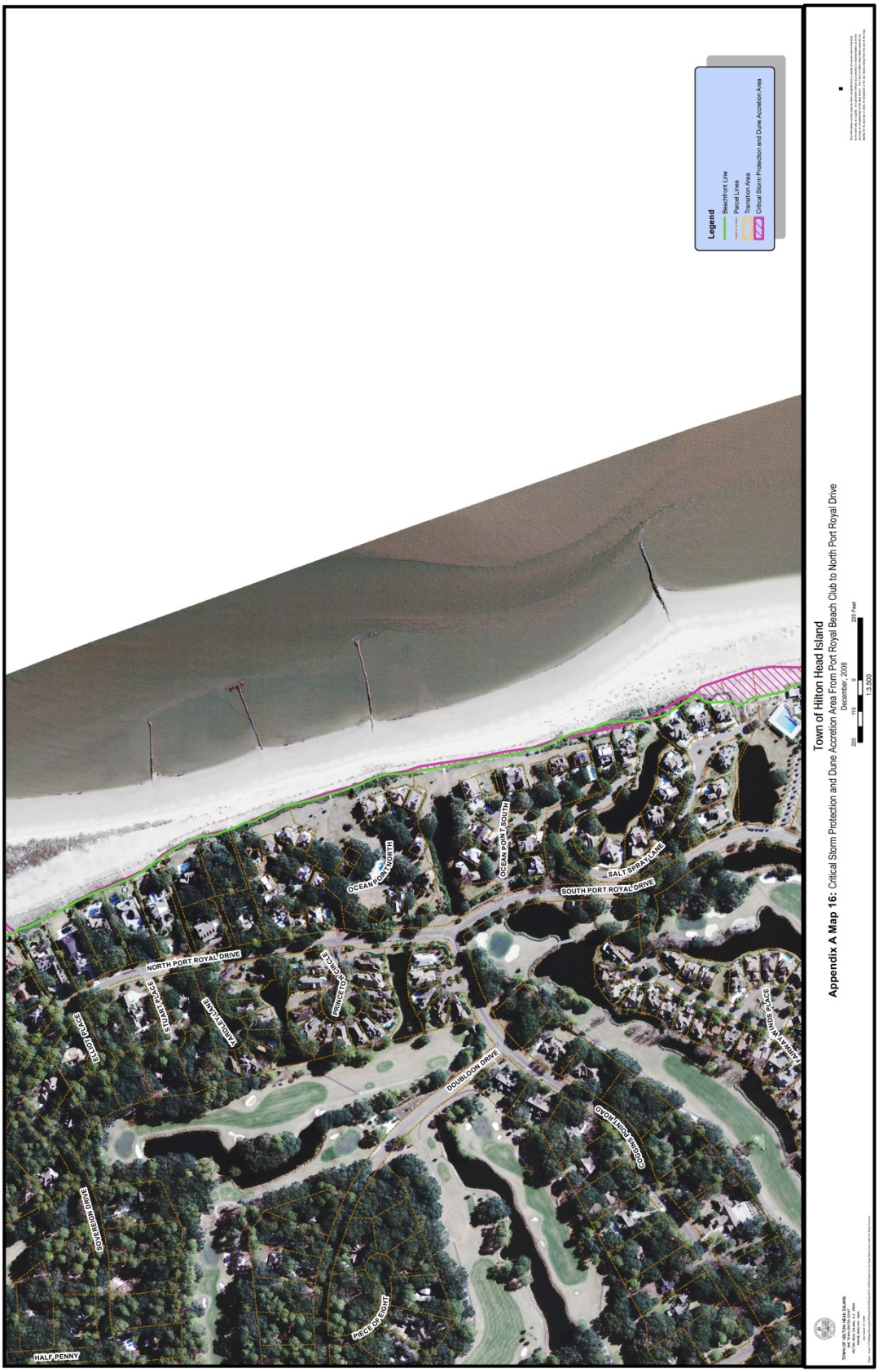
FLOTILLA
EASTWIND
DINGHY LANE
SEA LANE
CATBOAT
SHIPLAY DRIVE
ADMIRAL WINDOW
ANTIGUA LANE
ARMADA
DUNE HOUSE LANE
OCEAN LANE
HOTEL CIRCLE
TESTA COVES LATE
QUEENS FOLLY ROAD
52
53
54
55
56
57
58
Transition Area Vertices**
OBJECTID_1 POINT_X POINT_Y
53 2087336.362861 120804.472113
54 2087602.831365 121093.864501
55 2087597.945866 121096.988189
56 2087613.448819 121121.496391
57 2087658.616798 121194.746063
58 2088130.933071 121942.361549
* OBJECTID - refers to the identification number located on the map.
**All vertices are provided in
NAD 1983 StatePlane South Carolina (International Feet)
Legend
Transition Area Vertices
Beachfront Line
Parcel Lines
Transition Area
Critical Storm Protection and Dune Accretion Area
Town of Hilton Head Island
Appendix A Map 11: Transition Area and Critical Storm Protection and Dune Accretion Area From Ocean Lane to Flotilla
December, 2006
200 100 0 200 Feet
1:3,600

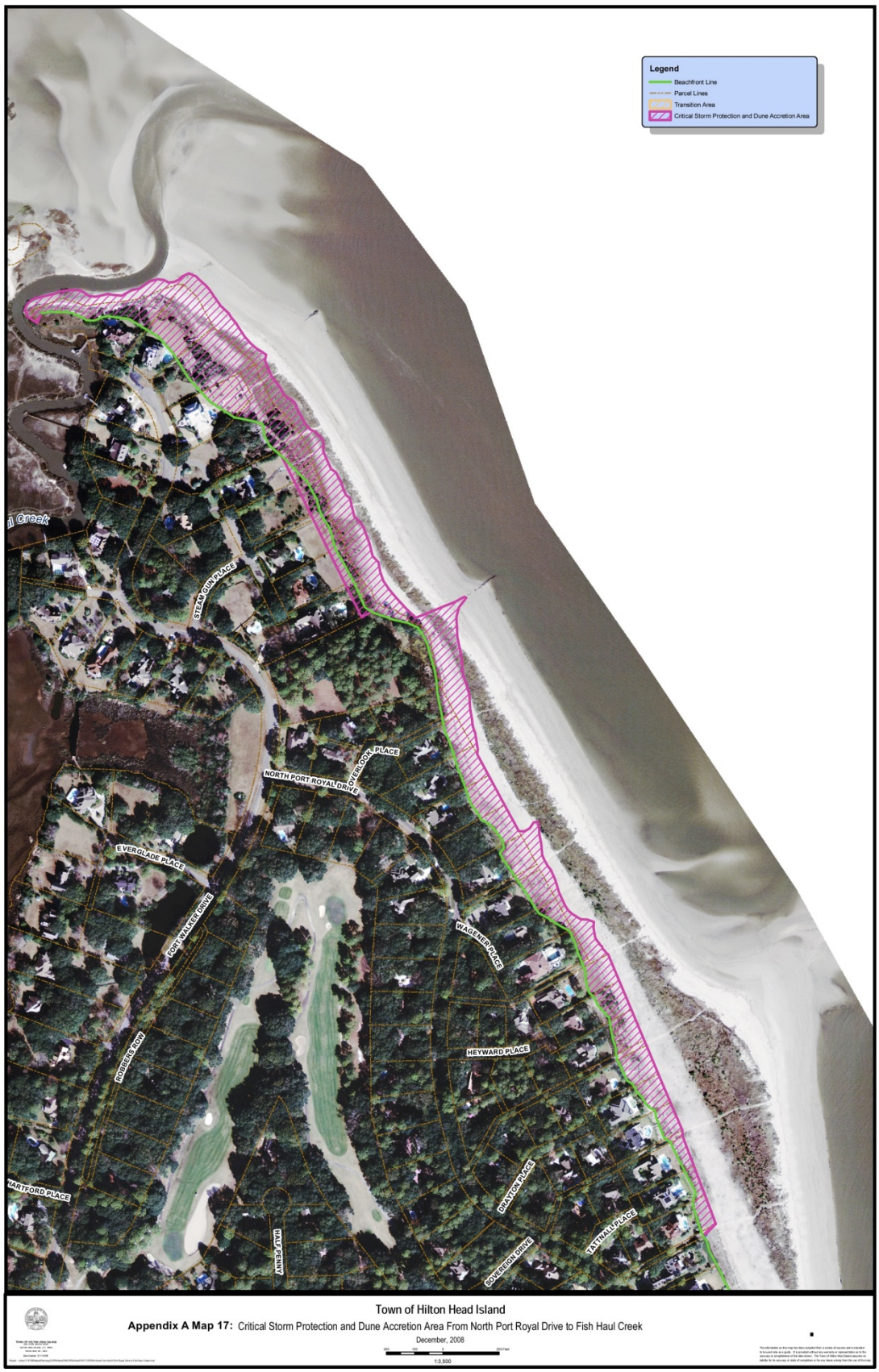

SINGLETON BEACH ROAD
COLLIER BEACH ROAD
SINGLETON BEACH PLACE
60
59
NORTH HARBOUR
LONG BOAT
KETCH
SUNKET
IRON CLAD
HIGH RIGGER
SEA LANE
LOOKOUT
PORT TACK
PHILLIP'S KEEP
Transition Area Vertices**
OBJECTID_1 POINT_X POINT_Y
59 2092239.493766 128795.774606
60 2092272.174541 128844.278871
* OBJECTID - refers to the identification number located on the map.
** All vertices are provided in NAD 1983 StatePlane South Carolina (International Feet)
Legend
Transition Area Vertices
Beachfront Line
Parcel Lines
Transition Area
Critical Storm Protection and Dune Accretion Area
Town of Hilton Head Island
Appendix A Map 12: Transition Area and Critical Storm Protection and Dune Accretion Area From Flotilla to Singleton Beach
December, 2008
200 100 0 200 Feet
1:3,500


STARFISH DRIVE
SAND DOLLAR ROAD
BRADLEY BEACH ROAD
SWINGLE MANOR
URSCHIN MANOR
STELLA DEL MARE MANOR
HORVATHS PENNSULA
SWEET GRASS MANOR
WHELK STREET
TERRA DELLA TRACE
BRADLEY CIRCLE
SECOND STREET
FIRST STREET
FIFTH STREET
BURKES BEACH ROAD
CASTNET DRIVE
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
Transition Area Vertices**
OBJECTID_1 POINT_X POINT_Y
61 2094522.358924 131837.723753
62 2094556.483268 131879.394357
63 2094567.001312 131892.284121
64 2094700.835302 132060.781496
65 2095274.10269 132807.322835
66 2095345.369094 132892.723097
67 2095355.718832 132905.130249
68 2095420.38878 132982.496719
69 2095475.344816 133057.256732
70 2095215.708333 133142.071522
71 2095689.169291 133682.406168
72 2096040.623688 133766.718504
73 2096155.596457 133900.207021
74 2096172.163386 133919.505906
75 2096205.656824 133958.522638
76 2096161.020341 133987.260827
77 2096193.063648 134021.303478
* OBJECTID - refers to the identification number located on the map.
** All vertices are provided in NAD 1983 StatePlane South Carolina (International Feet)
Legend
Transition Area Vertices
Beachfront Line
Parcel Line
Transition Area
Critical Storm Protection and Dune Accretion Area
Town of Hilton Head Island
Appendix A Map 13: Transition Area and Critical Storm Protection and Dune Accretion Area From Singleton Beach to Sand Dollar Road
December, 2008
200 100 0 200 Feet
1:3,500

DONAX ROAD
COQUINA ROAD
BARNACLE ROAD
SOUTH PORTER ALLIGATOR AVENUE
GRASS LAWN AVENUE
SPARKLEBERRY LANE
WHELK BEACH COURT
POOL TIBBER ROAD
GHOST CRAB WAY
MOONSHELL ROAD
SAND DOLLAR ROAD
SEA HORSE WAY
78
79
80
81
82
83
84
85
86
87
88
89
Transition Area Vertices**
OBJECTID_1 POINT_X POINT_Y
78 2097182.422572 135013.44357
79 2097264.857612 135094.319554
80 2097515.962598 135340.675197
81 2097785.0479 135590.259514
82 2098373.939633 136149.544291
83 2098440.760827 136211.021982
84 2098543.268701 136305.742782
85 2098652.275919 136406.407152
86 2098694.284777 136364.955709
87 2098729.636483 136396.807743
88 2099041.064304 136677.404856
89 2099155.709646 136780.700459
* OBJECTID - refers to the identification number located on the map.
** All vertices are provided in NAD 1983 StatePlane South Carolina (International Feet)
Legend
Transition Area Vertices
Beachfront Line
Parcel Lines
Transition Area
Critical Storm Protection and Dune Accretion Area
Town of Hilton Head Island
Appendix A Map 14: Transition Area and Critical Storm Protection and Dune Accretion Area From Sand Dollar Road to Donax Road
December, 2008
200 100 0 200 Feet
1:3,500

Legend
Beachfront Line
Parcel Lines
Transition Area
Critical Storm Protection and Dune Accretion Area
PLANTERS ROW
SOUTH PORT ROYAL DRIVE
SEABROOK ISLAND ROAD
CENTURY DRIVE
ALDBURGH PLACE
CATESBY LANE
ENSIS ROAD
Town of Hilton Head Island
Appendix A Map 15: Critical Storm Protection and Dune Accretion Area From Donax Road to Port Royal Beach Club
December, 2008
250 100 0 250 Feet
1:3,500


Legend
Beachfront Line
Parcel Lines
Transition Area
Critical Storm Protection and Dune Accretion Area
Town of Hilton Head Island
Appendix A Map 16: Critical Storm Protection and Dune Accretion Area From Port Royal Beach Club to North Port Royal Drive
December, 2008
250 125 0 250 Feet
1:3,500
NORTH PORT ROYAL DRIVE
SOUTH PORT ROYAL DRIVE
OCEAN POINT NORTH
OCEAN POINT SOUTH
SALT SPRAY LANE
PRINCETON
VARNA LANE
STURBRIDGE PLACE
BELFORD PLACE
DOUBLOON DRIVE
GOODWIN POINT DRIVE
LAGUNA WINDS PLACE
SOVEREIGN DUNES
PIECE OF EIGHT
HALF PENNY


Legend
Beachfront Line
Parcel Lines
Transition Area
Critical Storm Protection and Dune Accretion Area
STEAM GUN PLACE
NORTH PORT ROYAL DRIVE
EVERGLADE PLACE
EVERGLADE PLACE
FORT WALKER DRIVE
WAGENER PLACE
ROBERTS ROW
HEYWARD PLACE
HARTFORD PLACE
DRAYTON PLACE
TATTNALL PLACE
SOVEREIGN DRIVE
DUNE PLANT
Town of Hilton Head Island
Appendix A Map 17: Critical Storm Protection and Dune Accretion Area From North Port Royal Drive to Fish Haul Creek
December, 2008
1:3,500

B-3. *Beachfront Line* Coordinates

OBJECTID	POINT_X	POINT_Y	DESCRIPTION
1	2096189.95	133834.98	***Beachfront Line***
2	2096208.04	133853.59	***Beachfront Line***
3	2096222.72	133870.46	***Beachfront Line***
4	2096240.60	133890.54	***Beachfront Line***
5	2096262.18	133915.72	***Beachfront Line***
6	2096292.75	133942.77	***Beachfront Line***
7	2096310.38	133968.21	***Beachfront Line***
8	2096345.16	134002.11	***Beachfront Line***
9	2096355.94	134010.78	***Beachfront Line***
10	2096368.29	134023.32	***Beachfront Line***
11	2096399.35	134054.09	***Beachfront Line***
12	2096422.69	134081.03	***Beachfront Line***
13	2096449.32	134113.35	***Beachfront Line***
14	2096463.16	134128.00	***Beachfront Line***
15	2096477.74	134148.28	***Beachfront Line***
16	2096489.58	134160.63	***Beachfront Line***
17	2096502.57	134172.69	***Beachfront Line***
18	2096520.04	134196.82	***Beachfront Line***
19	2096537.50	134214.88	***Beachfront Line***
20	2096561.07	134232.08	***Beachfront Line***
21	2096574.47	134243.20	***Beachfront Line***
22	2096592.47	134264.19	***Beachfront Line***
23	2096601.23	134276.46	***Beachfront Line***
24	2096619.05	134294.10	***Beachfront Line***
25	2096638.23	134315.80	***Beachfront Line***
26	2096644.24	134322.29	***Beachfront Line***
27	2096651.93	134332.11	***Beachfront Line***
28	2096667.07	134346.85	***Beachfront Line***
29	2096686.42	134366.67	***Beachfront Line***
30	2096703.42	134386.60	***Beachfront Line***
31	2096723.33	134408.99	***Beachfront Line***
32	2096741.68	134428.74	***Beachfront Line***
33	2096746.89	134434.90	***Beachfront Line***
34	2096758.64	134442.84	***Beachfront Line***
35	2096781.64	134468.51	***Beachfront Line***
36	2096799.67	134483.83	***Beachfront Line***
37	2096812.38	134497.48	***Beachfront Line***
38	2096827.39	134513.22	***Beachfront Line***
39	2096840.91	134528.32	***Beachfront Line***
40	2096857.43	134545.88	***Beachfront Line***
41	2096869.77	134561.05	***Beachfront Line***
42	2096878.20	134568.14	***Beachfront Line***
43	2096896.89	134587.61	***Beachfront Line***

OBJECTID	POINT_X	POINT_Y	DESCRIPTION
44	2096917.95	134608.29	***Beachfront Line***
45	2096941.07	134629.57	***Beachfront Line***
46	2096958.19	134647.45	***Beachfront Line***
47	2096975.78	134665.93	***Beachfront Line***
48	2096981.46	134672.25	***Beachfront Line***
49	2096995.12	134683.46	***Beachfront Line***
50	2097015.03	134706.31	***Beachfront Line***
51	2097029.96	134719.62	***Beachfront Line***
52	2097047.90	134733.70	***Beachfront Line***
53	2097059.28	134748.88	***Beachfront Line***
54	2097066.42	134762.31	***Beachfront Line***
55	2097084.19	134779.54	***Beachfront Line***
56	2097110.73	134804.24	***Beachfront Line***
57	2097128.07	134820.54	***Beachfront Line***
58	2097143.78	134835.94	***Beachfront Line***
59	2097157.88	134846.55	***Beachfront Line***
60	2097172.85	134857.99	***Beachfront Line***
61	2097189.54	134879.22	***Beachfront Line***
62	2097208.26	134899.40	***Beachfront Line***
63	2097225.18	134920.25	***Beachfront Line***
64	2097243.76	134941.55	***Beachfront Line***
65	2097264.92	134965.29	***Beachfront Line***
66	2097281.30	134977.31	***Beachfront Line***
67	2097292.36	134987.56	***Beachfront Line***
68	2097302.84	135005.01	***Beachfront Line***
69	2097318.72	135021.52	***Beachfront Line***
70	2097346.04	135049.02	***Beachfront Line***
71	2097357.55	135058.14	***Beachfront Line***
72	2097377.77	135076.71	***Beachfront Line***
73	2097389.10	135094.21	***Beachfront Line***
74	2097403.70	135108.58	***Beachfront Line***
75	2097426.34	135129.67	***Beachfront Line***
76	2097438.04	135139.25	***Beachfront Line***
77	2097457.35	135157.20	***Beachfront Line***
78	2097480.53	135177.97	***Beachfront Line***
79	2097499.85	135198.28	***Beachfront Line***
80	2097506.41	135204.51	***Beachfront Line***
81	2097531.42	135203.93	***Beachfront Line***
82	2097554.05	135226.73	***Beachfront Line***
83	2097574.76	135248.83	***Beachfront Line***
84	2097606.76	135278.16	***Beachfront Line***
85	2097635.41	135305.78	***Beachfront Line***
86	2097707.72	135372.11	***Beachfront Line***
87	2097735.27	135395.94	***Beachfront Line***
88	2097745.16	135409.04	***Beachfront Line***
89	2097754.73	135419.17	***Beachfront Line***
90	2097783.33	135447.58	***Beachfront Line***

OBJECTID	POINT_X	POINT_Y	DESCRIPTION
91	2097814.79	135479.96	***Beachfront Line***
92	2097837.87	135503.90	***Beachfront Line***
93	2097875.89	135532.50	***Beachfront Line***
94	2097902.08	135556.27	***Beachfront Line***
95	2097928.40	135581.23	***Beachfront Line***
96	2097953.64	135609.39	***Beachfront Line***
97	2097961.96	135625.76	***Beachfront Line***
98	2097975.59	135644.67	***Beachfront Line***
99	2097995.90	135668.41	***Beachfront Line***
100	2098025.94	135692.38	***Beachfront Line***
101	2098084.47	135745.85	***Beachfront Line***
102	2098119.04	135777.97	***Beachfront Line***
103	2098144.71	135802.01	***Beachfront Line***
104	2098160.30	135816.80	***Beachfront Line***
105	2098186.02	135843.86	***Beachfront Line***
106	2098195.75	135856.77	***Beachfront Line***
107	2098216.43	135872.57	***Beachfront Line***
108	2098238.98	135890.65	***Beachfront Line***
109	2098249.92	135898.89	***Beachfront Line***
110	2098270.00	135917.41	***Beachfront Line***
111	2098280.16	135937.56	***Beachfront Line***
112	2098296.29	135947.03	***Beachfront Line***
113	2098310.08	135951.35	***Beachfront Line***
114	2098334.21	135973.04	***Beachfront Line***
115	2098368.82	136002.27	***Beachfront Line***
116	2098388.86	136020.07	***Beachfront Line***
117	2098403.57	136032.05	***Beachfront Line***
118	2098422.69	136044.30	***Beachfront Line***
119	2098444.00	136064.84	***Beachfront Line***
120	2098456.16	136075.18	***Beachfront Line***
121	2098472.89	136089.95	***Beachfront Line***
122	2098497.42	136107.79	***Beachfront Line***
123	2098518.28	136124.07	***Beachfront Line***
124	2098540.37	136145.71	***Beachfront Line***
125	2098562.41	136164.65	***Beachfront Line***
126	2098580.11	136182.46	***Beachfront Line***
127	2098604.46	136203.50	***Beachfront Line***
128	2098626.82	136221.07	***Beachfront Line***
129	2098630.83	136226.18	***Beachfront Line***
130	2098647.35	136237.94	***Beachfront Line***
131	2098674.38	136261.52	***Beachfront Line***
132	2098696.56	136293.36	***Beachfront Line***
133	2098712.99	136309.01	***Beachfront Line***
134	2098756.02	136347.35	***Beachfront Line***
135	2098814.71	136401.34	***Beachfront Line***
136	2098875.74	136459.24	***Beachfront Line***
137	2098936.77	136517.15	***Beachfront Line***

OBJECTID	POINT_X	POINT_Y	DESCRIPTION
138	2098966.51	136544.53	***Beachfront Line***
139	2099005.63	136582.87	***Beachfront Line***
140	2099045.54	136621.21	***Beachfront Line***
141	2099132.39	136698.68	***Beachfront Line***
142	2099232.55	136783.18	***Beachfront Line***
143	2099284.19	136826.22	***Beachfront Line***
144	2099330.36	136862.21	***Beachfront Line***
145	2099439.12	136947.50	***Beachfront Line***
146	2099492.22	136987.00	***Beachfront Line***
147	2099544.30	137027.56	***Beachfront Line***
148	2099583.36	137058.61	***Beachfront Line***
149	2099628.43	137095.17	***Beachfront Line***
150	2099683.51	137140.74	***Beachfront Line***
151	2099755.63	137198.33	***Beachfront Line***
152	2099819.23	137250.41	***Beachfront Line***
153	2099864.80	137290.97	***Beachfront Line***
154	2099930.90	137350.07	***Beachfront Line***
155	2099982.48	137401.15	***Beachfront Line***
156	2100034.56	137452.73	***Beachfront Line***
157	2100067.11	137484.28	***Beachfront Line***
158	2100124.20	137546.87	***Beachfront Line***
159	2100187.30	137612.98	***Beachfront Line***
160	2100232.37	137662.05	***Beachfront Line***
161	2100272.43	137708.12	***Beachfront Line***
162	2100311.99	137755.70	***Beachfront Line***
163	2100352.05	137805.78	***Beachfront Line***
164	2100394.62	137857.86	***Beachfront Line***
165	2100408.14	137874.38	***Beachfront Line***
166	2100435.18	137900.42	***Beachfront Line***
167	2100483.26	137944.49	***Beachfront Line***
168	2100519.32	137977.04	***Beachfront Line***
169	2100548.36	138001.58	***Beachfront Line***
170	2100560.38	138012.10	***Beachfront Line***
171	2100645.01	138075.20	***Beachfront Line***
172	2100685.57	138102.74	***Beachfront Line***
173	2100728.14	138132.28	***Beachfront Line***
174	2100765.70	138159.33	***Beachfront Line***
175	2100819.28	138193.38	***Beachfront Line***
176	2100859.34	138218.42	***Beachfront Line***
177	2100907.92	138248.97	***Beachfront Line***
178	2100974.52	138293.54	***Beachfront Line***
179	2101033.62	138332.60	***Beachfront Line***
180	2101060.66	138350.12	***Beachfront Line***
181	2101098.72	138377.67	***Beachfront Line***
182	2101140.28	138407.21	***Beachfront Line***
183	2101161.82	138424.24	***Beachfront Line***
184	2101175.84	138431.75	***Beachfront Line***

OBJECTID	POINT_X	POINT_Y	DESCRIPTION
185	2101204.38	138448.28	***Beachfront Line***
186	2101229.42	138465.80	***Beachfront Line***
187	2101266.98	138491.84	***Beachfront Line***
188	2101310.05	138521.89	***Beachfront Line***
189	2101344.60	138549.43	***Beachfront Line***
190	2101381.66	138579.98	***Beachfront Line***
191	2101427.23	138616.54	***Beachfront Line***
192	2101473.80	138652.59	***Beachfront Line***
193	2101489.32	138665.11	***Beachfront Line***
194	2101516.37	138690.15	***Beachfront Line***
195	2101552.42	138724.21	***Beachfront Line***
196	2101563.94	138735.22	***Beachfront Line***
197	2101581.97	138755.75	***Beachfront Line***
198	2101609.51	138787.80	***Beachfront Line***
199	2101636.55	138820.36	***Beachfront Line***
200	2101673.61	138866.43	***Beachfront Line***
201	2101699.15	138897.48	***Beachfront Line***
202	2101724.19	138932.53	***Beachfront Line***
203	2101742.72	138959.07	***Beachfront Line***
204	2101758.74	138981.11	***Beachfront Line***
205	2101779.78	139006.65	***Beachfront Line***
206	2101815.83	139052.72	***Beachfront Line***
207	2101835.86	139082.26	***Beachfront Line***
208	2101850.89	139104.30	***Beachfront Line***
209	2101871.92	139131.84	***Beachfront Line***
210	2101895.96	139163.39	***Beachfront Line***
211	2101920.50	139194.94	***Beachfront Line***
212	2101950.54	139246.02	***Beachfront Line***
213	2101971.07	139267.55	***Beachfront Line***
214	2102002.62	139325.14	***Beachfront Line***
215	2102013.64	139345.67	***Beachfront Line***
216	2102031.17	139368.71	***Beachfront Line***
217	2102059.21	139424.80	***Beachfront Line***
218	2102071.23	139448.33	***Beachfront Line***
219	2102087.76	139496.41	***Beachfront Line***
220	2102095.27	139517.44	***Beachfront Line***
221	2102120.81	139573.03	***Beachfront Line***
222	2102128.32	139593.56	***Beachfront Line***
223	2102142.34	139636.63	***Beachfront Line***
224	2102170.89	139719.76	***Beachfront Line***
225	2102188.41	139771.84	***Beachfront Line***
226	2102201.43	139817.41	***Beachfront Line***
227	2102212.45	139857.47	***Beachfront Line***
228	2102222.97	139896.53	***Beachfront Line***
229	2102230.98	139934.09	***Beachfront Line***
230	2102244.00	139978.16	***Beachfront Line***
231	2102256.02	140021.73	***Beachfront Line***

OBJECTID	POINT_X	POINT_Y	DESCRIPTION
232	2102268.04	140075.31	***Beachfront Line***
233	2102276.55	140112.87	***Beachfront Line***
234	2102282.06	140137.41	***Beachfront Line***
235	2102283.57	140148.46	***Beachfront Line***
236	2102287.10	140174.31	***Beachfront Line***
237	2102292.27	140210.74	***Beachfront Line***
238	2102293.21	140215.44	***Beachfront Line***
239	2102293.92	140238.00	***Beachfront Line***
240	2102295.47	140253.69	***Beachfront Line***
241	2102298.41	140275.72	***Beachfront Line***
242	2102299.59	140294.52	***Beachfront Line***
243	2102301.05	140313.91	***Beachfront Line***
244	2102303.11	140347.41	***Beachfront Line***
245	2102305.75	140378.25	***Beachfront Line***
246	2102306.89	140399.85	***Beachfront Line***
247	2102306.89	140447.22	***Beachfront Line***
248	2102303.96	140462.27	***Beachfront Line***
249	2102300.28	140485.78	***Beachfront Line***
250	2102296.98	140514.79	***Beachfront Line***
251	2102295.51	140537.56	***Beachfront Line***
252	2102294.41	140559.22	***Beachfront Line***
253	2102291.10	140580.89	***Beachfront Line***
254	2102286.70	140611.37	***Beachfront Line***
255	2102275.68	140651.76	***Beachfront Line***
256	2102261.36	140684.82	***Beachfront Line***
257	2102254.01	140709.42	***Beachfront Line***
258	2102246.67	140733.29	***Beachfront Line***
259	2102241.16	140749.81	***Beachfront Line***
260	2102237.49	140775.15	***Beachfront Line***
261	2102223.53	140811.14	***Beachfront Line***
262	2102211.41	140849.70	***Beachfront Line***
263	2102208.11	140863.66	***Beachfront Line***
264	2102196.36	140865.12	***Beachfront Line***
265	2102190.11	140890.10	***Beachfront Line***
266	2102181.30	140928.29	***Beachfront Line***
267	2102172.49	140970.15	***Beachfront Line***
268	2102165.51	141004.67	***Beachfront Line***
269	2102154.86	141011.65	***Beachfront Line***
270	2102143.48	141034.78	***Beachfront Line***
271	2102158.17	141063.06	***Beachfront Line***
272	2102154.13	141100.15	***Beachfront Line***
273	2102153.02	141133.94	***Beachfront Line***
274	2102158.17	141159.27	***Beachfront Line***
275	2102174.32	141184.61	***Beachfront Line***
276	2102179.47	141191.59	***Beachfront Line***
277	2102170.28	141206.65	***Beachfront Line***
278	2102148.99	141238.96	***Beachfront Line***

OBJECTID	POINT_X	POINT_Y	DESCRIPTION
279	2102135.03	141258.43	***Beachfront Line***
280	2102128.79	141269.81	***Beachfront Line***
281	2102113.36	141294.41	***Beachfront Line***
282	2102107.12	141304.33	***Beachfront Line***
283	2102090.60	141368.96	***Beachfront Line***
284	2102085.82	141410.46	***Beachfront Line***
285	2102085.45	141441.31	***Beachfront Line***
286	2102085.45	141473.62	***Beachfront Line***
287	2102079.95	141514.02	***Beachfront Line***
288	2102074.07	141530.17	***Beachfront Line***
289	2102068.56	141539.72	***Beachfront Line***
290	2102060.85	141552.58	***Beachfront Line***
291	2102056.44	141584.52	***Beachfront Line***
292	2102049.10	141608.03	***Beachfront Line***
293	2102042.49	141630.43	***Beachfront Line***
294	2102031.10	141656.87	***Beachfront Line***
295	2102021.92	141682.94	***Beachfront Line***
296	2102018.25	141687.35	***Beachfront Line***
297	2102014.21	141698.73	***Beachfront Line***
298	2102006.87	141710.48	***Beachfront Line***
299	2101996.59	141733.99	***Beachfront Line***
300	2101991.81	141763.36	***Beachfront Line***
301	2101987.77	141781.36	***Beachfront Line***
302	2101985.20	141790.54	***Beachfront Line***
303	2101973.82	141815.88	***Beachfront Line***
304	2101966.84	141861.78	***Beachfront Line***
305	2101963.90	141886.39	***Beachfront Line***
306	2101955.09	141942.57	***Beachfront Line***
307	2101946.28	141991.05	***Beachfront Line***
308	2101945.54	141995.09	***Beachfront Line***
309	2101934.52	142033.28	***Beachfront Line***
310	2101923.14	142097.18	***Beachfront Line***
311	2101914.69	142147.12	***Beachfront Line***
312	2101911.39	142175.40	***Beachfront Line***
313	2101906.25	142198.53	***Beachfront Line***
314	2101900.74	142237.82	***Beachfront Line***
315	2101900.00	142266.10	***Beachfront Line***
316	2101898.90	142280.06	***Beachfront Line***
317	2101895.23	142300.99	***Beachfront Line***
318	2101884.21	142333.67	***Beachfront Line***
319	2101875.77	142351.66	***Beachfront Line***
320	2101860.71	142384.35	***Beachfront Line***
321	2101853.37	142409.69	***Beachfront Line***
322	2101844.19	142432.09	***Beachfront Line***
323	2101836.47	142455.96	***Beachfront Line***
324	2101833.17	142466.61	***Beachfront Line***
325	2101826.56	142494.88	***Beachfront Line***

OBJECTID	POINT_X	POINT_Y	DESCRIPTION
326	2101816.28	142520.96	***Beachfront Line***
327	2101813.34	142532.71	***Beachfront Line***
328	2101808.20	142554.01	***Beachfront Line***
329	2101796.81	142600.28	***Beachfront Line***
330	2101788.37	142631.13	***Beachfront Line***
331	2101783.59	142652.06	***Beachfront Line***
332	2101764.86	142687.31	***Beachfront Line***
333	2101755.68	142706.41	***Beachfront Line***
334	2101746.87	142732.48	***Beachfront Line***
335	2101733.28	142752.31	***Beachfront Line***
336	2101728.14	142786.83	***Beachfront Line***
337	2101716.02	142810.33	***Beachfront Line***
338	2101707.58	142829.43	***Beachfront Line***
339	2101704.27	142837.14	***Beachfront Line***
340	2101695.83	142865.42	***Beachfront Line***
341	2101685.91	142887.08	***Beachfront Line***
342	2101684.81	142904.71	***Beachfront Line***
343	2101682.24	142918.30	***Beachfront Line***
344	2101678.57	142940.70	***Beachfront Line***
345	2101673.42	142955.02	***Beachfront Line***
346	2101667.92	142974.48	***Beachfront Line***
347	2101662.04	142987.34	***Beachfront Line***
348	2101655.43	143001.29	***Beachfront Line***
349	2101645.88	143014.88	***Beachfront Line***
350	2101640.74	143024.43	***Beachfront Line***
351	2101629.36	143046.46	***Beachfront Line***
352	2101613.93	143067.03	***Beachfront Line***
353	2101591.95	143101.73	***Beachfront Line***
354	2101557.06	143144.88	***Beachfront Line***
355	2101531.35	143191.24	***Beachfront Line***
356	2101509.78	143244.03	***Beachfront Line***
357	2101497.38	143271.11	***Beachfront Line***
358	2101488.66	143293.61	***Beachfront Line***
359	2101479.94	143317.48	***Beachfront Line***
360	2101468.92	143344.10	***Beachfront Line***
361	2101446.89	143388.63	***Beachfront Line***
362	2101432.20	143412.95	***Beachfront Line***
363	2101421.18	143431.78	***Beachfront Line***
364	2101398.69	143478.60	***Beachfront Line***
365	2101381.25	143511.65	***Beachfront Line***
366	2101364.72	143544.24	***Beachfront Line***
367	2101361.51	143550.21	***Beachfront Line***
368	2101350.03	143587.39	***Beachfront Line***
369	2101333.05	143617.23	***Beachfront Line***
370	2101319.28	143656.70	***Beachfront Line***
371	2101312.85	143678.74	***Beachfront Line***
372	2101306.43	143701.23	***Beachfront Line***

OBJECTID	POINT_X	POINT_Y	DESCRIPTION
373	2101300.92	143715.92	***Beachfront Line***
374	2101305.05	143740.25	***Beachfront Line***
375	2101311.47	143761.82	***Beachfront Line***
376	2101271.08	143839.86	***Beachfront Line***
377	2101232.98	143916.06	***Beachfront Line***
378	2101221.50	143940.39	***Beachfront Line***
379	2101199.93	143955.08	***Beachfront Line***
380	2101184.32	143993.18	***Beachfront Line***
381	2101170.55	144029.90	***Beachfront Line***
382	2101166.42	144053.31	***Beachfront Line***
383	2101149.89	144062.03	***Beachfront Line***
384	2101137.04	144073.05	***Beachfront Line***
385	2101120.98	144098.75	***Beachfront Line***
386	2101103.07	144118.49	***Beachfront Line***
387	2101087.47	144146.03	***Beachfront Line***
388	2101067.73	144159.81	***Beachfront Line***
389	2101047.07	144206.17	***Beachfront Line***
390	2101032.38	144232.79	***Beachfront Line***
391	2101028.71	144251.61	***Beachfront Line***
392	2101027.33	144279.15	***Beachfront Line***
393	2101017.23	144304.86	***Beachfront Line***
394	2101014.48	144324.60	***Beachfront Line***
395	2101009.43	144347.09	***Beachfront Line***
396	2101004.38	144380.60	***Beachfront Line***
397	2100964.44	144426.96	***Beachfront Line***
398	2100952.05	144451.75	***Beachfront Line***
399	2100932.31	144473.79	***Beachfront Line***
400	2100926.34	144494.44	***Beachfront Line***
401	2100920.84	144517.39	***Beachfront Line***
402	2100920.84	144545.40	***Beachfront Line***
403	2100913.43	144563.84	***Beachfront Line***
404	2100899.98	144596.32	***Beachfront Line***
405	2100891.16	144619.52	***Beachfront Line***
406	2100883.74	144648.75	***Beachfront Line***
407	2100872.14	144674.27	***Beachfront Line***
408	2100863.79	144691.91	***Beachfront Line***
409	2100840.59	144703.51	***Beachfront Line***
410	2100819.24	144715.57	***Beachfront Line***
411	2100786.30	144736.45	***Beachfront Line***
412	2100755.21	144752.69	***Beachfront Line***
413	2100727.37	144795.84	***Beachfront Line***
414	2100709.27	144825.07	***Beachfront Line***
415	2100687.47	144858.95	***Beachfront Line***
416	2100655.91	144904.88	***Beachfront Line***
417	2100628.07	144944.79	***Beachfront Line***
418	2100616.01	144966.59	***Beachfront Line***
419	2100630.39	144983.76	***Beachfront Line***

OBJECTID	POINT_X	POINT_Y	DESCRIPTION
420	2100627.15	145011.14	***Beachfront Line***
421	2100615.08	145028.77	***Beachfront Line***
422	2100599.31	145048.72	***Beachfront Line***
423	2100587.71	145061.25	***Beachfront Line***
424	2100574.25	145074.24	***Beachfront Line***
425	2100552.44	145083.99	***Beachfront Line***
426	2100535.74	145112.76	***Beachfront Line***
427	2100514.86	145139.20	***Beachfront Line***
428	2100505.11	145165.19	***Beachfront Line***
429	2100489.80	145209.73	***Beachfront Line***
430	2100476.81	145245.92	***Beachfront Line***
431	2100465.67	145271.91	***Beachfront Line***
432	2100458.25	145298.36	***Beachfront Line***
433	2100447.58	145336.40	***Beachfront Line***
434	2100432.73	145373.52	***Beachfront Line***
435	2100420.67	145402.76	***Beachfront Line***
436	2100414.17	145436.63	***Beachfront Line***
437	2100405.35	145483.03	***Beachfront Line***
438	2100394.22	145537.78	***Beachfront Line***
439	2100390.97	145582.79	***Beachfront Line***
440	2100384.47	145620.84	***Beachfront Line***
441	2100375.19	145652.85	***Beachfront Line***
442	2100365.91	145686.26	***Beachfront Line***
443	2100358.03	145712.24	***Beachfront Line***
444	2100351.07	145727.09	***Beachfront Line***
445	2100336.22	145751.68	***Beachfront Line***
446	2100325.55	145768.85	***Beachfront Line***
447	2100310.23	145775.35	***Beachfront Line***
448	2100287.96	145785.56	***Beachfront Line***
449	2100275.90	145787.88	***Beachfront Line***
450	2100257.80	145792.52	***Beachfront Line***
451	2100239.24	145796.23	***Beachfront Line***
452	2100222.07	145802.72	***Beachfront Line***
453	2100190.52	145813.40	***Beachfront Line***
454	2100159.43	145825.92	***Beachfront Line***
455	2100137.16	145841.70	***Beachfront Line***
456	2100115.35	145891.35	***Beachfront Line***
457	2100099.11	145927.54	***Beachfront Line***
458	2100077.77	145968.37	***Beachfront Line***
459	2100060.14	146001.78	***Beachfront Line***
460	2100032.30	146048.18	***Beachfront Line***
461	2100027.66	146065.81	***Beachfront Line***
462	2100016.06	146109.43	***Beachfront Line***
463	2100007.76	146131.02	***Beachfront Line***
464	2099988.82	146156.84	***Beachfront Line***
465	2099973.90	146193.56	***Beachfront Line***
466	2099967.02	146223.97	***Beachfront Line***

OBJECTID	POINT_X	POINT_Y	DESCRIPTION
467	2099953.25	146246.92	***Beachfront Line***
468	2099933.74	146286.52	***Beachfront Line***
469	2099915.95	146303.16	***Beachfront Line***
470	2099852.83	146367.42	***Beachfront Line***
471	2099806.93	146409.31	***Beachfront Line***
472	2099797.75	146418.49	***Beachfront Line***
473	2099778.81	146455.79	***Beachfront Line***
474	2099779.39	146464.39	***Beachfront Line***
475	2099777.67	146475.87	***Beachfront Line***
476	2099774.80	146491.94	***Beachfront Line***
477	2099762.17	146495.95	***Beachfront Line***
478	2099734.06	146503.41	***Beachfront Line***
479	2099709.38	146508.58	***Beachfront Line***
480	2099674.38	146515.46	***Beachfront Line***
481	2099646.27	146533.82	***Beachfront Line***
482	2099589.46	146569.40	***Beachfront Line***
483	2099545.28	146617.60	***Beachfront Line***
484	2099509.65	146657.30	***Beachfront Line***
485	2099456.40	146743.14	***Beachfront Line***
486	2099403.61	146802.36	***Beachfront Line***
487	2099301.70	146865.25	***Beachfront Line***
488	2099221.44	146874.92	***Beachfront Line***
489	2099204.21	146870.76	***Beachfront Line***
490	2099190.26	146865.12	***Beachfront Line***
491	2099176.60	146859.18	***Beachfront Line***
492	2099167.69	146859.47	***Beachfront Line***
493	2099150.17	146860.37	***Beachfront Line***
494	2099134.13	146870.76	***Beachfront Line***
495	2099118.99	146878.18	***Beachfront Line***
496	2099102.36	146885.01	***Beachfront Line***
497	2099084.54	146889.17	***Beachfront Line***
498	2099044.75	146888.87	***Beachfront Line***
499	2099015.94	146890.06	***Beachfront Line***
500	2098990.11	146884.42	***Beachfront Line***
501	2093899.57	131087.72	***Beachfront Line***
502	2093914.14	131100.18	***Beachfront Line***
503	2093941.99	131118.59	***Beachfront Line***
504	2093973.03	131142.57	***Beachfront Line***
505	2093996.73	131165.14	***Beachfront Line***
506	2094023.45	131182.92	***Beachfront Line***
507	2094048.68	131208.46	***Beachfront Line***
508	2094071.70	131229.86	***Beachfront Line***
509	2094090.24	131261.04	***Beachfront Line***
510	2094109.03	131285.64	***Beachfront Line***
511	2094123.61	131303.18	***Beachfront Line***
512	2094136.93	131326.75	***Beachfront Line***
513	2094156.22	131356.65	***Beachfront Line***

OBJECTID	POINT_X	POINT_Y	DESCRIPTION
514	2094178.95	131383.44	***Beachfront Line***
515	2094213.97	131414.51	***Beachfront Line***
516	2094230.79	131435.91	***Beachfront Line***
517	2094250.48	131462.82	***Beachfront Line***
518	2094264.67	131485.82	***Beachfront Line***
519	2094281.21	131509.69	***Beachfront Line***
520	2094295.54	131531.33	***Beachfront Line***
521	2094320.67	131559.49	***Beachfront Line***
522	2094338.99	131584.25	***Beachfront Line***
523	2094369.08	131628.73	***Beachfront Line***
524	2094391.01	131656.56	***Beachfront Line***
525	2094418.41	131681.89	***Beachfront Line***
526	2094447.30	131702.83	***Beachfront Line***
527	2094461.45	131723.14	***Beachfront Line***
528	2094484.28	131742.10	***Beachfront Line***
529	2094499.10	131756.92	***Beachfront Line***
530	2094521.64	131789.09	***Beachfront Line***
531	2094542.97	131817.64	***Beachfront Line***
532	2094561.73	131843.34	***Beachfront Line***
533	2094579.20	131876.97	***Beachfront Line***
534	2094590.11	131891.25	***Beachfront Line***
535	2094596.71	131914.86	***Beachfront Line***
536	2094608.73	131941.43	***Beachfront Line***
537	2094625.29	131960.93	***Beachfront Line***
538	2094640.17	131979.95	***Beachfront Line***
539	2094661.61	132002.47	***Beachfront Line***
540	2094681.31	132032.52	***Beachfront Line***
541	2094700.41	132055.08	***Beachfront Line***
542	2094720.90	132076.84	***Beachfront Line***
543	2094734.98	132095.23	***Beachfront Line***
544	2094748.08	132115.79	***Beachfront Line***
545	2094769.13	132143.57	***Beachfront Line***
546	2094782.24	132157.42	***Beachfront Line***
547	2094802.34	132183.28	***Beachfront Line***
548	2094819.27	132203.17	***Beachfront Line***
549	2094835.54	132226.05	***Beachfront Line***
550	2094855.40	132248.26	***Beachfront Line***
551	2094871.44	132269.51	***Beachfront Line***
552	2094885.88	132289.88	***Beachfront Line***
553	2094904.51	132316.30	***Beachfront Line***
554	2094917.65	132334.89	***Beachfront Line***
555	2094933.59	132359.16	***Beachfront Line***
556	2094966.78	132398.05	***Beachfront Line***
557	2094980.55	132419.89	***Beachfront Line***
558	2095005.19	132445.12	***Beachfront Line***
559	2095018.73	132462.49	***Beachfront Line***
560	2095037.81	132485.96	***Beachfront Line***

OBJECTID	POINT_X	POINT_Y	DESCRIPTION
561	2095053.84	132508.55	***Beachfront Line***
562	2095067.24	132522.01	***Beachfront Line***
563	2095085.48	132543.89	***Beachfront Line***
564	2095102.48	132566.90	***Beachfront Line***
565	2095119.25	132591.52	***Beachfront Line***
566	2095134.95	132609.04	***Beachfront Line***
567	2095153.32	132629.04	***Beachfront Line***
568	2095164.39	132644.47	***Beachfront Line***
569	2095179.07	132663.80	***Beachfront Line***
570	2095204.43	132692.62	***Beachfront Line***
571	2095226.59	132721.22	***Beachfront Line***
572	2095238.23	132736.60	***Beachfront Line***
573	2095250.92	132749.20	***Beachfront Line***
574	2095265.54	132767.02	***Beachfront Line***
575	2095279.16	132782.65	***Beachfront Line***
576	2095294.37	132797.96	***Beachfront Line***
577	2095307.53	132816.34	***Beachfront Line***
578	2095323.83	132842.38	***Beachfront Line***
579	2095338.38	132859.67	***Beachfront Line***
580	2095352.92	132876.14	***Beachfront Line***
581	2095373.58	132899.40	***Beachfront Line***
582	2095398.99	132932.66	***Beachfront Line***
583	2095419.15	132960.29	***Beachfront Line***
584	2095434.71	132983.57	***Beachfront Line***
585	2095446.35	132998.26	***Beachfront Line***
586	2095467.39	133014.84	***Beachfront Line***
587	2095481.80	133033.51	***Beachfront Line***
588	2095509.92	133068.52	***Beachfront Line***
589	2095534.98	133093.21	***Beachfront Line***
590	2095554.42	133115.57	***Beachfront Line***
591	2095577.22	133145.17	***Beachfront Line***
592	2095601.25	133173.95	***Beachfront Line***
593	2095629.81	133205.10	***Beachfront Line***
594	2095656.62	133231.33	***Beachfront Line***
595	2095674.83	133261.07	***Beachfront Line***
596	2095698.28	133282.78	***Beachfront Line***
597	2095716.76	133305.03	***Beachfront Line***
598	2095744.23	133336.38	***Beachfront Line***
599	2095767.69	133366.35	***Beachfront Line***
600	2095787.11	133385.68	***Beachfront Line***
601	2095814.31	133404.27	***Beachfront Line***
602	2095835.64	133429.91	***Beachfront Line***
603	2095848.52	133439.62	***Beachfront Line***
604	2095873.54	133467.91	***Beachfront Line***
605	2095881.41	133483.80	***Beachfront Line***
606	2095892.80	133503.52	***Beachfront Line***
607	2095908.95	133525.30	***Beachfront Line***

OBJECTID	POINT_X	POINT_Y	DESCRIPTION
608	2095921.31	133542.55	***Beachfront Line***
609	2095937.21	133558.35	***Beachfront Line***
610	2095950.96	133573.39	***Beachfront Line***
611	2095964.84	133586.01	***Beachfront Line***
612	2095981.60	133600.81	***Beachfront Line***
613	2095991.99	133615.33	***Beachfront Line***
614	2096000.49	133626.35	***Beachfront Line***
615	2096010.14	133638.45	***Beachfront Line***
616	2096022.72	133659.32	***Beachfront Line***
617	2096036.48	133670.85	***Beachfront Line***
618	2096058.23	133688.76	***Beachfront Line***
619	2096075.37	133711.30	***Beachfront Line***
620	2096090.80	133726.57	***Beachfront Line***
621	2096099.92	133737.23	***Beachfront Line***
622	2096126.25	133764.35	***Beachfront Line***
623	2096147.50	133789.87	***Beachfront Line***
624	2096167.52	133811.11	***Beachfront Line***
625	2096189.95	133834.98	***Beachfront Line***
626	2070844.78	108670.91	***Beachfront Line***
627	2070873.18	108687.69	***Beachfront Line***
628	2070904.09	108701.88	***Beachfront Line***
629	2070928.20	108716.53	***Beachfront Line***
630	2070966.02	108739.50	***Beachfront Line***
631	2070987.34	108749.86	***Beachfront Line***
632	2071027.30	108766.06	***Beachfront Line***
633	2071051.00	108787.00	***Beachfront Line***
634	2071071.42	108798.78	***Beachfront Line***
635	2071120.19	108817.79	***Beachfront Line***
636	2071160.77	108836.32	***Beachfront Line***
637	2071184.86	108847.22	***Beachfront Line***
638	**2071217.11**	**108863.84**	***Beachfront Line***
639	2071242.85	108875.89	***Beachfront Line***
640	2071280.72	108895.92	***Beachfront Line***
641	2071315.07	108912.69	***Beachfront Line***
642	2071339.97	108923.12	***Beachfront Line***
643	2071373.68	108950.23	***Beachfront Line***
644	2071400.29	108965.70	***Beachfront Line***
645	2071427.67	108977.60	***Beachfront Line***
646	2071447.07	108987.11	***Beachfront Line***
647	2071477.68	109004.38	***Beachfront Line***
648	2071486.64	109010.65	***Beachfront Line***
649	2071532.40	109039.56	***Beachfront Line***
650	2071557.99	109049.78	***Beachfront Line***
651	2071599.10	109071.17	***Beachfront Line***
652	2071633.48	109091.03	***Beachfront Line***
653	2071655.11	109104.29	***Beachfront Line***
654	2071680.10	109121.45	***Beachfront Line***

OBJECTID	POINT_X	POINT_Y	DESCRIPTION
655	2071695.15	109128.78	***Beachfront Line***
656	2071720.01	109138.91	***Beachfront Line***
657	2071753.32	109154.38	***Beachfront Line***
658	2071773.61	109167.45	***Beachfront Line***
659	2071806.09	109187.23	***Beachfront Line***
660	2071836.68	109201.46	***Beachfront Line***
661	2071859.62	109212.02	***Beachfront Line***
662	2071890.11	109228.74	***Beachfront Line***
663	2071911.66	109242.78	***Beachfront Line***
664	2071930.43	109254.10	***Beachfront Line***
665	2071960.23	109268.84	***Beachfront Line***
666	2071982.38	109283.78	***Beachfront Line***
667	2072023.99	109305.81	***Beachfront Line***
668	2072050.96	109321.17	***Beachfront Line***
669	2072075.37	109331.01	***Beachfront Line***
670	2072098.49	109342.63	***Beachfront Line***
671	2072125.52	109359.07	***Beachfront Line***
672	2072152.90	109372.14	***Beachfront Line***
673	2072176.48	109378.59	***Beachfront Line***
674	2072205.08	109400.07	***Beachfront Line***
675	2072232.58	109417.14	***Beachfront Line***
676	2072257.43	109431.98	***Beachfront Line***
677	2072283.72	109447.36	***Beachfront Line***
678	2072308.49	109461.84	***Beachfront Line***
679	2072343.27	109475.49	***Beachfront Line***
680	2072366.55	109486.03	***Beachfront Line***
681	2072413.96	109514.59	***Beachfront Line***
682	2072443.87	109527.37	***Beachfront Line***
683	2072481.06	109549.61	***Beachfront Line***
684	2072502.32	109561.05	***Beachfront Line***
685	2072547.49	109584.81	***Beachfront Line***
686	2072572.46	109599.33	***Beachfront Line***
687	2072604.33	109616.73	***Beachfront Line***
688	2072642.39	109634.37	***Beachfront Line***
689	2072664.50	109651.05	***Beachfront Line***
690	2072701.15	109670.39	***Beachfront Line***
691	2072744.02	109685.88	***Beachfront Line***
692	2072775.34	109707.55	***Beachfront Line***
693	2072811.71	109725.27	***Beachfront Line***
694	2072883.28	109774.89	***Beachfront Line***
695	2072899.91	109783.98	***Beachfront Line***
696	2072919.08	109794.74	***Beachfront Line***
697	2072941.77	109807.26	***Beachfront Line***
698	2072965.29	109820.52	***Beachfront Line***
699	2073007.93	109830.93	***Beachfront Line***
700	2073039.60	109843.23	***Beachfront Line***
701	2073061.52	109854.00	***Beachfront Line***

OBJECTID	POINT_X	POINT_Y	DESCRIPTION
702	2073102.25	109870.40	***Beachfront Line***
703	2073133.21	109888.99	***Beachfront Line***
704	2073157.39	109904.80	***Beachfront Line***
705	2073209.23	109923.94	***Beachfront Line***
706	2073226.72	109933.19	***Beachfront Line***
707	2073256.47	109948.98	***Beachfront Line***
708	2073280.02	109952.70	***Beachfront Line***
709	2073298.70	109957.66	***Beachfront Line***
710	2073305.80	109961.66	***Beachfront Line***
711	2073343.62	109986.60	***Beachfront Line***
712	2073368.87	110001.45	***Beachfront Line***
713	2073398.74	110014.60	***Beachfront Line***
714	2073438.77	110034.71	***Beachfront Line***
715	2073468.50	110054.05	***Beachfront Line***
716	2073497.12	110065.38	***Beachfront Line***
717	2073523.91	110082.14	***Beachfront Line***
718	2073560.03	110099.37	***Beachfront Line***
719	2073610.12	110128.77	***Beachfront Line***
720	2073639.50	110138.31	***Beachfront Line***
721	2073676.45	110153.92	***Beachfront Line***
722	2073710.11	110173.20	***Beachfront Line***
723	2073741.61	110189.19	***Beachfront Line***
724	2073766.57	110201.01	***Beachfront Line***

B-4. Transition Area Boundary Coordinates

OBJECTID	POINT_X	POINT_Y	DESCRIPTION
1	2053465.99	103569.06	Transition Area
2	2053388.16	103359.18	Transition Area
3	2053276.50	102844.98	Transition Area
4	2053272.41	102510.23	Transition Area
5	2053299.14	102143.88	Transition Area
6	2053548.86	101821.76	Transition Area
7	2053655.92	101696.10	Transition Area
8	2053783.13	101568.64	Transition Area
9	2054897.21	100604.37	Transition Area
10	2054962.25	100558.47	Transition Area
11	2055089.33	100468.79	Transition Area
12	2055189.88	100397.83	Transition Area
13	2065111.73	105551.40	Transition Area
14	2065338.52	105675.78	Transition Area
15	2065600.64	105826.70	Transition Area
16	2066058.64	106088.51	Transition Area
17	2066247.19	106196.86	Transition Area
18	2073296.00	110244.07	Transition Area
19	2074190.50	110692.65	Transition Area
20	2076231.88	111695.40	Transition Area
21	2077066.50	112107.90	Transition Area
22	2077155.50	112153.32	Transition Area
23	2077500.25	112324.48	Transition Area

OBJECTID	POINT_X	POINT_Y	DESCRIPTION
24	2077840.38	112492.15	Transition Area
25	2083332.89	116410.32	Transition Area
26	2083364.45	116436.57	Transition Area
27	2083446.23	116504.59	Transition Area
28	2083565.78	116606.26	Transition Area
29	2083628.75	116657.08	Transition Area
30	2083643.57	116669.05	Transition Area
31	2083732.32	116797.14	Transition Area
32	2083896.70	116994.94	Transition Area
33	2084041.26	117143.93	Transition Area
34	2084212.94	117320.60	Transition Area
35	2084383.13	117493.00	Transition Area
36	2084512.50	117625.89	Transition Area
37	2084783.48	117904.23	Transition Area
38	2084764.80	117924.54	Transition Area
39	2084821.93	117981.61	Transition Area
40	2085134.46	118310.51	Transition Area
41	2085265.77	118465.23	Transition Area
42	2085573.88	118784.26	Transition Area
43	2085701.65	118921.07	Transition Area
44	2085980.37	119222.00	Transition Area
45	2086043.30	119287.25	Transition Area
46	2086029.30	119300.12	Transition Area
47	2086041.19	119312.70	Transition Area
48	2086108.51	119383.93	Transition Area
49	2086659.32	120052.44	Transition Area
50	2086700.91	120099.09	Transition Area
51	2087058.33	120499.95	Transition Area
52	2087105.07	120552.38	Transition Area
53	2087336.36	120804.47	Transition Area
54	2087602.83	121093.86	Transition Area
55	2087597.95	121096.99	Transition Area
56	2087613.45	121121.50	Transition Area
57	2087658.62	121194.75	Transition Area
58	2088130.93	121942.36	Transition Area
59	2092239.49	128795.77	Transition Area
60	2092272.17	128844.28	Transition Area
61	2094522.36	131837.72	Transition Area
62	2094556.48	131879.39	Transition Area
63	2094567.00	131892.28	Transition Area
64	2094700.84	132060.78	Transition Area
65	2095274.10	132807.32	Transition Area
66	2095345.37	132892.72	Transition Area
67	2095355.72	132905.13	Transition Area
68	2095420.39	132982.50	Transition Area
69	2095475.34	133057.27	Transition Area
70	2095215.71	133142.07	Transition Area
71	2095689.17	133682.41	Transition Area
72	2096040.62	133766.72	Transition Area
73	2096155.60	133900.21	Transition Area
74	2096172.16	133919.51	Transition Area
75	2096205.66	133958.52	Transition Area
76	2096161.02	133987.26	Transition Area
77	2096193.06	134021.30	Transition Area
78	2097182.42	135013.44	Transition Area
79	2097264.86	135094.32	Transition Area

OBJECTID	POINT_X	POINT_Y	DESCRIPTION
80	2097515.96	135340.68	Transition Area
81	2097785.05	135590.26	Transition Area
82	2098373.94	136149.54	Transition Area
83	2098440.76	136211.02	Transition Area
84	2098543.27	136305.74	Transition Area
85	2098652.28	136406.41	Transition Area
86	2098694.28	136364.96	Transition Area
87	2098729.64	136396.81	Transition Area
88	2099041.06	136677.40	Transition Area
89	2099155.71	136780.70	Transition Area

Appendix C: Hilton Head Island Design Guide

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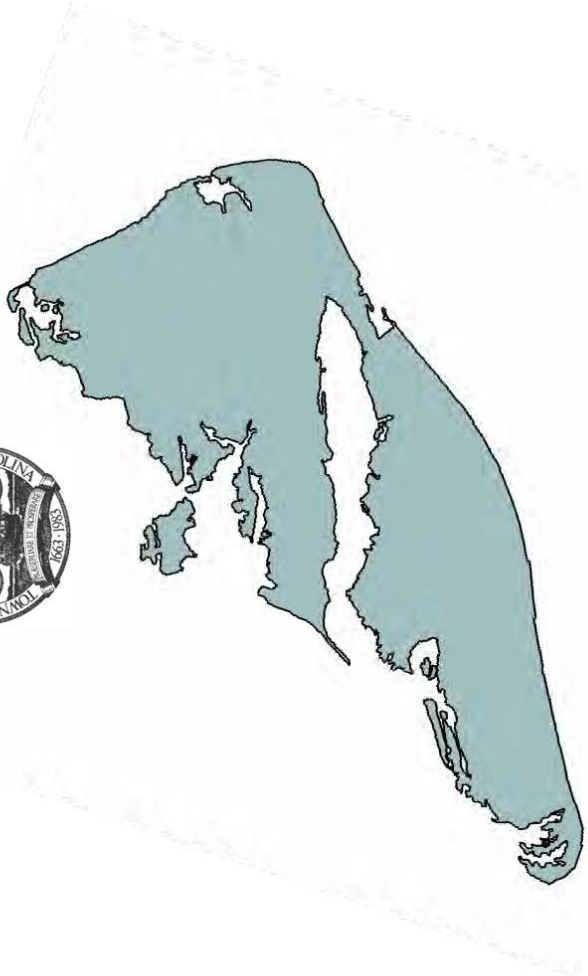
HILTON HEAD ISLAND DESIGN GUIDE



ISLAND CHARACTER VISION STATEMENT

DEVELOPMENT SHALL EXHIBIT A HARMONIOUS RELATIONSHIP
WITH THE NATURAL ENVIRONMENT BY BLENDING
THE PRINCIPLES OF SENSITIVE SITE PLANNING,
SKILLFUL ARCHITECTURAL DESIGN
AND AN EMPHASIS ON LANDSCAPING THAT
PRESERVES AND ENHANCES THE NATIVE VEGETATION.

THE GOAL OF THIS DESIGN GUIDE IS TO PRESERVE THE ISLAND CHARACTER BY DIRECTING DEVELOPMENT TO:

- PRESERVE SIGNIFICANT EXISTING SITE FEATURES, TREES AND VEGETATION.
- TREAT THE LANDSCAPE AS A MAJOR ELEMENT OF THE PROJECT.
- PROVIDE LANDSCAPING OF A SCOPE AND SIZE THAT IS IN PROPORTION TO THE SCALE OF THE DEVELOPMENT.
- DESIGN AND MAINTAIN LANDSCAPING IN ITS NATURAL SHAPE AND SIZE.
- DESIGN STRUCTURES APPROPRIATE FOR THEIR USE AND NEIGHBORHOOD.
- PROMOTE PEDESTRIAN SCALE AND CIRCULATION.
- DEMONSTRATE THE FUNDAMENTAL PRINCIPLES OF GOOD ARCHITECTURAL DESIGN.
- DESIGN STRUCTURES WITH SUBTLE VISUAL IMPACT AND UTILIZE NATURAL MATERIALS, TEXTURES AND COLORS.
- PROVIDE LIGHTING THAT IS ADEQUATE FOR SAFETY AND ENHANCES THE SITE.
- COORDINATE AND HARMONIZE THE DESIGN OF STRUCTURES, PARKING, AND SITE AMENITIES.
- PROVIDE CONTINUITY OF DESIGN ON ALL FACADES OF THE BUILDING.
- CONCEAL VISUALLY UNDESIRABLE UTILITIES AND EQUIPMENT.

INTRODUCTION

Hilton Head Island has long been recognized as an attractive place to live and visit. But what gives it its aesthetic appeal? Modern day development on the Island established a certain "look" based on our cultural and environmental heritage. The early developers, architects, landscape architects and planners recognized the importance of good design that was sensitive to the island's history and natural environment. This theme evolved into what we today call Island Character.

Island Character is not a style of architecture. It can not be defined in simple terms or achieved by following a certain set of strict design requirements. Island Character is as much a process as it is an end product. It is also a philosophy about design; a philosophy that puts an emphasis on thorough consideration of all elements of a project.

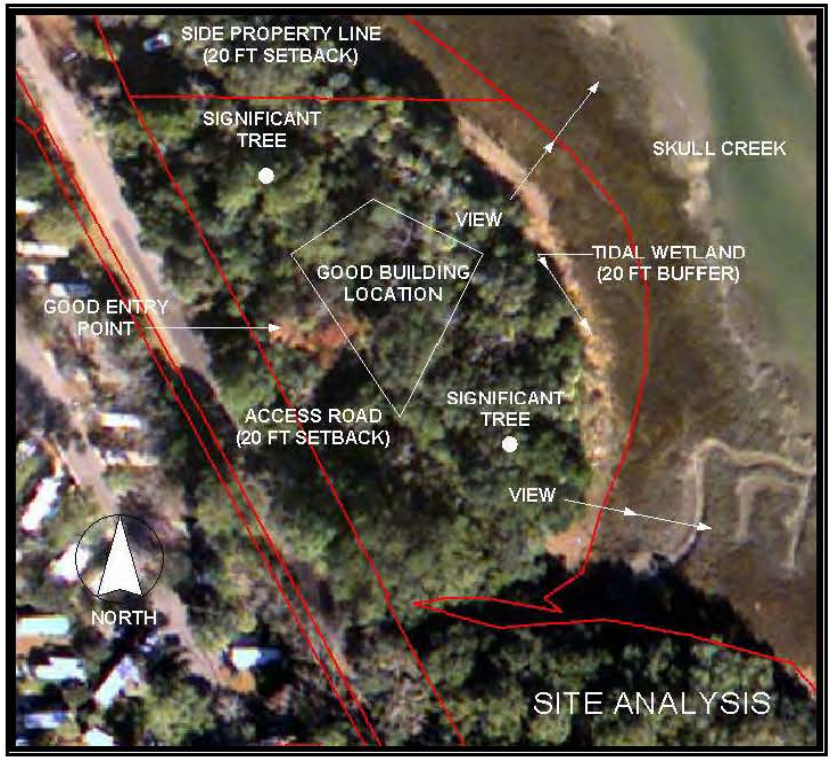
This guide is meant to provide owners, developers and design professionals with an awareness of the major factors involved in order for projects to achieve an Island Character. Rather than an attempt to stifle good design it is meant to inspire the highest quality design. Its usefulness will depend on the extent that owners, developers and designers understand this concept and put forth the extra effort required to achieve Island Character.

SITE DESIGN

A critical first step in achieving Island Character is a complete analysis of the site conditions. It is this information that will be the basis for determining how to design a project so that the result will compliment, not detract from, its surroundings. Frank Lloyd Wright instructed us to

> *"build your house so that you may still look upon all that charmed you and lose nothing of what you saw before the house was built, but see more."*

For a project to achieve Island Character a site analysis must be used to identify features and constraints to be considered in order to lose nothing but see more. At a minimum a site analysis must identify topography, existing vegetation, significant trees, setbacks, buffers, street orientation, access points, and possibly wetlands and view opportunities. Once identified these items shall form the basis for the site design. They will determine the optimum orientation of structures as well as the location of parking, storm water retention areas and other elements to be placed on the site. A good site design can not ignore findings of the site analysis simply to satisfy the requirements of the development. This fact is the basis for achieving Island Character.



Topography

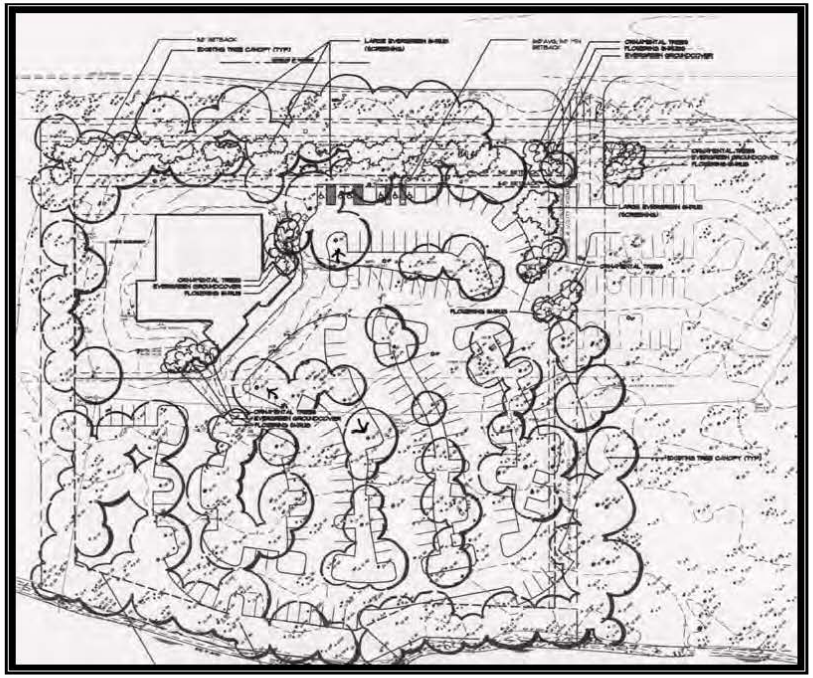
While the island generally has little variation in topography it is important to identify the existing conditions in terms of drainage and flood elevation requirements. In consideration of the latter, innovative methods such as flood proofing and terracing should be utilized to reduce the effect of elevation requirements. Continuity of the pedestrian circulation between sites should also be maintained where appropriate. Where unique topographic variation does exist it should be identified in order to preserve it.

Existing Vegetation & Significant Trees

Two of the most important site features that need to be identified are existing vegetation and significant trees. These are extremely important elements to be addressed in the placement of structures and other site features. In some cases the location of a specimen tree will be the dominant determining factor in the site design as well as the architecture of the structures. Existing vegetation that can be preserved, especially in buffers, adds significantly to the project's Island Character as well as reducing the cost of new landscaping.

Setbacks & Buffers

Adjacent use and street setback lines are specified in LMO Chapter 5, Article VII. Buffers must be identified as required in LMO Chapter 5, Article VIII in order to establish the extent of site features such as parking spaces and storm water retention areas. (See the section for buffers in the landscape section.) These are not "build to" lines but simply define the area in which structures and other development are allowed. Projects that fill the buildable area with structures and paving will have a very difficult time in achieving Island Character.

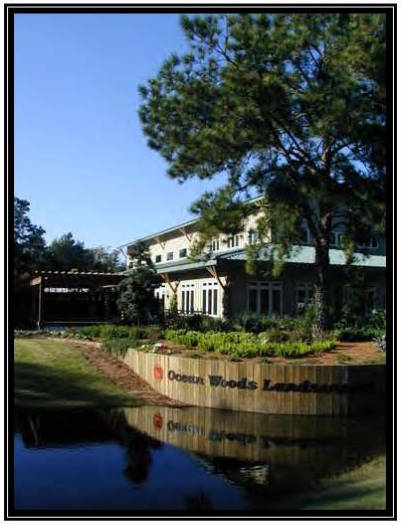


Parking

Parking lot layout requirements are located in LMO Section 16-5-1206. Projects which require a large number of parking spaces should consider breaking the lot into several smaller areas separated by landscaped open space, other site features or structures. Where appropriate, avoid large areas with rigid layouts but use staggered or meandering designs. This will help save trees, slow down vehicles and create site interest. When parking below buildings, provide adequate architectural and landscape screening to prevent a parking garage look.

Storm Water Retention

While function is important in the design and location of these areas, aesthetic considerations must also be addressed. Whether dry or wet the shape and appearance should look natural and not detract from the overall site design. Consider planting native wetland vegetation where appropriate to filter runoff and provide visual interest.



THE LANDSCAPE

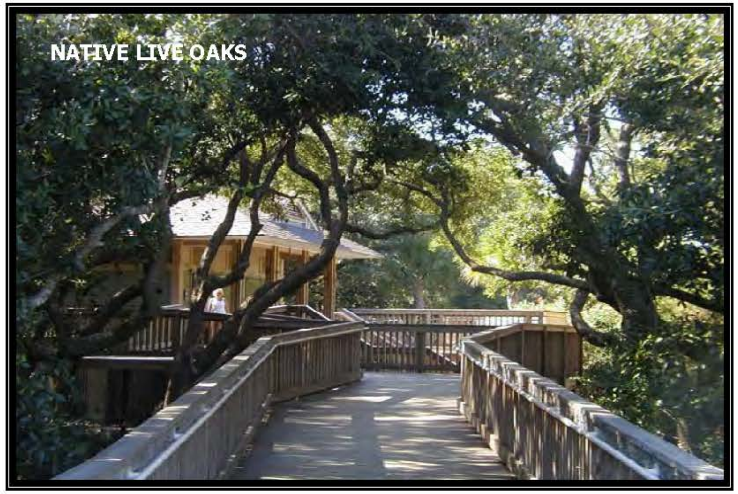
The landscape (the site's existing and new vegetation) plays an essential role in creating the Island Character. Its design and maintenance must therefore be given prominent attention starting at the conceptual phase of a project. Great care should be taken to preserve a variety of existing native trees and shrubs. Landscaping (planting of new vegetation) is to be used to supplement this existing vegetation and provide for a harmonious setting for the site's structures, parking areas or other construction. The landscape will contain three basic elements:

Trees

Tree removal and replacement requirements are established in Article IV of Chapter 6 of the Town's LMO. While these minimum requirements must be adhered to, there are additional aesthetic considerations that must also be implemented when a tree removal or landscape plan is submitted. These include:

- preserving smaller under-story trees;
- requiring larger size replacement trees or additional trees depending on the size or number of existing trees or relationship to building mass and height;
- selection of particular species of replacement trees within a required category for screening or visual effect.

Top priority for the location of existing trees and new trees are street buffers, parking lots and between parking lots and the building. This is a major component of Island Character.



Shrubs

Shrubs must be selected to compliment the natural setting, provide visual interest and screen less desirable elements of the project. The species used must take into consideration the site's growing conditions, existing vegetation types, and in some instances deer tolerance. While a variety of species is desirable for texture and color, emphasis must be given to overall order and continuity of the landscape plan. Seasonal availability and planting time period also need to be considered.

In general, native plants or plants that have historically been prevalent on the Island should be utilized. The number of plants will be determined by the scope of the project and the function of the landscaping. A variety of sizes is desirable to create a "layered" appearance for visual interest and a sense of depth. Placement of shrubs must also take into account the location of existing mature trees so as not to damage tree roots. Proper spacing and location are required to allow for plants to reach their mature size and natural shape while avoiding excessive or unnatural pruning.

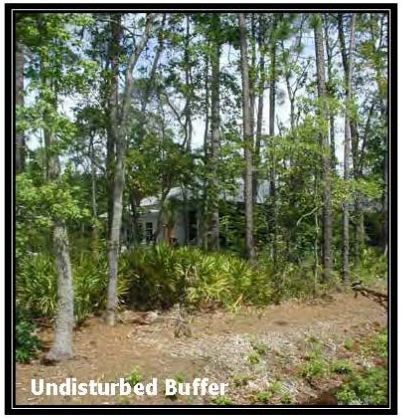
Groundcovers

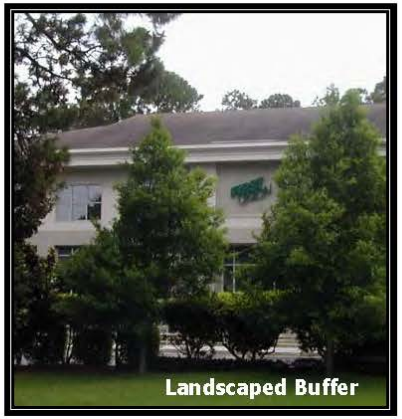
Groundcover plants should generally be a limited part of the landscape plan. When used, evergreen species with low maintenance needs are to be selected. Large grassed lawn areas encompassing a major portion of the site are to be avoided. Grass is appropriate as borders or around entrances and other focal points. Pine straw or other mulch should be used to stabilize areas and control weed growth.

Buffers

The most important component of buffers is the vegetation they contain. Buffers can be classified into three basic types:

- **Undisturbed Buffers**. A buffer where all of the existing vegetation is neither removed nor pruned.
- **Natural Buffers.** A buffer where some existing vegetation is removed or pruned. Some additional plant materials may be added to natural buffers to enhance their appearance. Any additional plantings should be native species or species common to the Island and complimentary to the existing vegetation. Their placement should be designed so that they appear as if they were a part of the existing vegetation.
- **Landscaped Buffers**. A buffer where most of the vegetation has been planted. Planting may be more formal and may be shaped by more extensive pruning.


Undisturbed Buffer


Landscaped Buffer

Natural Buffer

The buffer type most appropriate for Island Character is the natural buffer. Any of the three types however may be appropriate for the Island Character depending on the situation. Undisturbed buffers are appropriate next to undeveloped land, along wetland boundaries or for wildlife habitat. Landscaped buffers are more suited to limited areas such as around freestanding signs or driveway entrances and along more urban street frontages.

In determining the most appropriate buffer for a project the designer should take into account the adjacent development so as not to depart too dramatically from the neighborhood. It may be necessary to transition the buffer design in order to blend with an adjacent buffer or to vary the buffer type for site design reasons.

In some cases the LMO requires "structural elements" as part of a buffer. Typically this is a fence or screen of some type. When used these must be designed to complement the architectural design of the building(s) by the use of similar materials and detailing. They must be carefully located to avoid existing tree roots. Long straight expanses are not appropriate and the layout of the structural element should be varied for visual interest.

Wetland Buffer

Adjacent Use Buffer

Structural Buffer Element

"THE ARCHITECTURAL DESIGN AND CONSTRUCTION PHILOSOPHY... IS THAT BUILDINGS SHOULD BE UNOBTRUSIVE IN FORM AND COLOR IN ORDER TO COMPLIMENT THEIR NATURAL SETTING. THE MAIN CONCERN IS THAT THE TOTAL COMMUNITY BE HOMOGENEOUS IN FEELING IN A PARK-LIKE SETTING AND FREE FROM THE DISCORDANT ARCHITECTURAL SHAPES AND COLORS WHICH VIE FOR ATTENTION AND ATTEMPT TO CREATE GREATER VISUAL IMPACT THAN A NEIGHBOR'S."

CHARLES FRASER

ARCHITECTURE

To achieve Island Character the architectural design of structures shall be visually harmonious with the overall natural appearance, history and cultural heritage of Hilton Head Island. Structures must be designed to be unobtrusive and set into the natural environment. They should demonstrate a strong relationship to the outside and avoid appearing foreign to the site. The use or function of a structure will also be a determining factor in its design but need not sacrifice the intent of Island Character. A light industrial building can exhibit good Island Character as well as an office or multifamily project.

The context of the structure must also be taken into account and consideration shall be given to compatibility with other development in the area. Distinctive vernacular styles like Georgian or Mediterranean are to be avoided except where already established in defined neighborhoods such as Shelter Cove or Main Street. "Franchise" or "theme" architecture is not appropriate for the Island. In addition, all sides of a structure should be given the same design consideration as the entrance or street façade.

More specifically, structures shall demonstrate the general principles of good design including but not limited to those dealing with form, mass, scale, materials, detail and colors.

Form. The form or shape of structures should usually avoid monotonous unbroken planes or unrelieved repetition of shape. Visual interest and shadow play can be created by several techniques including the use of offsetting planes with a variety of depths. Roof form is also a key element to achieve Island Character. Typically gable, hip or shed roof forms are desirable with a minimum pitch of 6/12. In larger structures a variety of forms can provide greater visual interest and break up large roof planes. Flat roof designs should generally not be used unless concealed within another roof or other architectural element. Overhangs of sufficient depth and in proportion to the façade height can also be important to roof form and for shadow play.

Mass. The structure shall not be of such mass that it dominates its surroundings or adjacent development. Architectural form and detailing must be used to reduce the appearance of the mass of the structure. While height limits are established in Chapter 5 of the LMO, upper areas of taller structures should be designed to minimize their visual appearance. Larger structures will require a greater degree of sensitivity to site location and inclusion of larger forms of landscaping.

Scale. The proportions of a structure shall be such that a sense of human scale is established. That is, the size of architectural elements should not be overpowering and should relate to pedestrian circulation. Nor should they create a sense of confinement or confusion. A horizontal emphasis and limited vertical treatment can be used to control scale. Architectural elements such as trellises, canopies, terraces or porches at grade level are also important to consider in achieving human scale.

Materials. Generally materials common to the area or historically present should be selected. A variety of compatible contrasting textures should be used to provide visual interest. Single material façades are usually not appropriate. Materials should be arranged in logical fashion (lighter above heavier) and in relationship to other materials in terms of percentage (not equal or dominating.) Reflective materials other than glass must be avoided. The use of wood or wood simulating materials is strongly encouraged.

Detail. Architectural details must be given adequate consideration. Clean, simple, appropriate details are desirable while excessive ornamentation is to be avoided. Details should be consistent with the design concept for the entire structure. Their purpose should be to provide visual interest, scale or architectural expression. Elements such as shutters or dormers should be functional so as not to appear as false features. Window openings must be in proportion to the façade or façade element and have a unified relationship in overall design.

Color: Context: The overall exterior color scheme must be selected to be harmonious with the neighborhood and blend with the natural surroundings of the site. Earth tones must be chosen as the predominate colors. Colors shall not be used to cause the structure to stand out from others or its background. Consideration must be given to the compatibility of colors with those existing in the vicinity. The size of the structure and the amount of shading it will receive are also a factor in selection of colors.

EXAMPLE: Colors that may be approved on sites with good tree coverage providing adequate shading may not be approved on a site in bright sun.

EARTH TONES

Color: Hue: Any accent colors shall be of analogous tints, shades or tones that are low in intensity or brightness. Primary, secondary and highly saturated, bright tertiary colors should be avoided. Accent colors may only be approved for very limited use where appropriate to highlight a feature of the design or provide visual interest. The number of such colors shall be limited to no more than two and must be compatible within the overall color scheme.

EXAMPLE: A small area of brighter color may be appropriate to emphasize an architectural detail but would not be approved for a larger area.

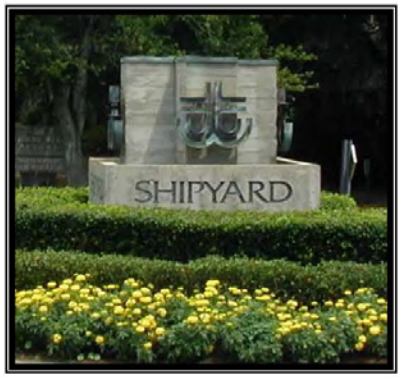
Color: Contrast: Exterior color schemes must avoid placing together colors with values that are highly contrasting. Subtle levels of contrast are desirable to emphasize architectural elements or to provide visual interest. The use of black, white or off-white may be approved only for very limited use where a high level of contrast is warranted.

EXAMPLE: On a two-story structure a slightly darker wall color on the bottom story may help reduce the visual height of the building.

VARIATIONS OF HUE

ACCESSORY CONSTRUCTION

Thought must also be given to the design and placement of other elements that may be part of a project with the aim being to achieve overall coordination. These may include signs, awnings, sculpture & fountains, lighting and utilities and equipment.



Signs. Signs are an important element to most commercial buildings and developments. Too often no allowance is made in the design of projects for the placement of such signs. Many of the principles for good design of structures also apply to signs. Sign design does not begin with a blank sheet of paper. The materials, details and colors of the building are all starting points for the sign design. In other words, signs should reflect the design of the project they are intended to identify.

The size and number of signs will be determined by LMO Chapter 5, Article XIII. Signs should serve to identify the business or development and not act as advertisements. Tenant signs should be uniform in design and placed on the façade of the tenant space. Lighting, if used, must be completely shielded from streets and pathways. Bright colors and reflective surfaces should be avoided or very limited in size.

Freestanding or monument signs should be placed in logical locations near the project's entrance drive. They should provide strong visual interest, three dimensional design and high quality, durable construction. Vinyl copy on painted plywood supported by 4X4 wood posts does not demonstrate Island Character. Adequate landscaping must be provided to blend the sign into the site. For façade signs adequate wall space must be provided in a location that will allow the sign to function properly while also appear as if it "belongs" with the building.

Awnings. Fabric awnings may be appropriate if integral to the architectural design of the structure and not a dominant feature. If used they should have substantial structural support and not just metal pipes. Only high quality fade-resistant fabric may be used and periodic replacement must be ensured. Color and pattern choices are critical in designing a successful awning. Bright colors or elaborate patterns are generally not desirable. Awnings should not be incorporated solely to provide space for sign copy.

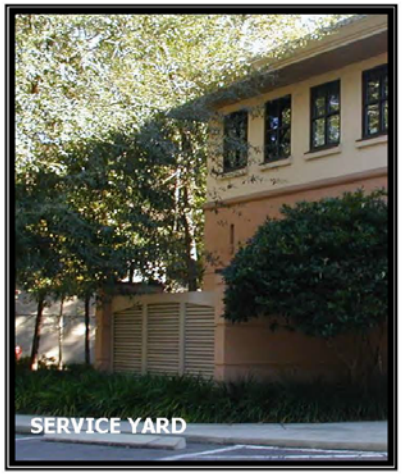
Sculpture & Fountains.
Projects are encouraged to create interesting outdoor spaces that include appropriate items of visual interest such as sculpture or fountains. While it is not intended to limit artistic expression certain parameters are necessary. The design of such items must be in keeping with the size and scale of the project and not dominate the site. They should generally be subtle in material and color. Fountains should have natural forms that reflect their island location. In the design of sculpture, themes based on the culture and history of the Island are most appropriate.

Lighting. Hilton Head Island is noted for its lack of glaring excessive lights. Strict requirements for general site lighting are specified in LMO Chapter 5, Article XIV. However, other decorative type lighting is allowed if limited in scope and properly designed. The goal is to add to the visual quality of the development without detracting from the beauty of the night sky. Such lighting may include concealed low wattage landscape up lights for significant trees or shrubbery at an entryway. Low bollard type lighting can be used to illuminate walkways and drive aisles. Important architectural elements can be softly illuminated to add emphasis at night. Incandescent lamps are preferred over metal halide.

Utilities & Equipment. All utility or service lines must be underground or concealed within the structure. Exposed wires, pipes or conduits are not acceptable. Any transformers, meters, compressors or utility cabinets must be located in a non-prominent location and screened from view.

Solid waste receptacles must be located in a non-prominent location and screened from view. In most cases a fence as described elsewhere in this guide will be required.

Vending machines or other such equipment if placed on the exterior should concealed from view of the street or parking area.



NOTES:

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ACKNOWLEDGEMENTS

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PUBLISHED BY THE TOWN OF HILTON HEAD ISLAND
AUGUST 2003

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Appendix D: Recommended Trees

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Appendix D: Recommended Native Plants

RECOMMENDED NATIVE PLANTS FOR BUFFERS AND WETLANDS This list is meant to be used as a guide, and is not all inclusive. Buffer and ***wetland*** plants are intended to supply a year-round filtering and habitat function. Therefore, using a diverse selection of flora is highly encouraged.		
COMMON NAME	**LATIN NAME**	**LOCATION**
GRASSES, VINES, AND GROUNDCOVER		
Black Needle Rush	*Juncus roemerianus*	Tidal ***wetland***
Blue Flag Iris	*Iris virginica*	Freshwater ***wetland***
Lizard's Tail	*Saururus cernuus*	Freshwater ***wetland***
Maidencane	*Panicum hemitoman*	Freshwater ***wetland***
Muhley Grass	*Muhlenbegia capillaris*	***Upland***
Passsion Flower	*Passiflora incarnata*	***Upland***
Pickerelweed	*Pontederia cordata*	Freshwater ***wetland***
Saltmeadow Cordgrass	*Spartina patens*	***Upland***
Sand Cordgrass	*Spartina bakeri*	***Upland***
Smooth Cordgrass	*Spartina alterniflora*	Tidal ***wetland***
Soft Rush	*Juncus effuses*	Tidal ***wetland***
Wild Ginger	*Asarum canadense*	***Upland***
Yellow Jassamine	*Gelsemium sempervirens*	***Upland***
SHRUBS AND SMALL TREES		
Beautyberry	*Callicarpa Americana*	***Upland***
Coral Bean	*Erythrina herbacea*	***Upland***
Dahoon Holly	*Ilex cassine*	***Upland***
Fetterbush	*Lyonia lucida*	Freshwater ***wetland/Upland***
Inkberry	*Ilex glabra*	Freshwater ***wetland/Upland***
Loblolly Bay	*Gordonia lasianthus*	***Upland***
Salt Myrtle	*Baccharis halimifolia*	***Upland***
Saw Palmetto	*Serona repens*	***Upland***
Sparkleberry	*Vaccinium arboreum*	***Upland***
Star Anise	*Illicium floridanum*	***Upland***
Wax Myrtle	*Myrica ceriflora*	***Upland***
Witch Hazel	*Hamamelis viginiana*	***Upland***
Yaupon Holly	*Ilex vomitoria*	***Upland***
MEDIUM AND LARGE TREES		
American Holly	*Ilex opaca*	***Upland***
Bald Cypress	*Taxodium distichum*	Freshwater ***wetland/Upland***
Black Gum	*Nyssa sylvatica*	Freshwater ***wetland/Upland***
Laurel Oak	*Quercus laurifolia*	***Upland***
Little Gem Magnolia	*Magnolia grandiflora* "Little Gem"	***Upland***
Live Oak	*Quercus virginiana*	***Upland***
Red Maple	*Acer rubrum*	Freshwater ***wetland/Upland***
Sabal palmetto	*Sabal palmetto*	***Upland***
Southern Magnolia	*Magnolia grandiflora*	***Upland***
Southern Red Cedar	*Juniperis silicicola*	***Upland***
Sweet Gum	*Liquidamber styraciflua*	Freshwater ***wetland/Upland***

Appendix E: Application Submittal Requirements

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Appendix E: Application Submittal Requirements

E-1. Text Amendment

[reserved]

E-2. Zoning Map Amendment

A. General Submittal Requirements

1. An **application** form as published by the ***Official*** and appropriate fee as required by Sec. 16-2-102.C.2, Application Fees, and shall include the following:
   a. A narrative addressing the reasons for the requested zoning map amendment and addressing the applicable review criteria set forth in Sec. 16-2-103.C.3, Zoning Map Amendment (Rezoning) Review Standards.
   b. A boundary map of the subject property at a scale of 1"=50' prepared and sealed by a registered ***land*** surveyor.
   c. Where applicable, a copy of correspondence illustrating that the ***applicant*** has solicited written comments from the appropriate property owners' association regarding the requested amendment. Such correspondence shall encourage the association to direct any comments in writing to the ***Official*** and the ***applicant*** within 14 calendar days of receipt of the notification.
   d. A copy of the proposed Mailed Notice as required by Sec. 16-2-103.C.2.d, Hearing Scheduling and Notice.
2. If the ***applicant*** is not the Town or if the ***applicant*** is someone other than the owner, the ***applicant*** shall submit a notarized certification, written and signed by the ***development site*** owner of record, that such owner formally consents to the proposed rezoning.

B. Zoning Map Amendment (Rezoning) for Redevelopment Overlay District

After completing conceptual review, ***applicants*** shall submit the following items for a complete rezoning **application**:

1. An **application** form as published by the ***Official*** and appropriate fee as required by Sec. 16-2-102.C.2, Application Fees.
2. If the ***applicant*** is not the owner of the property, written consent from the owner of the property that is being considered for a rezoning.
3. A narrative addressing the reasons for the requested zoning map amendment and addressing the review criteria set forth in Sec. 16-2-103.C.3, Zoning Map Amendment (Rezoning) Review Standards.
4. A boundary map of the subject property at a scale of 1"=50' prepared and sealed by a registered ***land*** surveyor.

5. Where applicable, a copy of correspondence illustrating that the ***applicant*** has solicited written comments from the appropriate property owners' association regarding the requested amendment. Such correspondence shall encourage the association to direct any comments in writing to the ***Official*** and the ***applicant*** within 14 calendar days of receipt of the notification.
6. A copy of the proposed Mailed Notice as required by Sec. 16-2-103.C.2.d, Hearing Scheduling and Notice.
7. A ***site plan*** of the proposed redevelopment that shows all physical ***improvements*** and natural features including but not limited to ***structures***, parking, setbacks, buffers, **wetlands**, significant ***trees***, ***impervious cover***, ***open space***, ***height*** of ***structures***, and ***density*** of the ***site***.
8. An ***as-built survey*** as defined in Sec. 16-10-105 that reflects the current condition of the ***site***.
9. A conceptual landscape plan. If the project is within the Corridor Overlay District, the conceptual landscape plan must have already received approval from the ***Design Review Board***.
10. A ***tree*** and topography plan showing all existing ***trees*** 6" in diameter and larger.
11. A complete ***tree*** tally for the ***site***.

E-3. Planned Unit Development (PUD) District/Master Plan

A. Submittal Requirements

1. An **application** form as published by the ***Official*** and appropriate fee as required by Sec. 16-2-102.C.2, Application Fees.
2. A narrative addressing the proposed ***development*** explaining and tabulating the ***land uses*** by ***net acre***, number of ***dwelling units*** by housing type, residential ***density*** and/or square footage of nonresidential ***uses*** per ***net acre***, ***open space*** acreage, potential traffic generation, overall character and architectural style, the relationship of the proposed ***development*** to existing ***development*** in the area and other related ***development*** features.
3. Scaled drawing plan schematically showing major ***streets***, ***major utilities***, ***land uses***, entrance locations on existing ***streets***, major ***open space*** and buffers and a conceptual drainage plan.
4. A statement of how the proposed ***development*** is consistent with the Comprehensive Plan.
5. Other relevant information as may be requested by the ***Official***.

E-4. Special Exception

A. Submittal Requirements

An **application** for special exception review shall consist of information necessary for the ***Board of Zoning Appeals*** to make a determination regarding the special exception request, including, but not limited to the following:

1. An **application** form as published by the ***Official*** and appropriate fee as required by Sec. 16-2-102.C.2, Application Fees.

2. A sketch plan showing the preliminary proposed siting of ***structures*** or ***use*** on the subject property;
3. The proposed ***density*** of such special exception ***use***, expressed in terms of ***dwelling units*** or ***hotel*** rooms per ***net acre*** or total square footage per ***net acre***;
4. A narrative addressing the consistency of the proposed special exception ***use*** with the character and purpose of the zoning district in which it would be located;
5. A narrative addressing the potential impact that the proposed ***use*** will have on vehicular and pedestrian traffic;
6. The consistency of the proposed ***use*** with the Comprehensive Plan;
7. In cases where a ***use*** is considered an ***adult entertainment use*** or business, the **application** shall contain specific information addressing the special locational restrictions as described in Sec. 16-4-102.B.7.a.ii, Locational Restrictions
8. In the case where a traffic impact analysis plan is required by Sec. 16-2-103.J.2, such plan shall be submitted with the **application** for special exception.
9. Notarized certification, written and signed by the ***development site*** owner of record, that such owner formally consents to the proposed ***development***.

E-5. Subdivison Review, Major

All applications for ***subdivision*** approval shall contain the following:

A. Application Form and Fee

An **application** form as published by the ***Official*** and appropriate fee as required by Sec. 16-2-102.C.2, Application Fees.

B. Subdivision Plat

Five black line prints of a ***subdivision*** plat at a scale of 1"=50' or other scale acceptable to the ***Official***, showing:

1. Date (including any revision dates), name and location of the ***subdivision***, name of owner, north arrow, graphic scale and reference meridian.
2. Beaufort County Tax Map and Parcel Number.
3. Location and description of all primary control points and monuments used in the survey, with ties to such control points to which all dimensions, angles, bearings, distances, block numbers and similar data shall be referred.
4. Existing and proposed ***tract*** boundary lines, ***right-of-way*** lines, proposed ***street*** names, ***easements*** and other ***rights-of-way***, all ***lot*** lines and other ***site*** lines with accurate dimensions, bearing or deflecting angles or radii, arcs and central angles of all curves.
5. The proposed ***use*** of ***lots*** shall be noted and the purpose of any easement or ***land*** reserved or dedicated to public or utility use shall be designated.
6. Each block shall be numbered, and the ***lots*** within each block shall be numbered consecutively.
7. Notation of specific reference plats, if applicable.
8. Computed acreage of each ***lot*** created by the ***subdivision***.

9. Minimum ***building*** setback or buffer lines as required by Sec. 16-5-102 and Sec. 16-5-103.
10. The location of all lines and equipment for water, sewer, electric, telephone and cable TV as approved by the appropriate utility.
11. Certification by a South Carolina professional ***land*** surveyor as to the accuracy of the details of the plat, with seal and signature affixed.
12. Notation of the one-hundred-year storm ***flood*** elevation MSL and Flood Disclosure Statement (if in FEMA Zone A or V).
13. Surveyed delineation as appropriate of any ***wetland*** area within or ***contiguous*** to the ***subdivision***.
14. Delineation of any airport hazard zone, as defined in Sec. 16-3-106.E, Airport Overlay (A-O) District.
15. All existing ***structures*** or other ***improvements***.
16. Location of exterior ***subdivision*** buffer area as required by Sec. 16-3-103.
17. A statement that reads, "The only activities permitted in the exterior ***subdivision*** buffer as labeled on this plan shall be those listed in Permitted Activity in Other Buffer Areas as per the LMO."
18. Location of ***wetland buffer*** area, where applicable, as required by Sec. 16-5-1032.D.
19. For ***subdivisions*** where a portion is ***adjacent*** to a ***wetland***, a statement that reads, "The only activities permitted in the ***wetland buffer*** shall be those listed in Wetland Buffers as per the LMO."

C. Certification of Owner's Consent

If the ***applicant*** is someone other than the owner, notarized certification, written and signed by the ***development site*** owner of record, that such owner formally consents to the proposed ***subdivision***.

D. Certification of Title Source

Certification signed by the surveyor setting forth the source of title of the owners of the ***land*** subdivided or a copy of the deed by which the property was conveyed to the owner.

E. Certificate of Title and Reference Plat

A current certificate of title referencing the proposed ***subdivision*** plat and if recorded, a copy of the last plat in the chain of title.

F. Open Space and Public Dedication Narrative

A detailed narrative explaining how the ***subdivision*** will meet the ***open space*** and public dedication requirements, as applicable, Sec. 16-5-104. The narrative shall include:

1. Description of the form of organization proposed to own and maintain the ***open space*** in conformance with the requirements for Property Owners Associations or the equivalent, as specified in Sec. 16-5-104.E.
2. Identification of how the ***open space*** and facilities relate to existing and proposed ***open space*** areas, bikeways and recreational facilities on Hilton Head Island, as

shown in the Comprehensive Plan, or more detailed plans adopted by the ***Planning Commission*** such as ***neighborhoods*** plans.

3. If dedication is proposed to exceed the minimum Town standards, the ***applicant*** should state what bonus incentive, if any, is being requested as a result of such additional dedication.

G. Street and Development Names

Appropriate approvals for all ***street*** and ***development*** names as listed in Sec. 16-2-103.O, Street/Vehicular Access Easement Name Review.

H. Subdivision in Phases

Whenever part of a ***tract*** is proposed for platting and it is intended to subdivide additional parts in the future or ***abutting land*** is in the same ownership, a sketch plan for the entire ***tract*** shall be submitted with the plat.

I. Other Items

Any applicable items as identified in E-7, Development Plan Review, Major.

E-6. Subdivision Review, Minor

A. Submittal Requirements

A minor ***subdivision*** plat shall be submitted with each of the items set forth in E-5, Subdivison Review, Major, with the exception of the following:

1. Item C., Certification of Owner's Consent;
2. Item F., Open space and Public Dedication narrative; and
3. Item H., Subdivision in Phases.

E-7. Development Plan Review, Major

A Development Plan **Application** shall be considered complete when the following items have been submitted.

A. Application Form and Fee

An **application** form as published by the ***Official*** and appropriate fee as required by Sec. 16-2-102.C.2, Application Fees.

B. Certification of Owner Consent

Notarized certification, written and signed by the ***development site*** owner of record, that such owner formally consents to the proposed ***development***.

C. Property deed

Copy of property deed to the ***lot of record*** or portions thereof which constitute the proposed ***development site***.

D. Boundary survey plat

One copy of the boundary survey plat of the ***lot of record*** or portions thereof which constitute the proposed ***development site*** at a minimum scale of 1"=50' or other appropriate scale acceptable to the ***Official***. Upon such plat shall appear:

1. Location of primary control points used in the survey, with ties to such control points to which all dimensions, angles, bearings, distances, block numbers and similar data shall be referred.
2. Computed acreage of the surveyed ***tract***. Where only a portion of any ***tract*** is proposed for ***development***, there shall appear on the plat the acreage to be developed (except in the case of ***subdivisions***, where precise acreages shall be shown) in addition to the overall ***tract*** acreage.
3. Seal and signature of a South Carolina registered ***land*** surveyor.
4. Date of survey and date of any revisions.
5. Notation of specific reference plats, if applicable.
6. Graphic scale and reference meridian.
7. Beaufort County Tax Map and Parcel Number.

E. Written Narrative

A written narrative outlining:

1. The nature and details of the proposed ***development***.
2. If the proposed ***development*** plan is a phase of a previously approved multi-phase plan or PUD master plan, a description of how such phase relates to such plan, in whole or in part.
3. The specifically contemplated form of ownership of the ***development*** (e.g. fee simple, horizontal property regime, property owners' association, interval ownership, etc.) and detailed provisions for ***maintenance*** responsibility for all ***improvements***, including, but not limited to, ***streets***, parking areas, bikeways, pedestrian ways, storm drainage facilities, water and sewer systems, ***open space*** areas, and the like.
4. Any proposed dedication of ***improvements*** to any public agency, specifying such ***improvements*** and the affected agencies.
5. Any other information deemed necessary by the ***applicant*** to further clarify the proposed ***development***.

F. Site Development Plan

Six black line prints of a final ***site plan*** or set of plans, at a minimum scale of 1"=30' or other appropriate scale acceptable to the ***Official***, showing the following:

1. Name of ***development***.
2. Graphic scale and reference meridian.
3. Beaufort County Tax Map and Parcel Number.
4. Date of drawing and date of any revisions.
5. Vicinity sketch showing the general ***site*** location and depicting vehicular ***access*** routes accurately referenced to the nearest public road.

6. Topographic survey at 1-foot contour intervals, or other topographic information acceptable to the Town Engineer, unless waived by the Town Engineer.
7. All permanent ***structures*** and facilities within approximately 50 feet of the proposed ***development tract***.
8. Proposed ***site development***, including ***land uses***, any ***building*** or other ***structure*** locations, ***street***, ***driveway***, bike and pedestrian way, and parking area layouts, and interconnections with ***off-site*** facilities, if applicable. The plan view of ***buildings*** shall show limits of roofed areas, and indicate the exterior wall line dimensioned to property lines.
9. Location of proposed drainage system, including ***off-site*** areas of interconnection.
10. Location of proposed water and sewer system, including ***off-site*** areas of interconnection.
11. Location of other proposed waste disposal systems, including solid waste collection areas.
12. Location and dimensions for parking and off-***street*** loading areas, where applicable.
13. Location of other utilities such as electrical, telephone, gas line service and cable TV to the ***development***.
14. Location of ***impervious cover*** as required in Chapter 16-3: Zoning Districts.
15. Location of proposed ***open space*** areas as required by Sec. 16-5-104, Open Space Standards.
16. Location of proposed buffer areas as required by Sec. 16-5-103.
17. Tables indicating calculations for ***open space***, ***impervious cover***, and required parking.
18. Delineation of any zoning district boundary which traverses or is ***contiguous*** to the ***development site***, including overlay zones.
19. Where applicable, surveyed delineation of any ***wetland*** area and required buffers or other delineation of a natural feature on the ***site*** which is protected or defined under provisions of this Title.
20. Notation as to FEMA/FIRM ***flood*** zones covering the ***site***, and proposed first floor elevation of all ***buildings***.
21. Where applicable, surveyed delineation of any known archaeological or historical resource feature, as defined by this Title, located on or ***contiguous*** with the proposed ***development tract***.
22. Fire hydrants and fire lanes in conformance with Sec. 16-5-110, Utility Standards.
23. Location of outside trash receptacles and/or enclosures for use by the ***building*** occupants.

G. Street, Vehicular Access Easement and Development Names

Appropriate approvals for all ***street*** and ***development*** names as listed in Sec. 16-2-103.O, Street/Vehicular Access Easement Name Review.

H. Landscape Plan

Landscape plans shall clearly demonstrate conformance to the intent of all applicable sections of this Ordinance. Landscape plans shall be submitted at a scale of 1"=30' or other appropriate scale acceptable to the ***Official***, and shall include:

1. Planting plan showing location, quantity, and type of proposed plantings including existing ***trees*** to remain and new ***trees*** as required by Sec. 16-6-104, Tree Protection.
2. Planting schedule listing all plant materials by botanical name, common name, quantity, and size at installation.
3. All horizontal landscape ***construction*** such as walls, drives, decks, terraces, and other features shall be labeled according to material and finish with spot elevations.
4. All vertical landscape ***construction*** such as walls, fences, raised decks, shelters, light standards, ***signs***, flagpoles, trellises, seats, mailboxes, etc. shall be labeled sufficiently to indicate size, materials, and general appearance.
5. For any proposed irrigation, outline performance specifications, and show extent of coverage, and location of rain sensor.
6. In an effort to conserve water, landscape plans which utilize existing vegetation, native plants, drought-tolerant ornamental plants, and limited lawn areas are encouraged.
7. Plant names indicated on drawings shall comply with "Standardized Plant Names", copyright 1942, by American Joint Committee on Horticultural Nomenclature.
8. Plants shall comply with sizing and grading standards of the latest edition of "American Standard for Nursery Stock".

I. Site Lighting Plan

Site lighting plans shall clearly demonstrate conformance to Sec. 16-5-108, Site Lighting Standards. Site lighting plans shall be submitted at a scale of 1"=30' or other appropriate scale acceptable to the Administrator, and shall include:

1. Location and mounting information for each light;
2. Illumination calculations showing light levels in ***foot-candles*** at points located on a 10-foot on center grid;
3. A fixture schedule listing fixture design, type of lamp, and wattage of each fixture; and
4. Manufacturer's photometric data for each type of light fixture.

J. Exterior Elevations

Final ***building*** and other ***structure*** exterior elevations accurately showing the ***height***, width and length of all proposed ***structures***, as applicable.

K. Development Phasing Plan

A plan indicating the contemplated phasing of the proposed ***development***. Such plan shall contain:

1. A schedule map, at a minimum scale of 1"=100' or other appropriate scale acceptable to the ***Official*** (preferably at ***site development*** plan scale), graphically showing the proposed phasing areas.
2. A schedule report, listing by each proposed phase (as applicable) the number of residential units by type, number of ***hotel*** rooms, amount of gross ***building*** square footage for all nonresidential ***uses*** by type, expected type of ***open space improvements***, and public ***improvements*** by the ***applicant*** for dedication to any governmental or other public agency.

L. Natural Resources Permit Application

Natural Resources Permit **application** as required in E-13, Natural Resources Permit.

M. Wetlands Alteration Permit Application

Wetlands Alteration Permit **application** as required in E-14, Wetlands Alteration Permit

N. Stormwater Management

Stormwater management plans and calculations as required in Sec. 16-5-109, Stormwater Management and Erosion and Sedimentation Control Standards.

O. Approvals, Certifications and Recommendations

Copy of approvals, certifications and recommendations required by all appropriate town, county, state and federal regulations for the proposed ***development***, and documentation of compliance with such, as applicable. Failure of the ***Official*** to request an approval or certification required does not relieve the ***applicant*** of responsibility for compliance. This includes but is not limited to:

1. South Carolina Department of Health and Environmental Control approval of water and sewer system design, where applicable.
2. South Carolina Department of Health and Environmental Control air, water quality, or solid waste permit.
3. Public Service District approvals related to the provision of water and sewer service.
4. Beaufort County Health Department approval of septic system or temporary sanitary waste disposal system.
5. DHEC and/or OCRM permits, approvals or certifications related to fresh water or salt water ***wetlands***, ***beaches*** and dunes, cultural critical areas and the like.
6. Electric, gas, telephone or cable television provided approval of the appropriate utility service and layout as shown on the ***site development*** plan.
7. U.S. Army Corps of Engineers permits related to dredging, ***filling***, ***wetlands***, or other elements of the ***development***.
8. S.C. Department of Transportation encroachment permit, if necessary for proposed or required work.
9. Recommendations and comments of the following, as applicable, including, but not limited to:
    a. Any private architectural review board, if applicable.

b. Beaufort County Emergency Management Director for hurricane evacuation/emergency preparedness plan pursuant to T, Emergency Preparedness Documentation, below.

10. For properties located within the Airport Overlay District (AOD), a Federal Aviation Administration (FAA) Advisory Form 7460-1 must be submitted to the FAA. The ***applicant*** must receive a determination from the FAA prior to the issuance of any approvals from the Town.

P. Legal Guarantees

Legal guarantees for the installation and ***maintenance*** of required and other ***improvements***; applicable only to those developments involving the sale or other transfer of ***lots***, ***building*** sites, individual ***dwelling units***, commercial units, or ***structures*** either attached or detached, where the alternate procedure of posting such guarantees is chosen in lieu of actual ***construction*** of such ***improvements*** prior to final approval.

Q. Offers of Dedication to Public Ownership

Any offers of dedication to public ownership and permanent public ***maintenance*** of ***improvements***, such as ***streets***, and drainage systems, parks, pathways, etc. The Applicant shall propose the manner for such dedication.

R. Service Agreements

Agreements by public or other agencies to service the proposed ***development*** with certain required ***improvements*** or services, such as water, sewer, fire protection, and the like.

S. Legal Documents

Draft deed restrictions, articles of incorporation, bylaws of a homeowners' association, ***easements***, and other legal documents pertaining to the operation and management of the proposed ***development***, or, if required, by any other section of this Title.

T. Emergency Preparedness Documentation

1. Affected ***applicants*** listed below shall submit an emergency preparedness plan consistent with the provisions of this section to the Administrator and to the Beaufort County Emergency Management Director at the time of ***development*** plan approval **application**:

a. ***Development*** employing 25 or more ***persons*** relying on mass transit.

b. ***Hotels*** and similar facilities.

c. ***Hospitals***, ***nursing homes*** and similar facilities.

d. Schools, camps, residential clubs, daycare centers and similar facilities.

2. The required emergency preparedness plan shall include:

a. Capacity of the facility expressed in terms of beds in the case of ***hotels***, ***hospitals*** or ***nursing homes*** or total anticipated number of employees for non-residential ***development***.

b. An estimate of the number of employees expected to reside on-island and off-island.

c. The anticipated day visitor population.

d. A narrative program for emergency evacuation specifying operations, procedures and vehicles for transporting ***persons*** lacking their own vehicles.

U. Other Requirements

Any other items specifically required of a ***development*** plan **application** by any other provisions of this Title.

E-8. Development Plan Review, Minor

[reserved]

E-9. Small Residential Development Review

A. Submittal Requirements

Requirements for a complete **application** shall be the same as listed under E-7, Development Plan Review, Major, items A, B, and C (or, in lieu of a deed, other proof of ownership such as a property tax receipt or title to the property), plus the following:

1. A ***site plan*** prepared, signed, and sealed by a South Carolina registered ***land*** surveyor of the proposed ***development***, drawn to scale, showing at minimum the property boundaries, roads, existing houses and their septic systems, location of proposed house sites and their septic systems, ***driveways*** to existing and proposed houses from public ***rights-of-way***, and all applicable setbacks and buffers as provided in Sec. 16-5-102, Adjacent Setback Standards, and Sec. 16-5-103, Adjacent Street Buffer Standards.

2. Proof of an approved sewage disposal system—either a copy of the DHEC septic system design approval, if the ***site*** is not serviced with public sewer, or a copy of a letter from the Public Service District stating that they will provide sewer service.

3. A copy of the encroachment permit, if required. If the road is a ***State*** road, this will be a SC DOT permit, if a ***County*** road, it will be a Beaufort County permit, and if a Town road, it will be a Town of Hilton Head Island permit.

4. A copy of draft legal documents for ***access*** or other ***easements***, if needed.

E-10. Corridor Review, Major

Applicants shall submit an **application** form as published by the ***Official*** and appropriate fee as required by Sec. 16-2-102.C.2, Application Fees, along with the following materials before an **application** shall be considered complete.

B. Concept Approval—Proposed Development

1. A survey (1"=30' minimum scale) of property lines, existing topography and the location of ***trees*** meeting the ***tree*** protection regulations of Sec. 16-6-104, Tree Protection, and if applicable, location of bordering ***streets***, marshes and ***beaches***.
2. A ***site*** analysis study to include ***specimen trees***, ***access***, significant topography, ***wetlands***, buffers, setbacks, views, orientation and other ***site*** features that may influence design.
3. A draft written narrative describing the design intent of the project, its goals and objectives and how it reflects the ***site*** analysis results.
4. Context photographs of neighboring ***uses*** and architectural styles.
5. Conceptual ***site plan*** (to scale) showing proposed location of new ***structures***, parking areas and landscaping.
6. Conceptual sketches of primary exterior elevations showing architectural character of the proposed ***development***, materials, colors, shadow lines and landscaping.

C. Final Approval—Proposed Development

1. A final written narrative describing how the project conforms with the conceptual approval and design review guidelines in Appendix C: Hilton Head Island Design Guide.
2. Final ***site development*** plan meeting the requirements of E-7.F, ***Site Development*** Plan.
3. Final ***site*** lighting and landscaping plans meeting the requirements of E-7.I, Site Lighting Plan, and E-7.H, Landscape Plan.
4. Final floor plans and elevation drawings (1/8"=1'-0" minimum scale) showing exterior ***building*** materials and colors with architectural sections and details to adequately describe the project.
5. A color board (11"x17" maximum) containing actual color samples of all exterior finishes, keyed to the elevations, and indicating the manufacturer's name and color designation.
6. Any additional information requested by the ***Design Review Board*** at the time of concept approval, such as scale model or color renderings, that the Board finds necessary in order to act on a final **application**.

D. Alterations/Additions

1. All of the materials required for final approval of proposed ***development*** as listed above, plus the following additional materials.
2. A survey (1"=30' minimum scale) of property lines, existing topography and the location of ***trees*** meeting the ***tree*** protection regulations of Sec. 16-6-104, Tree Protection, and if applicable, location of bordering ***streets***, marshes and ***beaches***.
3. Photographs of existing ***structure***.

E. Signs

1. Accurate color rendering of sign showing dimensions, type of lettering, materials and actual color samples.
2. For ***freestanding signs***:
   a. ***Site plan*** (1'=30' minimum scale) showing location of sign in relation to ***buildings***, parking, existing ***signs***, and property lines.
   b. Proposed landscaping plan.
3. For wall ***signs***:
   a. Photograph or drawing of the ***building*** depicting the proposed location of the sign.
   b. Location, fixture type, and wattage of any proposed lighting.

E-11. Corridor Review, Minor

A. Submittal Requirements

1. Photographs and/or drawings of existing ***development***.
2. Site Plan (1'=30' minimum scale) showing location of existing ***development***.
3. Drawings, material samples and/or color samples of proposed changes.

E-12. Traffic Impact Analysis Plan Review

A. Submittal Requirements

An acceptable traffic impact analysis plan shall include an accurate representation of the following elements:

1. A current ***site plan*** or ***subdivision*** plat identifying ***access*** to and from existing or proposed ***streets*** and intersections. In addition, a vicinity map shall be provided.
2. Description of the proposed ***development***, including the type of proposed ***land use***, the number of residential units by type, the number of existing and proposed ***lots***, the type of proposed non-residential ***development*** and the amount of such ***development*** measured by ***gross floor area*** or other appropriate unit of measure, the general size and type of accessory ***development*** or facilities, and, for non-residential ***development***, adequate information to identify the appropriate ***land use*** category for trip generation.
3. Projected vehicular trips to and from the completed ***development***, or any interim ***development*** phases, on the ***adjacent street*** during the ***peak hour***. The percentage of passerby trips, if used in the plan, shall be included, as well as the source of this information.
4. A written narrative setting forth the assumptions upon which any projection, made in developing the traffic impact analysis plan required under this part, is based. If the assumptions are derived from the ITE manual, the materials shall be identified. If the assumptions are not from the ITE manual, appropriate excerpts will be included in the study and the reasoning underlying the assumptions shall be stated in the narrative.

5. The traffic impact analysis plan shall be based on intersection analysis procedures for signalized intersections and roundabouts as identified in the Transportation Research Board's 1997 Highway Capacity Manual Special Report 209 and utilize computer software which emulates these procedures and is acceptable to the ***Official***. Any analysis involving a traffic circle will utilize computer software which is designed to analyze traffic circles and is acceptable to the ***Official***. The results of any required computer analysis shall, at a minimum, indicate compliance or non-compliance with the traffic standards of Sec. 16-5-106, Traffic Analysis Standards.

6. The intersections which must be analyzed in the study are identified as:

a. Any signalized intersection that serves as a ***development***'s point of ***access*** to a major arterial. This will include intersections of public and private roads with major arterials, and ***driveways*** offering direct ***access*** to a major arterial; and

b. The first signalized intersection on either side of the ***development***'s primary point of ***access*** to a major arterial; and

c. Other signalized intersections on major arterials if within 1 road mile of the ***development***'s primary point of ***access*** to a major arterial and when in the opinion of the ***Official*** there is a potential for a significant impact to the intersection's ***level of service*** from ***site*** related traffic; and

d. Any traffic circle or roundabout, when in the opinion of the ***Official***, there is a potential for a significant impact to the circle's ***level of service*** from ***site*** related traffic.

7. At a minimum, the plan must include the results of a computerized analysis projecting the operating conditions of critical intersections relative to the Town's ***adopted traffic service level standards***. The analysis shall reflect the projected condition of these intersections and movements based on the scheduled opening date of the ***development*** and, where applicable, on other significant phase-in dates of the ***development*** project.

8. If the initial computerized analysis indicates that the Town's ***adopted traffic service level standards*** will be not be met, a mitigation plan must be included in the plan based on at least one additional computer analysis. This mitigation plan must show how the Town's ***adopted traffic service level standards*** will be satisfied. ***Applicants*** will only be responsible to mitigate the traffic impact of their proposed ***development***. Acceptable ***roadway*** mitigation measures are limited to the following:

a. Traffic signal timing adjustments;

b. Traffic signal phasing adjustments;

c. Pavement marking revisions;

d. Adding additional intersection turn lanes not to exceed 4 lanes on minor arterial approaches and 5 lanes on major arterial approaches; and

e. Geometric ***improvements*** to traffic circles or roundabouts.

E-13. Natural Resources Permit

A. Submittal Requirements

A Natural Resources Permit **application** shall include the following items:

1. An **application** form as published by the ***Official*** and appropriate fee as required by Sec. 16-2-102.C.2, Application Fees.
2. A complete ***tree survey***, as described in Sec. 16-6-104.C.2, Tree Survey.
3. A brief written narrative of proposed plans for ***tree*** protection and replacement.
4. A complete ***tree*** tally sheet listing ***trees*** by category (See Sec. 16-6-104.H, Tree Equivalency Table).
5. A complete ***site development*** plan showing utility lines, grading activities, and ***building*** elevations in relation to existing ***trees*** and denoting ***trees*** to be removed with an "X".
6. Replacement or supplemental ***tree*** planting schedule, if required.

B. Variation for Minor Construction/Alteration

Persons applying for minor ***construction*** or alteration to existing ***development*** may submit a sketch of the ***trees*** on the ***site*** and the proposed ***building*** in lieu of numbers A.2, A.4, A.5, and A.6 above. ***Tree*** planting requirements for this activity shall be based on the size and species of ***trees*** removed.

C. Public Projects

Public projects shall submit items A.1, A.2, A.3, A.5, and A.6. A count of the number of ***trees*** removed in each Category that are 12 inches in ***DBH*** or greater shall be submitted in lieu of item D.

E-14. Wetlands Alteration Permit

An **application** for a Wetlands Alteration Permit shall include such information as may be appropriate for demonstrating compliance with this part, including but not limited to:

A. Application Form and Fee

An **application** form as published by the ***Official*** and appropriate fee as required by Sec. 16-2-102.C.2, Application Fees.

B. Jurisdictional Determination

1. All ***wetland*** determinations shall be certified in writing and signed by:
   - **a.** The U.S. Army Corps of Engineers for ***contiguous*** freshwater ***wetlands***;
   - **b.** Town approved ***wetlands*** consultant for isolated freshwater ***wetlands***; or
   - **c.** The OCRM for tidal ***wetlands***.
2. The expiration of a ***wetland*** determination shall be subject to the standards set for duration by the U.S. Army Corps of Engineers for ***contiguous*** freshwater ***wetlands*** and OCRM for tidal ***wetlands***. The expiration of a determination for an isolated freshwater ***wetland*** shall be three years from the date of the determination.

C. Wetland Boundary Survey and Delineation Data Sheets

A ***wetland*** boundary survey and all delineation data sheets approved by the U.S. Army Corps of Engineers for ***contiguous*** freshwater ***wetlands***, a Town approved ***wetlands*** consultant for isolated freshwater ***wetlands***, or the OCRM for tidal ***wetlands***.

D. Application Package

A copy of the **application** package submitted to the U.S. Army Corps of Engineers and/or OCRM and a copy of the permit issued by such agency. If at the pre-**application** conference it is determined by the ***Official*** that the U.S. Army Corps of Engineers and/or OCRM **application** packages adequately address items identified below in subsections (5) and (7), those items would not have to be duplicated in the **application** submitted to the Town.

E. Wetlands Evaluation Form

Completed Town of Hilton Head Island Wetlands Evaluation Form for the appropriate type of ***wetland***.

1. Wetlands Evaluation Forms shall be completed by a ***wetlands*** consultant approved by the U.S. Army Corps of Engineers.
2. A completed ***wetlands*** evaluation form may be required by the ***Official*** for ***off-site*** degraded ***wetlands*** which are to be restored as part of a mitigation project.

F. Wetland Alteration Plan

A ***wetland alteration*** plan showing the following:

1. Existing and proposed locations and ***uses*** of all ***structures*** and areas to be included in the ***development*** and the location of all ***easements*** and ***rights-of-way*** on or adjoining the ***parcel***.
2. Identification of all areas (***wetlands*** and required buffers) proposed to be disturbed, with appropriate cross sections and area calculations in sufficient detail to evaluate the impacts of the proposed ***development***.
3. Topographical survey information (signed and sealed by a registered ***land*** surveyor).

G. Stormwater Management Plan

A copy of the stormwater management plan submitted to OCRM.

H. Wetlands Impact Analysis

A Wetlands Impact Analysis containing the following information:

1. A narrative description supported by additional information, (e.g., ***graphics***, statistical information, etc.) on how the ***development*** standards set forth in Sec 16-6-102 will be satisfied or, where a particular standard does not apply, a statement describing why that standard does not apply to the proposed ***development***.
2. A description of the efforts for minimization of alteration to the ***wetland*** and the method of mitigating the alteration (e.g. restoration, enhancement, creation).

3. The location of proposed ***wetlands*** to be established, including a vicinity map if the mitigation area is ***off-site***.
4. A description of the type of ***wetland***, including specific details relating to soil type, hydrology, and vegetation.
5. Drawings of proposed mitigation which show all mitigation areas, ***wetland*** boundaries, buffers and ***structures***.
6. Engineering plans that show existing and finished grades with cross-sections of altered areas, where applicable.
7. Associated drainage plans, where applicable.
8. Elevation of seasonal high ground and surface water.
9. Characterization, by dominant strata, of vegetation community which will be disturbed.
10. Landscape plan showing existing and proposed vegetation in altered areas. The plan should show spacing as well as size and species of new plantings, where applicable.
11. An implementation schedule and date the mitigation project will be completed in relation to ***construction*** of the ***development***.

I. Wetland Protection Assurances

Assurances for the protection of preserved ***wetlands***, created ***wetlands***, and buffers will be provided by the ***applicant*** as part of the **application**/certification process. This may take the form of deed restrictions, conservation ***easements***, or other assurances of protection.

E-15. Sign Permit

A. General Requirements

The following information shall be submitted with an **application** for a sign permit:

1. An **application** form as published by the ***Official*** and appropriate fee as required by Sec. 16-2-102.C.2, Application Fees.
2. A scaled drawing showing plan and front and side elevations of the sign as proposed.
3. Any ***freestanding sign*** exceeding 15 square feet of ***sign area***, shall comply with the requirements outlined in the International Building Code.
4. For ***freestanding signs***, a survey showing property lines, proposed sign location; a landscaping and lighting plan or a written statement stating there will be none; and any existing ***site improvements***.
5. For ***facade signs***, a scaled drawing showing the entire ***facade*** or tenant space ***facade***, the proposed sign location, and any existing ***facade signs***.
6. Approval from the ***Design Review Board*** if applicable.
7. Notice of action from any appropriate architectural review board.

B. Such other information as the ***Official*** may require which is necessary to verify full compliance with all applicable provisions contained in the ***Municipal Code***.

E-16. Development Project Name Review

Any ***person*** proposing to name a ***street*** or vehicular ***access*** easement or ***development***, or modify the name of a ***street***, vehicular ***access*** easement or ***development***, shall submit an **application** form as published by the ***Official*** with a list of proposed names in priority order to the ***Official*** for determination of their suitability consistent with the criteria set forth below.

E-17. Street/Vehicular Access Easement Name Review

A. General Requirements

1. Any ***person*** proposing to name a ***street*** or vehicular ***access*** easement, or modify the name of a ***street*** or vehicular ***access*** easement, shall submit an **application** form as published by the ***Official*** with a list of proposed names in priority order to the ***Official*** for determination of their suitability consistent with the criteria set forth below.
2. Any ***person*** proposing to modify a ***street*** or vehicular ***access*** easement name must provide a mailed notice to all owners of property fronting on the subject ***street*** or vehicular ***access*** easement to be modified. Such notice shall comply with Sec. 16-2-102.E, Hearing Scheduling and Notice.

E-18. Certificate of Compliance

A. General Requirements

The ***applicant*** shall submit the following applicable documents to the ***Official*** for review and approval:

1. A registered engineer's or registered landscape architect's sealed certification of completed roads, parking, drainage systems and utilities.
2. Certification of compliance with approved landscaping and ***tree*** planting plan by a registered landscape architect or a landscape contractor.
3. One complete set of as-built drawings, indicating accurate ***site*** conditions of pavements, parking spaces, utilities, ***structures*** and drainage.
4. DHEC permits to operate water and sewer systems.
5. Public Service District or similar entity acceptance of completed water and sewer lines for permanent ownership, operation and ***maintenance***.
6. Public entity acceptance of ownership and ***maintenance*** responsibility for dedicated roads and drainage systems where applicable.
7. Other applicable agencies' final certification.
8. An owner's affidavit stating that all work has been completed consistent with the ***applicant***'s ***development*** permit and any applicable provisions of this Title, plus a copy of the documents that clearly set forth the ownership and ***maintenance*** provisions and responsibilities for infrastructure ***improvements***, amenities reflected under the approved plan and any ***open space*** areas required.

E-19. Public Project Review

A. General Requirements

An **application** for public project review shall include, but not be limited to, the following information:

1. An **application** form as published by the ***Official***.
2. A written narrative addressing:
   a. The need for the project, with supporting documentation, specifically how the proposed public project will meet the needs, goals and implementation strategies of the Comprehensive Plan.
   b. The character of the proposed ***development*** as to its compatibility with the ***neighborhoods*** in which it is proposed and with the pre-***development*** characteristics of the ***site*** on which it is to be located.
   c. The general nature of the proposed ***development***.
3. A reference to and, where practical, graphic depiction of the location of the proposed ***development*** on Beaufort County tax map with ***parcel*** number; any ***overlay zoning districts*** as defined in Chapter 16-3: Zoning Districts; and any wetland or conservation district boundary line.
4. A map of the Town showing the location of the project in relation to the road and pathway networks, and any other applicable feature such as location of Town parks.
5. If applicable, a conceptual plan showing a preliminary sketch of the major elements of the proposed project. For example, a new ***street*** would best be depicted with a conceptual sketch of a cross section of the ***street*** (including sidewalks and/or pathways and landscaping) and a map showing the approximate location of the ***street***. A proposed park would best be depicted with a sketch of the park and the major elements (e.g. playground area, picnic area, ball field area, parking area, etc.) in a "bubble" format.

E-20. Written Interpetation

[reserved]

E-21. Variance

A. Submittal Requirements

An **application** for variance shall consist of information necessary for the ***Board of Zoning Appeals*** to make a determination regarding the variance request, including but not limited to the following:

1. An **application** form as published by the ***Official*** and appropriate fee as required by Sec. 16-2-102.C.2, Application Fees.
2. A ***site plan*** at a scale of 1"=30' accurately showing the variance(s) requested. If the **application** is for a variance of Sec. 16-6-102.D, Wetland Buffer Standards, the survey must be certified by the permitting authority.

3. Notarized certification, written and signed by the ***development site*** owner of record, that such owner formally consents to the proposed ***development***.
4. A written narrative explaining in detail the variance(s) requested and how the criteria of Sec. 16-2-103.S.4, Variance Review Standards, apply to the variance request.
5. Any supporting documentation deemed necessary by the ***applicant***.
6. A copy of the proposed Mailed Notice as required by Sec. 16-2-102.E.

E-22. Appeals of Official's Decisions and Written Interpretations to Board of Zoning Appeals

A. Submittal Requirements

An **application** for appeal shall consist of information necessary for the ***Board of Zoning Appeals*** to make a determination regarding the appeal request, including, but not limited to the following:

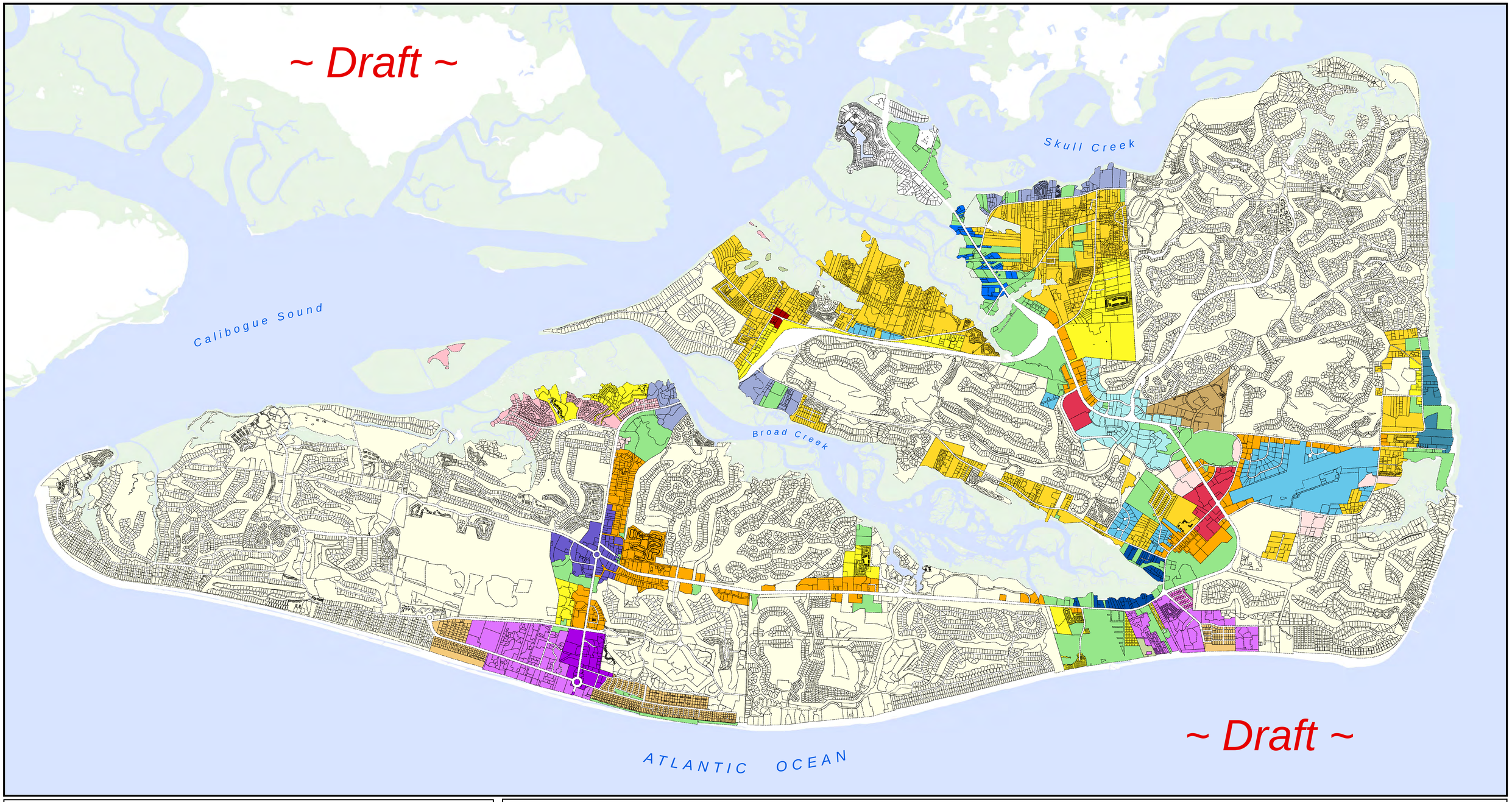
1. An **application** form as published by the ***Official*** and appropriate fee as required by Sec. 16-2-102.C.2, Application Fees
2. A written narrative explaining in detail the appeal requested and the reasons why an appeal should be granted.

E-23. Appeals of Official's Decisions to Planning Commission

[reserved]

E-24. Appeals of Official's Decisions to Design Review Board

[reserved]



Town of Hilton Head Island

PROPOSED NEW ZONING DISTRICT MAP

~ Draft ~

Last Update: May 1, 2014

1 inch = 2,000 feet

3,900 1,950 0 3,900 Feet

The upland boundary of the Conservation Zoning District corresponds to the OCRM Critical Line and therefore, is approximately co-terminus with all tidal wetlands and the upland boundary of the beach as defined in Section 8-1-112 of the Municipal Code and extends outward to the Town Jurisdictional Boundary as entified within Section 2-1-20 of the Municipal Code of the Town of Hilton Head Island, South Carolina. (Reference: LMO Section 16-4-203, Conservation District)

RESIDENTIAL ZONING DISTRICTS

- **RS-3** *SINGLE FAMILY*
- **RS-5** *SINGLE FAMILY*
- **RS-6** *SINGLE FAMILY*
- **RM-4** *LOW TO MODERATE DENSITY*
- **RM-8** *MODERATE DENSITY*
- **RM-12** *MODERATE TO HIGH DENSITY*

COMMERCIAL ZONING DISTRICTS

- **CC** *COMMERCIAL CENTER*
- **IL** *LIGHT INDUSTRIAL COMMERCIAL*
- **LC** *LIGHT COMMERCIAL*
- **MED** *MEDICAL*
- **MS** *MAIN STREET*
- **NC** *NEIGHBORHOOD COMMERCIAL*
- **SPC** *SEA PINES COMMERCIAL*

MIXED USE ZONING DISTRICTS

- **PD-1** *PLANNED DEVELOPMENT*
- **MF** *MARSHFRONT MIXED USE*
- **MV** *MITCHELVILLE*
- **S** *STONEY MIXED USE*
- **WMU** *WATER-ORIENTED MIXED USE*

RESORT DEVELOPMENT ZONING DISTRICTS

- **CR** *COLIGNY RESORT*
- **RD** *RESORT DEVELOPMENT*

OTHER ZONING DISTRICTS

- **CON** *CONSERVATION*
- **PR** *PARKS AND RECREATION*

TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Planning Commission
FROM: Jayme Lopko, *AICP, Senior Planner*
DATE May 23, 2014
SUBJECT: Rules of Procedure

At the May 21, 2014 Rules of Procedure Committee meeting, the Committee directed staff to make changes to the rules with regard to submission of additional materials and procedures for appeals to the Planning Commission.

The Rules of Procedure Committee recommended the proposed changes be forwarded to the full Planning Commission for review and approval.

Attached is a full set of the current Rules of Procedure with the changes that have been proposed. The only changes appear on pages 11 through 13. Items that are proposed for deletion will be struck through. Items that are new additions will be double underlined.

If you have any questions, feel free to contact Jayme Lopko at 341-4695 or jaymel@hiltonheadislandsc.gov.

Town Government Center ♦ One Town Center Court ♦ Building C
Hilton Head Island ♦ South Carolina ♦ 29928
843-341-4757 ♦ (FAX) 843-842-8908

Planning Commission Rules of Procedure

Town of Hilton Head Island

Article I

Purpose and Function

The Planning Commission exists to provide an ongoing and futuristic look at a continuing planning program that allows for the physical, societal and economic growth, as well as direction for the development and redevelopment of the Town of Hilton Head Island. Its main responsibilities include: the required and timely review of the Comprehensive Plan; to provide for the implementation of the Land Management Ordinance to ensure and promote the public health, safety, and community values; and to promote the general welfare of the Island community while providing economic opportunities for all Islanders. The Commission deliberates with public input, and serves as a recommending body to Town Council and not as a final decision-making entity except as provided by law. During public forums it may also act as an arbiter among staff, the public, applicants, and special interest groups. In carrying out its duties, the Planning Commission must work within the framework and requirements of the governing law while exercising elemental fairness and open mindedness.

Article II

Authority

Section 1. Authority.

The Town of Hilton Head Island Planning Commission is established by Sec. 16-2-201 of the Land Management Ordinance (LMO) of the Town of Hilton Head Island pursuant to the authority of Section 6-29-310, *et seq.*, of the Code of Laws of South Carolina, and hereinafter shall be referred to as the "Commission."

Section 2. Territorial Jurisdiction.

Pursuant to Section 16-2-204 of the LMO, the Commission shall have jurisdiction over all the lands within the Town. This jurisdiction may be expanded by the Town Council by ordinance and/or by intergovernmental agreement, in accordance with Section 6-29-330 of the Code of Laws of South Carolina.

Article III
Rules of Procedure

Section 1. Rules of Procedure.

These *Rules of Procedure* are adopted by the Commission pursuant to SC Code 6-29-360 and Chapter 2 Article II of the LMO. Any Committee of the Commission so appointed by the Chairperson shall follow these *Rules of Procedure* to the extent applicable to the conduct of its proceedings. These *Rules of Procedure* can be suspended by majority vote of the Commission or Committee members to meet circumstances that may arise in the course of the deliberations. If a situation arises in which these *Rules of Procedure* are not specific concerning an issue, then the most recent edition of *Robert's Rules of Order* shall govern the conduct of meetings of the Commission or Committee on the issue not covered.

Section 2. Amendment.

These *Rules of Procedure* may be amended at any regular meeting of the Planning Commission after review and recommendation by its Rules and Procedures Committee. Any amendment must be by a majority vote of the Commission members held at a meeting of the Commission at least seven (7) days after a written draft of the amendment is delivered to all of its members.

Article IV
Commission Organization and Duties

Section 1. Membership.

A. Number and Qualifications. The Commission shall consist of nine members appointed as Commissioners by the Town Council. To the extent practicable, the appointed members shall include at least one attorney and one design professional (either a registered architect or a registered landscape architect). None of the members shall hold an elected public office or position with the Town of Hilton Head Island or Beaufort County, South Carolina.

B. Length of Terms. One third of the members of the Commission shall be appointed annually for three-year terms effective each July 1, with all such terms ending on June 30 of the applicable year, unless a member is appointed to fill a vacancy. Vacancies shall be filled by the Town Council by appointments for the balance of any unexpired terms.

C. Term Limits. No member may serve more than two successive terms, except at the pleasure of the Town Council for extraordinary circumstances where Council believes it is in the best interest of the community to have a continuation for a specified period of a particular member of the Commission. This limitation shall not prevent any person from being appointed to the Commission after an absence of one year. Service to fill an

unexpired term of less than one and one-half years shall not constitute a term of service for the purpose of these term limits.

D. Attendance/Absences. Commissioners are expected to attend all Commission meetings and all Committee meetings to which they are appointed. If a Commissioner is unable to attend a meeting, the Chairperson or Secretary of the Commission shall be notified in advance of the scheduled meeting. The Chairperson will determine if the absence is excused or unexcused. The Secretary shall keep records on an annual basis of the number of unexcused absences of members.

E. Removal. If a Commissioner has a total of three unexcused absences from the annually scheduled regular meetings, the Commission shall consider and may recommend to the Town Council that the Commissioner's appointment be revoked. The Town Council may remove a Commissioner for cause, according to Section 2-13-70(b) of the Code of the Town of Hilton Head Island. Cause may include, but shall not be limited to, nonattendance at the Commission's meetings.

Section 2. Officers.

The officers of the Commission shall be a Chairperson and a Vice-Chairperson, elected annually by the Commissioners at the last meeting in the month of June for one-year terms beginning on the first meeting in July. Neither of these two positions shall be filled by a Commissioner beginning his or her first year of service as a Commissioner.

A. Chairperson. The Chairperson shall be a voting member of the Commission and shall:

1. In consultation with the Staff Coordinator, create agendas for all meetings;
2. Preside at all meetings and hearings of the Commission;
3. Act as spokesperson for the Commission;
4. Sign documents for the Commission;
5. Designate a Commissioner or personally act as liaison with other governmental agencies and Town Commissions;
6. Assign or delegate tasks to other Commissioners as may be necessary to perform the Commission's functions;
7. Make appointments to Committees of the Commission and be an ex-officio member of all Committees with a voice in discussions, but with no authority to vote on questions before Committees of the Commission unless otherwise specified herein;
8. Prepare a semi-annual report of Planning Commission’s activities;
9. Transmit reports and recommendations to Town Council;
10. Work with the Staff Coordinator to ensure all business is conducted in accordance with these Rules of Procedure;
11. Cancel a scheduled Commission meeting if there are no agenda items; and
12. Perform such other duties as approved by the Commission.

B. Vice-Chairperson. The Vice-Chairperson shall exercise the duties of the Chairperson in the absence, disability, or disqualification of the Chairperson, or if the Chairperson is the proponent of a motion as provided in these Rules of Procedure. In the absence of both the Chairperson and Vice-Chairperson, an acting Chairperson shall be elected by the members present at a meeting of the Commission.

C. Secretary. With the advice and consent of the Town's Community Development Director, the Chairperson annually shall appoint or reappoint a member of the Town's Community Development Department staff as Secretary of the Commission. The Secretary will not be eligible to vote or to otherwise deliberate in the proceedings of the Commission. The Secretary shall:

1. Publish and post notices of all meetings of the Commission;
2. Assist the Commission's Staff Coordinator in preparation of meeting agendas;
3. Distribute the agenda, prior minutes and other relevant materials to each Commissioner in advance of each meeting;
4. Record the proceedings of Commission's meetings on audio tape and prepare written minutes of meetings for approval by the Commission at its next regular meeting, as well as recording in the written minutes the attendance of Commissioners at each meeting;
5. Maintain the Commission's notices, correspondence, reports and forms as public records for a period of time consistent with the records retention schedule of the Town of Hilton Head Island; and,
6. Assist in the preparation and forwarding of all reports and recommendations of the Commission.

Section 3. Staff Coordinator.

The Town's Community Development Director shall appoint a member of Staff to assist the Chairperson and the Secretary in Commission coordination, including discussing agenda items and any other item that needs attention for the efficient running of the Commission's meetings.

Section 4. Duties of the Commission.

The LMO and the Code of South Carolina set forth the duties of the Commission and those mandated items that fall under the Commission's purview, including the review process. These duties include, among others:

1. periodically preparing and revising plans and programs for development and redevelopment;
2. preparing and recommending for adoption to the Town Council as a means for implementing the plans and programs:
    a. zoning ordinances to include zoning district maps and revisions;

b. an Official Zoning Map and appropriate revisions;
c. a landscaping ordinance setting forth required planting, tree preservation and other aesthetic considerations for land and structures;
d. a capital improvements program setting forth projects required to implement plans; and
e. policies, procedures or strategies to facilitate implementation of planning documents including the periodic review, evaluation and report of the existing Comprehensive Plan status;

3. reviewing and taking action on street names;
4. reviewing and making a determination of compatibility with the Comprehensive Plan for location, character and extent of public projects;
5. reviewing and taking action on traffic impact analysis plans;
6. reviewing and making recommendations to the Town Council on text amendments to the LMO; and
7. reviewing and approving all subdivisions. The Commission has currently delegated review and approval authority for subdivision plats to the LMO Official. Staff shall submit a monthly report to the Commission summarizing all subdivision plats approved for the past year.

Pursuant to the Code of South Carolina, all new members of the Commission shall attend a 6 hour Orientation Program and all members shall attend a 3 hour/year Continuing Education Program.

Section 5. Committees.

With permission of Town Council, the Commission, in the performance of its duties, has formed Committees consisting of members of the Commission. These Committees assist staff in refining plans and issues before them, and report their findings to the Commission for action.

A. Standing Committees.

1. *Comprehensive Plan Committee*. This Committee reviews all elements and appendices of the Town of Hilton Head Island Comprehensive Plan, and other special studies or plans as directed by the Commission. This Committee will review the staff prepared periodic updates on implementation of the Comprehensive Plan and make timely recommendations to the Planning Commission.
2. *LMO Committee*. This Committee reviews all proposed amendments to the Land Management Ordinance.
3. *CIP Committee*. This Committee reviews the Capital Improvements Program in light of the implementation of the Comprehensive Plan.
4. *Rules of Procedure Committee*. This Committee reviews and recommends revisions to these Rules of Procedure as may be needed.
5. *Nominating Committee*. This Committee is formed by appointment by the Chairperson with confirmation of the Committee members by the Commission, no later than the first meeting in the month of June of each year. This Committee shall

recommend a slate of officers for the coming year, and shall report their recommendation to the Commission at the election. In the event the Committee fails to recommend the appointees, the slate of officers shall be elected by the members of the Commission. The Commission may decide to not elect a nominating Committee, instead holding the election of officers by accepting all nominations from the floor during the election.

A majority vote is normally required to be elected to office. If no one in an election receives a majority vote, the vote must be repeated until one of the candidates does get a majority. Votes can be taken by secret ballot or show of hands if there is more than one candidate.

B. Membership of Committees.

1. No Committee shall have more than four regular members.
2. The Chairperson of the Commission shall sit as an Ex-officio member on all Committees except the Nominating Committee. The Chairperson may be a member of the Nominating Committee with voting privileges.
3. Committee members are responsible for attending Committee meetings in accordance with these Rules of Procedure.

C. Referral Back to Committee.

The Planning Commission may refer an agenda item back to a Committee for further review no more than two times after it has been sent to the full Commission for action.

D. *Ad Hoc* Committee.

From time to time Town Council may establish an *ad hoc* committee with its membership and charge determined by Town Council and such committee may be designated a committee of the Planning Commission with duty to report regularly to the Planning Commission and periodically to Town Council.

Article V
Meetings and Quorum

Section 1. Regular and Special Meetings.

A. Meeting Schedule. An annual schedule of regular meetings of the Commission shall be adopted, published and posted at the Town Government Center in December of each year.

B. Regular Meetings. On the first and third Wednesday of each month, the Commission may hold a regular meeting to take action on such items as applications, ordinance amendments, map amendments or projects as set forth in Chapter 2 of the LMO. A Public Hearing may be required as part of these meetings as provided in Chapter 3 of the

LMO. The Commission may also conduct a regular meeting as a work session on certain projects and other business to allow for discussion of a project or for training of the Commissioners.

C. Special Meetings. Other special meetings may be called by the Chairperson of the Commission, or by majority vote of the Commission, upon 24 hours notice that is posted and delivered to all members of the Commission and to the local media.

Section 2. Quorum.

A majority of the members of the Commission or a majority of a Committee shall constitute a quorum for that body. A quorum shall be present on each agenda item before any action is taken by the Commission or Committee. If there is lack of a quorum of the Commission, the agenda item may be discussed by those members present; however, no action shall be taken and the item will be rescheduled to the next meeting. If there is a lack of a quorum of a Committee, the item may be discussed by those members present and they may forward their comments to the full Commission at their next meeting. Since Committees are advisory in nature, the Commission Chairperson may take the submitted Committee comments, note in the record that they represent comments from individual members and not the full Committee, and may then decide to take action on the project or remand the project back to the Committee for a full Committee recommendation.

The Secretary will notify the Chairperson in the event projected absences will result in the lack of a quorum.

If a quorum is initially established at a meeting, then a member leaves, the quorum is no longer present. In such an event, transaction of substantive business will not continue for lack of a quorum and the item will be postponed to the next meeting.

Article VI
Meeting Administration

Section 1. Media Notices.

The Secretary shall give the notice required by statute or ordinance for all meetings of the Commission and Committees to include LMO Section 16-3-110 and 16-2-203D.

Section 2. Agenda.

A written agenda shall be furnished by the Secretary to each member of the Commission and media. An agenda may be changed at the related meeting by a majority vote of the members present. Any agenda item which requires a public hearing shall be so noted on the agenda and publicly announced at the scheduled meeting. Generally, the agenda should contain:

1. Call to Order;
2. Pledge of Allegiance to the Flag;
3. Roll Call;
4. Freedom of Information Act Compliance;
5. Use of Cellular Telephone Prohibited;
6. Approval of Agenda;
7. Approval of Minutes;
8. Appearance by Citizens for Items Not on Agenda;
9. Unfinished Business;
10. New Business;
11. Commission Business;
12. Chairperson's Report;
13. Committee Reports;
14. Staff Reports;
    a. Subdivision Report with summaries of pending subdivision plan applications;
    b. Others; and
15. Adjournment.

Section 3. Minutes.

A. Meetings. Minutes of meetings is governed by the Code of South Carolina Sections 30-4-70 through 30-4-90. Minutes of each Commission and Committee meeting shall be recorded by the Secretary and approved at the next available meeting after their preparation. Minutes of the Commission shall be sent to the Town Council and distributed to the Commission. Final approved Minutes shall be available on microfilm for previous years, and may be posted on the Town's Web site for public information.

B. Minimum Contents of Minutes.

1. Kind of meeting (regular, working or special).
2. Name of the organization.
3. Date and place of the meeting.
4. Presence of the Chairperson and Secretary or the names of substitutes.
5. Presence of a quorum.
6. Names of all members present.
7. Names of all those elected or appointed in appearance, including Town Council members.
8. Time the meeting was called to order.
9. Whether the minutes of the previous meeting were approved or corrected.
10. All adopted and defeated motions. (Withdrawn motions need not be recorded.)
11. Name of the maker of the motion.
12. Record the vote of each member upon each motion, or, if absent or failing to vote, indicating that fact.
13. Record reason for a member voting against the motion.

14. The adjournment and the time of adjournment.
15. Attached reports.

C. **Lack of Quorum.** If there is lack of a quorum of the Commission or a Committee, minutes may be recorded but shall include a statement in the header of each page indicating that a quorum was not present and the minutes are not official. Such minutes shall not be approved by the Commission or Committee at a later meeting.

D. **Motions**. Motions must be recorded verbatim.

Article VII
Meeting Organization

Section 1. Regular Meetings.

The below sequence shall generally be followed:

1. The Chairperson introduces the agenda item by reading its description on the agenda;
2. Staff presents the item and their recommendation to approve, approve with conditions, or disapprove;
3. If the item involves an application, the Applicant, his attorney, or agent may make remarks;
4. At the discretion of the Chairperson, comments from the public may be received on the agenda item. (Public comment is not required during these types of meetings; only during a public hearing.)
5. Staff may speak to clarify the issue.
6. If the item involves an application, the Applicant, his attorney, or agent shall have the right to reply last;
7. Motion and discussion by the Commission;
8. Clarification from Staff, if necessary; and
9. Vote by the Commission.

Section 2. Public Hearings.

The below sequence shall be followed:

1. The Chairperson *declares the Public Hearing open* after reading the item on the agenda;
2. Staff presentation of the application or proposal and their recommendation to approve, approve with conditions, or disapprove;
3. The Applicant, his attorney, or agent may make remarks;
4. Comments from the public. No person shall speak for more than five minutes without the consent of the Commission Chairperson. All questions will be posed by members of the Commission. The Chairperson asks the public to approach the podium and speak their name into the microphone for the record. The Chairperson has a right to get the speaker

'back on track.' The Chairperson has the right to limit the number of times a member of the public may speak.

5. The Applicant, his attorney, or agent shall have the right to reply last. The Chairperson has the right to limit the number of times the Applicant, his attorney, or agent may speak.
6. No member of Staff, the public, or the Commission shall be subjected to cross-examination by the Applicant, his attorney, or his agent.
7. The Chairperson *declares the public hearing closed*. No other comment from the public should be allowed after the closing of the public hearing.
8. Motion and discussion by the Commission. Motions should not be made until the hearing on the issue is closed and the Commission then discusses the information they have heard, deliberates, and a motion is made.
9. Clarification from Applicant, if necessary;
10. Clarification from Staff, if necessary; and
11. Vote by the Commission.

Section 3. Recess.

A recess shall be declared as deemed appropriate by the Chairperson or by majority vote of the Commissioners present at the meeting.

Section 4. Executive Session.

Executive Session is a meeting at which the proceedings are closed to the public. A member can be punished under disciplinary procedures if he violates the secrecy of an executive session. Any non-members permitted to be present in Executive Session are honor-bound not to divulge anything that occurred or that was discussed in Executive Session.

Permitted reasons for Executive Session are:

1. Personnel reasons
2. Contracts
3. Legal advice relating to a pending, threatened or potential claim(s)
4. Discussion regarding development of security personnel
5. Investigative proceedings regarding allegations of criminal misconduct
6. Economic development (specific criteria in FOIA)
7. Other specific criteria contained in the FOIA).

Entering and Adjourning an Executive Session:

1. A motion to close the current meeting and go into executive session is made and passed by a majority vote;
2. Chairperson must announce the specific purpose of the executive session;
3. No formal action may be taken in executive session except to:
    a. Adjourn

b. Return to public session

The Commission can request attendance by non-members as they deem appropriate.

Section 5. Submission of Additional Information.

1. The Staff, Applicant, proponents or opponents may submit additional information on the item scheduled to be on the agenda. ~~at the discretion or request of the Chairperson of the Commission. However, any additional material submitted after the mailing of the agenda and Meeting Packet may result in a postponement of the Commission action until a future date.~~ Any additional material must be submitted to the Secretary of the Commission and received by the Secretary no later than four business days prior to the hearing date. This material shall be sent by the Secretary to the Commission the next day.
2. If a party makes a request to submit additional information less than four days prior to the hearing date, a majority vote of the Planning Commission members present at the meeting where the request is considered shall be required in order for the material to be considered. If the Planning Commission deems it necessary in order to give the additional material adequate consideration, they may make the acceptance of the material contingent upon postponing the hearing until a later date.
3. Written materials or other communication sent directly to the Commission Members shall not be considered by the member or the Commission. This is **to ensure** ~~so~~ that the Staff and the Planning Commission have adequate ~~proper~~ time to review and consider the additional material ~~submission~~, and to ensure that all Commission members receive the same information.

Section 6. Communication (Written or Oral) with Outside Parties.

1. Once a decision or action has been rendered by the Commission on any agenda item, discussions between Commission members and applicants and their attorneys on that agenda item should no longer take place. All further communications should be handled through the Town Attorney.
2. Communication with non-Commission members on behalf of the Commission on any matter will be at the discretion of the Chairperson or by a majority vote of the majority of the members.
3. Commission members shall refrain from discussing a pending agenda item with the Applicant, his Attorney, or his Agent prior to the scheduled public meeting. Commission members shall refrain from discussions other than administrative matters regarding a pending agenda item with staff prior to the public meeting. All discussion of a pending matter before the Commission shall take place in the public meeting. This is to avoid the appearance of improper ex parte communications and comply with the Freedom of Information Act.

Section 7. Communication (Written or Oral) among Commission Members.

All discussion of agenda items among Commission Members, with the exception of administrative matters, is to be conducted only during the public meeting and not prior to the meeting or during recesses.

Section 8. Postponement of Agenda Items.

At the Chairman's discretion, no scheduled agenda item may be postponed by the Applicant, his Attorney, or Town Staff for more than one meeting without reasonable cause. If an Applicant, his Attorney or Town Staff is denied a postponement of a scheduled agenda item, they may withdraw the application. Nothing shall prevent refiling of the application at a later date.

Article VIII
Procedures for Hearing an Appeal

The following procedures shall be applicable in the presentation of an Appeal from a decision of any Administrator:

Section 1. Jurisdiction.

Once an appeal has been accepted by the Planning Commission, the jurisdiction of the Administrator shall cease.

Section 2. Presentation of the Appellant, Town Staff and Applicant.

1. Staff shall have a maximum of twenty (20) minutes to present the facts and applicable legal principles that the Staff believes support the position of Staff with respect to the Appeal. During the presentation by Staff, members of the Planning Commission may ask such questions as they deem appropriate. At the discretion of the Chairman, Staff's time may be extended if the Staff is unable to complete the presentation due to questioning from the Planning Commission.
2. The Appellant shall have a maximum of twenty (20) minutes to present the facts and applicable legal principles that the Appellant believes support the position of Appellant with respect to the Appeal. During the presentation by Appellant, members of the Planning Commission may ask such questions as they deem appropriate. At the discretion of the Chairman, Appellant's time may be extended if the Appellant is unable to complete the presentation due to questioning from the Planning Commission.
3. The Party in Interest, if other than the Appellant, shall have a maximum of twenty (20) minutes to present the facts and applicable legal principles that the Party in Interest believes supports the Application that is the subject of the Appeal. During the

presentation by the Party in Interest, members of the Planning Commission may ask such questions as they deem appropriate. At the discretion of the Chairman, the Applicant's time may be extended if the Party in Interest is unable to complete the presentation due to questioning from the Planning Commission.

4. The party that presents their case first shall have a maximum of five (5) minutes to present any desired rebuttal.
5. Following the presentation, the Planning Commission may ask such additional questions of the Appellant, Party in Interest or Staff as the members deem appropriate.
6. Either party may call witnesses to testify regarding facts related to the appeal case. Witnesses shall be sworn in by the Chairperson.
7. The Planning Commission may subpoena witnesses and in the case of contempt may certify such fact to the Circuit Court having jurisdiction over such matters.
8. Public comment is not normally permitted in a case involving an appeal.

Section 3. Vote on the Appeal.

Following the presentation by all parties as set forth above, the Planning Commission, upon a Motion duly made and seconded, shall vote on the Appeal.

1. Pursuant to the provisions of Section 6-29-1150, *South Carolina Code of Laws* and Section 16-3-607, *Code of the Town of Hilton Head Island, South Carolina*, the Planning Commission shall:

   a) Approve the Staff Action on the land development plan from which the Appeal was taken; or,
   b) Modify the Staff Action on the land development plan from which the Appeal was taken, and to that end, the Planning Commission shall have authority to impose any conditions on the Land Development Plan authorized by law; or,
   c) Reverse the Staff Action on the land development plan from which the Appeal was taken.

2. The Motion shall contain, at a minimum, a finding of those facts which the member making the Motion deems material to the decision.
3. Following the Vote, the Planning Commission shall issue a written Notice of Action. The written notice of action shall include the decision as well as the findings of fact and conclusions of law, if any, adopted by the Planning Commission.
4. The Notice of Action shall be mailed by certified letter to the Appellant and Applicant affected by the Appeal, if different from that of the Appellant.
5. The decision of the Planning Commission shall be deemed final and applicable upon mailing of the Notice of Action.

The certificate of mailing shall be made a part of the Planning Commission's file on the Appeal.

Article IX
Conducting the Meeting

The Chairperson:

1. Is responsible for maintaining order.
2. Should begin the meeting promptly at the scheduled hour if a quorum is present.
3. Should have a well prepared agenda and follow it.
4. Should be familiar with these Rules of Procedure.
5. Keeps the Commission working together by explaining procedure clearly and communicating the next order of business. If a motion is confusing, it is his duty to clarify it. This may mean helping a member rephrase a motion or requiring that a long motion be submitted in writing.
6. "Assigns" the floor by recognizing those members who wish to speak by calling them by name. No other member may interrupt or call out remarks without being out of order. Private discussion between Commission or Committee members while another has the floor is out of order and disruptive members should be reminded of this rule.
7. Should impartially call on members of the public wishing to speak. He should give such members on both sides of an issue an opportunity to speak.
8. Should remain calm and objective, keeping the meeting moving. A sense of humor and a smile can often save the day!
9. Should always restate the motion before taking a vote. If a motion is confusing, it is the Chairperson's duty to clarify it – rephrasing it or putting a long motion in writing. (Complex motions may be brought to the meeting pre-written.) The motion is said to be pending once it has been stated by the Chairperson. It must be disposed of in some manner before other business can be considered.
10. States, "Since there is no second, the motion is not before this meeting," if a motion fails to get a second.
11. Opens debate by saying "Is there any discussion?" The Chairperson *must* open all debatable questions to debate.
12. May take part in the discussion and vote on the issue. The Chairperson should not dominate the discussion, but seek to involve everyone's comments in an equal and impartial manner.
13. May make a motion by passing the gavel to the Vice-Chairperson or designee who will then preside over the issue.
14. Recognizes members who wish to speak by stating their names.
15. Puts the question to vote. The vote is taken in the following way:
    a. The Chairperson restates the motion – keeping the members clear about the purpose of the vote.
    b. "All in favor of the motion please say aye…..those opposed say no."
16. Announces the result of the vote by interpreting the action taken.
17. Should not allow irrelevant discussion. Restate the question and, if necessary directly request the member to "confine his remarks to the pending question."
18. Should use the gavel sparingly, tapping it once to open and close the meeting.

19. Can assist a member in making a motion.
20. Should not make the motion unless it is a small Committee.
21. Can adjourn the meeting without a motion by stating "If there is no further business and there is no objection, the meeting will be adjourned. There being no objection, the meeting is adjourned."

Article X
Commission Actions

Section 1. Motions.

Main Motions	**A main motion is defined as a proposal that certain action is taken or an opinion be expressed by the group.** The words to use are: "I Move."
Secondary Motions	**A secondary motion is one which can be made *while* the main motion is on the floor and *before* it has been decided.** Secondary motions are divided into three classes which relate to their use in parliamentary procedure. Those classes are: o Subsidiary motions o Privileged motions o Incidental motions
Subsidiary Motions	**Subsidiary motions relate directly to the motion on the floor. They may change the words, send it to a Committee, delay it, etc**. They are designed to expedite business by disposing of the pending motion other than by adopting or rejecting it. *Subsidiary motions are the class of motions most frequently used in meetings*. These motions have rank (order of precedence of motions) among themselves. A motion of higher rank can be made while a motion of lower rank is on the floor. The lower rank motion "yields" to the higher rank motion. (Motion to postpone has higher rank than the motion to commit and takes precedence. If motion to postpone is adopted, the main motion and the motion to commit are postponed until the next meeting.)
Privileged Motions	**Privileged motions are motions of an emergency nature,** such as to recess or adjourn. They do not relate to the motion on the floor but to the welfare of the group. They are of high rank and must be handled before any other business that may be pending.
Incidental Motion	**Incidental motions are procedural**. They deal with process, such as enforcing proper procedure, correcting errors, verifying votes, etc. When introduced, they must be decided before business can resume.
Amending Motion	General consent can be used with amendments to motions if the Chairperson feels the group will accept the amendment. "If there is no objection, the motion is so amended." *Restate the motion*.
Motions Commit	Have precedence over the motion to amend. **More than one motion can be on the floor but only one question.** All pending motions must relate to the main motion on the floor. No new business may be introduced.
Point of Order	Motion used if a Commission member feels the Chairperson is failing to operate within the rules.

Restorative Motions or Motions that Bring Back a Question

Restorative Motion	**Allows a group to change its mind.** o They are a separate category because of their contradiction to the parliamentary rule that once a question has been decided it cannot be brought up again at the same meeting. o Within limits, members have the right to rethink a situation if they feel their decision has been made too quickly or without enough information. o The two most commonly used restorative motions are: ***Rescind*** and ***Reconsider***.

Rescind	**Rescind is the motion to use to quash or nullify a previously adopted motion.** It may strike out an entire motion, resolution, bylaw, etc. o Rescind is *not in order* when any action has already been taken as a result of the vote, such as any kind of contract when the other party has been notified. o It must be seconded. o It requires a *two-thirds* vote unless *notice has been given* at the previous meeting, either verbally or in writing. If notice has been given, the motion requires only a *majority* vote.
Reconsider	**Reconsider is the motion which allows a group to reconsider the vote on a motion**. It enables a majority of the members, within a limited time, to bring back a motion for further consideration after it has been acted upon. Its purpose is to prevent hasty or ill-advised action. o Reconsider has special rules to prevent its abuse by a disgruntled minority, since it allows a question already decided to be brought up again. o Rules limit who can make the motion. **It can only be made by someone who voted on the *prevailing* (winning) side.** o **It has a *time limit*. It must be made on the *same day* that the vote to be reconsidered was taken.** o It requires a second. o It may be debated and it opens up the motion to which it is applied to debate. o It requires only a majority vote. o It may be made and seconded while other business is pending because of its time limit. However, it is not debated and voted on until the business on the floor is completed. o All action that might come out of the original motion is stopped at the time that reconsider is made and seconded. This is the main value of the motion, and it should be made as quickly as the situation calling for it is recognized.
Amend a Motion	**Change the wording to make it clearer, more complete, or more acceptable *before the motion is voted upon*.** The amendment must be germane to the motion on the floor to be in order. Adoption of the amendment does not adopt the motion. If the group votes "no" on the amendment, the motion is on the floor in its original wording.
Amend an Amendment	First amendment is called the primary and the amendment to the amendment is the secondary amendment. Only two amendments may be pending at any time. First vote on the amendment to the amendment (secondary), then vote on the original amendment (primary), then vote on the main motion. Amendments require a majority vote.
Friendly Amendments	Change in wording to enhance the original motion – can be changed by general consent.
Hostile Amendments	Gives a different meaning to a motion and may defeat the intent of the main motion.
To Commit or Refer a Motion	Sends the question to a small group (Committee) to be studied and put into proper form for the group to consider. Motion includes specific directions as to where the question ought to go (what Committee). Motion can be applied to any main motion with any amendments that may be pending. It must be seconded, it can be debated, and requires a majority vote.
Postpone	**Delays action on a question until later in the same meeting or until the next meeting**. *A motion cannot be postponed further than the next regular meeting*. Can be applied to all main motions, it must be seconded, it can be debated, it can be amended (as to time of the postponement), it requires a majority vote. Motion is called up automatically when the time to which it was postponed arrives (place under Unfinished Business on agenda of next meeting).
Limit Debate	**Motion to exercise special control over debate** – reducing the number and length of speeches allowed. Used with any motion, must be seconded, is not debatable, can be amended (but only as to the length of speeches or when the vote will be taken), requires 2/3 vote, vote must be taken by show of hands or a rising vote in a large group. (Need a timekeeper and timer if speeches have a time limit.)

Previous Question	**The motion used to cut off debate and to bring the group to an immediate vote on the pending motion. (Call the question for an immediate vote).** Previous question can be ruled out of order if the motion is debatable and has not received debate. Motion requires 2/3 vote (by show of hands or standing vote). Not debatable.
Postpone Indefinitely	Lowest-ranked subsidiary motion is used to kill a main motion. It avoids a direct vote on the question on the floor. Shouldn't be used.
Lay on the Table	Highest-ranked subsidiary motion. Cannot be amended or debated. It is out of order when used to "kill or avoid dealing with a measure". **Was designed as a courtesy motion to allow a group to set aside a question for something more important, such as arrival of a speaker.**
Withdraw a Motion	**Permission to withdraw a motion allows a member who realizes he has made a hasty or ill-advised motion to withdraw it with the consent of the group**. This device saves time in disposing of the motion. The presiding officer usually handles the request by use of general consent.
Dilatory Tactics	A dilatory tactic is the misuse of parliamentary procedure to deliberately delay or prevent action in a meeting. It is the duty of the presiding officer to prevent a dissident minority from misusing legitimate forms of motions to obstruct business. Such motions should be ruled out of order or those members engaged in such game playing should not be recognized.

Section 2. Voting.

A. General. A Commissioner must be present to vote. Each Commissioner, including the Chairperson, shall vote on every question before the Planning Commission unless disqualified by law. The Chairperson, who sits as an ex-officio member of all Committees, shall not vote on any question before any Committee. However, the Chairperson may be a member of the Nominating Committee with voting privileges.

B. Disqualification. The question of disqualification shall be decided by the Commissioner affected, who shall announce the reason for disqualification, give it to the Chairperson in writing, and have it placed in the minutes of the meeting. Any Commissioner so disqualified shall leave the dais while the disqualifying matter is being considered and refrain from deliberating or voting on the question.

C. Reason(s) for "No" Votes. If the Commission's determination by vote is reached by other than a unanimous vote, each Commissioner voting "No" shall state, and the Secretary shall record in the minutes, the reason(s) for the "No" vote.

D. Types of Votes.

Majority Vote	• **More than half of the votes cast.** • The minority has the right to be heard, but once a decision has been reached by a majority of the members present and voting, the minority must then respect and abide by the decision.
Silence is Consent	Those members who do not vote, agree to go along with the decision of the majority by their silence.
Two-thirds Vote	**A two-thirds vote is necessary whenever you are limiting or taking away the rights of members or whenever you are changing something that has already been decided.** A two-thirds vote has at least twice as many votes on the winning side as on the losing side. A show of hands should be taken for *all* motions requiring a *two-thirds vote*. If a motion requires a two-thirds vote, the Chairperson should inform the group of that.
General Consent	**Is an informal agreement of the group, the method in which action is taken without a formal vote or on occasion without a motion.** The Chairperson initiates the procedure to expedite business. Usually done to approve and correct the minutes. • The presiding officer always pauses after asking if there is any objection. If there is *any* objection, the matter is put to a vote in the usual way. • A member may object because he feels it is important to have a formal vote and dispel any suspicion of railroading.

Article XI
Finances and Personnel

Section 1. Expenditures.

Reimbursement for expenses incurred in the performance of official duties approved in advance by the Town's Community Development Director shall be made to members of the Commission upon submission of vouchers supported by receipts.

Section 2. Staff or Consultants.

The Commission may recommend to Town Council the need for hiring additional staff personnel or consultants needed to assist the Commission in completing its duties.

For the Planning Commission
Town of Hilton Head Island, South Carolina

By: _____
Its Chairperson

Date of Approval: