



# Town of Hilton Head Island Planning Commission LMO Committee

Wednesday, September 23, 2015  
6:00 p.m. – Benjamin M. Racusin Council Chambers

## AGENDA

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

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. **Approval of Minutes** – Meeting held on September 9, 2013
4. **LMO Amendments** - The Town of Hilton Head Island is proposing to amend Chapters 2, 3, 4, 5, 6, 10 and Appendices A and D of the Land Management Ordinance (LMO) to revise the following sections: Section 16-2-102: to clarify which days count in the computation of Board and Commission related applications, Section 16-2-103.B – D: to require that Text Amendments, Zoning Map Amendments and PUD Zonings are sent back to Planning Commission only when the applicant requests a change to the application, Section 16-2-103.G: to return to the LMO the list of sections with which single-family structures have to comply, Section 16-2-103.I: to require all new development within the Corridor Overlay District to be reviewed by the Design Review Board (DRB) regardless of whether or not the proposed development is visible from an arterial street, Sections 16-3-105 & 16-4-102: to allow Group Living as a permitted use in the MS (Main Street) zoning district, Section 16-5-102: to apply the single-family setback only to the exterior subdivision boundary; to create flexibility from the setback requirements for Minor Subdivisions and Small Residential Developments, Section 16-5-103.B: to eliminate adjacent street buffers in the CR (Coligny Resort) zoning district, Section 16-5-103.E: to apply the single-family buffer only to the exterior subdivision boundary; to change the required buffer between a proposed single-family use and an existing other residential or commercial recreation use, Section 16-5-103.F: to provide a reference in the buffer section to the requirement for a buffer from a loading area, Section 16-5-103.I: to allow ornamental plants in certain areas when reviewed as part of a minor or major corridor review application, Section 16-5-105.F: to specify when a street is considered a cul-de-sac, Figure 16-5-105.H.6: to make the figure more accurately reflect the associated language in Section 16-5-105.H, Section 16-5-108: to permit LED lights, Section 16-5-109.B: to clarify that only new development (not redevelopment or site additions) of less than ½ acre is exempt from meeting the stormwater standards, Section 16-5-109.D: to clarify that all on-site impervious surfaces shall be used when calculating the on-site retention of the first inch of runoff, Section 16-5-112: to provide an exception to the limitation on fill

materials for critical facilities, Section 16-6-103: to allow, as the prior LMO did, the use of Mobi-mat for handicap access and a wooden deck not larger than 144 square feet in the dunes, Section 16-6-104: to allow flexibility for tree replacement during the development of single-family subdivisions, athletic fields, airport runways and golf courses, Section 16-10-101: to match the language in LMO Section 16-2-102.E.2.1, Section 16-10-105: to provide a definition for critical facilities, Appendix A. A-3 & A-4: to fix incorrect State Code section references, Appendix A. A-4.B: to delete the limitation on the number of design professionals on the DRB, Appendix D. D-6: to change the term ‘Administrator’ to ‘Official’, Appendix D. D-20: to return to the LMO the plat stamping requirements, Appendix D. D-20 – D-23: to re-number these sections, Appendix D. D-23: to clarify which days count in the computation of Board and Commission related applications.

## **5. Adjournment**

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

**TOWN OF HILTON HEAD ISLAND**  
**LMO Committee Meeting**  
**Monday, September 9, 2013 Meeting** **DRAFT**  
**6:00p.m – Benjamin M. Racusin Council Chambers**

Commissioners Present: Chairman Brian Witmer, David Bennett, Barry Taylor and Gail Quick, *Ex Officio*

Commissioners Absent: Terry Ennis

Other Commissioners Present: None

Town Council Present: None

Town Staff Present: Anne Cyran, Senior Planner  
Teri Lewis, LMO Official  
Kathleen Carlin, Secretary

**1. Call to Order**

Chairman Witmer called the meeting to order at 6:00p.m.

**2. Freedom of Information Act**

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.

**3. Approval of the Agenda**

The agenda was **approved** as presented by general consent.

**4. Approval of the Minutes**

The minutes of the January 16, 2013 meeting were reviewed by the committee but could not be approved due to the lack of a quorum.

**5. Unfinished Business**

None

**6. New Business**

**LMO Amendments** - The Town of Hilton Head Island is proposing to amend Chapter 4 of the Land Management Ordinance (LMO) to revise Section 16-4-1305 to remove the standard that auto sales are not permitted on sites within 1,500 feet of an existing residential use.

Ms. Anne Cyran made the presentation on behalf of staff. The staff recommended that the LMO Committee forward the proposed amendments to the Planning Commission with a recommendation of *approval*. Ms. Cyran presented a couple of large maps that showed the location of the only existing business that allows auto sales and the potential locations for allowing auto sales.

The staff recommends amending LMO Section 16-4-1305, Auto Sales, to remove the standard that sites where vehicles are sold cannot be located within 1,500 feet of an

existing residential use. This amendment will allow new development and redevelopment of sites in the Commercial Center (CC) and Light Industrial (IL) Zoning Districts for a relatively benign retail use.

On August 6, 2013, Town Council approved Resolution #2013-15 which directed staff to pursue an amendment to the LMO to eliminate the distance requirements between an auto sales site and an existing residential use.

This amendment was prompted by a discussion with a property owner whose tenant, an auto repair shop, wants to also sell vehicles but cannot due to the site's proximity to Hilton Head Plantation. The property owner brought to our attention that auto repair and auto sales uses are complementary uses that are frequently offered by the same business. It makes sense to allow some flexibility in Auto Sales use standards so that Auto Sales can be offered along with Auto Repair on appropriate sites.

At completion of the staff's presentation, Chairman Witmer invited comments from the public. Mrs. Francine Tobin, business owner, presented statements in support of approving the proposed amendments. Mrs. Tobin discussed her interest in adding auto sales to her existing auto business located at William Hilton Parkway. Mr. Dou James, citizen, presented general comments regarding the proposed amendments. Following these public comments, Chairman Witmer invited discussion by the committee.

Mr. Bennett stated that he would like to have a better understanding of why staff completely eliminated the distance requirement (from 1,500 ft. to 0 ft.) Perhaps a compromise between 1,500 ft. and 0 feet should be considered. At the completion of final comments, Chairman Witmer requested that a motion be made.

Mr. Taylor made a **motion** to forward the proposed LMO amendment to the Planning Commission with a recommendation of **approval** as presented, but with a question regarding staff's reasons for completely eliminating the distance requirement. The committee would like to see a compromise in the distance requirement. Chairman Witmer **seconded** the motion and the motion **passed** with a vote of 2-1-0.

## 7. **Adjournment**

The meeting was adjourned at 6:30p.m.

Submitted By:

Approved By:

\_\_\_\_\_  
Kathleen Carlin  
Secretary

\_\_\_\_\_  
Brian Witmer  
Chairman



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## TOWN OF HILTON HEAD ISLAND

### *Community Development Department*

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**TO:** LMO Committee  
**VIA:** Jayme Lopko, AICP, *Senior Planner*  
**FROM:** Teri B. Lewis, AICP, *LMO Official*  
**DATE** September 17, 2015  
**SUBJECT:** Proposed 2015 LMO Amendments

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Staff recommends that the LMO Committee forward the attached amendments to the Planning Commission with a recommendation of approval. The reason for each proposed amendment is listed above the amendment. Newly added language is illustrated with double underline and deleted language is illustrated with ~~strikethrough~~.

Please contact me at (843) 341-4698 or at [teril@hiltonheadislandsc.gov](mailto:teril@hiltonheadislandsc.gov) if you have any questions.

# DRAFT 2015 ADMINISTRATIVE LMO AMENDMENTS

## CHAPTER 16-2: ADMINISTRATION

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**Staff Explanation:** This change will return to the LMO the list of sections with which single-family structures have to comply.

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### *Section 16-2-103. Application Specific Review Procedures*

#### G. Development Plan Review (Minor and Major)

##### 1. – 2. No Changes

##### 3. Exemptions

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. – c. No Changes.

d. All *structures* (including factory-built housing) built or placed on an individual *single-family* residential *lot* with no other *dwelling* on it although such structures shall comply with the provisions set forth below:

- i. Section 16-3-106.H, Forest Beach Neighborhood Character Overlay (FB-NC-O) District;
- ii. Section 16-3-106.I, Folly Field Neighborhood Character Overlay (FF-NC-O) District;
- iii. Section 16-3-106.J, Holiday Homes Neighborhood Character Overlay (HH-NC-O) District;
- iv. Section 16-3-104, Residential Base Zoning Districts;
- v. Section 16-3-105, Mixed-Use and Business Districts;
- vi. Section 16-5-102, Setback Standards;
- vii. Section 16-5-105.I, Access to Streets;
- viii. Section 16-5-106, Parking and Loading Standards;
- ix. Section 16-5-111, Fire Protection Water Supply;
- x. Section 16-6-102.D, Wetland Buffer Standards; and
- xi. Title 15, Building and Building Codes, Chapter 9, Flood Damage Controls, of the Municipal Code of the Town of Hilton Head Island.

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**Staff Explanation:** This change will provide a reference in the buffer section to the requirement for a buffer from a loading area.

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## CHAPTER 16-5: ZONING DISTRICTS

### *Section 16-5-103. Buffer Standards*

#### *Table 16-5-103.F: Buffer Types*

#### *Minimum Buffer Width and Screening Requirements<sup>1, 2, 3, 4, 5, 6, 7</sup>*

Type A Buffer – Type C Buffer. No Changes

## **Type D Buffer**

The 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. A Type D buffer is required adjacent to all loading areas per Section 16-5-107.H.8.d, Buffering of Loading Areas.

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**Staff Explanation:** These changes will fix incorrect State Code section references.

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### *APPENDIX A: Advisory and Decision Making Bodies and Persons*

#### **A-3. Board of Zoning Appeals**

##### **A. Powers and Duties**

##### **1. – 2. No Changes**

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-~~340~~ 800, et seq.

##### **B. – C. No Changes**

##### **D. Officers, Meetings, Quorum**

##### **1. – 3. No Changes**

##### **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-~~340~~ 790, et seq.; and this *Ordinance*.

#### **A-4. Design Review Board**

##### **A. Powers and Duties**

##### **1.-3. No Changes**

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-~~340~~ 880, et seq.

##### **B. – C. No Changes**

##### **D. Officers, Meetings, Quorum**

##### **1. – 3. No Changes**

##### **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-~~340~~, et seq.; and this *Ordinance*.

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**Staff Explanation:** This will change the term ‘Administrator’ to ‘Official’.

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### *APPENDIX D: Application Submittal Requirements*

#### **D-1. – D-5. No Changes**

#### **D-6. Development Plan Review, Major**

##### **A. – H. No Changes.**

##### **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~~ Official, and shall include:

##### **1. – 4. No Changes.**

##### **J. – S. No Changes**

##### **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~~ Official and to the Beaufort County Emergency Management Director at the time of **development** plan approval **application**:

#### D-7 – D-19. No Changes

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**Staff Explanation:** This change will return to the LMO the plat stamping requirement.

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#### D-20. Plat Stamping

A plat application shall be considered complete when the following items have been submitted.

##### A. Application Form

An **application** form as published by the **Official**.

##### B. Plat

A minimum of three plats (one for the Town and two for Beaufort County). These plats shall contain a signature block which shall be signed by the owner of record before these plats can be stamped for recording purposes; this requirement may be waived if the applicant presents a written acknowledgement of the action in a legally recordable form, such as, but not limited to an easement, a right of entry, or a deed. The above requirement shall not apply to plats related to public projects. Upon such plat shall appear:

1. Owner of Record Signature (Sign plat as it appears on the deed). Example: “I the undersigned as the Owner of Record of parcel(s) R#### #### #### ####, agree to the recording of this plat.” This requirement may be waived if the applicant presents a written acknowledgement of the action in a legally recordable form, such as, but not limited to an easement, a right of entry, or a deed. This requirement shall not apply to plats related to public projects, such as easements obtained through condemnation for a public pathway.
2. Title – Purpose of plat.
3. Vicinity Sketch – Map of property location.
4. Address, State and County where property to be recorded is located.
5. Who the survey was prepared for, name(s) on deed.
6. Tax District, Map and Parcel Number of subject property.
7. Total acreage of parcel(s).
8. All property access improvements.
9. Easements.
10. Date of survey and date of any revisions.
11. Graphic and numeric scale.
12. North arrow.
13. Certification of surveyor stating “class” of survey.
14. Existing monuments – property pins.
15. Improvements.
16. Surveyor’s original embossed seal, signature, surveyor ID, address and registration number.
17. “S.C. Certificate of Authorization” embossed seal when survey done by corporation, firm, association, partnership, or other such entity.
18. FEMA zone information – property assigned flood zone.
19. Flood disclosure statement.
20. Notation of specific reference plats.
21. OCRM critical line and base line.
22. Space for stamp – Minimum 4x4 inches

##### C. Other Requirements

1. Property Deed/Title Source.
2. Recorded easement documents.
3. Transfer agreement – legal document showing property owner change.

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**Staff Explanation:** This change will re-number these sections.

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D-~~20~~ 21. Appeals of Official's Decision and Written Interpretations to Board of Zoning Appeals

D-~~21~~ 22 Appeals of Official's Decision to Planning Commission

D-~~22~~ 23 Appeals of Official's Decision to Design Review Board

D-~~23~~ 24 Application Deadlines

# DRAFT 2015 FUNCTIONAL LMO AMENDMENTS

## CHAPTER 16-2: ADMINISTRATION

**Staff Explanation:** The language in the table does not match what is in LMO Section 16-2-102.F.2.a.i (which dates are included in the counting and which dates are not). The changes to the table below fix the problem.

### Section 16-2-102. Standard Review Procedures

A. – D. No Changes

E. Hearing Scheduling and Notice

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

APPLICATION OR APPROVAL	NOTICE REQUIREMENT		
	PUBLISHED NOTICE	MAIL NOTICE	POSTED NOTICE
Text Amendment	Publish notice of the hearing no less than <del>30</del> <u>30</u> calendar days before the hearing date	None	None
Zoning Map Amendment PUD District	Publish notice of the hearing no less than <del>15</del> <u>15</u> calendar days before the hearing date	Mail notice of the hearing to the owner(s) of <b>land</b> subject to the <b>application</b> (if not the <b>applicant</b> ), and owners of record of properties within 350 feet of the subject <b>land</b> <sup>1,2</sup> , <del>no less than</del> 15 calendar days before the hearing date	Post conspicuous notice of the hearing on or <b>adjacent</b> to the <b>land</b> subject to the <b>application</b> <del>no less than</del> <u>15</u> calendar days before the hearing date, with at least one such notice being visible from each public thoroughfare that abuts the subject <b>land</b>
Special Exception Variance	Publish notice of the hearing no less than <del>15</del> <u>15</u> calendar days before the hearing date	Mail notice of the hearing to the owner(s) of <b>land</b> subject to the <b>application</b> (if not the <b>applicant</b> ), and owners of record of properties within 350 feet of the subject <b>land</b> <sup>1,2</sup> , <del>no less than</del> 15 calendar days before the hearing date	Post conspicuous notice of the hearing on or <b>adjacent</b> to the <b>land</b> subject to the <b>application</b> <del>no less than</del> <u>15</u> calendar days before the hearing date, with at least one such notice being visible from each public thoroughfare that abuts the subject <b>land</b>

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

APPLICATION OR APPROVAL	NOTICE REQUIREMENT		
	PUBLISHED NOTICE	MAIL NOTICE	POSTED NOTICE
Modification of Street/Vehicular Access Easement Name	Publish notice of the hearing no less than 15 calendar days before the hearing date <u>15 calendar days</u>	Mail notice of the hearing to all owner(s) of <b>land</b> that fronts on the <b>street</b> or vehicular <b>access</b> easement proposed for a modified name <sup>1</sup> <del>no less than</del> 15 calendar days before the hearing date	Post conspicuous notice of the hearing on or <b>adjacent</b> to the <b>street</b> or vehicular <b>access</b> easement proposed for a modified name <del>no less than</del> 15 <u>calendar days</u> before the hearing date
Appeal of Administrative Decisions and Written Interpretations to <b>Board of Zoning Appeals</b>	Publish notice of the hearing no less than 15 calendar days before the hearing date <u>15 calendar days</u>	Mail notice of the hearing to the appellant and the <b>applicant</b> for the decision being appealed (if different from the appellant) <del>no less than</del> 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 <u>15 calendar days</u>	Mail notice of the hearing to all owner(s) of <b>land</b> directly <b>contiguous</b> to the proposed development <sup>1</sup> <del>no less than</del> 15 calendar days before the hearing date	None
Appeal of <b>Official's</b> Decision to <b>Design Review Board</b>	Publish notice of the hearing no less than 15 calendar days before the hearing date <u>15 calendar days</u>	Mail notice of the hearing to the appellant and the <b>applicant</b> for the decision being appealed (if different from the appellant) <del>no less than</del> 15 calendar days before the hearing date	None
Appeal of <b>Official's</b> Decision to <b>Planning Commission</b>	Publish notice of the hearing no less than 15 calendar days before the hearing date <u>15 calendar days</u>	Mail notice of the hearing to the appellant and the <b>applicant</b> for the decision being appealed (if different from the appellant) <del>no less than</del> 15 calendar days before the hearing date	None

NOTES:

- As identified in the latest Beaufort County ad valorem tax record.
- 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**.

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**Staff Explanation:** The way the language is currently written if Town Council makes a recommendation that differs from the Planning Commission recommendation, then the application needs to go back to the Planning Commission for review. This creates an unnecessary delay for the applicant. The applications (text amendments, zoning map amendments and PUD zonings) should only go back to Planning Commission if the application itself changes after it has been reviewed by Planning Commission. For example, the applicant decides to ask for fewer units.

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*Section 16-2-103. Application Specific Review Procedures*

- A. No Changes
- B. Text Amendment
  - 1. – 2.d. No Changes

**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*. If the applicant proposes a change or departure from the text amendment that is different than what was reviewed by Planning Commission ~~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~~ shall first be 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 applicant proposes a change or departure from the text amendment that is different than what was reviewed by Planning Commission ~~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* shall be remanded 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.~~

- C. Zoning Map Amendment (Rezoning)
  - 1. – 2.e. No Changes

**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*. If the applicant proposes a change or departure from the Zoning Map Amendment that is different than what was reviewed by Planning Commission ~~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~~ shall first be 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 applicant proposes a change or departure from the Zoning Map Amendment that is different than what was reviewed by Planning Commission ~~If the *Town Council* proposes any changes or departures from a Zoning Map Amendment as recommended by the *Planning Commission*, it shall first remand the *application* shall be remanded 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.

**D. Planned Unit Development (PUD) District**

**1. – 2.e. No Changes**

**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*. ~~If the applicant proposes a change or departure from the PUD zoning that is different than what was reviewed by Planning Commission No change in or departure from the PUD zoning as recommended by the *Planning Commission* may be made by the *Town Council* unless the change or departure is shall first be 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 as submitted; or

**02.** Adopt a resolution denying the PUD District.

ii. ~~If the applicant proposes a change or departure from the PUD zoning that is different than what was reviewed by Planning Commission If the *Town Council* proposes any changes or departures from a PUD District as recommended by the *Planning Commission*, it shall first remand the *application* shall be remanded 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.~~

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**Staff Explanation:** Currently any development that is not visible from an arterial can be approved by staff rather than the Design Review Board (DRB). The unanticipated consequence of this is that large projects that would typically require a two-step review by the DRB would not go through this review process.

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**E. – H. No Changes**

**I. Corridor Review (Minor and Major)**

**1. – 2.a. No Changes**

**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 (such as patios, decks, 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*; and

**04.** Outdoor merchandising; and

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

**CHAPTER 16-3: ZONING DISTRICTS**

**Staff Explanation:** Group Living was inadvertently left out as a permitted use in the Main Street zoning district. The consequence of this is that Indigo Pines is currently a nonconforming use.

*Section 16-3-105. Mixed-Use and Business Districts*

- A. – E. No Changes
- F. Main Street (MS) District

<h1 style="margin: 0;">MS</h1> <h2 style="margin: 0;">Main Street District</h2>			
<b>1. Purpose</b>			
<p>The purpose of the Main Street (MS) District is to provide <i>lands</i> for <i>shopping center</i>, other commercial, and <i>mixed-use development</i> 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 <i>buildings</i>, quality design, and pedestrian orientation (balanced with some accommodation of auto-oriented <i>development</i>).</p>			
<b>2. Allowable Principal Uses</b>			
USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
<b>Residential Uses</b>			
<u>Group Living</u>	<u>P</u>		<u>1 per 3 rooms</u>
<i>Mixed-Use</i>	PC	Error! Reference source not found.	Residential Nonresidential
<i>Multifamily</i>	P		1.5 per du 1 per 500 GFA
			1 bedroom 2 bedroom 3 or more bedrooms
			1.4 per du 1.7 per du 2 per du

**CHAPTER 16-4: USE STANDARDS**

**Staff Explanation:** Group Living was inadvertently left out as a permitted use in the Main Street zoning district. The consequence of this is that Indigo Pines is currently a nonconforming use.

*Section 16-4-102. Principal Uses*

A.1 – 5. No Changes

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	IMS	WMU	S	IMF	MV	NC		LC	RD	MED
RESIDENTIAL USES																					
Group Living						P	P	P											P		

**CHAPTER 16-5: ZONING DISTRICTS**

**Staff Explanation:** When the new LMO was adopted, the requirement that the single-family setback only apply to the exterior subdivision boundary was inadvertently eliminated. This change fixes that error.

*Section 16-5-102. Setback Standards*

A. – C. No Changes  
 D. Adjacent Use Setback Requirements

**TABLE 16-5-102.D: ADJACENT USE SETBACK REQUIREMENTS <sup>1</sup>**

PROPOSED USE <sup>3</sup>	MINIMUM SETBACK DISTANCE <sup>1</sup> / MAXIMUM SETBACK ANGLE <sup>2</sup>			
	USE OF ADJACENT DEVELOPMENT PROPERTY <sup>3</sup>			
	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, MED	IL
<i>Single-Family</i>	20 ft <sup>4,5,6</sup> / 75°	20 ft <sup>6</sup> / 75°	30 ft <sup>6</sup> / 60°	40 ft <sup>6</sup> / 45°
<ul style="list-style-type: none"> <li>Any Other Residential <i>Uses</i></li> <li>Commercial Recreation</li> </ul>	20 ft <sup>6</sup> / 75°	20 ft <sup>6</sup> / 75°	25 ft <sup>6</sup> / 75°	30 ft <sup>6</sup> / 60°
<ul style="list-style-type: none"> <li>Public, Civic, Institutional, and Education</li> <li>Resort Accommodation</li> <li>Offices</li> <li>Commercial Services</li> <li>Vehicle Sales and Services</li> <li><i>Boat Ramps, Docking Facilities, or Marinas</i></li> </ul>	30 ft <sup>6</sup> / 60°	25 ft <sup>6</sup> / 75°	20 ft <sup>6</sup> / 75°	20 ft <sup>6</sup> / 75°
Industrial <i>Uses</i>	40 ft <sup>6</sup> / 45°	30 ft <sup>6</sup> / 60°	20 ft <sup>6</sup> / 75°	20 ft <sup>6</sup> / 75°

1. Measured from the common property line to the closest portion of a **structure**.
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 **pre-development grade**, whichever is higher, and a vertical plane extending upward at the minimum setback distance (see Figure 16-5-102.D, Use Setback Angle).
3. See Sec. 16-10-103 for a description or definition of the listed **use** classification and types.
4. Single family subdivision exterior boundary only.
5. For all Minor Subdivisions and Small Residential Developments, the entire single family exterior boundary setback may be reduced by 50% in area. The setback area shall not be reduced to less than 5 feet wide at any point; it may be 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.
6. 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 not 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.

---

**Staff Explanation:** The intent of the LMO Rewrite Committee in creating the CR (Coligny Resort) zoning district was to eliminate the adjacent street buffers and instead create very specific adjacent street setback standards. The exception for street buffers was inadvertently left out during the LMO rewrite. This error is corrected with this amendment.

---

*Section 16-5-103. Buffer Standards*

- A. No Changes
- 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 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.
- b. 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.
- c. 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*.
- d. Adjacent street buffers shall not apply to *development* within the CR District.

**Staff Explanation:** When the new LMO was adopted, the requirement that the single-family buffer only apply to the exterior subdivision boundary was inadvertently eliminated. This change fixes that error. Additionally, a review of the table indicated that there was an error in the required buffer between a proposed single-family use and an existing other residential use or commercial recreation use.

C. – D. No Changes

E. Adjacent Use Buffer Requirements

TABLE 16-5-103.E: ADJACENT USE BUFFER REQUIREMENTS<sup>1</sup>

PROPOSED OR EXISTING USE <sup>2</sup>	REQUIRED BUFFER TYPE <sup>2</sup>			
	USE OF ADJACENT DEVELOPED PROPERTY <sup>3</sup>			
	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, SPC, RD, MS, MV, MF, LC, NC, MED	IL
Single-Family	n/a <sup>4</sup>	C <u>A</u>	C	D
<ul style="list-style-type: none"> <li>All Other Residential Uses</li> <li>Commercial Recreation</li> </ul>	A	n/a	B	D
<ul style="list-style-type: none"> <li>Public, Civic, Institutional, and Education</li> <li>Resort Accommodations</li> <li>Offices</li> <li>Commercial Services</li> <li>Vehicle Sales and Services</li> <li>Boat Ramps, Docking Facilities, or Marinas</li> </ul>	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. 16-10-103 for a description or definition of the listed **use** classification and types.

4. Single family subdivision exterior boundary only.

---

**Staff Explanation:** Applicants often want to plant ornamentals in the street buffer adjacent to the sign and to the driveway entrance. The Design Review Board often approves ornamental plantings in these specific areas. This change will allow ornamental plants when reviewed as part of a minor or major corridor review application.

---

F. – H. No Changes

**I. Buffer Materials**

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 C, except where ornamental plantings or plants that have historically been prevalent on Hilton Head Island are approved as part of a Corridor Review approval.

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**Staff Explanation:** This language specifies when a street is considered a cul-de-sac.

---

*Section 16-5-105*

A. – E. No Changes

**F. Cul-de-Sac**

To be classified as a *cul-de-sac*, a street must terminate at one end with the hammerhead or *cul-de-sac* geometric end treatment described in 16-5-105.F and 16-5-105.G, respectively.

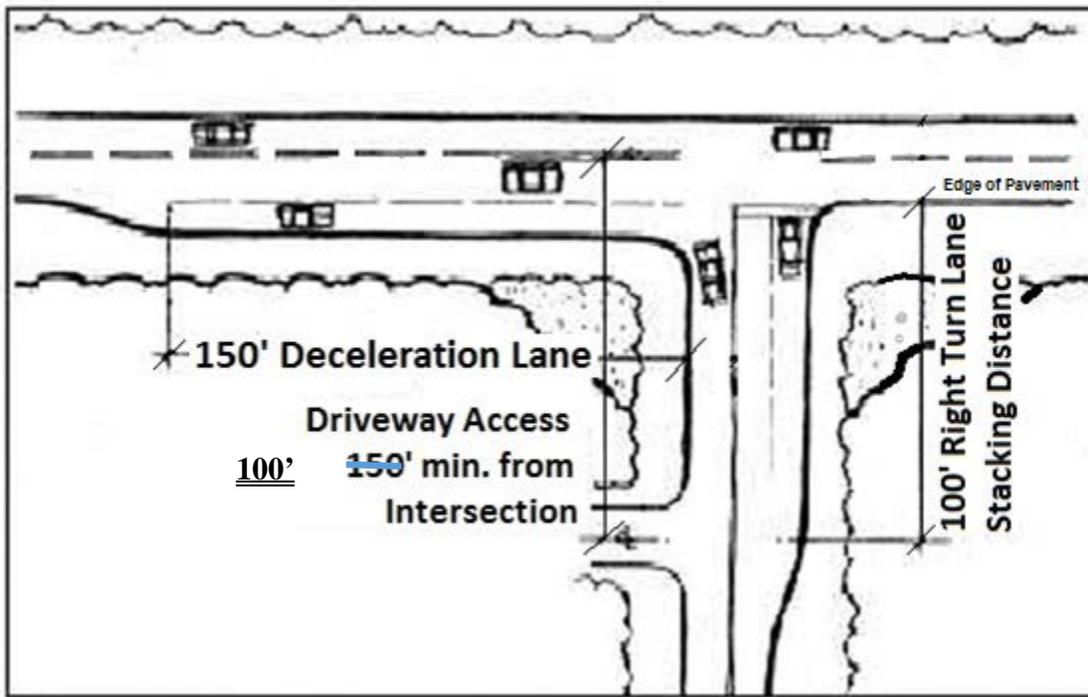
G. No Changes

H. 1-5. No Changes

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**Staff Explanation:** The changes within the figure more accurately reflect the association language in the LMO.

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Figure

16-5-105.H.6 Deceleration Lanes

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**Staff Explanation:** The LMO currently does not permit LED lights. This change will allow LED lights to be used.

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*Section 16-5-108. Lighting Standards*

A. – B. No Changes

C. General Exterior Lighting Standards

1. No Change

2. Light Source (lamp)

Only LED, 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.

---

**Staff Explanation:** This change will clarify that only new development (not redevelopment or site additions) of less than ½ acre is exempt from meeting the stormwater standards.

---

*Section 16-5-109*

A. No Changes

B. Applicability

## 1. General

Except as otherwise provided in paragraph 2 below, this section applies to all *development*.

## 2. Exceptions

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. New ~~D~~development, not including redevelopment or site additions, that does not disturb more than a total of ½ acre of *land* or alter or disrupt existing drainage patterns;

---

**Staff Explanation:** This change will clarify that all on-site impervious surfaces shall be used when calculating the on-site retention of the first inch of runoff.

---

## C. No Changes

### D. 1-2. No Changes

D.3.a All *development* shall provide for *on-site* retention (dry or wet) or percolation of a minimum of one inch of runoff from all 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.

---

**Staff Explanation:** It is important for emergency purposes that the Town's critical facilities (such as fire stations, hospitals, etc.) be built at an elevation of 20'. Currently fill materials is limited to 3' above grade regardless of the elevation of the site. This amendment would provide an exception to this regulation for critical facilities only. A definition of critical facilities is also being added.

---

## Section 16-5-112

### A. – B. No Changes

### C. Elevation of Sites

Sites shall not be elevated with fill material to an average *height* greater than three feet above existing grade with the exception of critical facilities. 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.

## CHAPTER 16-6: NATURAL RESOURCE PROTECTION

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**Staff Explanation:** The prior LMO had language that allowed mobi-mats or similar products for the purpose of providing handicap access to the beach. This language was inadvertently left out during the rewrite. This change fixes that omission. The prior LMO also allowed small wooden decks per OCRM regulations; this was also left out during the rewrite. This change fixes that omission.

---

*Section 16-6-103. Beach and Dune Protection*

**F. Development on Dunes**

**1. General**

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 or similar beach access for handicap accessibility necessary for pedestrian and bicycle access to the beach, in accordance with the standards in paragraph 2 below and their associated wooden deck not larger than 144 square feet;

---

**Staff Explanation:** The prior LMO allowed flexibility for tree replacement during the development of single-family subdivisions, athletic fields, airport runways and golf courses given the nature of these types of development. This language was inadvertently left out during the rewrite. This change fixes that omission.

---

*Section 16-6-104. Tree Protection*

**A. – F. No Changes**

**G. Minimum Tree Coverage Standard**

**1. Applicability**

a. All new *development* except for the *construction* of any public *street*, pathway, drainage project, single family subdivision, athletic field, airport runway, golf course 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*.

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

c. For the construction of any public street, pathway, drainage project, single family subdivision, athletic field, airport runway, golf course or minor utility the applicant shall make all reasonable efforts to save significant trees and stands of trees. In these cases, at the discretion of the official, a centerline field inspection may relieve the applicant of the tree survey requirement. Reasonable tree replanting may be required by the Official for these uses.

**CHAPTER 16-10: DEFINITIONS, INTERPRETATION, AND MEASUREMENT**

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**Staff Explanation:** This has been changed to match the language used in 16-2-102.E.2.1.

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*Section 16-10-101. General Rules for Interpretation*

A. – C. No Changes

**D. Computation of Time**

1. The time in which an act is to be done shall be computed by excluding ~~first day the day the notice is postmarked or published and including the day of the hearing. 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~~ next day prior that is not a Saturday, Sunday, or holiday observed by the **Town**. References to days are calendar days unless otherwise stated.

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**Staff Explanation:** A definition is being provided for critical facilities in conjunction with the proposed amendment which will allow an exception to the maximum fill requirements for critical facilities.

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*Section 16-10-105. General Definitions*

**Critical Facility**

A structure or other improvement that, because of its function, size, service area, or uniqueness, has the potential to cause serious bodily harm, extensive property damage, or disruption of vital socioeconomic activities if it is destroyed or damaged or if its functionality is impaired. Critical facilities include but are not limited to health and safety facilities, utilities and government facilities.

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**Staff Explanation:** The Design Review Board (DRB) is dependent on design professionals. At-large members without a design background typically have little to nothing to add compared to trained professionals and this is a disservice to the community.

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*Appendix A: Advisory and Decision Making Bodies and Persons*

A-4. Design Review Board

A. No Changes

**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**.

*Appendix D: Application Submittal Requirements*

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**Staff Explanation:** This section is being amended to make it clear which days count in the computation.

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**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. The date of the hearing shall be included when computing the required deadlines.