



**Town of Hilton Head Island
Special Planning Commission Meeting
Wednesday, September 24, 2014
3:00 p.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. Staff Report**
Update on 2015 Beach Renourishment
Presented by: Scott Liggett, Director of Public Projects and Facilities/Chief Engineer
- 7. New Business**
Public Hearing
LMO Rewrite – A public hearing to review any proposed changes to the draft LMO Rewrite document made by Town Council at their meetings on September 2nd and September 16th, 2014. *Presented by: Tom Crews, Chairman of the LMO Rewrite Committee*
- 8. 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

Community Development Department

TO: Planning Commission
FROM: Teri B. Lewis, *AICP, LMO Official*
CC: Jayme Lopko, *AICP, Senior Planner and Planning Commission Coordinator*
DATE: September 17, 2014
SUBJECT: Review of Town Council Recommended Changes to the Draft LMO

Recommendation: It is recommended that the Planning Commission consider the revisions to the proposed LMO, made by the Town Council at its meeting of September 2, 2014, and that it forward the revisions to Town Council with a recommendation of approval as part of the new LMO.

On June 25, 2014, the Planning Commission approved a draft LMO and forwarded the same to Town Council with its recommendation for approval and adoption.

Town Council met on September 2, 2014, and voted 6-1 on first reading to recommend adoption of an Ordinance adopting the new LMO, with certain changes that were voted on and approved by Town Council.

Town Council met on September 16, 2014, and reviewed the revised proposed LMO that includes the changes as voted on by Town Council at its meeting of September 2, 2014. At the September 16, 2014, meeting, Town Council voted 4-2 to approve on revised first reading an Ordinance adopting the new LMO.

Summary: On September 2, 2014, Town Council recommended a variety of changes to the draft LMO documents. Revisions were made to the language of the draft LMO to incorporate Town Council's changes to the draft LMO, and the revised proposed LMO was then submitted to, and approved by, Town Council on September 16, 2014. The changes from the draft LMO as recommended by the Planning Commission on June 25, 2014, are summarized in Exhibit A and include modifications to the following sections:

- Hearing Notice Requirements
- Coligny Resort District
- Mitchelville District
- Planned Development Mixed-Use District
- Resort Development District
- Sea Pines Circle District
- Waterfront Mixed Use District
- Principal Use Table
- Telecommunication Facilities standards
- Hotel standards

- Liquor store separation standards
- Tattoo facility separation standards
- Adjacent use setback standards
- Specimen tree standards
- The addition of definitions related to Interval Occupancy
- Application Deadlines

These changes are reflected in the attached Exhibit B. Additions to the text as recommended by the Planning Commission on June 25, 2014, are marked by double underline and yellow highlighting; and deletions from the text as recommended by the Planning Commission on June 25, 2014, are marked by strike through.

Background: At its 2010, 2011, 2012 and 2013 Strategic Planning Workshops, the Town Council adopted a goal of redrafting the Town's existing Land Management Ordinance and Official Zoning Map to reflect the needs and expectations of the Town's residents, business community and visitors, and to ensure that the Town remains a viable and attractive place to live, work and visit. The Town Council adopted a resolution on March 1, 2011 establishing the "LMO Rewrite Committee" and establishing a plan for a comprehensive review and rewrite of the Land Management Ordinance and Official Zoning Map. The LMO Rewrite Committee met more than 80 times over a three year period to determine what changes were needed to the Land Management Ordinance and the Official Zoning Map and drafted a proposed Land Management Ordinance and a proposed Official Zoning Map.

EXHIBIT A – EXPLANATION OF CHANGES

p. 2-6

Town Council approved the following change from the LMO as approved by the Planning Commission on June 25, 2014: That hearing notice requirements for appeals to the Planning Commission be added to Table 16-2-102.E.2. This section was inadvertently left out of the original document.

p. 3-23

Town Council approved the following change from the LMO as approved by the Planning Commission on June 25, 2014: That Interval Occupancy (timeshare) use be added back into the LMO as a standalone use permitted by right in certain districts rather than treated as a multifamily use and allowed anywhere multifamily is allowed. This change indicates that Interval Occupancy is allowed in the Coligny Resort (CR) district by right.

p. 3-40

Town Council approved the following change from the LMO as approved by the Planning Commission on June 25, 2014: That Interval Occupancy (timeshare) use be added back into the LMO as a standalone use permitted by right in certain districts rather than treated as a multifamily use and allowed anywhere multifamily is allowed. This change indicates that Interval Occupancy is allowed in the Mitchelville (MV) district by right.

p. 3-44

Town Council approved the following change from the LMO as approved by the Planning Commission on June 25, 2014: That Interval Occupancy (timeshare) use be added back into the LMO as a standalone use permitted by right in certain districts rather than treated as a multifamily use and allowed anywhere multifamily is allowed. This change indicates that Interval Occupancy is allowed in the Planned Development Mixed-Use (PD-1) district if it is shown on the associated master plan. If Interval Occupancy is not shown as a use on the master plan, a zoning map amendment would be required before the use would be allowed.

p. 3-47

Town Council approved the following change from the LMO as approved by the Planning Commission on June 25, 2014: That Interval Occupancy (timeshare) use be added back into the LMO as a standalone use permitted by right in certain districts rather than treated as a multifamily use and allowed anywhere multifamily is allowed. This change indicates that Interval Occupancy is allowed in the Resort Development (RD) district by right.

pp. 3-49 – 3-50

Town Council approved the following change from the LMO as approved by the Planning Commission on June 25, 2014: That Resort Accommodations uses be deleted from the Sea Pines Circle (SPC) district. It was determined that these uses were better accommodated in other districts.

p. 3-54

Town Council approved the following change from the LMO as approved by the Planning Commission on June 25, 2014: That Interval Occupancy (timeshare) use be added back into the

LMO as a standalone use permitted by right in certain districts rather than treated as a multifamily use and allowed anywhere multifamily is allowed. This change indicates that Interval Occupancy is allowed in the Waterfront Mixed Use (WMU) district by right.

p. 4-4

The revised Use Table reflects the addition of Interval Occupancy as a by right use in the CR, MV, RD and WMU zoning districts. It also reflects that Resort Accommodation uses have been deleted from the SPC zoning district.

pp. 4-7 – 4-10

It is recommended that changes be made to the specific use standards for Telecommunication Facilities. These changes were recommended after discussions with members of the Telecommunications Task Force.

p. 4-10

Town Council approved the following change from the LMO as approved by the Planning Commission on June 25, 2014: That hotels in the Light Commercial (LC) and Main Street (MS) districts have no direct access to major arterials. The rationale is principally driven by traffic/egress and ingress concerns, but also, for aesthetic concerns related to signage, lighting and generic architecture and the protection of the corridor's edge conditions.

p. 4-15

Town Council approved the following change from the LMO as approved by the Planning Commission on June 25, 2014: That the language establishing separation requirements between liquor stores and between liquor stores and residential zoning districts be retained from the current LMO.

p. 4-16

Town Council approved the following change from the LMO as approved by the Planning Commission on June 25, 2014: That the separation requirement between tattoo facilities be retained from the current LMO.

p. 5-5

Town Council approved the following change from the LMO as approved by the Planning Commission on June 25, 2014: That the flexibility for the Official to eliminate the adjacent use setback between two parcels that function together be added to the LMO. This section, which is in the current LMO, was inadvertently left out of the document.

p. 6-17

Town Council approved the following change from the LMO as approved by the Planning Commission on June 25, 2014: That the specimen sizes for various pine trees stay as they are in the current LMO.

p. 10-10

Town Council approved the following change from the LMO as approved by the Planning Commission on June 25, 2014: That Interval Occupancy (timeshare) use be added back into the LMO as a standalone use permitted by right in certain districts rather than treated as a multifamily

use and allowed anywhere multifamily is allowed. This section provides a definition for Interval Occupancy.

p. 10-31

Town Council approved the following change from the LMO as approved by the Planning Commission on June 25, 2014: That Interval Occupancy (timeshare) use be added back into the LMO as a standalone use permitted by right in certain districts rather than treated as a multifamily use and allowed anywhere multifamily is allowed. This section provides a definition for Interval Occupancy Unit.

pp. D:23 - D:24

Town Council approved the following change from the LMO as approved by the Planning Commission on June 25, 2014: That application deadlines be made a part of Appendix D, Application Submittal Requirements. This section was inadvertently left out of the original document. The changes reflect new deadlines established in Chapter 2 of the new LMO.

EXHIBIT B – REVISED LMO PAGES

Chapter 16-2: Administration
Sec. 16-2-102. Standard Review Procedures

TABLE 16-2-102.E.2: HEARING NOTICE REQUIREMENTS

APPLICATION OR APPROVAL	NOTICE REQUIREMENT		
	PUBLISHED NOTICE	MAIL NOTICE	POSTED NOTICE
	hearing date	owners of record of properties within 350 feet of the subject land ^{1,2} , no less than 15 calendar days before the hearing date	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 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
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 Administrative Decisions and Written Interpretations 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 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
<u>Appeal of Official's Decision to Planning Commission</u>	<u>Publish notice of the hearing no less than 15 calendar days before the hearing date</u>	<u>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</u>	<u>None</u>

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

B. Coligny Resort (CR) District

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 ¹	
Residential Uses				
Mixed-Use	PC	Sec. 16-4-102.B.1.a	Residential	1.125 per du
			Nonresidential	1 per 650 GFA
Multifamily	PC	Sec. 16-4-102.B.1.b	1 bedroom	1 per du
			2 bedroom	1.25 per du
			3 or more bedrooms	1.5 per du
			Nonresidential	1 per 650 GFA
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
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	
Interval Occupancy	P		1 bedroom	1 per du
			2 bedrooms	1.25 per du
			3 or more bedrooms	1.5 per du

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	
Interval Occupancy	P		1 bedroom	1 per du
			2 bedrooms	1.25 per du
			3 or more bedrooms	1.5 per du
Commercial Recreation				
Indoor Commercial Recreation Uses	P		1 per 3 persons + 1 per 200 GFA of office or similarly used area	

K. Planned Development Mixed-Use (PD-1) District

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 Developments** (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	
Resort Accommodations				
Interval Occupancy	P		1 bedroom	1 per du
			2 bedrooms	1.25 per du
			3 or more bedrooms	1.5 per du
Commercial Recreation Uses				
Outdoor Commercial Recreation Uses Other than Water Parks	PC	Sec. 16-4-102.B.5.b	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.d	1 per 200 GFA	
Liquor Stores	PC	Sec. 16-4-102.B.7.g	1 per 200 GFA	

L. Resort Development (RD) District

<h1 style="margin: 0;">RD</h1> <h2 style="margin: 0;">Resort Development District</h2>				
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	
Interval Occupancy	P		1 bedroom	1 per du
			2 bedrooms	1.25 per du
			3 or more bedrooms	1.5 per du
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.b	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	

M. 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.

Changes made to the Sea Pines Circle District:

-Deleted Resort Accommodations use category which means that Bed & Breakfast and Hotel uses will not be permitted in this district.

-Deleted the density associated with Hotels

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
			Nonresidential
Multifamily	P		1 bedroom
			2 bedroom
			3 or more bedrooms
Public, Civic, Institutional, and Educational Uses			
Community Service Uses	P		1 per 400 GFA
Education Uses	P		Colleges and High Schools
			Elementary and Junior High/Middle Schools
			Other Education Uses
Government Uses	P		Fire Stations
			Other
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
Commercial Recreation			
Indoor Commercial Recreation Uses	P		1 per 3 persons + 1 per 200 GFA of office or similarly used area
Office Uses			
Contactors' 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

Chapter 16-3: Zoning Districts
Sec. 16-3-105. Mixed-Use and Business Districts

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.d	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.d	
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%
Nonresidential	10,000 GFA	Min. Open Space for Major Residential Subdivisions	16%

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.

O. Waterfront Mixed-Use (WMU) District

<h1 style="margin: 0;">WMU</h1> <h2 style="margin: 0;">Waterfront Mixed-Use</h2>				
1. Purpose				
<p>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.</p>				
2. Allowable Principal Uses				
USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses				
<i>Mixed-Use</i>	PC	Sec. 16-4-102.B.1.a	Residential	1.5 per du
			Nonresidential	1 per 500sf
<i>Multifamily</i>	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
<i>Single-Family</i>	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
<i>Cemeteries</i>	P		1 per 225 GFA of office area + 1 per 500 GFA of maintenance facilities	
<i>Community Service Uses</i>	P		1 per 400 GFA	
<i>Major Utilities</i>	SE		1 per 1,500 GFA	
<i>Minor Utilities</i>	P		n/a	
<i>Public Parks</i>	P		See Sec. 16-5-107.D.2	
<i>Religious Institutions</i>	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	
<i>Telecommunication Towers, Monopole</i>	PC	Sec. 16-4-102.B.2.e	1	
Resort Accommodations				
<i>Bed and Breakfasts</i>	PC	Sec. 16-4-102.B.4.a	1 per guest room	
<i>Hotels</i>	P		1 per guest room	
<u>Interval Occupancy</u>	P		<u>1 bedroom</u>	<u>1 per du</u>
			<u>2 bedrooms</u>	<u>1.25 per du</u>
			<u>3 or more bedrooms</u>	<u>1.5 per du</u>
Commercial Recreation				
<i>Indoor Commercial Recreation Uses</i>	P		1 per 3 persons + 1 per 200 GFA of office or similarly used area	
<i>Outdoor Commercial Recreation Uses</i> Other than <i>Water Parks</i>	PC	Sec. 16-4-102.B.5.b	Golf Courses, Miniature Golf Courses, or Driving Ranges	1 per tee
			Stadiums	1 per 4 spectator seats

- 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

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	PC	P		P	P	P	P	P	P	P	P			Sec. 16-4-102.B.1.b
Recreation Vehicle (RV) Parks																			P			
Single-Family			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.d
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	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			Sec. 16-4-102.B.4.b
Interval Occupancy									P				P			P			P			
COMMERCIAL RECREATION USES																						
Indoor Commercial Recreation Uses									P	P		P	P	PC	P	P		P	P			Sec. 16-4-102.B.5.a

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

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~~ **90** days after acceptance of a complete **application**.

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.

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 of **70 feet**.
- (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 of **50 feet**.
- (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.
- (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 it is demonstrated 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.
- (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 30 percent in the S 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 of 50 feet.~~
- (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, of 50 feet.~~ 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 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

[reserved]

4. Resort Accommodations

a. Bed and Breakfasts

- i. A **bed and breakfast** shall contain no more than ten guest rooms.
- ii. In the CR District, there shall be no guest rooms located on the first floor of any **bed and breakfast**.

b. Hotels

- i. **Hotels** located in the CR District shall have guest rooms with **gross floor area** no smaller than 100 square feet. Such rooms shall not be located on the first floor of any **hotel**.
- ii. **Hotels** in the **LC, MS and S Districts** shall not have direct vehicular **access** to a major arterial.

f. Landscape Businesses

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

A **liquor store** shall comply with the following locational restrictions:

- i. It shall not be located within 500 feet of an existing liquor store; and
- ii. It shall not be located within 200 feet of:
 01. A **religious institution**; or
 02. A residential district; or
 03. A public or private elementary or secondary school.
- iii. 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

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

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:

- 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

A **tattoo facility** shall comply with the following locational restrictions:

- i. **The site shall not be located within 500 feet of an existing tattoo facility:**
and
- ii. The site shall not be located within 1,000 feet of:
 - 01. A **religious institution**; or
 - 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**.
- iii. 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

a. Auto Rentals

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

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, 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.



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.
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.
4. The **Official** may waive the requirement for an adjacent use setback on determining that the proposed **development** and the **adjacent development** function as a single **development**.

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.

F. Specimen Tree Preservation

1. Specimen Tree Defined

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.

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		25-35
Longleaf and pond pines		15-25
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**.

2. Use Types and Definitions

Bed and Breakfast

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**.

Hotel

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**.

Interval Occupancy

The **use**, occupancy or possession of any real property or any interest in real property that is subject to either a "Vacation Time Sharing Ownership Plan" as that term is defined in S. C. Code Ann. § 27-32-10(7), or a "Vacation Time Sharing Lease Plan" as that term is defined in S. C. Code Ann. § 27-32-10(8), and which is authorized and governed by the terms of S. C. Code Ann. § 27-32-10, et seq.

E. Commercial Recreation Uses

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.

Improvement

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.

Interval Occupancy Unit

The "Accommodations" and "Facilities", as those terms are defined in S. C. Code Ann. § 27-32-10(1) and S. C. Code Ann. § 27-32-10(5) that are subject to any "Vacation Time Sharing Plan", as that term is defined in S. C. Code Ann. § 27-32-10(9).

Land

The earth, water, and air, above, below, or on the surface, and including any **improvements** or **structures** customarily regarded as land.

Land Disturbing Activity

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

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

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

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

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.

6. A copy of the proposed Mailed Notice as required by Sec. 16-2-102.E.

D-20. 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.

D-21. Appeals of Official's Decisions to Planning Commission

A. Submittal Requirements

An **application** for appeal shall consist of information necessary for the **Planning Commission** 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.

D-22. Appeals of Official's Decisions to Design Review Board

A. Submittal Requirements

An **application** for appeal shall consist of information necessary for the **Design Review Board** 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.

D-23. Application Deadlines

All **applications** shall be completed and submitted to the Administrator not less than the following number of days prior to the meeting at which the permit, appeal or approval will be considered.

<u>Permit or Approval Subject to Review By:</u>	<u>Submission Deadline</u>
<u>Administrator</u>	<u>None</u>
<u>Board of Zoning Appeals</u>	<u>30 days prior to meeting</u>

Application Submittal Requirements
Application Deadlines

Design Review Board	14 days prior to meeting
Planning Commission	30 days prior to meeting