



The Town of Hilton Head Island
Public Planning Committee Meeting

Thursday, June 27, 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. 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 May 29, 2019

4. Unfinished Business

- a. Discussion of Small Cell Wireless Facilities regulations – presented by Anne Cyran
- b. Discussion of Garden Shovels on the Beach

5. New Business

- a. Review of ZMA-001467-2018: The request is to change the zoning designation of an undeveloped 6.22-acre parcel located at 280 Fish Haul Road. The parcel is bisected by Fish Haul Road and is split zoned. The northern portion would be rezoned from RM-4 (Low to Moderate Density Residential) to MV (Mitchelville), and the southern portion would be rezoned from RM-8 (Moderate Density Residential) to MV (Mitchelville). – presented by Taylor Ladd
- b. Discussion of amendments to the Land Management Ordinance related to Recreational Vehicles – presented by Teri Lewis

6. 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

Wednesday, May 29, 2019 at 3:00 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: Bill Harkins

Present from Town Council: None

Present from Town Staff: Shawn Colin, Director of Community Development; Anne Cyran, Senior Planner; Carolyn Grant, Communications Director; Brian Hulbert, Staff Attorney; Teri Lewis, Deputy Director of Community Development; Jayme Lopko, Senior Planner; Jennifer Ray, Deputy Director of Community Development; Teresa Haley, Senior Administrative Assistant

1. Call to Order

Chairman Ames called the meeting to order at 3:00 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. Regular Meeting February 28, 2019
- b. Special Meeting April 1, 2019
- c. Special Meeting April 10, 2019

Mr. Lennox moved to approve the minutes of the February 28, April 1, and April 10 meetings. Ms. Becker seconded. The motion passed unanimously.

4. Unfinished Business

- a. Palmetto Breeze Trolley updates on ridership figures, current marketing efforts, assessment of performance and budget request for 2020

Ms. Mary Lou Franzoni, Executive Director of Palmetto Breeze, presented an update on trolley ridership and performance for the 2019 season, as well as the budget request for 2020.

The Committee made comments and inquiries regarding: the local funding matches and contributions per year; the Intergovernmental Committee should reach out to Bluffton regarding ridership into Bluffton from outlying counties; other funding sources through contracts; comparison of capacity on routes coming in from other counties; access to annual report and audit; reason for low funding amount from the State; popular trolley stop locations; marketing and communication; the average user of the trolley; providing an experience for riders; the Town's annual funding contributions; and anticipation of operation and program to reach mature level. The Committee comments will be provided to Ms. Franzoni in an effort to match the two programs by Palmetto Breeze and the Town.

5. New Business

a. Discussion of proposed amendments to the Sea Turtle Lighting Ordinance

Ms. Cyran presented the most significant proposed changes as described in the Staff Memo. Staff recommends the Public Planning Committee provide feedback on the proposed changes to the Sea Turtle Protection ordinance. If the Committee directs Staff to move forward, Staff will review the proposed changes with the affected property owners and make any needed changes. Staff will present the revised ordinance to the Committee at an upcoming meeting with a recommendation to forward the final draft ordinance to Town Council for approval.

The Committee made comments and inquiries regarding: general support to protect the sea turtles; financial impacts to property owners and possible alternatives; red cover accessories for mobile devices are available; responsibility to rental property owners; enforcement procedures; new construction versus existing construction requirements; providing more time to comply with changes; options for covering existing first floor windows; balancing human impact and nature; and the possibility to ban garden shovels in this ordinance.

Chairman Ames asked for public comments and the following were received: concerns for property owner rights and financial impacts; enforce the current ordinance; alterations to windows will void manufacturer warranty; turn off your lights to avoid any expenses; alternatives to high cost modifications include turning off your lights during the designated times, change light bulbs to the appropriate color, and add blinds or curtains; and concerns for the timeline to comply with new alterations.

The Committee made additional comments and inquiries regarding: meeting with stakeholders again to find balance of the various needs; tracking the locations of holes and tents left on the beach; enforcing the current ordinance; amending the ordinance at least to address the first floor of structures; balancing human impact and the natural world; and finding way to circumvent voiding window warranties.

The Committee directed Staff to perform a second round of meetings with stakeholders. Then draft an ordinance that best addresses the various needs of the stakeholders and the community. Staff will report back at a future Committee meeting.

b. Discussion of Small Cell Wireless Facilities regulations

Ms. Cyran presented the item. Staff recommends the Public Planning Committee provide feedback on the proposed ordinance regulating Small Wireless Facilities (SWFs). If the Committee directs Staff to move forward, a final draft ordinance will be presented to the Committee at the next meeting with a recommendation to forward the ordinance to Town Council for approval. Ms. Cyran introduced Mr. Jack Mitchell with AT&T to address specific questions about the matter.

The Committee made comments and inquiries regarding: benefits to improving coverage on the Island; support for pre-approved designs; the regulations would be added to the LMO; and supporting collaborative efforts with communities and providers.

Chairman Ames asked for public comments and the following were received: support for moving forward with this effort.

6. Adjournment

The meeting was adjourned at 4:51 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*
VIA: Jennifer Ray, *ASLA, Deputy Director of Community Development*
FROM: Anne Cyran, *AICP, Senior Planner*
DATE: June 17, 2019
SUBJECT: Update on Small Wireless Facilities Ordinance

Recommendation

Staff recommends the Public Planning Committee recommend approval of the proposed ordinance regulating Small Wireless Facilities (SWFs) to Town Council.

Summary

The proposed ordinance would add a section to the Land Management Ordinance regulating SWFs. Based on the Municipal Association of South Carolina (MASC) model ordinance, the proposed ordinance permits SWFs in all zoning districts subject to conditions related to height, location, materials and color.

Background

MASC has not yet determined if they will recommend modifications to their model SWF ordinance to reflect the language in House bill 4262, the South Carolina Small Wireless Facilities Deployment Act. The regular legislative session ended before H4262 reached the Senate. The bill was carried over to the next session, which begins in January 2020.

MASC intends to provide guidance to municipalities later this summer. In the meantime, they recommend that municipalities adopt SWF ordinances.

Attachment

1. Proposed Ordinance

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2019-

PROPOSED ORDINANCE NO. 2019-__

AN ORDINANCE TO AMEND TITLE 16, “THE LAND MANAGEMENT ORDINANCE,” OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, BY AMENDING TABLE 16-4-103.D.2 (ACCESSORY USE/STRUCTURE TABLE), BY ADDING SECTION 16-4-103.E.10 (SMALL WIRELESS FACILITIES), AND BY AMENDING AND ADDING DEFINITIONS TO SECTION 16-10-105 (GENERAL DEFINITIONS); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town of Hilton Head Island (“Town”) encourages wireless infrastructure investment and wishes to provide a fair and predictable process for the deployment of small wireless facilities while managing rights-of-way in a manner than promotes the interests of the public health, safety and welfare; and

WHEREAS, the Town recognizes that small wireless facilities including facilities commonly referred to as small cell and distributed antenna systems are critical to delivering wireless access to advanced technology, broadband, and 9-1-1 services to residences, businesses, and schools within the Town; and

WHEREAS, the Town recognizes that small wireless facilities together with high capacity transport medium such as fiber optic cabling may be effectively deployed in rights-of-way; and

WHEREAS, this Ordinance is intended to grant municipal consent to use of rights-of-way and establish a standard application process to streamline the issuance of necessary permits in a manner that is not a barrier to competition, and does not unnecessarily delay the implementation and installation of small wireless facilities.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA; AND IT IS HEREBY ORDAINED BY THE AUTHORITY OF THE SAID TOWN COUNCIL, AS FOLLOWS:

NOTE: Underlined and bold-face typed portions indicate additions to the Municipal Code. ~~Stricken~~ portions indicate deletions to the Municipal Code.

Section 1. Amendments. Title 16 of the Town Code is hereby amended to add Small Wireless Facilities to Table 16-4-103.D.2 (Accessory Use/Structure Table) to read as follows:

Accessory Use/Structure	Special Districts		Residential Districts									Mixed-Use and Business Districts										Use-Specific Conditions	
	C O N	P R	R S F 3	R S F 5	R S F 6	R M 4	R M 8	R M 1	R M 2	C R	S P C	C C	M S	W M U	S	M F	M V	N C	L C	R D	M E D		I L
Telecommunications Facility, Collocated	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	Sec. 16-4-103.E.9
<u>Small Wireless Facilities</u>	<u>P C</u>	<u>P C</u>	<u>P C</u>	<u>P C</u>	<u>P C</u>	<u>P C</u>	<u>P C</u>	<u>P C</u>	<u>P C</u>	<u>P C</u>	<u>P C</u>	<u>P C</u>	<u>P C</u>	<u>P C</u>	<u>P C</u>	<u>P C</u>	<u>P C</u>	<u>P C</u>	<u>P C</u>	<u>P C</u>	<u>P C</u>	<u>P C</u>	<u>Sec. 16-4-103.E.10</u>

Title 16 of the Town Code is hereby amended to add Section 16-4-103.E.10, Small Wireless Facilities, to read as follows:

CHAPTER 4. Use Standards

Sec. 16-4-103.E.10. - Small Wireless Facilities

a. Purpose

The purpose of this section is to provide policies and procedures for the placement of small wireless facilities in covered areas within the jurisdiction of the Town. It is the intent of this section to establish uniform standards including, but not limited to:

- i. Prevention of interference with the use of streets, sidewalks, alleys, parkways, traffic light poles or other light poles, and other public ways and places;**
- ii. Prevention of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;**
- iii. Prevention of interference with other facilities and operations of facilities lawfully located in covered areas or public property;**
- iv. Preservation of the character of neighborhoods where facilities are installed;**
- v. Preservation of the character of historic structures, or historic neighborhoods, including but not limited to such structures or neighborhoods listed on the National Register of Historic Places or locally designated Historic Districts; and**
- vi. Facilitation of the rapid deployment of small wireless facilities to provide the citizens with the benefits of advanced wireless services.**

b. Definitions.

The following shall apply to Sec. 16-4-103.E.10.

i. Antenna

Communication equipment that transmits or receives electromagnetic radio frequency signals used in the provision of *wireless services* or similar equipment used for the transmission or reception of surface waves.

ii. Applicable Codes

Uniform building, energy, electrical, plumbing, mechanical, gas, and fire codes in Title 6, Chapter 9 of the South Carolina Code of Laws, local amendments to those codes authorized by state law, and local codes or ordinances which impose requirements defined in Section 16-4-103 of this Ordinance including objective design and concealment standards to regulate location, context, material, color, stealth and concealment standards on a uniform and nondiscriminatory basis.

iii. Applicant

Any person who submits an *application* to the Town and is a *wireless services provider* or a *wireless infrastructure provider*.

iv. Application

A request submitted by an *applicant* for a permit to (i) *collocate small wireless facilities*; or, (ii) *construct, install, maintain, operate, replace or modify a utility pole or wireless support structure*.

v. Cable, Communications, Fiber or Electric Easement

An easement, granted to a cable or video service provider, a communications service provider (including without limitation a telephone utility), a fiber optics cable services provider, or an electric services provider created or authorized by state law to provide such services, that runs parallel to and abuts or within a *rights-of-way* and is occupied by existing *utility poles* or *wireless support structures* carrying electric distribution lines, wires, cable, conduit, fiber optic cable for telecommunications, cable or electric service or supporting municipal street lights, or security lights. The term *cable, communications, fiber or electric easement* excludes easements for service drops or lines connecting the customer's premises to the cable, communications, fiber or electrical provider.

- vi. Collocate or Collocation
To install, mount, maintain, modify, operate, or replace one or more wireless facilities on, under, within, or adjacent to an existing wireless support structure or utility pole located in covered areas within the jurisdiction of the Town.
- vii. Covered Areas
The surface of, and the space above and below, any rights-of-way, ROW, Town rights-of-way, public rights-of-way and/or cable, communications, fiber or electric easement as those terms are defined herein.
- viii. Day
Calendar day unless the last day for the Town or an applicant to take action under this Ordinance ends on a weekend, holiday, or time when all but Town emergency services are closed due to weather or some unforeseen situation.
- ix. Decorative Pole
A utility pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or a temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal practices.
- x. Design District
An area that is zoned, or otherwise designated by municipal ordinance, and for which the Town maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis. See Appendix A for Existing Supplemental Review Districts.
- xi. Fee
A one-time charge per application.
- xii. Historic District
An area that is zoned or otherwise designated as a Historic District under municipal, state or federal law and for which the Town maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis. See Appendix A for Existing Supplemental Review Districts.

- xiii. Micro Wireless Facility
A small wireless facility that meets the following qualifications: (i) is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height; and, (ii) any exterior antenna is no longer than 11 inches.
- xiv. Person
An individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including the Town.
- xv. Rate
A recurring charge such as, but not limited to, monthly, quarterly, or annually.
- xvi. Rights-of-Way or ROW or Town Rights-of-Way or Public Rights-of-Way
An area on, below, or above a roadway, highway, street, sidewalk, pathway, or alley, located in the Town and dedicated to, managed or controlled by the Town, Beaufort County or the State of South Carolina.
- xvii. Small Wireless Facility
A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of not more than six (6) cubic feet; and (ii) all other wireless equipment associated with the facility is cumulatively no more than twenty-eight (28) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.
- xviii. Supplemental Review District
An Underground District, Historic District, Design District or other district subject to design and aesthetic requirements and review processes specified in this Ordinance.
- xix. Town-Owned Pole

A utility pole owned or operated by the Town in covered areas, including a utility pole that provides lighting or traffic control functions, or other law enforcement functions, including light poles, traffic signals, and structures for signage; and a pole or similar structure owned or operated by the Town in a covered area that supports only wireless facilities. The term does not include a utility pole owned or operated by and accounted for as an asset of a municipal electric utility.

xx. Transmission Pole

A pole or similar structure that is used in whole or in part to carry electric transmission (as opposed to distribution) lines.

xxi. Underground District

An area that is designated by ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing above ground structures in a covered area and for which the Town maintains and enforces standards on a uniform and nondiscriminatory basis.

xxii. Utility Pole

A pole or similar structure that is used in whole or in part for the purpose of carrying electric distribution lines or cables or wires for telecommunications, cable or electric service, or for lighting, traffic control devices, traffic control or directional signage, or a similar function regardless of ownership, including Town-owned poles. Such term shall not include structures supporting only wireless facilities, nor shall it include wireless support structures.

xxiii. Wireless Facility

Equipment at a fixed location that enables wireless services between user equipment and a communications network, including: (i) equipment associated with wireless communications; (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term does not include the structure or improvements on, under, or within which the equipment is collocated, wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or

coaxial or fiber optic cable that is otherwise not immediately adjacent to, or directly associated with, an antenna.

xxiv. Wireless Infrastructure Provider

Any person including a person authorized to provide telecommunications service in the State, that builds, installs or maintains utility poles, wireless communication transmission equipment, wireless facilities or wireless support structures.

xxv. Wireless Services

Any services provided using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, delivered to the public using wireless facilities.

xxvi. Wireless Services Provider

A person who provides wireless services.

xxvii. Wireless Support Structure

A freestanding structure, such as a monopole or, other existing or proposed structure designed to support or capable of supporting wireless facilities. Such term shall not include a utility pole.

c. Permitted Use, Application Process, and Fees

i. Permitted Use and Consent

Collocation of a small wireless facility on an existing utility pole or wireless support structure, or a new or modified utility pole or wireless support structure installed in a covered area shall be a permitted use, except in Supplemental Review Districts where such facilities are a conditional use, subject to administrative review, conditions and other requirements in Section 16-4-103.

ii. Permit Required

No person shall place a small wireless facility in a covered area without first filing a small wireless facility application and obtaining a permit, except as otherwise provided in this section.

iii. Permit Applications

All small wireless facility applications filed pursuant to this section shall be on a form, paper or electronic, as required by the Town. The applicant may designate

portions of its *application* materials that it reasonably believes contain proprietary or confidential information as “proprietary” or “confidential” by clearly marking each page of such materials accordingly, and the Town shall endeavor to protect materials so designated from public disclosure to the fullest extent permitted by local, state, and federal law.

iv. Application Requirements

The *small wireless facility* permit *application* shall be made by the *applicant*, or its duly authorized representative as noted in a notarized statement from a *person* with the *applicant* with authority to make such an authorization, and shall contain the following:

- (a) The *applicant’s* name, address, telephone number and e-mail address;
- (b) The facility owner’s name, address, telephone number and e-mail address, if different from *applicant*;
- (c) The names, addresses, telephone numbers and e-mail addresses of all consultants, if any, acting on behalf of the *applicant*;
- (d) A general description of the proposed work and the purposes and intent of the proposed facility, including whether it will be owner-operated or owner-leased. The scope and detail of such description shall be appropriate to the nature and character of the physical work to be performed, with special emphasis on those matters likely to be affected by the physical work proposed;
- (e) Detailed construction drawings of the proposed facility and the related construction work and improvements in the *right-of-way*;
- (f) To the extent the proposed facility involves collocation on a pole, decorative pole, or support structure, a structural report performed by a duly licensed engineer evidencing that the pole, decorative pole, or support structure will structurally support the collocation, or that the pole, decorative pole, or support structure may and will be modified to meet structural requirements, in accordance with applicable codes;

- (g) For any new aboveground facilities, visual depictions or representations of the proposed facilities, to scale, with materials and colors of each element specified;
- (h) A site plan or aerial photo indicating the horizontal and approximate vertical location of the *facility* relative to the boundary of the *right-of-way* and vertical structures within 30 feet of the location identified;
- (i) Verification from an appropriate representative of the *applicant* that the *small wireless facility* shall comply with all *applicable codes*;
- (j) Verification of payment of the annual municipal consent or administrative *fee* for telecommunications companies to use *rights-of-ways* pursuant to Section 58-9-2230;
- (k) Verification of local business license, if applicable;
- (l) Evidence the *applicant* is duly authorized to do business in South Carolina;
- (m) Evidence the *applicant* has received any necessary certificate of public convenience and necessity or other required authority from the South Carolina Public Service Commission or the Federal Communications Commission or evidence that it is not required;
- (n) A copy of an approved South Carolina Department of Transportation encroachment permit and all documents required by SCDOT as part of the encroachment permit *application*, if the proposed location is within an SCDOT *right-of-way*;
- (o) A copy of an approved Beaufort County encroachment permit and all documents required by Beaufort County as part of the encroachment permit *application*, if the proposed location is within a Beaufort County *right-of-way*;
- (p) A copy of a Town of Hilton Head Island encroachment permit *application* and all documents required by the Town of Hilton Head Island as part of the encroachment permit *application*, if the proposed location is within a Town of Hilton Head Island *right-of-way*; and

(q) If the proposed location is outside of a SCDOT *right-of-way*, a statement that the *applicant* has a lease, attachment agreement or other authorization from the owner of the *utility pole* or structure proposed for *collocation*.

v. Routine Maintenance and Replacement

An *application* shall not be required for:

- (a) Routine maintenance; or
- (b) The replacement of a *small wireless facility* with another *small wireless facility* that is substantially similar or smaller in size, weight, and height; and
- (c) The replacement of a *small wireless facility* with another *small wireless facility* that is substantially similar in color and design; or
- (d) The installation, placement, maintenance, operation, or replacement of *micro wireless facilities* that are strung on cables between existing *utility poles* and/or *wireless support structures* in compliance with the National Electrical Safety Code by a *wireless services provider* or a *wireless infrastructure provider* that is authorized to occupy the *rights-of-way* and that is remitting a consent, franchise, or administrative *fee* pursuant to S.C. Code Ann. § 58-9-2230.

vi. Information Updates

Any amendment to information contained in a permit *application* shall be submitted in writing to the Town within ten (10) business *days* after the change necessitating the amendment.

vii. Consolidated Application

An *applicant* seeking to *collocate* multiple *small wireless facilities* may, at the *applicant's* discretion, file a consolidated *application* and receive a single permit for up to twenty (20) *small wireless facilities*. Provided, however, the Town's denial of any site or sites within a single *application* shall not affect other sites submitted in the same *application*. The Town shall grant a permit for any and all sites in a single *application* that it does not deny subject to the requirements of this section.

viii. Application Fees

Unless otherwise provided by law, and except as to telecommunication companies exempted pursuant to S.C. Code § 58-9-2230, all applications for permits pursuant to this section shall be accompanied by a fee of \$100.00 for each small wireless facility, except that the fee for small wireless facilities addressed in a consolidated application shall be \$100.00 each for the first five small wireless facilities and \$50.00 for each additional small wireless facility up to a maximum of twenty (20) small wireless facilities. For clarity, any applicant that pays either a franchise, consent fee, or administrative fee pursuant to the requirements of S.C. Code § 58-9-2230 shall not be required to pay any building permit fee, zoning permit fee, encroachment fee, degradation fee, or any other fee assessed on a telecommunications provider for its occupation of or work within the right-of-way.

ix. Interference with Public Safety Equipment

A small wireless facility shall be operated and maintained in a manner that does not interfere with public safety (police, traffic control, fire and emergency services) equipment.

d. Action on Permit Application

i. Review of Small Wireless Facility Applications

The Town shall review the application for a small wireless facility permit for conformity with applicable requirements of this section, and shall issue a permit on nondiscriminatory terms and conditions subject to the following requirements:

- (a) Within ten (10) days of receiving an application, the Town must determine and notify the applicant whether the application is complete; or if an application is incomplete, the Town must specifically identify the missing information.
- (b) Make its final decision to approve or deny the application within sixty (60) days of submission of a completed application.
- (c) Notify the applicant in writing of its final decision, and if the application is denied, specify the basis for a denial, including citations to federal, state or local code provisions and/or statutes on which the denial was based.

(d) Notwithstanding an initial denial, the *applicant* may cure the deficiencies identified by the Town and resubmit the *application* within thirty (30) days of the denial, and the Town shall approve or deny the revised *application* within thirty (30) days of receipt of it. The subsequent review by the Town shall be limited to the deficiencies cited in the original denial.

ii. Review Deadline

If the Town fails to act on an *application* within the sixty (60) day review period (or within the thirty (30) day review period for an amended *application*), the *applicant* may provide notice that the time period for acting has lapsed and the *application* is then deemed approved.

iii. Review of Eligible Facilities Requests

Notwithstanding any other provisions of this section, the Town shall approve and may not deny *applications* that constitute eligible facilities requests for modification of an eligible support structure that does not substantially change the physical dimensions of such structure as provided in 47 CFR 1.40001, within sixty (60) days according to the procedures established under 47 CFR 1.40001(c).

iv. Compensation

Subject to the limitations set forth herein, every permit shall include as a condition the *applicant's* agreement to pay such lawful franchise *fees*, business license taxes, administrative *fees* and consent *fees* as are permitted under applicable South Carolina and federal law. The *applicant* shall also pay all applicable ad valorem taxes, service *fees*, sales taxes, or other taxes and *fees* as may now or hereafter be lawfully imposed on other businesses within the Town.

e. Requirements for Small Wireless Facilities in Covered Areas

i. Administrative Review

The Town shall perform an administrative review of permit *applications* including the location or installation of new, modified, or replacement *utility poles* and/or *wireless support structures* and the attachment of *wireless facilities* and equipment on *utility poles* or *wireless support structures*. Review factors, in addition to location, shall include the size, shape, color, texture, and materials of the structures and attachments.

- (a) The Town may require a proposed *wireless facility* be designed to not be significantly more readily apparent or plainly visible (to a reasonable *person of ordinary sensibilities*) from *covered areas* than existing utility structures, poles and equipment located within five hundred (500) linear feet on the same *covered area* as the subject *utility pole* or *wireless support structure*.
 - (b) Where *small wireless facilities* are determined to be appropriate, the use of reasonable stealth and concealment treatments, low profile equipment and control boxes, and screening may be required to avoid significant negative impacts on the character and visual aesthetics of the area. However, such requirements may be waived by the Town upon a showing that the particular location of a *small wireless facility* does not warrant stealth or concealment treatments or imposes an excessive expense. The waiver shall be granted or denied within forty-five (45) days after the date of the request.
 - (c) Supplemental Review Districts identified in Section 16-4-103 and listed in Appendix A may be subject to a higher level of review.
- ii. Maximum Size of Permitted Use
- (a) The height of an *antenna* of a *collocated small wireless facility* shall be limited to the greater of ten (10) feet above (i) the height of an existing or modified *utility pole* or *wireless support structure*; or (ii) the height of a new *utility pole* or *wireless support structure* as provided in (b) below.
 - (b) The height of a new or modified *utility pole*, or *wireless support structure* is limited to the greater of (i) the tallest *utility pole*, excluding *transmission poles*, or *wireless support structure* located in the same *covered area*, measured from grade, in place within five hundred (500) linear feet on the same *covered area* as the subject *utility pole* or *wireless support structure* as of the effective date of this Ordinance; or (ii) in the absence of any such *utility pole* or *wireless support structure*, either (i) forty (40) feet in any area zoned exclusively for single family residential use, unless a waiver is granted for good cause shown, or (ii) fifty (50) feet in any other area.

(c) Collocation is not allowed on a decorative pole less than twenty (20) feet in height.

iii. Supplemental Review Districts

Collocated small wireless facilities and new or modified utility poles or wireless support structures located in supplemental review districts shall be a conditional use and subject to the design and aesthetic requirements and review processes for structures specified in this Ordinance establishing the supplemental review district(s) in addition to the requirement of this Ordinance, provided that the Town will work in good faith with the applicant to accommodate the installation of collocated small wireless facilities and new or modified utility poles or wireless support structures in supplemental review districts to the fullest extent practicable. The Town reserves its right to maintain and implement the following types of supplemental review districts.

(a) Underground Districts

A wireless services provider or a wireless infrastructure provider shall comply with nondiscriminatory requirements that prohibit electric utilities, telecommunications or cable providers from installing above-ground structures in the covered area in these districts. Nothing in this section shall prohibit the use or replacement of existing utility poles or wireless support structures in underground districts for the collocation of small wireless facilities subject to administrative review by the zoning administrator, appropriate design and concealment and a finding that such use does not increase the height by more than three (3) feet.

(b) Historic and Design Districts

As a condition for approval of new small wireless facilities or new wireless support structure in a Historic District or a Design District, the Town may require that a wireless services provider or a wireless infrastructure provider comply with the design and aesthetic standards of the Historic District or Design District to minimize the impact to the aesthetics in a Historic District or on a Design District's decorative poles. If design and concealment treatments are determined on review by the Town to be insufficient to

mitigate harm to the *Historic District* or *Design District*, the application may be denied.

This section may not be construed to limit a municipality's authority to enforce historic preservation zoning regulations consistent with the preservation of local zoning authority under 47 U.S.C. Section 332(c)(7), the requirements for facility modifications under 47 U.S.C. Section 1455(a), or the National Historic Preservation Act of 1966 (54 U.S.C. Section 300101 et seq.), and the regulations adopted to implement those laws.

iv. Appeals, Special Exceptions and Variance Requirements

Appeals of administrative decisions and requests for special exceptions and variances from the provisions of this section, when strict application would result in an unnecessary hardship or in the inability to deploy needed *small wireless facilities*, shall be heard and decided by the Board of Zoning Appeals or equivalent board for architectural, design or historical district reviews. An applicant seeking a Special Exception to construct a new *decorative pole, utility pole* or other *wireless support structure* to *collocate* a *small wireless facility* in an *Underground District* shall demonstrate, including certification through an engineer, that it has diligently attempted to locate the proposed *decorative pole, utility pole, wireless support structure, or small wireless facility* outside of the *Underground District* and that placement of the *decorative pole, utility pole, wireless support structure, or small wireless facility* within the *Underground District* is necessary to provide the needed wireless coverage or capacity, and one or more of the following conditions exist supporting a Special Exception:

(a) No existing *utility pole* or *wireless support structure* is located within the location search radius or to the extent a *utility pole* or *wireless support structure* is located within the search radius, such *utility pole* or *wireless support structure*:

(i) Is not available for *collocation* under commercially reasonable rates, terms, and conditions;

- (ii) Cannot accommodate the *collocation* of the *small wireless facility* and meet the technical requirements necessary to deliver adequate wireless service coverage or capacity; or
 - (iii) Would require modifications exceeding the three (3) feet height limitation imposed in Section 16-4-103.
- (b) The only available option to deliver adequate wireless service coverage or capacity in the search radius requires modifications to an existing *utility pole* or *wireless support structure* exceeding the three (3) feet height limitation imposed in Section 16-4-103 or the installation of a new *utility pole* or *wireless support structure* for *collocation* of a *small wireless facility*,
or
- (c) The *applicant* has demonstrated other circumstances that, in the reasonable discretion of the Board of Zoning Appeals, warrant a special exception or variance.

The *applicant* shall abide by the design, stealth and concealment treatments imposed as conditions of the special exception.

v. Existing Supplemental Review Districts

Supplemental Review Districts approved by the Town as of the effective date of this Ordinance are listed in Appendix A. The Code provisions authorizing the district, applicable design guidelines or manual, review authority and appeal jurisdiction are specified in Appendix A. Nothing in this Ordinance shall prohibit or otherwise limit the Town from establishing additional supplemental review districts, provided however, that facilities and structures for which a permit was approved or deemed approved pursuant to this Ordinance prior to the establishment of the additional supplemental review district remain subject to the provisions of this Ordinance, including routine maintenance and replacement of those facilities and structures as set out in Section 16-4-103 of this Ordinance, and not to any provisions otherwise applicable to the additional supplemental review district. If a *wireless services provider* or a *wireless infrastructure provider* voluntarily replaces such facilities in a manner that does not comply with Section 16-4-103 of this Ordinance, or if a *wireless services*

provider or a wireless infrastructure provider voluntarily relocates such facilities, such replacement or relocation is subject to the then-existing provisions and requirements of the additional supplemental review district.

(f) Repair of Damage

A wireless services provider or a wireless infrastructure provider shall repair all damage to a Town right-of-way directly caused by the activities of the wireless services provider or the wireless infrastructure provider, while occupying, installing, repairing, or maintaining wireless facilities, wireless support structures, Town utility poles, or utility poles and to return the right-of-way to its functional equivalence before the damage. If the wireless services provider or the wireless infrastructure provider fails to make the repairs required by the Town within forty-five (45) days after written notice, unless the Town and the wireless services provider or the wireless infrastructure provider agree in writing to a longer time period, the Town may undertake those repairs and charge the applicable party the reasonable and documented cost of the repairs. The Town may maintain an action to recover the costs of the repairs.

f. Effect of Permit

i. Authority Granted: No Property Right or Other Interest Created

A permit from the Town authorizes an applicant to undertake only certain activities in accordance with the Ordinance, and does not create a property right or grant any authority whatsoever to the applicant to impinge upon the rights of others who may already have an interest in the covered area.

ii. Duration

Unless construction has actually begun and is diligently pursued to completion at that point, no permit for construction issued under this Ordinance shall be valid for a period longer than twelve (12) months unless both Town and applicant agree to a reasonable extension and all required Fees are paid for the term regardless of construction. The inability of the applicant to obtain electrical power or backhaul transport services to serve the wireless facility such that it is operational within the twelve (12) months due to the action or inaction of third-party utility providers shall not result in the invalidity of the permit.

g. Removal, Relocation, or Modification of a Small Wireless Facility in the Right-of-Way.

i. Notice

Within ninety (90) days following written notice from the Town, a wireless services provider or a wireless infrastructure provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any wireless facilities or wireless support structures within the rights-of-way whenever the Town, in its reasonable discretion, has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any Town improvement in or upon, or the operations of the Town in or upon, the rights-of-way.

ii. Emergency Removal or Relocation of Facilities

The Town retains the right to cut or move any wireless facility or wireless support structure located within its rights-of-way as the Town, in its reasonable discretion, may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. If circumstances permit, the Town shall notify the wireless services provider or the wireless infrastructure provider and provide opportunity to move its own wireless facilities or wireless support structure prior to the Town cutting or removing a wireless facility or wireless support structure and the Town shall notify the wireless services provider or the wireless infrastructure provider after cutting or removing a wireless facility.

iii. Abandonment of Facilities

Upon abandonment of a wireless facility or wireless support structure within the Town rights-of-way, the wireless services provider or the wireless infrastructure provider shall notify the Town within ninety (90) days of such abandonment. Following receipt of such notice the Town may direct the wireless services provider or the wireless infrastructure provider to remove all or any portion of the wireless facility or wireless support structure if the Town, in its sole discretion, determines that such removal will be in the best interests of the public health, safety, and welfare.

iv. Abandonment by Inaction

At any point when a *wireless services provider* or the *wireless infrastructure provider* fails to pay any required fee, or annual payment to the Town, and fails to respond within sixty (60) days to a written inquiry from the Town as to whether the *wireless services provider* or the *wireless infrastructure provider* intends to continue to operate a *wireless facility* or *wireless support structure*, for whatever reason, the *wireless facility* shall be deemed abandoned and the Town may, at its sole option, remove all or any portion of the *wireless facility* or *wireless support structure*, or take other action as authorized by law, including recovery of actual costs incurred in removing the *wireless facility* or *wireless support structure*.

h. Attachment to Town-Owned Utility Poles in the Covered Areas

i. Annual Rate

The rate to place a *small wireless facility* on a *Town-owned pole* in *covered areas* shall be fifty (\$50.00) dollars per year per wooden pole or two hundred (\$200.00) dollars per year for all other *Town-owned poles*. This rate is in addition to reimbursement to the Town for any expenses for make-ready work. The Town reserves the right to require a pole attachment agreement to further define the terms and conditions of attachments to *Town-owned poles*. The rates specified in this section shall not apply to poles owned, or operated and accounted for as an asset of, a municipal electric utility.

ii. Cease Payment

A *wireless services provider* or the *wireless infrastructure provider* is authorized to remove its facilities at any time from a *Town-owned pole* in *covered areas* and cease paying the annual rate to the Town as of the next due date for payment following the removal.

iii. Make-Ready

For *Town-owned utility poles* in *covered areas*, the *applicant* shall reimburse the Town for expenses for any reasonable make-ready work. The Town shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested *small wireless facility*, including pole replacement if

necessary, within sixty (60) days after receipt of a completed request. Make-ready work including any pole replacement shall be completed within sixty (60) days of written acceptance of the good faith estimate by the wireless services provider or the wireless infrastructure provider.

iv. Municipal Utilities Excluded

Nothing in this section shall be construed to affect the authority of a municipal electric utility to deny, limit, restrict, or determine the rates, fees, terms, and conditions for the use of or attachment to a utility pole owned, or operated and accounted for as an asset of, a municipal electric utility.

Section 4. Severability.

In the event any title, subtitle, section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase, or work of this Ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the Ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this Ordinance.

Section 5. Effective Date.

This Ordinance shall take become effective (_____) days after adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS _____ DAY OF _____, 2019.

THE TOWN OF HILTON HEAD
ISLAND, SOUTH CAROLINA

John J. McCann, Mayor

ATTEST:

Krista M. Wiedmeyer, Town Clerk

Public Hearing:
First Reading:
Second Reading:

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____

DRAFT

APPENDIX A

Existing Supplemental Review Districts:

1. Corridor Overlay (COR) District (Sec. 16-3-106.F)

DRAFT



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Public Planning Committee
VIA: Teri Lewis, *AICP, Deputy Director of Community Development*
FROM: Taylor Ladd, *Senior Planner*
CC: Shawn Colin, *AICP, Director of Community Development*
CC: Jennifer Ray, *ASLA, Deputy Director of Community Development*
DATE: June 18, 2019
SUBJECT: ZA-001467-2019 280 Fish Haul Road Rezoning

Recommendation

The Planning Commission held a public hearing on August 15, 2018 to review this Zoning Map Amendment application. At this meeting, the Commission voted 5-2-1 to recommend forwarding the application to Town Council with a recommendation of approval based on the Findings of Fact and Conclusions of Law in the staff report.

Staff recommends that Public Planning Committee recommend approval of the application to Town Council.

Summary

Property owners Thomas C. Barnwell, Jr. and Perry White are proposing to amend the Official Zoning Map by changing the zoning designation of an undeveloped 6.22-acre parcel located at 280 Fish Haul Road. The parcel is bisected by Fish Haul Road. The request is to rezone the northern portion from RM-4 (Low to Moderate Density Residential) to MV (Mitchelville), and to rezone the southern portion from RM-8 (Moderate Density Residential) to MV (Mitchelville). The effect of this rezoning will be to increase the available density and to increase the number and type of allowable uses.

The proposed rezoning will allow a range of uses that are compatible with the uses allowed on other properties in the vicinity, as well as align with the purpose of the MV District zoning program as a district established to facilitate development in this area of the island.

The application first came before Town Council on September 18, 2018. At that meeting some members of Town Council expressed concerns about the rezoning. These questions were related to some of the uses that would be allowed as a result of the rezoning, specifically concerns that the property could be used for interval occupancy and hotels. A motion to approve the rezoning failed by a vote of 5-2. Since denial can only be by resolution and a resolution was not available at the September 18th meeting, it was determined that a resolution to deny the rezoning would be brought forward to the October 2, 2018 Town Council meeting. Bringing the resolution forward has been delayed, because the Applicant has been working with Staff to address the concerns expressed by Council on September 18, 2018. As a result, no final vote has been taken on this

ZMA. At the June 4, 2019 Town Council meeting, Councilman Grant requested that the ZMA be referred to the Public Planning Committee for receipt of information from the applicant and for further study and recommendation to Town Council from the Public Planning Committee.

The Applicants have not at this time submitted any new information or additional documentation for their application. The Staff Report has not been altered or revised since originally submitted for the public hearing with the Planning Commission.

Background

Thomas C. Barnwell, Jr. and Perry White, Trustees for the Ben White Trust, are pursuing a zoning map amendment to rezone the subject property to facilitate their sale of the subject property.

The subject property is located within the historic Baygall neighborhood. It is bisected by Fish Haul Road via a 40-foot access easement. The easement agreement is with Beaufort County, who paved it in 2013. In 1983, the property was zoned RM-4. The Official Zoning Map adopted in 2014 split zoned the property with one portion RM-4 and one portion RM-8.



**TOWN OF HILTON HEAD ISLAND
COMMUNITY DEVELOPMENT
DEPARTMENT**

One Town Center Court	Hilton Head Island, SC 29928	843-341-4757	FAX 843-842-8908
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**STAFF REPORT
ZONING MAP AMENDMENT**

Case #	Name of Project or Development	Public Hearing Date
ZA-001467-2018	280 Fish Haul Road	August 1, 2018

Parcel Data & Location	Owners & Applicants
<u>Parcel ID:</u> R510 004 000 0016 0000 <u>Size:</u> 6.22 Acres <u>Address:</u> 280 Fish Haul Road	Thomas C. Barnwell, Jr. & Perry White P.O. Box 21031 Hilton Head Island, SC 29925
Existing Zoning Districts	Proposed Zoning Districts
COR – Corridor Overlay District within 500’ of the O.C.R.M. critical line. RM-4 – Low to Moderate Density Residential RM-8 – Moderate Density Residential (See Attachment C for complete Zoning District Information)	COR – Corridor Overlay District within 500’ of the O.C.R.M. critical line. MV – Mitchelville (See Attachment C for complete Zoning District Information)

Application Summary
<p>Property owners Thomas C. Barnwell, Jr. and Perry White are proposing to amend the Official Zoning Map by changing the zoning designation of an undeveloped 6.22-acre parcel located at 280 Fish Haul Road. The parcel is bisected by Fish Haul Road. The request is to rezone the northern portion from RM-4 (Low to Moderate Density Residential) to MV (Mitchelville), and to rezone the southern portion from RM-8 (Moderate Density Residential) to MV (Mitchelville). The effect of this rezoning will be to increase the available density and to increase the number and type of allowable uses.</p>

Staff Recommendation
<p>Staff recommends the Planning Commission find this application to be consistent with the Town’s Comprehensive Plan and to carry out the purposes of the LMO, based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed herein.</p>

Background

The subject property is 6.22 acres and located at the intersection of Mitchelville Road and Fish Haul Road. It has been bisected by Fish Haul Road since at least 1965, based on aerial images. The property is bounded to the northeast by Mitchelville Road, to the northwest by four single-family parcels, to the southwest by Palmetto Hall golf facilities, and to the southeast by Palmetto Hall golf facilities and a single-family home. Port Royal Sound is less than 500 feet to the northeast and across Mitchelville Road from the subject property. The property and adjacent parcels in RM-4, RM-8, and MV Districts are part of the historic Bay Gall neighborhood. See Attachment A for a vicinity map.

Thomas C. Barnwell, Jr. and Perry White are the property owners of record as trustees for the Ben White Trust. There are no property sales on record with the Beaufort County Register of Deeds. There is record of title transfer to the White family heirs and incorporation into the Ben White Trust in approximately 1993. Prior to 1993, the property was held in trust by the family.

There is no record the subject property has ever been developed. Aerial imagery since 1955 shows the property has remained vacant. The 2005 Boundary Survey (Attachment E) designates the Fish Haul Road access through the property as a dirt road encompassing 0.9 acres of the property leaving 6.22 net acres. In 2013, this portion of Fish Haul Road was paved by Beaufort County with 20-foot of pavement within a 40-foot easement granted by the property owners.

On the 1986 Official Zoning Map, the entire property was designated as RM-4 and remained RM-4 until the current zoning map was adopted in 2014. At that time, the northern portion of the property remained RM-4 to correlate with adjacent properties to the north of Fish Haul Road and west of Mitchelville Road. The southern portion was rezoned to RM-8 to correlate with adjacent properties to the south of Fish Haul Road and west of Mitchelville Road. See Attachment B for the vicinity zoning map and Attachment C for the RM-4 and RM-8 District use tables.

Approximately two acres of the subject property is zoned RM-4. The RM-4 District allows the following Residential Uses: Group Living, Multifamily, and Single Family residential uses at a density of four units per net acre for parcels under three acres in size; six units per net acre for parcels between three and five acres in size; and eight units per net acre for parcels that are five acres or larger. Other uses permitted include Public, Civic, Institutional, and Educational uses; Bed and Breakfasts with conditions; conditional Commercial Services; and Other Uses including Agriculture, Boat Ramps, Docking Facilities, and Marinas. In the RM-4 District the maximum density for nonresidential uses is 6,000 square feet of gross floor area (GFA) per net acre and ten rooms per net acre for Bed and Breakfasts. The maximum building height is 35 feet and maximum impervious lot coverage for all development except single family is 35 percent. See Attachment B for the vicinity zoning map and Attachment C for the RM-4 District use table.

Approximately four acres of the subject property is zoned RM-8. The RM-8 District is similar to RM-4; however, the maximum residential density in the RM-8 District is eight units per net acre regardless of the size of the parcel. Unlike the RM-4 District, Cemeteries and Resort Accommodations are not permitted in the RM-8 District; the other permitted uses are the same. The maximum building height in the RM-8 District is 45 feet and maximum impervious lot coverage for all development except single family is 35 percent. See Attachment B for the vicinity zoning map and Attachment C for the RM-8 District use table.

The MV District permits Mixed-Use, Multifamily, and Single Family residential uses at a density of 12 units per net acre. Other uses permitted in MV District are extensive and variable. The permitted uses support the purpose of the district, which is to recognize the historical and cultural significance of the area and to facilitate development. See Attachment C for a full list of uses permitted in the MV District. The maximum nonresidential density is 8,000 GFA per net acre, the maximum building height is 75 feet and the maximum impervious lot coverage is 50 percent.

Currently and proposed, access to the subject property is by Fish Haul Road and Mitchelville Road. The developer may be required to make improvements to the property access roads as part of the

Development Plan Review process. Electric and water service are currently available. Though sewer service is not currently available, the Hilton Head Island Public Service District stated the owner can install a low pressure sewer line at the owners' expense. Fire Rescue has the capability to immediately access the subject property.

Staff has not received any correspondence from the public regarding this Zoning Map Amendment application other than two phone calls from adjacent property owners requesting an explanation about the proposed rezoning. Neither party specified opposition to the rezoning.

Applicant's Grounds for ZMA

Thomas C. Barnwell, Jr. and Perry White, Trustees for the Ben White Trust, are pursuing a zoning map amendment to rezone the subject property to facilitate their sale of the subject property. The Ben White Trust has entered into a pending contract with Web Investment Group, LLC. A density of 12 du per net acre is one of the conditions of the sale. The buyer/developer is planning a multi-family housing project with long-term rental units on the subject property with moderately priced single-family homes on adjacent tracts in the Mitchelville District: Parcel Numbers 9A, 10 and 11 on Tax Map 4. All parcels would operate as one mixed residential product development. See Attachment E for a boundary survey and Attachment F for the narrative provided by the applicant. The proposed change in zoning will increase the density and the number and type of permitted uses on the subject property.

Summary of Facts and Conclusions of Law

Findings of Fact:

1. The application was submitted on June 16, 2018 as set forth in LMO 16-2-103.C and Appendix D-1.
2. Per LMO 16-2-102.E.1, when an application is subject to a hearing, the LMO Official shall ensure that the hearing on the application is scheduled for a regularly scheduled meeting of the body conducting the hearing.
3. The LMO Official scheduled the public hearing of the application for the August 1, 2018 Planning Commission meeting, which is a regularly scheduled meeting of the Planning Commission.
4. Per LMO 16-2-102.E, the LMO Official shall publish a notice of the public hearing in a newspaper of general circulation in the Town no less than 15 calendar days before the hearing date.
5. Notice of the August 1, 2018 public hearing was published in the Island Packet on July 15, 2018.
6. Per LMO 16-2-102.E.2, the applicant shall mail a notice of the public hearing by first-class mail to the owners of the land subject to the application and owners of record of properties within 350 feet of the subject land, no less than 15 calendar days before the hearing date.
7. The Town mailed notices of the August 1, 2018 public hearing by first-class mail to the owners of record of the properties being rezoned and to the owners of record of properties within 350 feet of the subject land on July 17, 2018.
8. Per LMO 16-2-102.E.2, the LMO Official shall post conspicuous notice of the public hearing on or adjacent to the land subject to the application no less than 15 days before the hearing date, with at least one notice being visible from each public thoroughfare that abuts the subject land.
9. The LMO Official posted on July 16, 2018 conspicuous notice of the August 1, 2018 public hearing on the lands subject to the application.

Conclusions of Law:

1. The application was submitted in compliance with LMO 16-2-103.C and Appendix D-1.
2. The LMO Official scheduled the public hearing of the application for the August 1, 2018 Planning Commission meeting, in compliance with LMO 16-2-102.E.1.
3. Notice of the public hearing was published 17 calendar days before the meeting date, in compliance with LMO 16-2-102.E.2.
4. The applicant mailed notices of the public hearing to owners of record of the properties being rezoned and to the owners of record of properties within 350 feet of the subject land 15 calendar days before the hearing date, in compliance with LMO 16-2-102.E.2.
5. The LMO Official posted conspicuous notice of the public hearing 16 calendar days before the hearing date, in compliance with LMO 16-2-102.E.2.

As set forth in LMO 16-2-103.C.2.e, Zoning Map Amendment (Rezoning) Advisory Body Review and Recommendation, the Commission shall consider and make findings on the following matters regarding the proposed amendment.

Summary of Facts and Conclusions of Law

Criteria 1: Whether and the extent to which the proposed zoning is in accordance with the Comprehensive Plan (LMO 16-2-103.C.3.a.i):

Findings of Fact:

The Comprehensive Plan addresses this application in the following areas:

Housing Element

Implications for the Comprehensive Plan – 5.2 Housing Opportunities

- A sustainable workforce is essential to the future economic potential of the Island. To be sustainable over the horizon envisioned by this Comprehensive Plan, the workforce needs appropriate education, training, and access to affordable housing. While efforts for education and training may be broadly addressed on a regional basis, the current strategy for affordable housing seems to hinge on an off-Island labor pool. While this may meet short term (3-5 years) needs, potential development in Jasper County and other areas west of the Island may create competitive pressure on this off-Island labor pool and may threaten the Island's access to a viable work force.
- It is important that the Town of Hilton Head Island assists in the ability for the population to age in place. As the average age of the population gets older, the needs of the community change. It is important that housing options accommodate these changes. It is also important that the family and friends that support aging family members are able to reside in close proximity. The location of assisted living facilities is also important. Special complimentary land uses and associated infrastructure are needed. When one ages in place, it is important that one is living in close proximity to basic services, for instance banks, grocery stores and medical services and provisions for emergency evacuation are considered.

Goal 5.2 – Housing Opportunities

- B. To look at housing opportunities as a mechanism to maintain its essential workforce.
- C. To encourage housing options that provide opportunities for residents to age in place.

Land Use Element

Goal 8.10 – Zoning Changes

- A. To provide appropriate modifications to the zoning designations to meet market demands while maintaining the character of the Island.

Implementation Strategy 8.10 – Zoning Changes

- B. Consider focusing higher intensity land uses in areas with available sewer connections.

Additional Findings of Fact:

1. The proposed rezoning would increase the number of dwelling units allowed on the subject parcel from 40 to 74.
2. The subject property is not located near major tourist attractions.
3. The subject property is not located directly on the water.
4. The median home value on Hilton Head Island is about \$400,000.
5. The average value of homes outside of gated communities in the area around the subject property is \$200,000.
6. New housing developments are proposed or are currently being developed in the area: Beach City Place; Beach City Commons; 140 Fish Haul Road; and Ocean Breeze Cottages.
7. Group Living uses, including Assisted Living Facilities, are permitted in the RM-4 and RM-8 Districts.
8. Group Living uses are not permitted in the MV District.
9. The subject property is located almost four miles from a grocery store, more than three miles from a bank, and three miles from medical services.
10. The subject property does not contain any known wetlands, dunes, or other environmentally sensitive features.
11. Sewer service is not currently available to the subject property.
12. The Hilton Head Island Public Service District stated the property could have sewer service if the developer pays for the installation of a low pressure sewer line.
13. Establishing sewer service to the subject parcel would be required as part of a Development Plan Review or Subdivision application.

Conclusions of Law:

1. This application is **consistent** with the Comprehensive Plan, as described in the Housing, Community Facilities, and Land Use Elements as set forth in LMO Section 16-2-103.C.3.a.i.
2. The proposed rezoning would allow almost twice the number of residential dwelling units to be developed on the subject parcel. Given the location of the property, it is likely most profitably developed for residential use. Based on the value of homes in the area, it is likely that residences developed on this property would be moderately priced and therefore could provide additional workforce housing. Since providing additional housing opportunities maintain the Island's essential workforce is a goal of the Housing Element, the proposed rezoning is consistent with the Housing Element.
3. The Housing Element states the Town should encourage housing options, such as Assisted Living Facilities, that provide opportunities for residents to age in place. Though the proposed rezoning would remove Group Living from the list of allowed uses on the subject parcel, the parcel is not located in close proximity to basic services and therefore is not an ideal location for Group Living uses. The proposed rezoning is consistent with this provision of the Housing Element.
4. Goal 8.10-A of the Land Use Element is to provide appropriate modifications to the zoning designations to meet market demands while maintaining the character of the Island. The new residential development in the area of the subject property suggests there is an increased demand for housing in this area of the island. The subject property is surrounded by properties in the RM-4, MV, and RM-8 Districts. The subject property does not contain any known environmentally sensitive features. Rezoning the subject property from the RM-4 and RM-8 Districts to the MV District would be consistent with the character of the area while allowing the property to be developed at a higher density, consistent with the market demand for residential development in that area.
5. The proposed rezoning would allow higher density development on a parcel that currently does not have sewer service, which appears to be inconsistent with Implementation Strategy

8.10-B of the Land Use Element. However, since the Hilton Head Island Public Service District states the sewer service can be extended to the property and since the Town will require sewer service for the property to be developed, the proposed rezoning is consistent with the Land Use Element.

Summary of Facts and Conclusions of Law

Criteria 2: Whether and the extent to which the proposed zoning would allow a range of uses that are compatible with the uses allowed on other property in the immediate vicinity (LMO 16-2-103.C.3.a.ii):

Findings of Fact:

1. The properties adjacent to the subject parcel are zoned MV, RM-4, RM-8, and PD-1 Palmetto Hall (Planned Development Mixed-Use). Less than one half-mile from the subject property is the PD-1 Zoning District for Hilton Head Plantation.
2. The proposed rezoning to MV will permit a variety of use types: Residential; Civic, Public, Institutional and Educational; Resort Accommodation; Commercial Recreation; Office; Commercial Services; Vehicle Sales and Services; Industrial Uses and Others, such as Agriculture. See Attachment C for a complete list of uses permitted within these categories. Conditions not met by the subject property for uses like Boat Ramps and Seafood Processing are due to the lack of direct waterfront access. Conditions not met by the subject property for Outdoor Commercial Recreation other than Water Parks and Convenience Stores are due to the property not having frontage on a minor arterial. Conditions not met by the subject property for Liquor Stores and Night Clubs or Bars are due to and proximity to residential RM districts. Auto Rentals in this district can only be associated with a Resort development.
3. The uses permitted in the RM-4 District are similar to the uses permitted in the MV District, except that Group Living, Government Uses, and Education Uses are not permitted in the MV District. Use categories not permitted in the RM-4 District that are permitted in the MV District include Commercial Recreation, Office, Vehicle Sales and Services, and Industrial.
4. The uses permitted in the RM-8 District are similar to the uses permitted in the MV District, except that Group Living and Government uses are not permitted in the MV District. Use categories not permitted in the RM-8 District that are permitted in the MV District include Resort Accommodation, Commercial Recreation, Office, Vehicle Sales and Services, and Industrial.
5. The uses permitted in the PD-1 District are restricted to those listed for each parcel in the approved Master Plan. The two properties directly south of the subject property are in the PD-1 District. The approved uses of those properties are residential and recreation (golf and facilities), and common area. The properties are already developed as the Palmetto Hall Golf Maintenance facility, Holes Five and Six of the Arthur Hills golf course, and a Public Service District storage lagoon.

Conclusions of Law:

1. This application **meets the criteria** in LMO 16-2-103.C.3.a.ii.
2. The proposed rezoning will allow a range of uses that are compatible with the uses allowed on other properties in the vicinity.
3. The residential and permitted or permitted with conditions nonresidential uses that would be allowed on the subject property as a result of the rezoning will be compatible with the uses on the adjacent MV, RM-4, RM-8 and PD-1 zoned parcels.

Summary of Facts and Conclusions of Law

Criteria 3: Whether and the extent to which the proposed zoning is appropriate for the land (LMO 16-2-103.C.a.iii):

Findings of Fact:

1. The subject property is currently zoned RM-4 and RM-8 due to its proximity to other parcels with similar zoning. The parcel is split zoned due to being bisected by Fish Haul Road and subsequently divided into two independently zoned portions.
2. Fish Haul Road has been paved by the County with the paved portions of Mitchelville Road and Bay Gall Road in the area supporting development on this parcel. The developer may be required to make road improvements as determined during the Development Plan Review process.
3. There are no known sensitive environmental features on the subject property.
4. The subject property is located within one-half mile of community amenities such as the Barker Field complex with access to the beach via Fish Haul Beach Park. The Town public bike path extends to the corner of the property at Fish Haul Road and Mitchelville Road.
5. The proposed rezoning will allow all the uses listed in the MV District, except those with conditions not met by the subject property due to access, location, proximity to residential districts or specific use associations. An example of a specific use association is Auto Rentals, which are only permitted in association with a Resort.
6. Many of the uses permitted within the MV District that are waterfront in nature would be irrelevant to development on this parcel due to conditional restrictions having to do with waterfront properties. These include Watercraft Sales, Rentals or Service; Boat Ramps, Docking Facilities and Marinas; and Seafood Processing.
7. Uses permitted within the MV District that require the condition of direct access to a minor arterial roadway would not be permitted on the subject property. Fish Haul Road and Mitchelville Road are not classified as minor arterials per the LMO. These uses include Outdoor Commercial Recreation other than Water Parks and Convenience Stores.
8. Uses permitted within the MV District that require the condition of being more than 200 feet from a RS or RM zoned district would not be permitted on the subject property. The RM-4 and RM-8 Districts are adjacent to the subject property. These uses include Liquor Stores, Night Clubs and Bars.

Conclusions of Law:

1. This application **meets the criteria** in LMO 16-2-103.C.a.iii.
2. The proposed zoning is appropriate for the land because the subject property is adjacent to a number of parcels zoned MV where a variety of uses are permitted and where development is intended for the land.
3. The subject property is close to community and public amenities with a paved road network supporting the residential and commercial densities proposed for the property, though the developer may be required to make improvements to the roads as part of the Development Plan Review process.
4. There are no known sensitive environmental features on the subject property that would prevent or create hardship for development.
5. Some of the uses permitted within the MV District would not apply to the subject property because the conditions for the uses are not met due to access, location or proximity to residential districts.

Summary of Facts and Conclusions of Law

Criteria 4: Whether and the extent to which the proposed zoning addresses a demonstrated community need (LMO 16-2-103.C.a.iv):

Findings of Fact:

1. The subject property has the potential to provide more housing in the area.
2. Hilton Head Island has a need for more housing.
3. The applicant has stated the intention for future development on the subject property is for

- multifamily affordable housing.
4. Town Council has recognized and prioritized the need for more affordable housing on Hilton Head Island.
 5. Both proposed major subdivisions in the area are expected to provide 35-40 new single-family homes each in the \$280,000 to \$400,000 range, which is not a price range generally considered affordable. This does, however, speak to the increase in demand for housing on the island, specifically in this area.

Conclusions of Law:

1. This application **meets the criteria** in LMO 16-2-103.C.a.iv.
2. The proposed rezoning is meeting a demonstrated community need for more housing because the demand for housing on the island and in this area in particular has increased based on the number of residential developments being built now or under review.
3. The applicant has proposed to rezone the property in an effort to encourage affordable housing for the area, which is a demonstrated community need as prioritized by Town Council.
4. At this time there are no zoning districts or ordinances in place that require a developer to create affordable housing, thus the Town has no way to enforce affordable housing for residential development. There is no way to guarantee the subject property will in fact be developed with affordable housing.

Summary of Facts and Conclusions of Law

Criteria 5: Whether and the extent to which the proposed zoning is consistent with the overall zoning program as expressed in future plans for the Town (LMO 16-2-103.C.3.a.v):

Findings of Fact:

1. The subject property has remained undeveloped and vacant as can be determined by aerial imagery dating to 1955.
2. Per LMO 16-3-103.B, the purpose of the MV District is to recognize the historical and cultural significance of this area of the island. A variety of uses are permitted in an effort to facilitate development in this area. The MV District zoned parcels have the unique ability to provide an environment conducive to water-oriented commercial and residential development.
3. While the subject property is not waterfront, it is within 500 feet of the waterfront. Development on the subject parcel could provide a connection to the water via development with adjacent properties on the water in the MV District, as well as provide connections to the nearby public beach access at Fish Haul Beach Park.
4. Rezoning the subject property would align with the purpose of the MV District zoning program as a district established to facilitate development in this area of the island.
5. This area of the island is intended by the Town to be developed with a variety of uses. The 2014 LMO rewrite focused zoning in this area to encourage future development as per the defined purpose of the MV District.

Conclusions of Law:

1. This application **meets the criteria** in LMO 16-2-103.C.3.a.v.
2. The proposed rezoning is consistent with the overall zoning program as expressed in future plans for the Town because the purpose of the zoning districts established in this area is to promote development and a diverse density of residential uses ranging from four dwelling units up to 12 dwelling units across the districts incorporated into the area.

Summary of Facts and Conclusions of Law

Criteria 6: Whether and the extent to which the proposed zoning would avoid creating an inappropriately isolated zoning district unrelated to adjacent and surrounding zoning districts (LMO 16-2-103.C.3.a.vi):

Finding of Fact:

1. Both portions of the subject property are located across Mitchelville Road from a portion of the MV District.

Conclusions of Law:

1. This application **meets the criteria** in LMO 16-2-103.C.a.vi.
2. Due to the proximity of the MV District across Mitchelville Road, the proposed rezoning would not create an inappropriately isolated zoning district that is unrelated to adjacent and surrounding zoning districts.

Summary of Facts and Conclusions of Law

Criteria 7: Whether and the extent to which the proposed zoning would allow the subject property to be put to a reasonably viable economic use (LMO Section 16-2-103.C.3.a.vii):

Findings of Fact:

1. The subject property has never been developed.
2. The subject property as proposed to be rezoned will allow a variety of uses that could encourage commerce or mixed-uses in the area, such as eating establishments and offices, or provide housing, including multifamily development at a density of 12 du per net acre.
3. The current zoning has two different districts assigned on two separate portions with slightly different density (four dwelling units versus eight dwelling units) and use allowances (varied Commercial Services versus Resort Accommodation), as well as different design standards in development height, as described in the Background portion of this report and provided in Attachment C. This presents a hardship for any development utilizing both portions of the property in terms of providing consistent density and decreases its economic viability.
4. Rezoning so that both portions of the subject property have the same density, use allowances and design standards will promote a higher and better use of the land for development, thus providing more economic viability for the land.
5. While rezoning the RM-4 portion of the subject property to RM-8 is an option to achieve congruency across the property and provide better economic viability. The applicant is proposing to rezone to the MV District to not only achieve congruent density across the subject property, but also across adjacent, higher density properties in the target MV District.

Conclusions of Law:

1. This application **meets the criteria** in LMO Section 16-2-103.C.3.a.vii.
2. The rezoning of the subject property would allow it to be put to a reasonably viable economic use because both portions of the subject property will be congruent and promote development in an area of the island intended to be developed.
3. Rezoning the RM-4 portion of the subject property to RM-8 is also an option to achieve consistency across the property and could also provide better economic viability, but does not achieve the economies of scale desired by the applicant for developing the subject property in concert with other properties in the MV District.

Summary of Facts and Conclusions of Law

Criteria 8: Whether and the extent to which the proposed zoning would result in development that can be served by

available, adequate, and suitable public facilities (e.g. streets, potable water, sewerage, stormwater management) (LMO Section 16-2-103.C.3.a.viii):

Findings of Fact:

1. Fish Haul Road is a paved, Beaufort County-owned road bisecting the property. Mitchelville Road along the northeastern boundary is a paved road with right of way owned by the State. Improvements to Fish Haul Road at the developer's expense may be required during the Development Plan Review process.
2. Water service is available.
3. Sewer service is available if developers pay for a low pressure sewer line to be installed.
4. Electric service is available.
5. Hilton Head Island Fire and Rescue has the capability to immediately access the subject property.

Conclusions of Law:

1. This application **meets the criteria** in LMO 16-2-103.C.3.a.viii.
2. The proposed rezoning would result in development that can be served by all typically available, adequate and suitable public facilities for properties in the Town of Hilton Head Island.
3. The developer can improve the property by providing sewer and possibly upgrading the road to meet any existing deficiencies as required in the Town's Development Plan Review process.

Summary of Facts and Conclusions of Law

Criteria 9: Is appropriate due to any changed or changing conditions in the affected area (LMO Section 16-2-103.C.3.a.ix):

Findings of Fact:

1. In close proximity to the subject property on Mitchelville Road and Fish Haul Road there are currently two major subdivision projects at 140 Fish Haul Road and Ocean Breeze Cottages on Mitchelville Road and one minor subdivision project on Mitchelville Road under review with Town staff.
2. Town staff has reviewed a pre-application for a multifamily development for 15 to 20 homes nearby on Fish Haul Road.
3. The more recent development of single-family homes within the Beach City Place and Beach City Commons developments on Beach City Road near the subject property and the proposed subdivisions are construed as a changing condition.
4. The Hilton Head Island Public Service District is actively working with the Town to bring sewer infrastructure to the Mitchelville Road and Fish Haul Road area within the next 5 years.
5. The Town of Hilton Head Island is working with local property owners to pave the portion of Mitchelville Road near the subject property to provide safe and improved access.
6. The improved infrastructure for what has been a rural area is a changing condition that will encourage development.

Conclusions of Law:

1. This application **meets the criteria** in LMO Section 16-2-103.C.3.a.ix.
2. Rezoning the subject property will be appropriate due to the changing condition of increased development on nearby properties.
3. Rezoning the subject property will be appropriate due to the changing condition of proposed infrastructure improvements to the area.
4. The uses allowed by the proposed zoning district are appropriate due to these changing

conditions in the affected area.

LMO Official Determination
Staff determines that this application **is consistent with the Comprehensive Plan and does serve to carry out the purposes of the LMO** as based on the Findings of Fact and Conclusions of Law as determined by the LMO Official and enclosed herein.
Staff recommends that the Planning Commission recommend **APPROVAL** to Town Council of this application.

Note: If the proposed amendment is approved by Town Council, such action shall be by ordinance to amend the Official Zoning Map. If it is denied by Town Council, such action shall be by resolution.

PREPARED BY:

TL

Taylor Ladd
Senior Planner

July 24, 2018

DATE

REVIEWED BY:

ND

Nicole Dixon, CFM
Development Review Administrator

July 24, 2018

DATE

REVIEWED BY:

TL

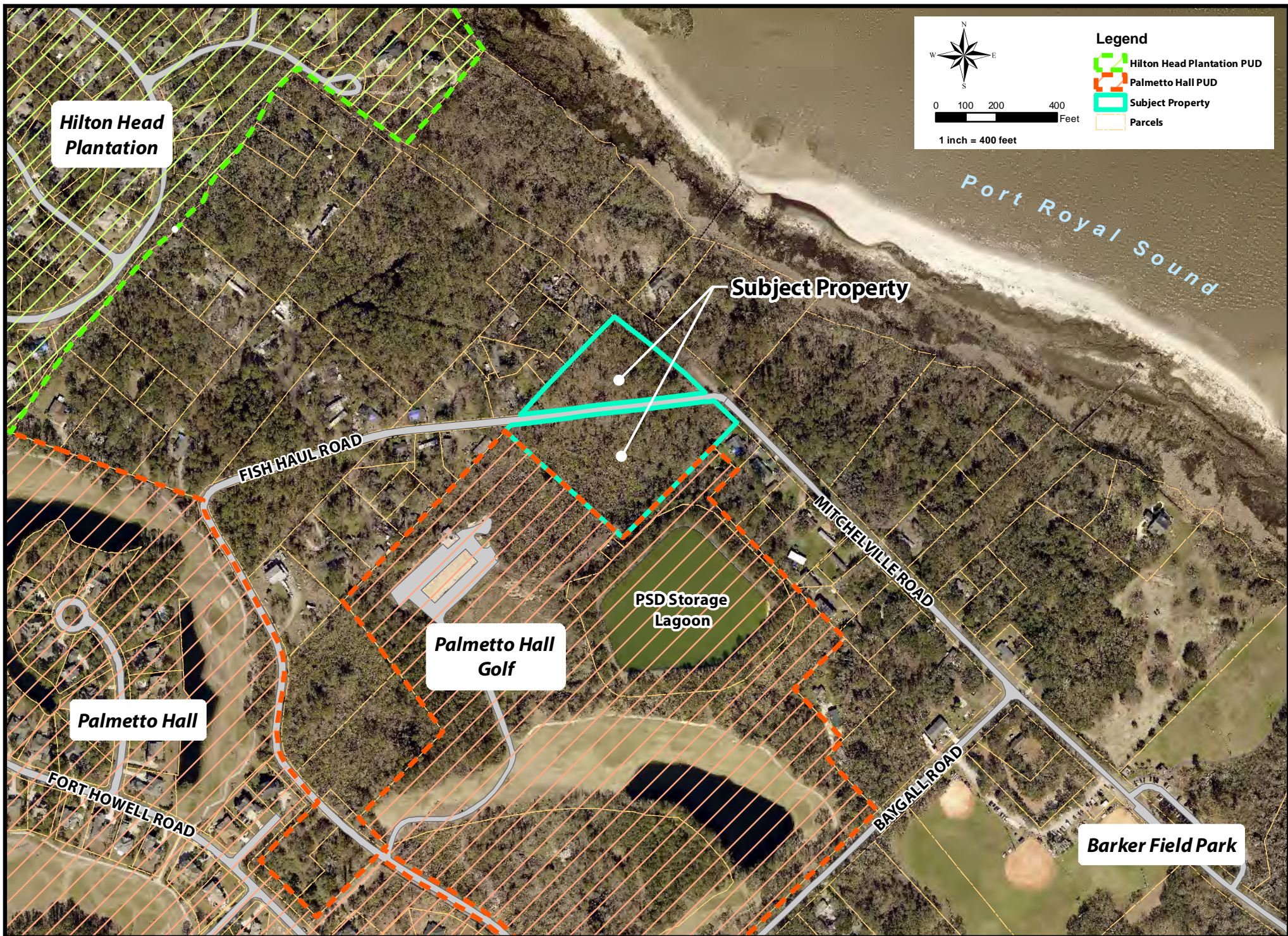
Teri Lewis, AICP
LMO Official

July 24, 2018

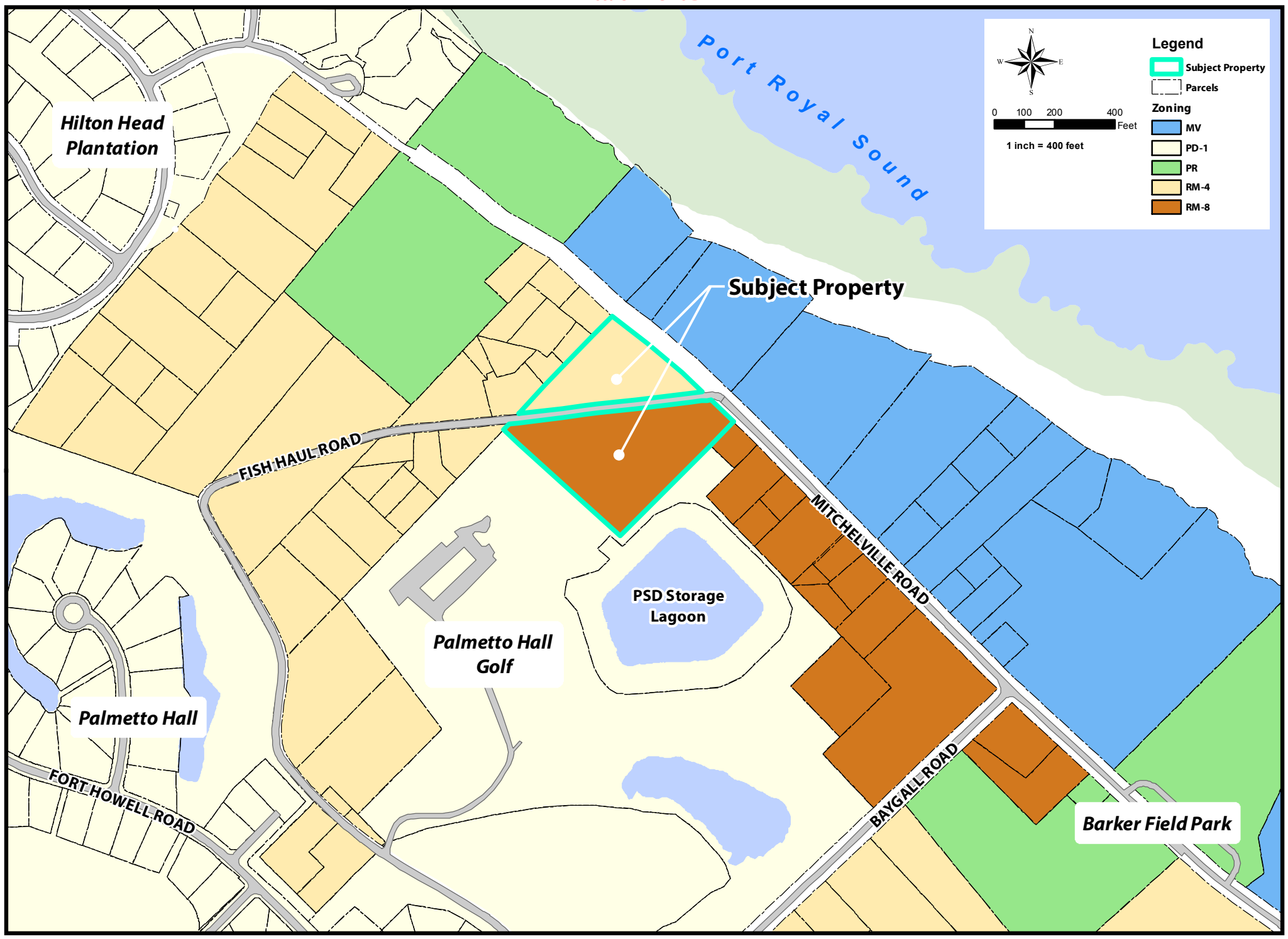
DATE

ATTACHMENTS:

- A) Vicinity Map
- B) Zoning Map
- C) LMO Use Tables
- D) Subject Property Aerial Imagery
- E) Boundary Survey
- F) Applicant Narrative



280 Fish Haul Road and Vicinity
ZA-001467-2018



280 Fish Haul Road Zoning
ZA-001467-2018

RM-4

Low to Moderate Density Residential District

1. Purpose

The purpose of the Low to Moderate Density Residential (RM-4) District is to protect and preserve the character of these areas and *neighborhoods* at *densities* up to four *dwelling units* per *net acre* . This district is used to encourage a variety of residential opportunities, including *multifamily* residential units, *single-family* residences, and *group living* . The regulations of the district are intended to discourage *development* that would substantially interfere with, or be detrimental to, residential character.

2. Allowable Principal Uses

		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses				
<i>Group Living</i>	P		1 per 3 rooms	
<i>Multifamily</i>	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
<i>Single-Family</i>	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
<i>Cemeteries</i>	P		1 per 225 GFA of office area + 1 per 500 GFA of <i>maintenance</i> facilities	
<i>Community Service Uses</i>	P		1 per 400 GFA	
<i>Education Uses</i>	P		Colleges and High Schools	10 per classroom
			Elementary and Junior High/Middle Schools	4 per classroom
			<i>Other Education Uses</i>	See Sec. 16-5-107.D.2
<i>Government Uses</i>	PC	Sec. 16-4-102.B.2.d	Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area

Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-107.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Resort Accommodations				
Bed and Breakfasts	PC	Sec. 16-4-102.B.4.a	1 per guest room	
Commercial Services				
Convenience Stores	PC	Sec. 16-4-102.B.7.d	1 per 200 GFA	
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 GFA of sales/display area	
Other Commercial Services	PC	Sec. 16-4-102.B.7.l	See Sec. 16-5-107.D.2	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a
Boat Ramps , Docking Facilities , and Marinas	PC	Sec. 16-4-102.B.10.a	1 per 200 GFA of enclosed floor space not used for storage + 1 per 3 wet slips + 1 per 5 dry storage slips	
3. Development Form Standards				
MAX. DENSITY (PER NET ACRE)		LOT COVERAGE		
Residential	4 du (6 du if lot area is at least 3 acres; 8 du if lot area is at least 5 acres)	Max. Impervious Cover for All Development Except Single-Family	35%	
Bed and Breakfast	10 rooms			
Nonresidential	6,000 GFA	Min. Open Space for Major Residential Subdivisions	16%	
MAX. BUILDING HEIGHT				
All Development	35 ft ¹			
USE AND OTHER DEVELOPMENT STANDARDS				
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural				

Resource Protection.

TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = **dwelling units** ; sf = square feet; GFA = **gross floor area** in square feet; ft = feet; n/a = not applicable

1. May be increased by up to ten percent on demonstration to the **Official** that:

a. The increase is consistent with the character of **development** on surrounding **land** ;

b. **Development** resulting from the increase is consistent with the purpose and intent of the **building height** standards;

c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed **development** , or (2) results in improved site conditions for a **development** with **nonconforming site features** ;

d. The increase will not pose a danger to the public health or safety;

e. Any adverse impacts directly attributable to the increase are mitigated; and

f. The increase, when combined with all previous increases allowed under this provision, does not result in a cumulative increase greater than ten percent.

(Revised 4-18-2017 - [Ordinance 2017-05](#))

Attachment C

ZA-001467-2018

Town of Hilton Head Island Municipal Code

Title 16: Land Management Ordinance, Section 16-3-104.F

RM-8

Moderate Density Residential District

1. Purpose

The purpose of the Moderate Density Residential (RM-8) District is to allow the **development** of residential **uses** at **densities** up to eight **dwelling units** per **net acre** . The district allows a variety of residential **uses** , along with **uses** that support **neighborhoods** . The district is intended to discourage **development** that would substantially interfere with, or be detrimental to, moderate residential character.

2. Allowable Principal Uses

		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses				
Group Living	P		1 per 3 rooms	
Multifamily	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
Community Service Uses	P		1 per 400 GFA	
Government Uses	PC	Sec. 16-4-102.B.2.d	Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-107.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Commercial Services				
Other Commercial Services	PC	Sec. 16-4-102.B.7.I	See Sec. 16-5-107.D.2	
Other Uses				
Agriculture Uses	P		Stables or Riding	1 per 5 stalls

			Academies	
			Other	n/a
Boat Ramps , Docking Facilities , and Marinas	PC	Sec. 16-4-102.B.10.a	1 per 200 GFA of enclosed floor space not used for storage + 1 per 3 wet slips + 1 per 5 dry storage slips	
3. Development Form Standards				
MAX. DENSITY (PER NET ACRE)		LOT COVERAGE		
Residential	8 du	Max. Impervious Cover for All Development Except Single-Family	35%	
Nonresidential	6,000 GFA			
MAX. BUILDING HEIGHT		Min. Open Space for Major Residential Subdivisions	16%	
All Development	45 ft ¹			
USE AND OTHER DEVELOPMENT STANDARDS				
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.				
TABLE NOTES:				
P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = dwelling units ; sf = square feet; GFA = gross floor area in square feet; ft = feet; n/a = not applicable				
1. May be increased by up to ten percent on demonstration to the Official that:				
a. The increase is consistent with the character of development on surrounding land ;				
b. Development resulting from the increase is consistent with the purpose and intent of the building height standards;				
c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed development , or (2) results in improved site conditions for a development with nonconforming site features ;				
d. The increase will not pose a danger to the public health or safety;				
e. Any adverse impacts directly attributable to the increase are mitigated; and				
f. The increase, when combined with all previous increases allowed under this provision, does not result in a cumulative increase greater than ten percent.				

Attachment C

ZA-001467-2018

Town of Hilton Head Island Municipal Code

Title 16: Land Management Ordinance, Section 16-3-105.I

MV

Mitchelville District

1. Purpose

The purpose of the Mitchelville (MV) District is to recognize the historical and cultural significance of this area of the Island. A variety of *uses* are permitted in an effort to facilitate *development* in this area. These *sites* have a unique ability to provide an environment conducive to water-oriented commercial and residential *development* .

2. Allowable Principal Uses

		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses				
<i>Mixed-Use</i>	PC	Sec. 16-4-102.B.1.a	Residential	1.5 per du
			Nonresidential	1 per 500 GFA
<i>Multifamily</i>	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
<i>Single-Family</i>	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
<i>Cemeteries</i>	P		1 per 225 GFA of office area + 1 per 500 GFA of <i>maintenance</i> facilities	
<i>Community Service Uses</i>	P		1 per 400 GFA	
<i>Major Utilities</i>	SE		1 per 1,500 GFA	
<i>Minor Utilities</i>	P		n/a	
<i>Public Parks</i>	P		See Sec. 16-5-107.D.2	
<i>Religious Institutions</i>	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or	PC	Sec. 16-4-102.B.2.e	n/a	

Building Mounted				
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Resort Accommodations				
Bed and Breakfasts	PC	Sec. 16-4-102.B.4.a	1 per guest room	
Hotels	P		1 per guest room	
Interval Occupancy	P		1 bedroom	1 per du
			2 bedrooms	1.25 per du
			3 or more bedrooms	1.5 per du
Commercial Recreation				
Indoor Commercial Recreation Uses	P		1 per 3 persons + 1 per 200 GFA of office or similarly used area	
Outdoor Commercial Recreation Uses Other than Water Parks	PC	Sec. 16-4-102.B.5.b	Golf Courses, Miniature Golf Courses, or Driving Ranges	1 per tee
			Stadiums	1 per 4 spectator seats
			Other	1 per 3 persons + 1 per 200 GFA of office or similarly used area
Water Parks	P		See Sec. 16-5-107.D.2	
Office Uses				
Contractor's Office	PC	Sec. 16-4-102.B.6.a	1 per 350 GFA of office/administrative area	
Other Office Uses	P		1 per 350 GFA	
Commercial Services				
Bicycle Shops	PC	Sec. 16-4-102.B.7.c	1 per 200 GFA	
Convenience Stores	PC	Sec. 16-4-102.B.7.d	1 per 200 GFA	
Eating Establishments	PC	Sec. 16-4-102.B.7.e	1 per 100 sf of gross floor area and outdoor eating area	
Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 200 GFA	
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h	1 per 70 GFA	

Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 sf of sales/display area	
Other Commercial Services	P		See Sec. 16-5-107.D.2	
Vehicle Sales and Services				
Auto Rentals	PC	Sec. 16-4-102.B.8.a	See Sec. 16-5-107.D.2	
Watercraft Sales, Rentals, or Services	PC	Sec. 16-4-102.B.8.e	1 per 200 GFA	
Industrial Uses				
Seafood Processing	PC	Sec, 16-4-102.B.9.b	1 per 1,300 GFA of indoor storage or manufacturing area + 1 per 350 GFA of office or administrative area	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a
Boat Ramps , Docking Facilities , and Marinas	P		1 per 200 GFA of enclosed floor space not used for storage + 1 per 3 wet slips + 1 per 5 dry storage slips	
3. Development Form Standards				
MAX. DENSITY (PER NET ACRE)			LOT COVERAGE	
Residential	12 du		Max. Impervious Cover	50%
Bed and Breakfasts	10 rooms			
Hotel	35 rooms		Min. Open Space for Major Residential Subdivisions	16%
Interval Occupancy	12 du			
Nonresidential	8,000 GFA			
MAX. BUILDING HEIGHT				
All Development	75 ft			

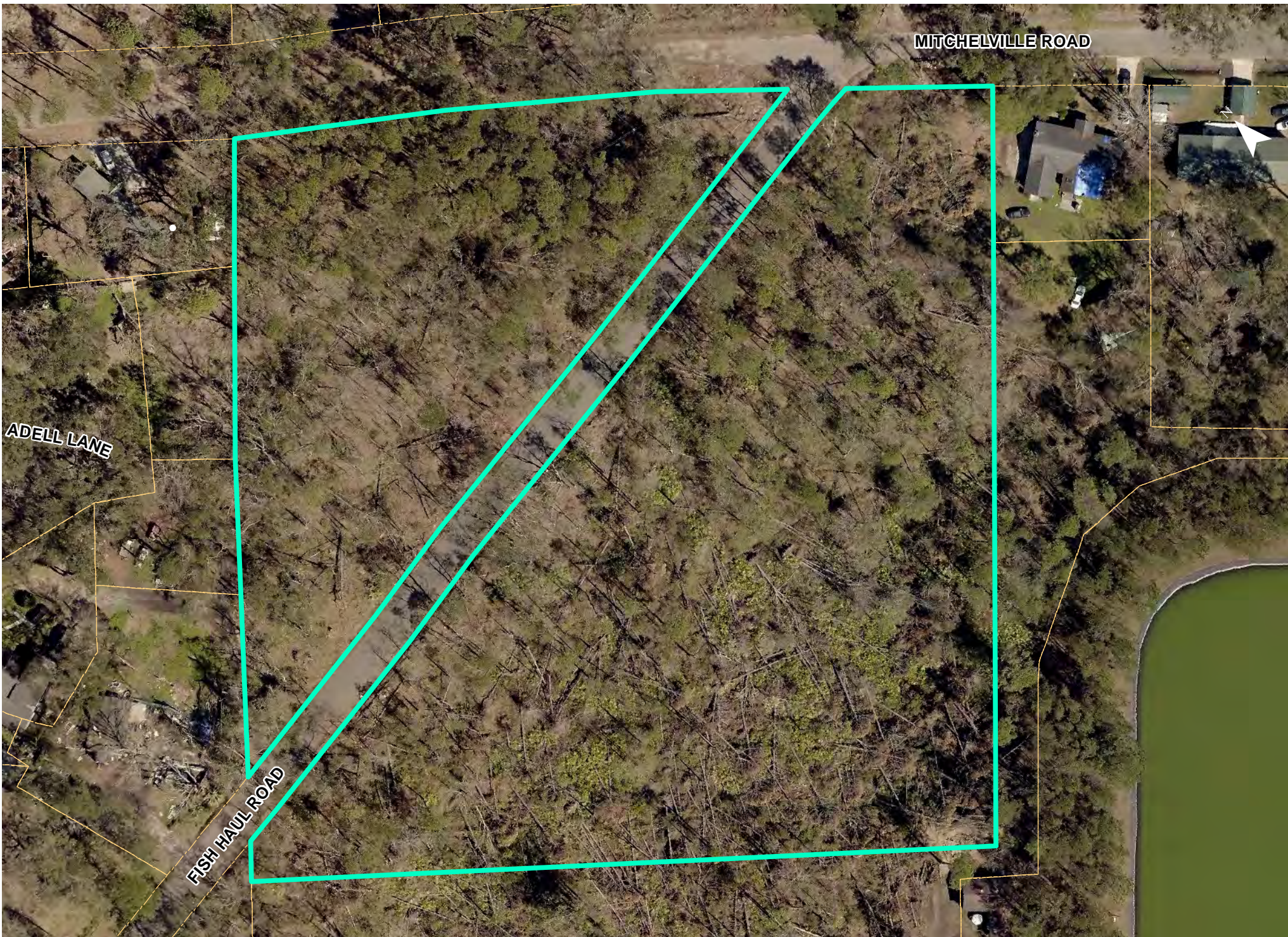
USE AND OTHER DEVELOPMENT STANDARDS

See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = **dwelling units**; sf = square feet; GFA = **gross floor area** in square feet; ft = feet; n/a = not applicable

(Revised 4-18-2017 - [Ordinance 2017-05](#); revised 12-5-2017 - [Ordinance 2017-19](#))



ZA-001467-2018

280 Fish Haul Road 2017 Aerial View

Attachment D



ZA-001467-2018

280 Fish Haul Road 2017 Aerial View North

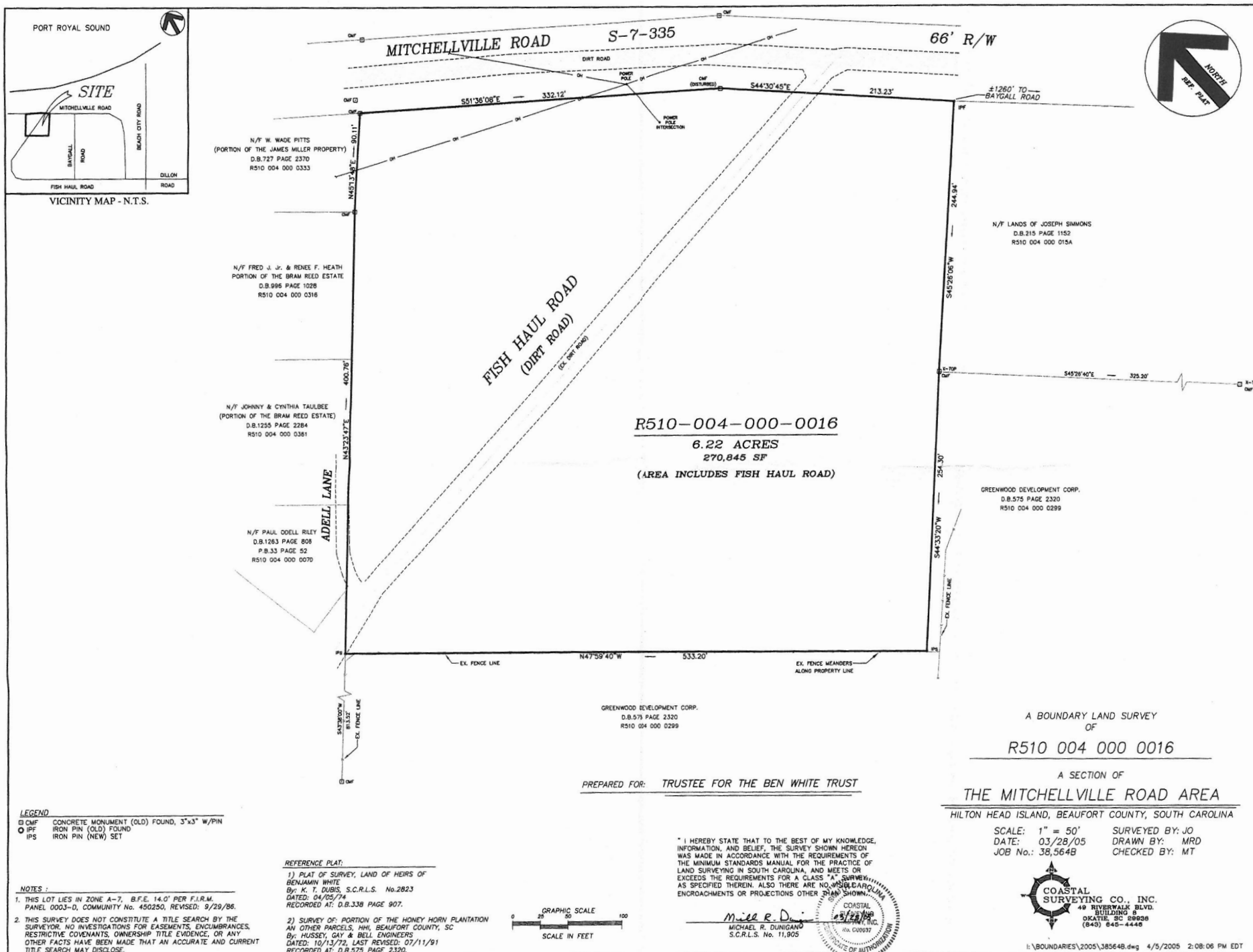
Attachment D



ZA-001467-2018

280 Fish Haul Road 2017 Aerial View West

Attachment E

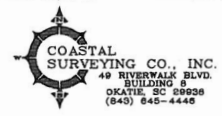


R510-004-000-0016
 6.22 ACRES
 270,845 SF
 (AREA INCLUDES FISH HAUL ROAD)

A BOUNDARY LAND SURVEY
 OF
R510 004 000 0016
 A SECTION OF
THE MITCHELLVILLE ROAD AREA
 HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA

SCALE: 1" = 50'
 DATE: 03/28/05
 JOB No.: 38,564B

SURVEYED BY: JO
 DRAWN BY: MRD
 CHECKED BY: MT



I:\BOUNDARIES\2005\38564B.dwg 4/5/2005 2:08:06 PM EDT

- LEGEND**
- C/MF CONCRETE MONUMENT (OLD) FOUND, 3"x3" W/PIN
 - I/PF IRON PIN (OLD) FOUND
 - I/PS IRON PIN (NEW) SET

- NOTES:**
1. THIS LOT LIES IN ZONE A-7, B.F.E. 14.0' PER F.I.R.M. PANEL 0003-D, COMMUNITY No. 450250, REVISED: 9/29/86.
 2. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. NO INVESTIGATIONS FOR EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS HAVE BEEN MADE THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

- REFERENCE PLAT:**
- 1) PLAT OF SURVEY, LAND OF HEIRS OF BENJAMIN WHITE
 By: K. T. DUBIS, S.C.R.L.S. No. 2823
 DATED: 04/05/74
 RECORDED AT: D.B.338 PAGE 907.
 - 2) SURVEY OF PORTION OF THE HONEY HORN PLANTATION AN OTHER PARCELS, NHI, BEAUFORT COUNTY, SC
 By: HUSSEY, GAY & BELL ENGINEERS
 DATED: 10/13/72, LAST REVISED: 07/11/91
 RECORDED AT: D.B.575 PAGE 2320.



"I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN. ALSO THERE ARE NO UNDISCLOSED ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN."

Michael R. Dunigano
 MICHAEL R. DUNIGANO
 S.C.R.L.S. No. 11,905

280 Fish Haul Road 2005 Boundary Survey
 ZA-001467-2018

Attachment F

ZA-001467-2018

Zoning Map Amendment Application
from Thomas C. Barnwell, Jr. and Perry White
Trustees for the Ben White Trust
June 15, 2018

This zoning amendment request is being made because the Ben White Trust has entered into a contract to sell the 6.22 acre tract to the Web Investment Group, LLC and a density of 12 units per acre is one of the conditions of the sale.

The buyer/developer is planning a multi-family housing project on this parcel. The planned development is consistent with the land use of the neighboring properties.

Fish Haul Road runs through the middle of this property and there is access to water and sewer.

Attachment F

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For a Zoning Map Amendment application, please submit a response for each of the following criteria in regards to your request for consideration of rezoning the property:

Criteria 1: Whether and the extent to which the proposed zoning is in accordance with the Comprehensive Plan (LMO Section 16-2-103.C.3.a.i): The proposed zoning is in accordance with the Comprehensive Plan (LMO Section 16-2-103.C.3.a.i.) because the surrounding properties, properties across the street are already zoned Mitchelville District RM 12. The proposed zoning amendment requested is Mitchelville District RM 12. Rezoning would maximize owner's/developer's highest and best use of the land.

Criteria 2: Whether and the extent to which the proposed zoning would allow a range of uses that are compatible with the uses allowed on other property in the immediate vicinity (LMO Section 16-2-103.C.3.a.ii): The proposed zoning would allow a range of uses that are compatible with the uses allowed on other property in the immediate vicinity because the proposed zoning will be the zoning of other property in the immediate vicinity.

Criteria 3: Whether and the extent to which the proposed zoning is appropriate for the land (LMO Section 16-2-103.C.2.a.iii): The proposed zoning is appropriate for the land just as it was surrounding properties, properties across the street, matching their zoning.

Criteria 4: Whether and the extent to which the proposed zoning addresses a demonstrated community need (LMO Section 16-2-103.C.3.a.iv): The proposed zoning to match the zoning of surrounding properties in the immediate vicinity would better allow the owner to build affordable housing which addresses a demonstrated community need.

Criteria 5: Whether and the extent to which the proposed zoning is consistent with the overall zoning program as expressed in future plans for the Town (LMO 16-2-103.C.3.a.v): The proposed zoning matches adjacent and surrounding properties in the immediate vicinity which were rezoned to the proposed zoning. Thus the proposed zoning is consistent with the overall zoning program as expressed in future plans for the Town just as the surrounding properties' zoning is.

Criteria 6: Whether and the extent to which the proposed zoning would avoid creating an inappropriately isolated zoning district unrelated to adjacent and surrounding zoning districts (LMO Section 16-2-103.C.3.a.vi): The proposed zoning would avoid creating an inappropriately isolated zoning district unrelated to adjacent and surrounding zoning districts because the proposed zoning would now match the adjacent and surrounding properties.

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Criteria 7: Whether and the extent to which the proposed zoning would allow the subject property to be put to a reasonably viable economic use (LMO Section 16-2-103.C.3.a.vii):

The investors/developers are presently under pending contract to purchase 280 Fish Haul Rd, as well as the waterfront parcels directly across the street, Parcels 9A, 11, and are in the process of securing ground lease on parcel 10 Mitchelville Rd. All the above aforementioned parcels, and the other parcels directly across from, adjacent to 280 Fish Haul Rd are zoned Mitchelville District Residential Medium Density 12 units/acre. The Developers' Preliminary Conceptual Site Development Plan is inclusive of all of the above aforementioned parcels for one larger multi-family unit development. Prior to contract ratification on 280 Fish Haul Road, Investors/Developers were given disclosures of the present zoning density. In a subsequent meeting between Town Manager Steve Riley and the Developers/Purchasers meeting with Zoning & Planning Manager Teri Lewis, a recommendation was determined and made that in consideration of and to maximize the most viable, highest and best use of this Land, rezoning this parcel to the same as the above aforementioned parcels, Mitchelville District RM12, would maximize the land's value and economic viability.

The Investors/Developers have underwritten the preliminary conceptual site development plan using 12 units/acre. They did so with the provision in mind to provide quality, more available long term rental units and potentially some affordable median price-point privately owned residential housing inventory to a broader range of local citizens and our valuable local work force in our community.

With the above said, it should be taken into serious account the economies of scale. 12 units per acre is more economically viable than 8 units per acre. The proposed zoning would allow construction of more, much needed available housing inventory to offset the present housing inventory deficit. The proposed zoning to Mitchelville District RM12 would increase the subject property's value, thus higher tax assessment on the property, bringing more revenue into local economy. More revenue, more families living and spending their money on the island creates and sustains a more robust local economy.

Land's viability can be best determined when improvements can be made upon it which allow for, maximize it's highest and best use, and gives it tangible value.

Criteria 8: Whether and the extent to which the proposed zoning would result in development that can be served by available, adequate, and suitable public facilities (e.g. streets, potable water, sewerage, stormwater management) (LMO Section 16-2-103.C.3.a.viii): The proposed zoning would result in development that can be served by the available, adequate, and suitable public facilities (streets, potable water, sewerage, electric, and stormwater management)

Criteria 9: Is appropriate due to any changed or changing conditions in the affected area (LMO Section 16-2-103.C.3.a.ix): The proposed zoning is appropriate so that the subject property can be zoned just like adjacent, surrounding properties in the immediate vicinity.



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Public Planning Committee
VIA: Shawn Colin, AICP, *Director of Community Development*
FROM: Teri B. Lewis, AICP, *Deputy Director of Community Development*
DATE: June 12, 2019
SUBJECT: Proposed LMO Amendments – Recreational Vehicles

Recommendation: The Planning Commission held a public hearing on June 5, 2019 to review the Land Management Ordinance (LMO) amendments related to Recreational Vehicles. At this meeting, the Commission voted 6-0 to forward the amendments to the Public Planning Committee with a recommendation of approval with the following changes:

- remove the RD (Resort Development) zoning district from the zoning districts where this use can occur; and
- add language to condition i stating that a new single family residence must be replacing an existing single family residence; and
- add an additional 90 day extension in condition iii.

Staff recommends that the Public Planning Committee recommend approval of the proposed LMO amendments to Town Council.

Summary: Staff drafted amendments to LMO Chapters 3, 4 and 10 to create relief for property owners wishing to temporarily occupy recreational vehicles while building or renovating single-family homes. The amendments provide a limited amount of time for residents to occupy a recreational vehicle while their home is under construction. Staff drafted these amendments as a result of discussions with individuals who seek to build a home on a property to replace a substandard residence while allowing the resident to remain on the site.

Background: On November 7, 2018, Town Council provided positive policy direction related to the temporary use of recreational vehicles on properties with active residential building permits.

On December 5, 2018, staff presented a draft of the amendments to the Planning Commission. The Planning Commission referred the amendments to the LMO Committee for revisions.

On December 11, 2018, staff presented a revised draft of the amendments to the LMO Committee. The LMO Committee asked staff to revise the amendments based on comments from the meeting and to send the revised draft language to the LMO Committee to review prior to holding a public hearing on the amendments.

On February 20, 2019, staff presented a revised draft of the amendments to the Planning Commission. After discussion between the Planning Commission, staff, and the public, the

Planning Commission asked staff to revise the amendments based on comments from the meeting and to bring the revised amendments back to the next Planning Commission meeting.

On March 6, 2019, staff presented a revised draft of the amendments to the Planning Commission. After discussion between the Planning Commission, staff, and the public, the Planning Commission asked staff to revise the amendments based on comments from the meeting and to bring the revised amendments back to a future Planning Commission meeting.

Attachment

Proposed LMO Amendments – Recreational Vehicles

Proposed LMO Amendments related to Recreational Vehicles

Chapter 16-3: Zoning Districts

16-3-104. Residential Base Zoning Districts

E. Low to Moderate Density Residential (RM-4) District

RM-4, Low to Moderate Density Residential District			
1. No Change			
2. Allowable Principal Uses			
		Use Specific-Conditions	Minimum Number of Off-Street Parking Spaces
Residential Uses			
<i>Group Living</i>	P		1 per 3 rooms
<i>Multifamily</i>	P		1 bedroom
			2 bedroom
			3 or more bedrooms
<u><i>Recreational Vehicle</i></u>	<u>PC</u>	<u>16-4-102.B.1.c</u>	<u>1 per <i>Recreational Vehicle</i></u>
<i>Single-Family</i>	P		2 per du + 1 per 1,250 GFA over 4,000 GFA

F. Moderate Density Residential (RM-8) District

RM-8, Moderate Density Residential District			
1. No Change			
2. Allowable Principal Uses			
		Use Specific-Conditions	Minimum Number of Off-Street Parking Spaces
Residential Uses			
<i>Group Living</i>	P		1 per 3 rooms
<i>Multifamily</i>	P		1 bedroom
			2 bedroom
			3 or more bedrooms
<u><i>Recreational Vehicle</i></u>	<u>PC</u>	<u>16-4-102.B.1.c</u>	<u>1 per <i>Recreational Vehicle</i></u>
<i>Single-Family</i>	P		2 per du + 1 per 1,250 GFA over 4,000 GFA

G. Moderate to High Density Residential (RM-12) District

RM-12, Moderate to High Density Residential District			
1. No Change			
2. Allowable Principal Uses			
		Use Specific-Conditions	Minimum Number of Off-Street Parking Spaces
Residential Uses			
<i>Group Living</i>	P		1 per 3 rooms
<i>Multifamily</i>	P		1 bedroom
			2 bedroom
			3 or more bedrooms
<u><i>Recreational Vehicle</i></u>	<u>PC</u>	<u>16-4-102.B.1.c</u>	<u>1 per <i>Recreational Vehicle</i></u>
<i>Single-Family</i>	P		2 per du + 1 per 1,250 GFA over 4,000 GFA

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

D. Light Commercial (LC) District

LC, Light Commercial District				
1. No Change				
2. Allowable Principal Uses				
		Use Specific-Conditions	Minimum Number of Off-Street Parking Spaces	
Residential Uses				
<i>Group Living</i>	P		1 per 3 rooms	
<i>Mixed-Use</i>	PC	16-4-102.B.1.a	Residential	1.5 per du
			Nonresidential	1 per 500 GFA
<i>Multifamily</i>	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
<u><i>Recreational Vehicle</i></u>	<u>PC</u>	<u>16-4-102.B.1.c</u>	<u>1 per <i>Recreational Vehicle</i></u>	
<i>Recreational Vehicle (RV) Park</i>	<u>PC</u>	<u>16-4-102.B.1.e</u>	1 per 300 GFA of office and clubhouse	
<i>Single-Family</i>	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	

G. Marshfront (MF) District

MF, Marshfront District				
1. No Change				
2. Allowable Principal Uses				
		Use Specific-Conditions	Minimum Number of Off-Street Parking Spaces	
Residential Uses				
<i>Mixed-Use</i>	PC	16-4-102.B.1.a	Residential	1.5 per du
			Nonresidential	1 per 500 GFA
<i>Multifamily</i>	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
<u><i>Recreational Vehicle</i></u>	<u>PC</u>	<u>16-4-102.B.1.c</u>	<u>1 per <i>Recreational Vehicle</i></u>	
<i>Single-Family</i>	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	

I. Mitchelville (MV) District

MV, Mitchelville District				
1. No Change				
2. Allowable Principal Uses				
		Use Specific-Conditions	Minimum Number of Off-Street Parking Spaces	
Residential Uses				
<i>Mixed-Use</i>	PC	16-4-102.B.1.a	Residential	1.5 per du
			Nonresidential	1 per 500 GFA
<i>Multifamily</i>	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du

<u>Recreational Vehicle</u>	<u>PC</u>	<u>16-4-102.B.1.c</u>	<u>1 per Recreational Vehicle</u>
<i>Single-Family</i>	P		2 per du + 1 per 1,250 GFA over 4,000 GFA

J. Neighborhood Commercial (NC) District

NC, Neighborhood Commercial District				
1. No Change				
2. Allowable Principal Uses				
		Use Specific-Conditions	Minimum Number of Off-Street Parking Spaces	
Residential Uses				
<i>Mixed-Use</i>	PC	16-4-102.B.1.a	Residential	1.5 per du
			Nonresidential	1 per 500 GFA
<i>Multifamily</i>	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
<u>Recreational Vehicle</u>	<u>PC</u>	<u>16-4-102.B.1.c</u>	<u>1 per Recreational Vehicle</u>	
<i>Single-Family</i>	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	

N. Stoney (S) District

S, Stoney District				
1. No Change				
2. Allowable Principal Uses				
		Use Specific-Conditions	Minimum Number of Off-Street Parking Spaces	
Residential Uses				
<i>Multifamily</i>	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
<u>Recreational Vehicle</u>	<u>PC</u>	<u>16-4-102.B.1.c</u>	<u>1 per Recreational Vehicle</u>	
<i>Single-Family</i>	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	

O. Waterfront Mixed-Use (WMU) District

WMU, Waterfront Mixed-Use District				
1. No Change				
2. Allowable Principal Uses				
		Use Specific-Conditions	Minimum Number of Off-Street Parking Spaces	
Residential Uses				
<i>Mixed-Use</i>	PC	16-4-102.B.1.a	Residential	1.5 per du
			Nonresidential	1 per 500 GFA
<i>Multifamily</i>	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
<u>Recreational Vehicle</u>	<u>PC</u>	<u>16-4-102.B.1.c</u>	<u>1 per Recreational Vehicle</u>	
<i>Single-Family</i>	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	

Chapter 16-4: Use Standards

16-4-102. Principal Uses

A. Principal Use Table

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 Type	Special Districts	Residential Districts						Mixed-Use and Business Districts											Use-Specific Conditions			
	CON	P	RSF-3	RSF-5	RSF-6	RM-4	RM-8	RM-12	CR	SPC	CC	MS	WU	S	MF	MV	NC	LC		RD	ME	IL
RESIDENTIAL USES																						
<i>Group Living</i>						P	P	P					P						P		P	
<i>Mixed-Use</i>									PC	PC			PC	PC		PC	PC	PC	PC	PC		16-4-102.B.1.a
<i>Multifamily</i>						P	P	P	PC	P			P	P	P	P	P	P	P	P		16-4-102.B.1.b
<i>Recreational Vehicle</i>						<u>PC</u>	<u>PC</u>	<u>PC</u>					<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>				
<i>Recreation Vehicle (RV) Parks</i>																			P	€		16-4-102.B.1.c
<i>Single-Family</i>			P	P	P	P	P	P					P	P	P	P	P	P	P			

B. Use-Specific Conditions for Principal Uses

1. Residential Uses

a. – b. No Changes

e. Recreation Vehicle (RV) Parks

Use of a recreational vehicle for residential or accommodation purposes is prohibited except in a Recreational Vehicle (RV) Park.

c. Recreational Vehicles

Use of a recreational vehicle for residential purposes is only permitted with the following conditions:

i. The lot on which the recreational vehicle will be located and occupied must have an active residential building permit for either a new single family residence that is replacing an existing single family residence or the renovation of at least 50% of an existing single family residence on the lot; and

ii. If the existing residence is being renovated, it cannot be safely occupied; and

iii. The recreational vehicle may be occupied for up to 180 consecutive days or for the life of the building permit, whichever comes first. The Administrator may approve up to two extensions of up to 90 consecutive days each if the new or renovated residence is not yet habitable; and

iv. The recreational vehicle must be occupied by the owner of the lot on which the recreational vehicle is located; and

v. Only one recreational vehicle may be located and occupied on the lot at a time; and

vi. The owner of the lot on which the recreational vehicle will be located must demonstrate how electricity, water and sewer service for the recreational vehicle will be provided; and

vii. The recreational vehicle must not be located within any required setbacks or buffers; and

viii. The request to use a recreational vehicle on a lot must be submitted by a 501(c)(3) organization.

Chapter 16-10: Definitions, Interpretation and Measurement

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

A. Residential

1. No Change
2. Use Types and Definitions

Recreational Vehicle

Any of the following vehicles designed for travel, recreation, and vacation uses: motorhome or van (a portable, temporary dwelling constructed as an integral part of a self-propelled vehicle); pickup camper (a structure designed to be mounted on a truck chassis); recreational trailer (a portable structure built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections); park trailer (a semi-portable structure built on a single chassis, which does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to USDHUD standards); or tent trailer (a canvas or synthetic fiber folding structure mounted on a hard body base and towed by a vehicle).

16-10-105. General Definitions

Recreational Vehicle

Any of the following vehicles designed for travel, recreation, and vacation uses: motorhome or van (a portable, temporary dwelling constructed as an integral part of a self-propelled vehicle); pickup camper (a structure designed to be mounted on a truck chassis); recreational trailer (a portable structure built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections); park trailer (a semi-portable structure built on a single chassis, which does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to USDHUD standards); or tent trailer (a canvas or synthetic fiber folding structure mounted on a hard body base and towed by a vehicle). Use of a recreational vehicle for residential or accommodation purposes is prohibited except in a Recreational Vehicle (RV) Park.