



The Town of Hilton Head Island
Planning Commission Regular Meeting
Wednesday, November 20, 2019 – 3:00 p.m.
Benjamin M. Racusin Council Chambers

AGENDA

As a courtesy to others please turn off / silence ALL mobile devices during the meeting. Thank you.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **FOIA Compliance** – Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.
4. **Roll Call**
5. **Approval of Agenda**
6. **Approval of Minutes** – Meeting of November 6, 2019
7. **Appearance by Citizens on Items Unrelated to Today's Agenda**
8. **Unfinished Business**
9. **New Business**

- a. **Public Hearing**

LMO Amendments – The Town of Hilton Head Island is proposing to amend Chapters 2, 3, 4, 5, 6, 7 and 10 and Appendix B of the Land Management Ordinance (LMO) to revise the following sections:

Sections 16-2-103.B.2.e.i, 16-2-103.C.2.f.i and 16-2-103.D.3.f.i: eliminate the requirement for a resolution for denial of text amendments, zoning map amendments and planned unit developments; Section 16-4-102.B.1.c: allow the use of RVs as residences in an RV park; Section 16-7-104.B and C: allow changes to nonconforming signs; 16-10-103.E.1: provide specific direction as to what uses are permitted as indoor and outdoor commercial recreation uses; Appendix B:B-2 – Map 16 and B-3: smooth out the Beachfront Line and Critical Protection Area Line on 23 Salt Spray Lane; Sections 16-5-102.B.2.d, 16-5-103.B.2.c, 16-5-103.D.1, 16-5-115.E (new section for Zero Lot Line Residential Subdivisions), 16-10-103.A.2 and 16-10-105: develop specific standards for zero lot line subdivisions, amend the definition of multifamily, create a definition for townhouse and amend the definition for zero lot line subdivision and Sections 16-5-103.F, 16-5-103.H.2, 16-5-115.C and D, 16-6-104.B and D, Table 16-6-104.F.1, Section 16-6-104.G, 16-6-104.J and 16-10-105: provide greater protection of trees and vegetation on sites. *Presented by Teri Lewis*

10. **Commission Business**

11. Chairman's Report

12. Committee Report

13. Staff Reports

- a. Update on Workforce Housing Policy – *Presented by Jennifer Ray*
- b. Update on Our Plan – *Presented by Taylor Ladd*

14. Adjournment

Please note that a quorum of Town Council may result if four (4) or more of their members attend this meeting.



Town of Hilton Head Island
Planning Commission

Wednesday, November 6, 2019 at 9:00 a.m.

Benjamin M. Racusin Council Chambers

MEETING MINUTES

Present from the Commission: Chairman Peter Kristian, Vice Chairman Lavon Stevens, Leslie McGowan, Mark O'Neil, Alan Perry, Michael Scanlon, Palmer E. Simmons, Todd Theodore

Absent from the Commission: Caroline McVitty (excused)

Present from Town Council: David Ames, Tamara Becker, Glenn Stanford

Present from Town Staff: Anne Cyran, Senior Planner; Nicole Dixon, Development Review Administrator; Taylor Ladd, Senior Planner; Teri Lewis, Deputy Director of Community Development; Jennifer Ray, Deputy Director of Community Development; Teresa Haley, Senior Administrative Assistant

1. Call to Order

Chairman Kristian called the meeting to order at 9:00 a.m.

2. Pledge of Allegiance

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

4. Roll Call – See as noted above.

5. Approval of Agenda

Chairman Kristian asked for a motion to amend the agenda to reorder the Staff Reports and hear them prior to New Business. Commissioner Scanlon moved to approve the agenda as amended. Commissioner McGowan seconded. The motion passed with a vote of 8-0-0.

6. Approval of Minutes

a. Meeting of August 21, 2019

Chairman Kristian asked for a motion to approve the minutes of the August 21, 2019 meeting. Commissioner Scanlon moved to approve. Commissioner McGowan seconded. The motion passed with a vote of 8-0-0.

b. Meeting of October 16, 2019

Chairman Kristian asked for a motion to approve the minutes of the October 16, 2019 meeting. Commissioner Theodore moved to approve. Vice Chairman Stevens seconded. The motion passed with a vote of 8-0-0.

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

Three members of the public presented comments and questions related to: a plan for affordable housing and certain properties on the Island; locations to put affordable housing;

concern USCB property is underutilized; consider charging for parking at Coligny; make developers contribute to affordable housing; study on the maximum number of tourists that can be housed on the Island; concerns with increased building heights and density and sustainability; and consider the old Sam's Club building for go-karts.

8. Unfinished Business – None

9. Staff Reports

a. Update on the Our Plan Work Groups

Ms. Ladd presented the update on the Our Plan Work Groups. The Work Groups have been refining their goal statements, and providing staff with direction for strategies and tactics. Ms. Ladd noted several upcoming meetings and encouraged the public and the Commissioners to attend. The Our Plan Development Team has scheduled a meeting on December 2 at 4:00 p.m. in Council Chambers to provide feedback on the goal statements, strategies and tactics of the Work Groups. In December and January, staff will be drafting a plan and then reconvene the Work Groups in February to review their draft chapters to make sure the scope and intent for the group has been captured. The plan will be forwarded to the Our Plan Development Team, Comprehensive Plan Committee, Planning Commission, with the intent of adoption before the end of June 2020.

b. Update on Workforce Housing Plan

Ms. Ray presented the update that last night Town Council unanimously approved the framework that staff has been working on with the Public Planning Committee (PPC) over the past years. Town Council made one change to add a ninth recommendation regarding exploration of the role of transportation in addressing workforce issue. The recommendations pertaining to commercial conversion and reuse, bonus density, criteria for use of Town-owned land, will go back to PPC in January with the program ready to move forward through the process to adopt as policy. This may include LMO amendments for the LMO Committee and Planning Commission to evaluate.

c. Discussion on master planning certain commercial areas on the north end of the Island

Ms. Ray reported that staff has been looking at the area as an opportunity zone and will make a recommendation to the Town Manager to start a discussion with the Town Council.

10. New Business

a. Consideration of proposed amendments to the LMO related to the RD (Resort Development) zoning district, specifically changes to interval occupancy, calculation of density and building height.

Ms. Lewis presented the item described in the Commission's packet. The LMO Committee reviewed the proposed amendments on October 21, 2019 and voted 3-0 to recommend that the Planning Commission not advance the amendments as proposed. Staff recommends the proposed amendments not be pursued.

Chairman Kristian asked Ms. Brison if she would like to approach. Ms. Brison made a presentation on her proposed amendments. Following the presentation, the Commission made comments and inquiries regarding: the areas that fall under the RD zoning district; building height is measured from Base Flood Elevation (BFE); there are other zoning districts besides RD with a height restriction of 75' above BFE; consideration of setback

standards and buffer options; adjacent street setbacks and setback angles; building height on the beach side was not changed through the LMO rewrite process; and certain architectural elements can be added with staff review and approval.

Chairman Kristian opened the meeting for public comments and the following were received: concerns the existing ordinance would allow more large buildings within the RD zoning district, and does not protect the environment, heritage and goals of the Island; and concerns about limiting property owners' rights to develop their land.

The Commission expressed appreciation to the public for their comments, however, pointed out concerns they have about discouraging redevelopment on the Island and negatively impacting the tourism industry. The Commission discussed concerns with reducing the maximum building height of non-single-family development; eliminating one bedroom units; changing how the density for certain uses are calculated; and requiring building height be based on tree height. The Commission indicated there needs to be a balance between the residential and resort communities, and encourage development and maintain island character. There was general agreement among the Commissioners that setback standards should be revisited by the LMO Committee.

Upon the conclusion of the discussion, Chairman Kristian asked for a motion.

Commissioner McGowan moved to return the item to the LMO Committee to address the concerns discussed today including setback standards. Commissioner Scanlon seconded. The motion passed with a vote of 8-0-0.

11. Commission Business – None

12. Chairman's Report

13. Committee Report

The LMO Committee has met several times over the last few months and will be bringing forward two sets of LMO amendments. A public hearing of the Proposed General 2019 Amendments – Set 1 is scheduled for the Planning Commission's November 20 meeting at 3:00 p.m. A public hearing of the Proposed General 2019 Amendments – Set 2 is scheduled for the Commission's December 18 meeting at 3:00 p.m.

The Comprehensive Plan Committee plans to schedule a meeting upon receipt of the results of the Our Plan Development Team.

The Gullah Geechee Land & Cultural Preservation Task Force recommendations are scheduled to be on the Town Council's November 19 meeting agenda.

14. Adjournment

The meeting was adjourned at 10:27 a.m.

Submitted by: Teresa Haley, Secretary

Approved: [DATE]



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Planning Commission
VIA: Shawn Colin, *AICP, Director of Community Development*
FROM: Teri Lewis, *AICP, Deputy Director of Community Development*
CC: Nicole Dixon, *CFM, Development Review Administrator*
DATE: November 6, 2019
SUBJECT: 2019 LMO Amendments – Set 1

Recommendation

The LMO Committee recommended approval of the proposed amendments except as detailed below.

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

Summary

The proposed amendments were reviewed by the LMO Committee at their meeting on October 16, 2019. At that meeting they voted to forward the draft amendments to Planning Commission with a recommendation of approval with the following exceptions:

- Amendments related to the elimination of the requirement for a resolution for the denial of text amendments, zoning map amendments and planned unit developments not move forward for adoption;
- Amendments related to outdoor commercial recreation be re-worded to require that outdoor commercial recreation uses be permitted by special exception rather than by condition;
- Amendments related to zero lot line subdivisions be re-worded to reduce the minimum lot width, increase the maximum impervious coverage, and add a minimum open space requirement; and
- Amendments related to buffer and tree protection be re-worded to assign a specific DBH at which Red Bay and Sassafras trees will be considered specimen trees.

At their request the LMO Committee reviewed the requested language changes to the zero lot line subdivision and buffer and tree protection amendments on October 30, 2019. The LMO Committee recommended forwarding the amendments to Planning Commission with a recommendation of approval with the following changes:

- Make Red Bay trees specimen at 10 inches DBH; and
- Make Sassafras trees specimen at 6 inches DBH.

Background

The LMO is generally amended on a bi-annual basis. 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 if you have any questions about the proposed amendments.

Attachments

- A. Rationale – 2019 LMO Amendments – Set 1
- B. Proposed General 2019 Amendments – Set 1

Attachment A

Rationale for General 2019 Amendments – Set 1

Chapter 16-2: Administration

Section 16-2-103.B.2.e.i: Text Amendment

Section 16-2-103.C.2.f.i: Zoning Map Amendment (Rezoning)

Section 16-2-103.D.3.f.i: Planned Unit Development (PUD) District

Proposed Amendment

- This change will eliminate the requirement for a resolution for denial of text amendments, zoning map amendments and planned unit developments.

Reason for Change

- Requiring a denial to be by resolution adds an extra Town Council meeting to the process which extends the time. Additionally it has created confusion on the part of both Town Council and the public.

Pros and Cons of Amendment

<i>Pros:</i>	The process will be easier to understand and will take less time.
<i>Cons:</i>	Applicants may prefer to have the extra Town Council meeting to give them more time to prepare a reason for Town Council to approve their application.

Recommendations

<i>LMO Committee</i>
October 16, 2019: The LMO Committee voted 3-0 to recommend to the Planning Commission that these amendments not move forward for adoption. This recommendation was based on discussion between the Committee and the public that the process as it currently exists is more beneficial to an applicant.
<i>Planning Commission</i>
<i>Public Planning Committee</i>

Attachment A

Rationale for General 2019 Amendments – Set 1

Chapter 16-4: Use Standards

Section 16-4-102.B.1.c: Recreational Vehicles

Proposed Amendment

- This change will make it clear that recreational vehicles within a recreational vehicle park are not required to meet the conditions in this section.

Reason for Change

- The recently adopted changes related to recreational vehicles inadvertently required vehicles within recreational vehicle parks to meet newly established conditions.

Pros and Cons of Amendment

<i>Pros:</i>	This change will fix an error.
<i>Cons:</i>	

Recommendations

<i>LMO Committee</i>
October 16, 2019: The LMO Committee voted 3-0 to forward this amendment to the Planning Commission with a recommendation of approval.
<i>Planning Commission</i>
<i>Public Planning Committee</i>

Attachment A

Rationale for General 2019 Amendments – Set 1

Chapter 16-7: Nonconformities

Section 16-7-104: Nonconforming Signs

Proposed Amendment

- This change will allow some leniency to alter a sign that is nonconforming because it is an off-premises sign.

Reason for Change

- There are currently no options for changing an off-premises nonconforming sign. The sign may only be repaired and maintained to keep the same appearance as originally permitted. Any changes will require the sign to come into compliance with the current sign standards. This becomes a problem when the sign is nonconforming because it is located off-premises from the business that it advertises.

Pros and Cons of Amendment

<i>Pros:</i>	This will allow for more updated, aesthetically pleasing appearances of off-premises nonconforming signs if they are allowed to be altered now.
<i>Cons:</i>	These signs may never come into compliance.

Additional Information

- Examples include St. Francis Thrift store, Graves property sign on Dunnagan’s Alley and the Hudson’s sign at the intersection of Squire Pope and 278.

Recommendations

<i>LMO Committee</i>
The LMO Committee voted 3-0 to forward these amendments to the Planning Commission with a recommendation of approval.
<i>Planning Commission</i>
<i>Public Planning Committee</i>

Attachment A

Rationale for General 2019 Amendments – Set 1

Chapter 16-10: Definitions, Interpretation, and Measurement

Section 16-10-103: Use Classifications, Use Types, and Definitions

Section 16-10-103.E.1: Commercial Recreation Uses, Description

Proposed Amendment

- This change will make it clear that if a use is listed as Indoor Commercial Recreation it is not permitted as an Outdoor Commercial Recreation use.

Reason for Change

- Staff recently determined that a go-cart track was not a permitted Outdoor Commercial Recreation use because it is listed as an example of Indoor Commercial Recreation uses. This determination was appealed to the BZA and they overturned staff's decision because the language was not clear. This amendment will fix the lack of clarity.

Pros and Cons of Amendment

<i>Pros:</i>	
<i>Cons:</i>	

Additional Information

- The change to allow the use as special exception will move forward on December 18th as part of Set 2 of the 2019 LMO Amendments.

Recommendations

<i>LMO Committee</i>
October 16, 2019: The LMO Committee voted 3-0 to ask staff to bring this amendment back to the Committee with the following change: <ul style="list-style-type: none">• Make Indoor Commercial Recreation uses and Outdoor Commercial Recreation uses Special Exception uses in the zoning district where these uses are permitted. The change to allow the use as a special exception is not moving forward as part of the Set 1 2019 LMO Amendments because this change was not in the legal advertisement for these amendments. This change will move forward on December 18 th as part of the Set 2 2019 LMO Amendments.
Special Note: Upon further discussion with Legal it was advised that staff still pursue the original amendment which was to clarify when an Indoor Commercial Recreation use can also be permitted as an Outdoor Commercial Recreation use. This language has been added back in to these Set 1 2019 LMO Amendments.
<i>Planning Commission</i>

Attachment A
Rationale for General 2019 Amendments – Set 1

<i>Public Planning Committee</i>

Attachment A
Rationale for General 2019 Amendments – Set 1

Appendix B: Maps and Tables

B-2: Critical Protection Area and Transition Area Maps

Map 16: Critical Storm Protection and Dune Accretion Areas From Port Royal Beach Club to North Port Royal Drive

B-3: Beachfront Line Coordinates

Proposed Amendment

- This change will smooth out the Beachfront Line and Critical Protection Area Line on 23 Salt Spray Lane.

Reason for Change

- The property owner contacted the Town’s Environmental Planner to find out why there was a jog in the Beachfront Line and Critical Protection Area Line on this lot. After a site visit and a review of the data, it appears that this jog was made in error.

Pros and Cons of Amendment

<i>Pros:</i>	This change will fix an error.
<i>Cons:</i>	

Recommendations

<i>LMO Committee</i>
October 16, 2019: The LMO Committee voted 3-0 to forward this amendment to the Planning Commission with a recommendation of approval.
<i>Planning Commission</i>
<i>Public Planning Committee</i>

Attachment A
Rationale for General 2019 Amendments – Set 1

Chapter 16-5: Development and Design Standards
Section 16-5-102.B.2.d: Setback Standards - Exceptions
Section 16-5-103.B.2.c: Buffer Standards – Exceptions
Section 16-5-115 (New Section): Subdivision Standards – Zero Lot Line Residential Subdivisions
Chapter 16-10: Definitions, Interpretation, and Measurement
Section 16-10-103.A.2: Residential Uses – Use Types and Definitions
Section 16-10-105: General Definitions

Proposed Amendment

- This change will develop more specific standards for zero lot line subdivisions and develop a more specific definition for what qualifies as a zero lot line subdivision.

Reason for Change

- There are limited standards for zero lot line subdivisions and the definition is unclear.

Pros and Cons of Amendment

<i>Pros:</i>	Additional standards will ensure that zero lot line subdivisions are created in such a way to eliminate the creation of an undesirable lot. This language would also be more specific about what qualifies a subdivision as a zero lot line subdivision.
<i>Cons:</i>	This could create some nonconformities.

Recommendations

<i>LMO Committee</i>	
October 30, 2019: The LMO Committee voted 3-1 to forward this amendment to the Planning Commission with a recommendation of approval.	
October 16, 2019: The LMO Committee voted 3-0 to ask staff to bring these amendments back to the Committee with the following changes:	
<ul style="list-style-type: none"> • Reduce the minimum lot width. • Increase the maximum impervious coverage. • Add a minimum open space requirement. 	
<i>Planning Commission</i>	
<i>Public Planning Committee</i>	

Attachment A

Rationale for General 2019 Amendments – Set 1

Chapter 16-5: Development and Design Standards

Section 16-5-103: Buffer Standards

Section 16-5-115: Subdivision Standards

Chapter 16-6: Natural Resources Protection

Section 16-6-104: Tree Protection

Chapter 16-10: Definitions, Interpretation, and Measurement

Section 16-10-105: General Definitions

Proposed Amendment

- These amendments will establish greater protection for trees and other vegetation, including but not limited to buffers.

Reason for Change

- Recent removal of trees and understory vegetation during development led to the request for stronger language to be added to the LMO to ensure that trees and other vegetation are protected.

Pros and Cons of Amendment

<i>Pros:</i>	Staff will be able to require greater protection of trees and understory vegetation when reviewing development and subdivision plans.
<i>Cons:</i>	

Recommendations

<i>LMO Committee</i>
<p>October 30, 2019: The LMO Committee voted 4-0 to forward the proposed amendments Planning Commission with a recommendation of approval with the following changes:</p> <ul style="list-style-type: none"> • Make Red Bay trees specimen at 10 inches DBH • Make Sassafras trees specimen at 6 inches DBH <p>October 16, 2019: The LMO Committee voted 2-1 to ask staff to bring these amendments back to the Committee with the following change:</p> <ul style="list-style-type: none"> • Assign a specific DBH at which Red Bay and Sassafras will be considered specimen trees.
<i>Planning Commission</i>
<i>Public Planning Committee</i>

Attachment B

Proposed General 2019 Amendments – Set 1

General Amendments

Chapter 16-2: Administration

Section 16-2-103.B.2.e.i: Text Amendment Procedure

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* the change or departure 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~~ Deny the Text Amendment.

Section 16-2-103.C.2: Zoning Map Amendment (Rezoning) Procedure

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* the change or departure 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~~ Deny the Zoning Map Amendment.

Section 16-2-103.D.3: Planned Unit Development (PUD) District Procedure

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* the change or departure 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~~ Deny the PUD District.

Attachment B

Proposed General 2019 Amendments – Set 1

Chapter 16-4: Use Standards

Section 16-4-102. Principal Uses

B. Use-Specific Conditions for Principal Uses

1. Residential Uses

- a. – b. No Changes
- c. Recreational Vehicles

Use of a recreational vehicle for residential purposes, except within a Recreational Vehicle Park, is only permitted with the following conditions:

Chapter 16-7: Nonconformities

Section 16-7-104. Nonconforming Signs

B. Maintained in Good Condition

A legal *nonconforming sign* shall be maintained in good and working condition in accordance with Sec. 16-5-114.C.2.f. Painting, *repair*, and refinishing of the *sign face* or *sign structure* is permitted, as long as the appearance of the sign complies with Sec. 16-5-114, Sign Standards. ~~is maintained and complies with the approved Sign Permit.~~

C. Change to Nonconforming Sign Shall Comply with this Ordinance

If a legal *nonconforming sign* is changed in any way (its dimensional standards, message, or any other element) because of a change in *use*, change in business name ~~or location~~, or for any other reason, the sign shall comply with Sec. 16-5-114, Sign Standards with the exception of location. An off-premises sign may remain off-premises as long as it remains in the same location. Any modification that fails to comply with Sec. 16-5-114 shall render the prior Sign Permit void and shall result in the sign being in violation of this *Ordinance*.

Attachment B

Proposed General 2019 Amendments – Set 1

Chapter 16-10: Definitions, Interpretation, and Measurement

Section 16-10-103. Use Classifications, Use Types, and Definitions

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. Any use listed in Sec.16-10-103.E.2 as an *Indoor Commercial Recreation* use is prohibited as an *Outdoor Commercial Recreation* use. Any use that is not listed in Sec.16-10-103.E.2 that is determined to be an *Indoor Commercial Recreation* use cannot be permitted as an *Outdoor Commercial Recreation* use, unless it is listed as an *Outdoor Commercial Recreation* use in Sec.16-10-103.E.2.

Attachment B

Proposed General 2019 Amendments – Set 1

Appendix B: Maps and Tables

B-2: Critical Protection Area and Transition Area Maps

Map 16: Critical Storm Protection and Dune Accretion Areas from Port Royal Beach Club to North Port Royal Drive



Attachment B

Proposed General 2019 Amendments – Set 1

Zero Lot Line Subdivision Amendments

Chapter 16-5: Development and Design Standards

Section 16-5-102: Setback Standards

B. Applicability

2. Exceptions

- a. For *development* within the CR District, see Sec 16-3-105.B.3.
- b. For *development* within a PD-1 District, adjacent street and use setback standards shall apply only along those *lot* lines and *street rights-of-way* located outside any *gates* restricting *access* by the general public to areas within the PUD, or constituting the boundaries of the district.
- c. For *development* within a PD-2 District, adjacent street and use setback standards shall apply only along those *lot* lines and *street rights-of-way* located within a Corridor Overlay District or constituting the boundaries of the district.
- d. For ~~zero *lot* line *subdivisions*, adjacent street and use setback standards shall apply only along those *lot* lines and *street rights-of-way* constituting the perimeter of the *subdivision*.~~

Section 16-5-103: Buffer Standards

B. Applicability

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 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.
- e. 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. c. Adjacent street buffers shall not apply to *development* within the CR District.

Attachment B

Proposed General 2019 Amendments – Set 1

Section 16-5-115: Subdivision Standards

D. Layout of Lots and Blocks

1. *Subdivisions* may be laid out in conventional, cluster, zero lot line, or a combination of block/*lot* designs.

E. Zero Lot Line Residential Subdivisions

1. Zero lot line residential subdivisions are permitted in the following zoning districts: RM-4, RM-8, RM-12, SPC, MS, WMU, S, MF, MV, NC, LC and RD.

2. All lots created in a zero lot line residential subdivision shall be buildable lots (the appropriate size to construct a home) and shall be a minimum of .05 acres in size with a minimum lot width of 20 feet.

3. All lots created in a zero lot line residential subdivision shall be constructed with a 50% maximum impervious coverage.

4. All zero lot line residential subdivisions shall provide 16% minimum open space.

5. No structure shall be located closer than ten feet from adjacent property lines, with the exception of structures that have a wall that rests on a common property line.

6. Where a proposed zero lot line residential subdivision is adjacent to an existing single family detached residential neighborhood or use, a setback of 20 feet is required along the perimeter of the proposed subdivision.

7. Where a proposed zero lot line residential subdivision is adjacent to an existing single family detached residential neighborhood or use, a Type A buffer, Option 1, is required along the perimeter of the proposed subdivision.

8. A zero lot line residential subdivision is not permitted on existing lots of record that were not previously platted as a zero lot line residential subdivision, unless the entire previously platted subdivision is combined and re-platted to be a zero lot line residential subdivision.

E. Street Access

Attachment B

Proposed General 2019 Amendments – Set 1

Chapter 16-10: Definitions, Interpretation, and Measurement

Section 16-10-103. Use Classifications, Use Types, and Definitions

A. Residential Uses

2. Use Types and Definitions

Multifamily - A *building, parcel, or development* containing three or more *dwelling units*. This *use* includes townhouse developments, if all units are on one lot, and manufactured housing parks.

Townhouse – A multi-story structure containing one *dwelling unit* which is attached to one or more similar structures by shared walls in a *development*.

Section 16-10-105 – General Definitions

Zero Lot Line Subdivision – A *subdivision* which permits side by side, *single family dwelling units* that have a minimum of seventy-five percent of the total party wall adjoined together as a common wall on a common shared property line. This includes *townhouse* developments if each dwelling unit is on a separate *lot*.

Attachment B

Proposed General 2019 Amendments – Set 1

Buffer and Tree Protection Amendments

Chapter 16-5: Development and Design Standards

Section 16-5-103: Buffer Standards

F. Buffer Types

Table 16-5-103.F, Buffer Types, describes the five different buffer types in terms of their function, opacity, width, and planting requirements. The planting requirements should be used as a guide to achieve an aesthetically pleasing landscaped buffer and only apply if the existing buffer does not meet the intent of the prescribed buffer. Either of the options under a specific buffer type may be used at the option of the *developer/applicant*. If the square footage of an existing building on a site is being increased by more than 50% then the buffers must be brought into compliance with the standards in this table.

H. Existing Vegetation

1. If a buffer area has existing *trees* ~~that are protected under this *Ordinance*~~, they shall be preserved and be used as part of the buffer to comply with the buffer standards of this *Ordinance*. Where groupings of native shrubs are present, their preservation with minimum disturbance is ~~strongly encouraged~~ required. Any clearing or other work in buffers must have the prior approval of the *Official*.

2. In order to preserve existing vegetation and to restrict activities within a buffer, protective fencing shall be installed in accordance with Sect 16-6-104.J, Tree and Buffer Protection During Development Activity.

~~2-~~ 3.

~~3-~~ 4.

Section 16-5-115: Subdivision Standards

C. General Requirements

1. Layout of the *subdivision* shall be based on complete *site* analysis. *Streets* and *lots* shall be designed to preserve significant trees, stands of trees and understory vegetation and situated to minimize alteration of natural and historic *site* features to be preserved.

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2. The *subdivision* layout shall consider the practicality and economic feasibility of *development* of individual *lots* including the environmental characteristics, size of the *site*, and the requirements of this *Ordinance*.
3. The applicant is required to demonstrate that they have made all reasonable efforts to preserve Unique and fragile elements on site, including but not limited to wetlands, significant stands of trees and individual trees of significant size, shall be preserved where practical, with development reserved for environmentally stable areas. Where the applicant demonstrates that a lot of record would be rendered unusable by the strict application of this requirement, the Official may waive the standard. A request for such a waiver shall be accompanied by:
 - a. Written evidence that an applicant has explored all feasible alternatives to the standard for tree and wetland preservation;
 - b. Qualification of the request in a format consistent with that for a variance request (see Sec. 16-2-103.S, Variance); and
 - c. A plan showing the alternatives explored.

D. Layout of Lots and Blocks

2. The *lot* configuration and shape shall provide appropriate *sites* for *buildings*, and be properly related to topography, natural elements, existing significant trees and stands of trees, *access*, drainage and utilities, and conform to all requirements of this *Ordinance*.
4. The number of *lots* within a block shall be as appropriate for the location and the type of *development* contemplated, as practical. Visual monotony created by excessive blocks of *lots* which are not interrupted by intersections, *open space*, buffers, trees or features shall be avoided.

Chapter 16-6: Natural Resources Protection

Section 16-6-104: Tree Protection

B. Applicability

1. General
 - b. Consistent with the purposes of this section, all *persons* are ~~encouraged~~ required to make all reasonable efforts to preserve and retain any existing stands of *trees*, individual *trees*, and other self-supporting plants, whether or not such plants are protected under this section, as well as such other flora that make up part of the understory, shrub layer, or herb layer.

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2. Exemptions

a. The following activities are exempt from the standards in this section and the requirement for a Natural Resources Permit:

iii. Removal of a *hazardous tree* ~~dead or naturally fallen *tree* or limb, or a diseased *tree* posing a threat to *adjacent trees*, or a *tree* that constitutes an imminent danger to the environment, property, public health, safety, or welfare due to the hazardous or dangerous condition of such *tree*~~, provided such removal is reported to the *Official* within five days after removal. Removal of a *hazardous tree* may require mitigation at the discretion of the Official;

D. Pre-Construction Underbrushing

4. Following the receipt of final *development* approval, the *applicant* shall work with the *Official* to preserve all existing understory vegetation throughout a site to the greatest extent practicable in the front and side buffers.

6. Exemption

a. *Underbrushing* on *land* by a *property owner* in zoning districts RM4, RM8; RM12, RS3, RS5, RS6, MF, MV, S, and WMU is exempt from the requirements of Section 16-6-104.D; however, all significant trees and stands of trees shall be maintained on site and vegetation in required buffers shall be maintained except for a six-foot-wide path providing *access* to the interior of the property. Such buffer areas shall be clearly marked and protected prior to the commencement of the *underbrushing* activity. A Natural Resources Permit shall be required for such *underbrushing*.

F. Specimen Tree Preservation

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

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Red oak	25
White oak	20
All hickories	20
American elm	15
Loblolly and slash pines	35
Longleaf and pond pines	25
Red bay	20 <u>10</u>
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 <u>6</u>

G. Minimum Tree Coverage Standard

1. Applicability

- 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 is required to demonstrate that they have made ~~shall make~~ all reasonable efforts to save significant trees and stands of trees. In these cases, at the discretion of the

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official, a centerline field inspection may relieve the applicant of the tree survey requirement. Reasonable tree replanting ~~may~~ shall be required by the Official for these uses.

J. Tree and Buffer Protection During Development Activity

1. Tree and Buffer Protection Zones

a. *Tree and buffer protection zones* shall include the areas of a *development site* that are within the drip lines of the all individual *trees* and stands of *trees* proposed to be retained and protected in accordance with Sec. 16-6-104.F, Specimen Tree Preservation, and Sec. 16-6-104.G, Minimum Tree Coverage Standard, ~~as well as~~ areas for any supplemental or replacement *trees* proposed to be provided in accordance with Sec. 16-6-104.G, Minimum Tree Coverage Standard, or Sec. 16-6-104.K, Tree Damage During Development, as well as buffer areas proposed to be protected in accordance with Sec. 16-5-103.D, Adjacent Street Buffer Requirements and Sec. 16-5-103.E, Adjacent Use Buffer Requirements.

b. *Tree and buffer protection zones* shall be depicted on all *development* plans.

2. Responsibility

During any *development* activity (including demolition activity), the *property owner* or *developer* shall be responsible for protecting existing, supplemental, or replacement *trees* within *tree and buffer protection zones*.

3. Protective Fencing, Marking, and Signage

a. Protective Fencing

i. Continuous *tree* protective fencing shall be provided along the boundaries of *tree and buffer protection zones*. The *Official* shall consider existing *site* conditions and the species and size of the *trees* to be protected in determining the exact location of *tree* protective fencing, and may require the fencing to be extended to include the critical root zones of *trees*. For buffer protection, the fencing shall be installed along the edge of the buffer on the interior of the site.

ii. Protective fencing shall consist of a bright orange plastic mesh or more durable material that is at least four feet high.

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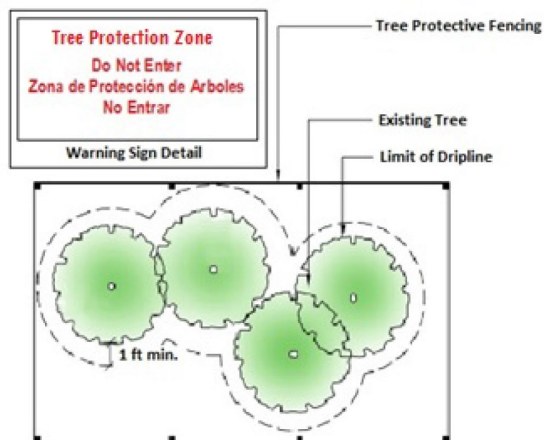


Figure 16-6-104.J.2: Tree Protective Fencing and Signage.

b. Warning Signage

Warning *signs* shall be installed along any required *tree and buffer* protective fencing at points no more than 150 feet apart. The *signs* shall be clearly visible from all sides of the outside of the fenced-in area. The size of each sign must be a minimum of two feet by two feet. The sign message shall identify the fenced or marked area as a *tree or buffer protection zone* and direct *construction* workers not to encroach into the area (e.g., "Tree or Buffer Protection Zone: Do Not Enter"). (See Figure 16-6-104.J.2: *Tree Protective Fencing and Signage*.)

c. Duration of Protective Fencing or Signage

Required protective fencing and signage shall be erected before any grading or other *development* activity begins and shall be maintained until issuance of a Certificate of Compliance following completion of all *development* in the immediate area of the fencing or signage.

4. Tree and Buffer Protection Zone Encroachments and Protective Measures

Encroachments into *tree and buffer protection zones* may occur only when no other alternative exists, and shall comply with landscaping *best management practices* and the following limitations and requirements:

a. Construction Activity, Equipment, or Materials Storage

No *development* or demolition activity—including grading, the operation or parking of heavy equipment or the storage of material—shall be allowed within the *tree and buffer protection zone*.

b. Soil Compaction

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Where compaction might occur due to *construction* traffic or materials delivery through a *tree and buffer protection zone*, the area must first be mulched with a minimum four-inch layer of wood chips. Equipment or materials storage shall not be allowed within a *tree and buffer protection zone*.

c. Fill, Retaining Walls, and Drywells

No fill shall be placed within a *tree and buffer protection zone* unless retaining walls and drywells are used to protect *trees* to be preserved from severe *grade* changes and venting adequate to allow air and water to reach *tree* roots is provided through any fill.

d. Chemical Contamination

Trees located within a *tree and buffer protection zone* shall be protected from chemical contamination from liquids or other materials, including but not limited to paint, chemical solvents, gasoline, oil, diesel fuel, hydraulic fluid, concrete spoils, or rinse water from vehicle cleaning, including rinsing of concrete truck tanks and chutes.

e. Impervious Surface

No *impervious surface* is allowed within a *tree and buffer protection zone*.

f. Trenching Prior to Clearing

The removal of *trees adjacent* to *tree and buffer protection zones* can cause inadvertent damage to the protected *trees*. Prior to clearing activities, trenches with a minimum width of one-and-one-half inches and a minimum depth of 12 inches shall be cut along the limits of *land* disturbance, so as to cut, rather than tear *tree* roots.

5. Inspections

a. All *tree and buffer* protection measures shall be inspected by the *Official* before start of any *land disturbing activities* and during the *development* process. The *Official* may continue to conduct random inspections to ensure that retained *trees*, supplemental *trees*, and replacement *trees* are maintained in a healthy state.

b. If any *tree* protected by this section is removed, dies, or is destroyed at any time during *development* activities or after completion of the *development*, it shall be replaced in accordance with Sec. 16-6-104.I, Standards for Supplemental and Replacement Trees.

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Chapter 16-10: Definitions, Interpretation, and Measurement

Section 16-10-105. General Definitions

Hazardous Tree

A tree possessing physical faults that make the tree likely to fail, including, but not limited to rot in the tree's base, a leaning tree whose roots have heaved the soil, or a dead tree, along with the presence of an adjacent target.

Significant tree

Any native tree whose size is within 20% of specimen size or any native tree who is of an unusually large size for its species and for which no specimen size has been determined.

Significant stand of trees

A group of three or more trees, along with their associated understory, that have one or more of the following:

- The stand is made up of Category I trees;
- The stand is made up of one or more of the following species, which are considered uncommon or rare on the island: red bay, sassafras, spruce pine, pond pine and any of the native hickory species;
- The stand provides shading to a significant portion (20% or more) of the site that will become impervious surface.

Tree and Buffer Protection Zone

A defined area containing one or more healthy *trees* designated for preservation and protection in accordance with Sec. 16-6-104, Tree Protection, delineated generally by the outermost drip line of the *tree(s)* or a buffer area designated to be protected in accordance with Sect. 16-5-103.D, Adjacent Street Buffer Requirements and Sect. 16-5-103.E, Adjacent Use Buffer Requirements.