



The Town of Hilton Head Island
Public Planning Committee Special Meeting
Tuesday, December 3, 2019 – 10:00 a.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. 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.
- 3. Approval of Minutes**
 - a. Special Meeting October 29, 2019
- 4. Unfinished Business**
- 5. New Business**
- 6. Committee Business**
 - a. Review and recommendation on 2019 General LMO Amendments – Set 1
- 7. Appearance by Citizens on Items Unrelated to Today's Agenda**
- 8. 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
Public Planning Committee Special Meeting

Tuesday, October 29, 2019 at 1:00 p.m.

Benjamin M. Racusin Council Chambers

MEETING MINUTES

Present from the Committee: Chairman David Ames, Tamara Becker, Bill Harkins, Tom Lennox, Glenn Stanford

Absent from the Committee: None

Present from Town Council: None

Present from Town Staff: Shawn Colin, Director of Community Development; Anne Cyran, Senior Planner; Josh Gruber, Assistant Town Manager; Teri Lewis, Deputy Director of Community Development; Jennifer Ray, Deputy Director of Community Development; Teresa Haley, Senior Administrative Assistant

1. Call to Order

Chairman Ames called the meeting to order at 1:00 p.m.

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

3. Approval of Minutes

a. Special Meeting September 19, 2019

Mr. Harkins moved to approve the minutes of the September 19, 2019 special meeting. Mr. Stanford seconded. The motion passed with a vote of 5-0-0.

4. Unfinished Business

Chairman Ames made a brief presentation related to balancing the preservation of the Island and accommodating the growing number of residents and visitors. Chairman Ames indicated discussion on this may be merited at the Town Council annual retreat.

a. Palmetto Breeze Update

Mary Lou Franzoni presented the update to the Committee. Following the presentation, the Committee made comments and inquiries regarding: compliments to the cleanliness and comfort of the trolleys and professional drivers; concerns the trolleys are not equipped to accommodate beachgoers belongings; support of charging parking fees for non-residents in order to encourage them to use free parking at USCB to take to trolley; and consider how to serve high density areas behind the gates like the resorts in Palmetto Dunes.

Ms. Cyran presented the Staff recommendation that the Public Planning Committee provide feedback on the following recommendations for improvements to The Breeze trolley service for the 2020 season:

- Evaluate the possibility of a free service.
- Add a third trolley and extend the route.
- Connect to the Sea Pines trolley.

With the Committee's support of these recommendations, Staff will do additional research on the feasibility of and costs associated with each option and return to the Committee with a more detailed report.

The Committee expressed support for Staff to work on connection to the Sea Pines trolley and indicated there is support from Sea Pines to do this as well. The Committee expressed support for Staff to provide further research to add a third trolley and extend the route, and to evaluate the possibility of a free service.

Upon the conclusion of the discussion, Mr. Stanford moved to approve Staff further research the recommendation to add a third trolley and extend the route. Mr. Harkins seconded. The motion passed with a vote of 5-0-0.

Mr. Harkins moved to approve Staff further research connecting to the Sea Pines trolley. Mr. Stanford seconded. The motion passed with a vote of 5-0-0.

Mr. Stanford moved to approve Staff further study the possibility of a free service. Mr. Harkins seconded. The motion passed with a vote of 5-0-0.

Chairman Ames asked for public comments on the item and none were received.

b. Additional discussion related to the LMO Amendment Process

The Committee asked that the Town website include a dashboard with the status of LMO amendments and outlined details of what that would look like in order to keep the public informed. Chairman Ames invited Jim Gant, former LMO Committee Chairman to add to their discussion. Mr. Gant shared his thoughts and experience with the LMO amendment process. Staff indicated that the LMO Committee will put out a schedule for the first part of 2020.

Chairman Ames asked for public comments and the following were received: support for the LMO Committee to adopt a regular meeting schedule; monthly updates on the Planning Commission agenda regarding LMO amendments; the Committee establish a quarterly list of priorities; and concern the Town Council cannot originate a LMO text amendment.

The Committee commented that LMO amendments that are ready should be moved forward expeditiously in the process and not be delayed within a set of amendments. The Committee expressed support for creating a dashboard on the Town's website to include the status of proposed LMO amendments, a graphic timeline and process, upcoming dates, the review body, the initiator of the proposed amendment, a statement of purpose or benefit to the community, and related maps of zoning districts.

Mr. Stanford moved that the Public Planning Committee request that Staff develop a revision to the Town website to deal with the LMO amendment process together with the proposed amendments and stated pros and cons with the purpose to communicate more clearly to the public. Mr. Lennox seconded. The motion passed with a vote of 5-0-0.

5. New Business – None

6. Committee Business

a. Review and Adoption of 2020 Meeting Schedule

Mr. Harkins moved to approve. Ms. Becker seconded. The motion passed with a vote of 5-0-0.

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

Liza Pirkey presented comments related to her concerns with 5G wireless.

Jocelyn Staiger commended Ms. Lewis on her work through the LMO rewrite process. Ms. Staiger expressed concern about the LMO turning back into being too restrictive.

Patsy Brison noted the code restrictions related to bicycles and carts on roadways.

8. Adjournment

The meeting was adjourned at 2:38 p.m.

Submitted by: Teresa Haley, Secretary

Approved: [DATE]

DRAFT



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Public Planning Committee
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 21, 2019
SUBJECT: 2019 LMO Amendments – Set 1

Recommendation

The Planning Commission recommends that the Public Planning Committee recommend approval of the proposed 2019 LMO Amendments – Set 1 to Town Council.

On November 20, 2019, the Planning Commission reviewed the proposed 2019 LMO Amendments – Set 1 and voted unanimously to recommend that Town Council approve the proposed amendments with the changes listed below.

The LMO Committee met on October 16, 2019 and October 30, 2019 and recommended approval of the proposed amendments.

Staff recommends that the Public Planning Committee forward the attached amendments to Town Council with a recommendation of approval and requests that the Committee consider including the two amendments that the Planning Commission voted to not move forward for adoption.

Summary

The proposed amendments were reviewed by the Planning Commission at their meeting on November 20, 2019. At that meeting the Commission voted to forward the draft amendments to the Public Planning Committee 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;
- an amendment related to commercial recreation uses to state that uses that are only listed as indoor commercial recreation uses are prohibited as outdoor commercial recreation uses not move forward for adoption; and
- amendments related to zero lot line subdivisions be revised to require a 50% maximum impervious coverage based on the entire development instead of per individual lot.

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 ~~striketrough~~.

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>
November 20, 2019: The Planning Commission voted 7-0 to recommend to the Public Planning Committee that these amendments not move forward for adoption.
<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>
November 20, 2019: The Planning Commission voted 7-0 to forward this amendment to the Public Planning Committee with a recommendation of approval.
<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>
November 20, 2019: The Planning Commission voted 7-0 to forward this amendment to the Public Planning Committee with a recommendation of approval.
<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 January 15 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

November 20, 2019: The Planning Commission voted 7-0 to recommend to the Public Planning Committee that this amendment not move forward for adoption.

<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>
November 20, 2019: The Planning Commission voted 7-0 to forward this amendment to the Public Planning Committee with a recommendation of approval.
<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>	
November 20, 2019: The Planning Commission voted 7-0 to forward these amendments to the Public Planning Committee with a recommendation of approval with the following change: <ul style="list-style-type: none"> • The 50% maximum impervious coverage be based on the entire development and not per individual lot. 	
<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>	
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: <ul style="list-style-type: none"> • Make Red Bay trees specimen at 10 inches DBH • Make Sassafras trees specimen at 6 inches DBH 	
October 16, 2019: The LMO Committee voted 2-1 to ask staff to bring these amendments back to the Committee with the following change: <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>	
November 20, 2019: The Planning Commission voted 7-0 to forward these amendments to the Public Planning Committee with a recommendation of approval.	
<i>Public Planning Committee</i>	

Attachment B

Proposed General 2019 Amendments – Set 1

General Amendments

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

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 zero lot line residential subdivisions shall have 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.~~ F. 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.

Attachment B

Proposed General 2019 Amendments – Set 1

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.

Attachment B

Proposed General 2019 Amendments – Set 1

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 and Significant Tree Preservation

1. Specimen and Significant Tree Defined

For purposes of this section, a specimen tree is any tree of a species designated by the State or federal government as an endangered, threatened, or rare species, or any tree of a type and with a DBH equal or greater than that indicated in Table 16-6-104.F.1, Specimen Trees, for the tree type. A tree that is within 20% of the size classified as a specimen, is considered a significant tree.

TABLE 16-6-104.F.1: SPECIMEN <u>AND SIGNIFICANT</u> TREES		
TREE TYPE	<u>SPECIMEN</u>	<u>SIGNIFICANT</u>

Attachment B

Proposed General 2019 Amendments – Set 1

		DBH (INCHES)	<u>DBH (INCHES)</u>
Live oak	Single trunk	35	<u>28</u>
	Multiple trunks	60 (sum of all trunks)	<u>48</u>
Laurel oak		35	<u>28</u>
Water oak		30	<u>24</u>
Red oak		25	<u>20</u>
White oak		20	<u>16</u>
All hickories		20	<u>16</u>
American elm		15	<u>12</u>
Loblolly and slash pines		35	<u>28</u>
Longleaf and pond pines		25	<u>20</u>
Red bay		20 <u>10</u>	<u>8</u>
Southern magnolia		30	<u>24</u>
Bald cypress and pond cypress		15	<u>12</u>
Black gum and sweet gum		30	<u>24</u>
Red maple		30	<u>24</u>
Spruce pine		Any size	<u>Any size</u>
Red cedar		10	<u>8</u>
Sycamore		30	<u>24</u>
Black cherry		25	<u>20</u>
Sassafras		12 <u>6</u>	<u>5</u>

Attachment B

Proposed General 2019 Amendments – Set 1

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 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 and Significant 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

Attachment B

Proposed General 2019 Amendments – Set 1

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.

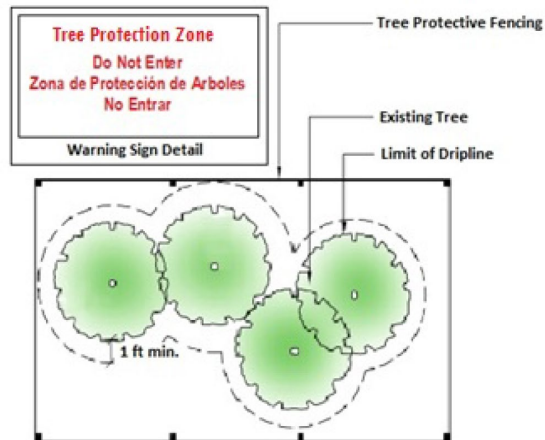


Figure 16-6-104.J.2: Tree Protective Fencing and Signage.

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 *signs* shall 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:

Attachment B

Proposed General 2019 Amendments – Set 1

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

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

Attachment B

Proposed General 2019 Amendments – Set 1

replaced in accordance with Sec. 16-6-104.I, Standards for Supplemental and Replacement Trees.

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.