



Town of Hilton Head Island
LMO Committee Meeting
Tuesday, November 1, 2022 – 9:00 a.m.
AGENDA

The LMO Committee Meeting will be held in-person at Town Hall in the Benjamin M. Racusin Council Chambers.

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. Roll Call

4. Approval of Agenda

5. Approval of Minutes – September 1, 2022

6. Appearance by Citizens

Citizens may submit written comments via the [Town's Open Town Hall Portal](#). The portal will close at 4:30 p.m. the day prior to the scheduled meeting. Comments submitted through the portal will be provided to the Commission and made part of the official record.

7. New Business

a. Tier 1.A Proposed LMO Amendments – *presented by Nicole Dixon*

b. Islander Mixed-Use LMO Amendments – *presented by Josh Tiller*

8. Committee Business

9. Adjournment

Please note that a quorum of Planning Commission may result if five (5) or more of their members attend this meeting.

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



Town of Hilton Head Island
Planning Commission LMO Committee
Regular Meeting

September 1, 2022 at 9:00 a.m.

MEETING MINUTES

Present from the Committee: Chairman Alan Perry, Vice Chairman Rick D'Arienzo, Michael Scanlon, Ex-Officio, Jim Collett, Bruce Siebold

Absent from the Committee: None

Present from the Planning Commission: Stephen Alfred

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

Present from Town Staff: Shawn Colin, Assistant Town Manager – Community Development; Chris Yates, Development Services Manager; Chris Darnell, Urban Designer; Missy Luick, Community Planning Manager; Nicole Dixon, Development Review Program Manager; Karen Knox, Senior Administrative Assistant; Brian Glover, Administrative Assistant

Others Present: Patsy Brison; Josh Tiller

1. Call to Order

Chair Perry called the meeting to order at 9:00 a.m.

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 Town of Hilton Head Island requirements.

3. Roll Call – See as noted above.

4. Approval of Agenda

Chairman Perry asked for a motion to approve the agenda. Vice Chairman D'Arienzo moved to approve. Commissioner Siebold seconded. By way of roll call, the motion passed with a vote of 4-0-0.

5. Appearance by Citizens

Mr. Skip Hoagland and Mr. Jim Hall spoke before the Committee. There were two portal comments for the meeting. Copies of the comments were sent to all Committee members and made part of the official record.

6. New Business

a. Potential LMO Text Amendment for Housing Unit Conversion – *presented by requester*

Lewis Hammat, a local attorney representing the development team, began the presentation with a brief overview of the amendment proposal. He stated that the amendment would create a floating overlay district which individuals would then request a map change to be covered within said district. Mr. Hammat added that the

LMO already has a different floating overlay district, and that the language is similar. He also noted that their proposal includes short term rental prohibition.

Following Mr. Hammat's description of the amendment proposal, Josh Tiller spoke on the details of the building plan. Mr. Tiller discussed the difference between what could be built by right and their proposed plan building. He states that the plan includes many more units but less beds than could be built in the by right plan. Mr. Tiller finished the presentation with an overview of parking differences between plans.

Missy Luick, Community Planning Manager, then spoke on staff's recommendations and concerns on the project listed below.

1. The overlay zone is an unmapped floating zone and is not clearly defined. Staff recommends requiring more specific language.
2. The short-term rental prohibitions are private covenants, which are not enforced by the town. Staff recommends requiring a different structure such as agreements in place of covenants.
3. There are changes to the Development Form Standards. Staff would like Committee input on the no cap density and the increased height standards.
4. In the minor amendment section, there is a 10% deviance waiver. In the other proposed LMO Amendments covered later in the meeting, there is intention to eliminate waivers, and this would go against that intention.

Following staff recommendations, the requesters answered questions from the Committee covering parking, commercial space, and unit specifics. Afterwards, Shawn Colin spoke on the need for overlay model review, market rate or lower delivery and protections against short-term rentals. Mr. Colin and the requesters answered further questions from the Committee.

After discussion, Chairman Perry asked for a motion. Commissioner Siebold moved to approve. Vice Chairman D'Arienzo seconded. By way of roll call, motion passed 4-0-0.

b. Tier 1.A Proposed LMO Amendments – *presented by Nicole Dixon*

Nicole Dixon provided an overview of the LMO amendments and stated that staff recommends approval. Ms. Dixon covered each amendment individually with both Committee questions and public comments. Upon review, the committee found several issues with the current amendments stated below.

1. Amendment 6 – Certificate of Compliance: In IV.B, IV.C, South Carolina lender and South Carolina banking institution should be changed to Federal or State lender and Federal or State banking institution respectively.

2. Amendment 7 – Definition of Dwelling Unit: The Committee finds the language too confusing and raised concerns about the inclusion of rough-ins. The Committee asked for a rewrite.
3. Amendment 11 – Deviations to Approved Subdivisions: Chester Williams, Attorney, stated that requiring all property owners' consent as stated was not legal. To allow property owners to express concerns for subdivision changes, Mr. Williams suggested requiring an application to amend in a public hearing rather than requiring all property owners' consent. The Committee asked for a rewrite.

Following the discussion, Chairman Perry asked for a motion. Commissioner Collett moved to approve. Commissioner Siebold seconded. By way of roll call, motion passed 4-0-0.

After the meeting it was noted by Chairman Perry that the motion should have been done for approval with the corrections voiced during the meeting. It will be included in the following meeting.

7. Committee Business

No Business

8. Adjournment

The meeting was adjourned at 10:31 a.m.

Submitted by: Brian Glover
Administrative Assistant

Approved: [DATE]



TOWN OF HILTON HEAD ISLAND

Staff Report Memo

TO: LMO Committee
FROM: Nicole Dixon, AICP, CFM, *Development Review Program Manager*
VIA: Shawn Colin, AICP, *Assistant Town Manager – Community Development*
CC: Christopher Yates, CBO, CFM, CGP, *Development Services Manager*
DATE: October 21, 2022
SUBJECT: Proposed LMO Amendments – Tier 1-A

After a review of the proposed Tier 1-A LMO Amendments at the LMO Committee meeting on September 1, 2022, staff was asked to make changes related to the following amendments:

- Temporary Certificate of Compliance; and
- Dwelling Unit Definition; and
- Deviations from Previously Platted Subdivisions.

Staff was also asked to have a legal review of the proposed LMO Amendments conducted by the Town Attorney.

The full set of Tier 1-A LMO Amendments is attached as it includes the changes made as a result of the discussions during the LMO Committee meeting as well as the revisions suggested by the Town Attorney.

LMO Amendments List

Tier 1.A

AMENDMENT	ISSUE	SECTION	Suggested By
Remove staff waivers	It is more appropriate for any waiver or varying from the code to go to the BZA as a request for variance.	16-5-105.I.8, 16-5-102.C, 16-5-102.D, 16-5-103.F, all zoning district standards for heights, 16-5-102.D.4, 16-5-103.E.2, 16-5-107.D.1, 16-5-107.D.9, 16-5-109.D.2, 16-5-109.D.2.c, 16-6-102.D.2.b, 16-6-104.G.1.c, 16-10-102.C.2.b	Staff
Allow variances from all sections of the LMO other than use, density, and height	Currently the LMO lists only a few specific sections that a variance can be applied for.	16-2-103.S.2	Staff (restricting height from variance requests was brought up by a Town Council member at a Public Planning Committee meeting)
Allow outdoor screened bike storage in the Light Commercial and Community Commercial zoning districts and provide more specificity related to screening	The LC and CC zoning districts are the only two districts that allow bike businesses but do not allow outdoor storage of them. This amendment is a recommendation from the BZA as a result of variance requests pertaining to bike businesses over the past few years. Staff is also proposing more specificity related to the screening requirements.	16-4-102.B.7.c	Board of Zoning Appeals
Provide clarification in the Manufacturing use classification as it relates to the size of a brewery; what size makes it a manufacturing use versus a nightclub or bar	Small scale breweries such as nano or microbreweries shouldn't be classified as a manufacturing use. This amendment is a recommendation of the BZA	16-10-103.I	Board of Zoning Appeals

	because of an appeal. The use should be considered a commercial use similar to a bar or eating establishment.		
Replace using June traffic counts with July traffic counts for Traffic Impact Analysis Plan Standards	This amendment is a recommendation of the Planning Commission as a result of their review of the annual traffic report presented by staff. They asked that June traffic counts be replaced with July traffic counts for traffic impact analysis plan standards.	16-5-106.C	Planning Commission
Change when/how plantings are required on single family lots in buffers as part of a subdivision Certificate of Compliance	Landscaping is currently required to be planted before a Certificate of Compliance is issued for a subdivision, which is prior to the homes being constructed. The landscaping is often damaged during construction of the homes. The amendment will allow a performance guarantee for a specific period of time where landscaping and tree planting is deferred due to inappropriate weather conditions for planting or the likelihood that the trees will be damaged during additional construction activities related to residential subdivisions.	16-2-103.P	Developers and Staff
Amend the dwelling unit definition	The definition needs to be clear about what constitutes a separate dwelling unit.	16-10-105	Staff
Amend the definition of changeable copy	The current definition of changeable copy as it relates to signs does not	16-10-105, 16-5-114.H.10	Business Owner

	allow signs to be changed electronically. The sign provisions should be amended as well to allow the signs to be changed electronically with limitations on frequency and timing.		
Amend the measurement for height calculation	When the LMO was revised to measure height from 11 or 13 feet above mean sea level, some sections that reference height being measured from the BFE were overlooked. It was also determined that the option to measure height from pre-development grade, if it is higher than the height measured from mean sea level, should be used.	16-3-106.H.4, 16-3-106.I.4, 16-3-106.J.4, 16-5-102.C and D, 16-10-102.C.1.a	Staff
Add that owners' consent is required for minor subdivisions as it is currently listed as being exempt	The application requirements for Minor subdivisions states that it requires all the same requirements for a Major sub with the exception of owners' consent, open space dedication and phasing plan. Owners' consent should be required for all application types.	Appendix D: D-5.A	Staff
Provide standards for deviations from previously platted subdivisions	Currently lots in a platted subdivision can be combined in a way that results in an increase in density or additional lots. Property owners within the subdivision should have to consent to changes made to a previously platted subdivision.	16-2-102.E and 16-2-103.F	Staff

Proposed LMO Amendments – Tier 1.A

1. Staff Waivers

- a) Remove Height waivers. In all tables bullet-listed below, remove height waiver provision text (shown subsequently below), and renumber provisions where applicable.

- Table 16-3-103(C) – Parks and Recreation (PR) District;
- Table 16-3-104(B) – Residential Single-Family-3 (RSF-3) District;
- Table 16-3-104(C) – Residential Single-Family-5 (RSF-5) District;
- Table 16-3-104(D) – Residential Single-Family-6 (RSF-6) District;
- Table 16-3-104(E) – Low to Moderate Density Residential (RM-4) District;
- Table 16-3-104(F) – Moderate Density Residential (RM-8) District;
- Table 16-3-104(G) – Moderate to High Density Residential District (RM-12) District
- Table 16-3-105(C) – Community Commercial (CC) District
- Table 16-3-105(D) – Light Commercial (LC) District
- Table 16-3-105(E) – Light Industrial (LI) District
- Table 16-3-105(F) – Main Street (MS) District
- Table 16-3-105(G) – Marshfront (MF) District
- Table 16-3.105(H) – Medical (MED) District
- Table 16-3.105(J) – Neighborhood Commercial (NC) District
- Table 16-3.105(M) – Sea Pines Circle (SPC) District
- Table 16-3.105(N) – Stoney (S) District

~~(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.~~

- b) Remove Adjacent Street Setback waivers. In Table 16-5-102.C, remove the following text in footnote (5) that states:

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- (5) ~~May be reduced by up to 30 percent in the S-District, 20 percent in the RD and IL-Districts, and 15 percent in all other districts on demonstration to the **Official** that:~~
- ~~g. The reduction is consistent with the character of **development** on surrounding **land**.~~
 - ~~h. **Development** resulting from the reduction is consistent with the purpose and intent of the adjacent setback standards;~~
 - ~~i. The reduction either (1) is required to compensate for some unusual aspect of the site or the propped **development**, or (2) results in improved site conditions for a **development** with **nonconforming site features** (e.g., allows the extension of a wall or fence that screens an existing outdoor storage area);~~
 - ~~j. The reduction will not pose a danger to the public health or safety;~~
 - ~~k. Any adverse impacts directly attributable to the reduction are mitigated (e.g., the closer proximity of **buildings** to a **street** are mitigated by a wider or more densely screened adjacent street buffer along that **street**);~~
 - ~~l. The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than a 30 percent in the S-District, 20 percent in the RD and IL-Districts, or 15 percent in all other districts; and~~
 - ~~m. In the S, RD, and IL-districts, there are no reasonable options to the reduction that allow **development** of the site to be designed and located in a way that complies with LMO standards.~~
- c) Remove Adjacent Use Setback waivers. In Table 16-5-102.D, remove the following text from footnote (6):

- (6) ~~May be reduced by up to 10 percent in any district on demonstration to the **Official** that:~~
- ~~a. The reduction is consistent with the character of development on surround land;~~
 - ~~b. **Development** resulting from the reduction is consistent with the purpose and intent of the adjacent setback standards;~~
 - ~~c. The reduction either (1) is required to compensate from some unusual aspect of the site or the proposed development, or (2) results in improved site conditions for a development with nonconforming site features (e.g., allows the extensive of a wall or fence that screens an existing outdoor storage area);~~
 - ~~d. The reduction will not pose a danger to the public health or safety;~~
 - ~~e. Any adverse impacts directly attributable to the reduction are mitigated (e.g. the closer proximity of building to a property line are mitigated by a wider or more densely screened adjacent use buffer along that property line); and~~
 - ~~f. The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than a 10 percent.~~

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- d) Remove Adjacent Use Setback waiver and provide a provision for properties that function together. In Section 16-5-102.D, revise provision (4) that states:

~~(4) The Official may waive the requirement for an adjacent use setback for non-single family properties on determining that the proposed development and the adjacent development function as a single development. The criteria to determine if the properties will function as a single development may include the recording of a cross access easement agreement between the two properties. There is no adjacent use setback requirement for non-single-family properties when the proposed development and the adjacent development function as a single development due to having either shared parking, connecting vehicular access or shared stormwater facilities. The recording of a cross access easement agreement between the two properties is required.~~

- e) Remove Adjacent Use Buffer waiver and provide a provision for properties that function together. In Section 16-5-103.E, revise provision (2) that states:

~~(2) The Official may waive the requirement for an adjacent use buffer for Non-single family properties on determining that the proposed development and the adjacent development function as a single development. The criteria to determine if the properties will function as a single development may include the recording of a cross access easement agreement between the two properties. There is no adjacent use buffer requirement for non-single-family properties when the proposed development and the adjacent development function as a single development due to having either shared parking, connecting vehicular access or shared stormwater facilities. The recording of a cross access easement agreement between the two properties is required.~~

- f) Remove Adjacent Street and Use Buffer waivers. In Section 16-5-103.F. Buffer Types, remove footnotes (6) and (7) that state:

~~(6) Minimum buffer widths and minimum planting requirements for adjacent street buffers may be reduced by up to 30 percent in the S District, 20 percent in the RD and IL Districts, and 15 percent in all other districts on demonstration to the Official that:~~

- ~~a. The reduction is consistent with the character of development on surrounding land;~~
- ~~b. Development resulting from the reduction is consistent with the purpose and intent of the adjacent setback standards;~~
- ~~c. The reduction either (a) is required to compensate for some unusual aspect of the site or the proposed development, or (b) results in improved site conditions for a development with nonconforming stie features;~~

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- ~~d. The reduction will not pose danger to the public health or safety;~~
 - ~~e. Any adverse impacts directly attributable to the reduction are mitigated;~~
 - ~~f. The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than 30 percent in the S District, 20 percent in the RD and IL Districts, or 15 percent in all other districts; and~~
 - ~~g. In the S, RD, and IL districts, there are no reasonable options to the reduction that allow development of the site to be designed and located in a way that complies with LMO standards.~~
- (7) ~~Minimum buffer widths and minimum planting requirements for adjacent use buffers may be reduced by up to 10 percent any district on demonstration to the Official that:~~
- ~~a. The reduction is consistent with the character of development on surrounding land;~~
 - ~~b. Development resulting from the reduction is consistent with the purpose and intent of the adjacent setback standards;~~
 - ~~e. The reduction either (a) is required to compensate for some unusual aspect of the site or the proposed development, or (b) results in improved site conditions for a development with nonconforming stie features;~~
 - ~~d. The reduction will not pose danger to the public health or safety;~~
 - ~~e. Any adverse impacts directly attributable to the reduction are mitigated;~~
 - ~~f. The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than 30 percent in the S District, 20 percent in the RD and IL Districts, or 15 percent in all other districts.~~
- g) Remove Access to Streets waiver in Section 16-5-105.J.8 its entirety and amend the Access to Street standards in Section 16-5-105.J.

(8) Waiver

~~Where the **applicant** demonstrates that a **lot of record** would be rendered unusable by the strict application of the standards in this subsection (Sec. 16-5-105.), Access to Streets) and that the vehicular **access** point is otherwise optimally located so as to provide acceptable turning radii and minimize adverse impact (including turning movements and visual impact of “strip **development**” resulting from the less than minimum separation of **access** points from the **roadway**), the **Official** may waive the standard. A request for such a waiver shall be accompanied by:~~

- ~~a. Ownership and recording data associated with the **lot of record**;~~
- ~~b. Written evidence that an **applicant** has explored all feasible alternatives to the standard for controlled vehicular **access**—including, but not limited to, joint use with adjoining properties, vehicular **access** from **adjacent** minor **streets**, and establishment of **frontage** space or **frontage** street **access**;~~

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- ~~e. Qualification of the request in a format consistent with that for a variance request (see Sec. 16-2-103.S, Variance); and~~
- ~~d. A map or plan showing the proposed vehicular *access* and the surveyed distances to nearest existing ingress/egress points.~~

(J) Access to Streets

1. Major Arterials

Along the same side of major arterials, no street, driveway, or other vehicular access point shall enter at a point nearer than 500 feet from the centerline of an existing or final approved street, driveway, or other vehicular access point to the centerline of the proposed vehicular access unless the lot would be rendered unusable by the strict application of this standard, in which case the access point should be optimally located.

2. Minor Arterials

Along the same side of minor arterials no street, driveway, or other vehicular access point shall enter at a point nearer than 200 feet from the centerline of an existing or final approved street, driveway, or other vehicular access point to the centerline of the proposed vehicular access unless the lot would be rendered unusable by the strict application of this standard, in which case the access point should be optimally located.

3. All Other Streets

Along the same side of all other streets, no street, driveway, or other vehicular access point shall enter at a point nearer than 100 feet from the centerline of an existing or final approved street, driveway, or other vehicular access point to the centerline of the proposed vehicular access—provided, however, that this minimum separation standards shall not apply to vehicular access points serving single-family dwellings in subdivisions unless the lot would be rendered unusable by the strict application of this standard, in which case the access point should be optimally located.

- h) Remove Minimum Number of Parking Spaces waiver. In Table Section 16-5-107.D.1, remove the following table note in its entirety:

~~(4) The minimum number of vehicle parking spaces may be reduced by up to 15 percent in the CR, SPC, CC, and MS Districts, and 10 percent in all other districts, on demonstration to the *Official* that:~~

- ~~a. The reduction is consistent with the character of *development* on surround *land*;~~

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- ~~b. **Development** resulting from the reduction is consistent with the purpose and intent of the parking standards;~~
 - ~~e. The reduction either (1) is required to compensate for some unusual aspect of the site or the proposed **development**, or (2) results in improved site conditions for a **development** with **nonconforming site features** (e.g., allows the widening of an **adjacent** nonconforming buffer);~~
 - ~~d. The reduction will not pose a danger to the public health or safety;~~
 - ~~e. Any adverse impacts directly attributable to the reduction are mitigated;~~
 - ~~f. The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than a 15 percent in the CR, SPC, CC, and MS Districts or 10 percent in all other districts; and~~
 - ~~g. At least one bicycle parking space is provided for every two vehicle parking spaces subtracted.~~
- i) Remove passenger pick up waiver in Section 16-5-107.D.9, as shown in the following revision:
- (9) Temporary Parking for Passenger Drop-Off and Pick-Up
Uses that involve the frequent stopping of vehicles (including taxis, limousines, vans, and passenger vehicles) to drop-off or pick-up passengers (e.g., schools, recreation/entertainment facilities, **hotels**)—and especially **nightclubs**, bars, or **eating establishments** that serve alcohol—are encouraged to supplement required parking with a designated area for temporary parking and the dropping off or picking up of passengers. Such spaces shall comply with parking space dimension standards, ~~but the **Official** may waive other parking standards as necessary to accommodate such areas~~
- j) Remove Drainage Design Standards waiver in Section 16-5-109.D.2.c, as shown in the following revision for Pre-Development Peak Discharge Rates:
- (c) ~~The Town Engineer may waive this peak discharge requirement~~ is not required upon the Town Engineer ~~on~~ determining that the **applicant** has demonstrated that:
 - (i) A suitable means of flow into a downstream tidal discharge point is accessible by means of recorded permanent storm drainage easements, through drainage infrastructure that will adequately convey the peak discharge from the 100-year storm without any adverse impacts on downstream properties; or
 - (ii) The **development** includes a drainage system with adequate capacity to carry site flows to an ultimate downstream tidal discharge point.

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- k) Remove subdivision standard waiver in Section 16-5-115.C.3., as shown in the following revision:
- (3) The applicant is required to demonstrate that they have made all reasonable efforts to preserve unique and fragile elements on site, including but not limited to wetlands, significant stands of *trees* and individual *trees* of significant size, with *development* reserved for environmentally stable areas. ~~Where the applicant demonstrates that a *lot of record* would be rendered unusable by the strict application of this requirement, the *Official* may waive the standard. A request for such a waiver shall be accompanied by:~~
- a. ~~Written evidence that an applicant has explored all feasible alternatives to the standard for tree and wetland preservation;~~
 - b. ~~Qualification of the request in a format consistent with that for a variance request (see Sec. 16-2-103.S, Variance); and~~
 - e. ~~A plan showing the alternatives explored.~~
- l) Remove Wetland Buffer Width waiver. In section 16-6-102.D.2.b, remove the following provision in its entirety:
- (b). ~~The *Official* may authorize a reduction in the average or minimum *wetland buffer* width by up to ten percent on determining that pollution of the wetlands due to *adjacent land* disturbance is comparably reduced due to site-specific conditions (e.g., the buffer area drains away from the wetlands) or because the *adjacent development* is designed to reduce the flow, and maximize the filtration, of stormwater runoff towards the wetlands beyond the extent required by stormwater management regulations.~~
- m) Remove Minimum Tree Coverage waiver. In Section 16-6-104.G.1.c , revise the following provision:
- (c) For the construction of any public *street*, pathway, drainage project, single family subdivision, athletic field, airport runway, golf course or minor utility, the applicant is required to demonstrate that they have made all reasonable efforts to save significant trees and stands of trees. ~~In these cases, at the discretion of the official, a centerline field inspection may relieve the applicant of the tree survey requirement. Reasonable tree replanting shall be required by the Official for these uses.~~
- n) Remove Height waiver. In Table Section 16-10-102.C.2.b, remove the following provision in its entirety:
- (b) ~~The *Official* may approve architectural elements such as church steeples, spires, and chimneys that do not exceed the otherwise allowable *height* by more than 20 percent.~~

Proposed LMO Amendments – Tier 1.A

2. Variances

Revise Section 16-2-103.S.2 to allow variances from all sections of the LMO (other than for use, height and density) and not just what is listed in this section currently.

(2) Applicability

The Variance procedure may be used to seek and obtain relief from the standards of this LMO except for *uses* outlined in LMO Section 16-4-102.A.6, Principal Use Table, *height* and *density* standards. following standards:

- a. ~~The district standards in Chapter 16-3: Zoning Districts, except standards designating permitted or prohibited *uses*, and setting maximum *density*;~~
- b. ~~The *use* specific conditions in Chapter 16-4: Use Standards;~~
- e. ~~The following standards in Chapter 16-5: Development and Design Standards: adjacent setback and buffer standards; *open space* standards; parking and loading standards and fence and wall standards; and~~
- d. ~~The following standards in Chapter 16-6: Natural Resource Protection: *specimen tree* and *wetland buffer* standards.~~

3. Bicycle Shops

Revise Section 16-4-102.B.7.c regarding bicycle shops as follows:

(c) A *bicycle shop* shall comply with the following conditions.

- i. ~~Outdoor storage is permitted only in the CR, SPC, MS, WMU, S, MF, MV, and RD Districts. Outdoor storage for *bicycle shops* includes the storage of bicycles and all bicycle accessories.~~
- ii. ~~Bicycle processing, which includes the loading, unloading and washing of bicycles, is not considered *outdoor storage*. The location for the bicycle processing shall be identified on a site plan and approved by staff.~~
- iii. ~~ii. Vegetation, fences, ~~and~~ or walls shall be installed to screen *outdoor storage* areas.~~
- iv. ~~Each *outdoor storage* area shall be incorporated into the overall design of the principal *structure* on the site.~~
- v. ~~iii. In the S District, a *bicycle shop* shall not have direct vehicular *access* to a major arterial.~~

4. Nano Brewery Definition

In Section 16-10-103.I. Industrial Uses, revise the use classification for Manufacturing in Section 16-10-103.I.2 as follows:

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A manufacturing *use* is primarily engaged in the manufacturing, processing, fabrication, packaging, or assembly of goods. Examples of manufacturing *uses* include catering establishments; woodworking, cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; motion picture production facilities; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of equipment, instruments, including musical instruments, appliances, precision items and other electrical items; production of artwork and toys; ~~and sign making; and breweries~~. This *use* type does not include *seafood processing*. This *use* type does not include small scale breweries such as nano or micro-breweries, which are classified as a Nightclub, Bar or Eating Establishment.

5. Traffic Impact Analysis Traffic Counts

In Section 16-5-106.C – Traffic Analysis Standards, revise as follows:

(C) Traffic Impact Analysis Plan Standards

All required traffic impact analysis plans shall, at a minimum, indicate compliance or non-compliance with the standards of this section.

1. The average total delay in seconds per vehicle for each signalized intersection does not exceed 55.0 seconds during the *peak hour* for an average ~~June~~ July weekday; and
2. The volume-to-capacity (V/C) ratio for each signalized intersection does not exceed 0.90 during the *peak hour* for an average ~~June~~ July weekday; and
3. The average total day on any approach to a traffic circle or roundabout does not exceed 150 seconds per vehicle during the *peak hour* for an average ~~June~~-July weekday.

6. Certificate of Compliance

In Section 16-2-103.P.3.b – Certificate of Compliance, amend provisions for a Temporary Certificate of Compliance as follows:

(b) Staff Review and Action

On receiving an *application*, the *Official* shall review and make a final decision on the *application* in accordance with Sec. 16-2-102.D, subject to the following procedures:

- i. Following review of the *application*, the *Official* shall schedule and conduct a final inspection for the purpose of verifying compliance with all applicable provisions of this *Ordinance*— including, but not limited to, the requirements of the approved

Proposed LMO Amendments – Tier 1.A

Subdivision Plan, Development Plan, Small Residential Development, or other applicable permits and *development* approvals.

ii. After the final site inspection, the *Official* shall either approve or deny the *application*, based on compliance with Sec. 16-2-103.P.4, Certificate of Compliance Review Standards.

iii. The *Official* may issue a Temporary Certificate of Compliance ~~for a period up to a maximum of six months where the only uncompleted development consists of landscaping/tree planting that is deferred until more appropriate weather conditions for planting is expected (e.g., deferring plantings from hot summer months to cooler autumn months).~~ subject to a performance guarantee of improvements for a period up to a maximum of 18 months where the only uncompleted *development* consists of landscaping/tree planting that is deferred due to inappropriate weather conditions for planting (e.g., deferring plantings from hot summer months to cooler autumn months) or the likelihood that landscaping or trees will be damaged during additional construction activities related to a residential subdivision.

iv. Performance Guarantee of Improvements. If landscaping installations are not completed and accepted by the *Town* prior to issuance of a Certificate of Compliance, a Temporary Certificate of Compliance may be issued and shall be subject to the posting of a performance guarantee with conditions satisfactory to the *Town*, providing for and securing to the *Town* the actual construction and installation of improvements.

01. Form of Guarantee. Where required, the *applicant* shall furnish a performance guarantee in any of the following acceptable forms:

_____ (A) Cash deposit with the *Town*;

_____ (B) Certified check from a Federal or South Carolina banking institution based upon a cash deposit, in a form acceptable to the *Town Attorney*;

_____ (C) Irrevocable letter of credit from a Federal or South Carolina banking institution in a form acceptable to the *Town Attorney*; or

_____ (D) Any other financial security found acceptable by the *Town Attorney*.

02. Length of Time of Guarantee. The term of the performance guarantee shall reflect any time limit for completing installation of required landscaping not to exceed 18 months.

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03. Amount of Guarantee. Performance guarantees for the completion of landscaping shall be a minimum of 125 percent of the cost of materials and labor required for completion.

04. Final Plat. Where a performance guarantee is accepted by the *Town* in-lieu of the completion of landscaping installation in a subdivision, the final plat shall include the following statement:

“THIS FINAL PLAT IS SUBJECT TO A PERFORMANCE GUARANTEE, WHICH MEANS THAT ALL REQUIRED LANDSCAPING IS NOT COMPLETED. ISSUANCE OF BUILDING PERMITS PRIOR TO COMPLETION OF LANDSCAPING SUBJECT TO THE PERFORMANCE GUARANTEE SHALL OCCUR AT THE SOLE DISCRETION OF THE TOWN OF HILTON HEAD ISLAND. IN THE EVENT THE DEVELOPER DEFAULTS AND THE TOWN MUST COMPLETE THE LANDSCAPING, THE DEVELOPER WILL BE ASSESSED ANY DIFFERENCE BETWEEN THE AMOUNT OF THE PERFORMANCE GUARANTEE AND ACTUAL CONSTRUCTION COST.”

05. Release of Guarantee.

(A) Release. Release of a performance guarantee shall occur after the Town Project Manager determines that the landscaping in-lieu of which the guarantee was accepted is complete.

(B) Partial Release. A partial release of a performance guarantee is prohibited.

(C) Release to be Recorded. The *Town* shall record all releases of performance guarantees, or the *Town*'s final acceptance of landscaping installation, in the *Beaufort County Register of Deeds*.

06. Forfeiture of Security.

(A) Notice of Failure to Install or Complete Landscaping. If an *applicant* fails to properly install all required landscaping within the term of the performance guarantee, the *Town* shall give 30 days' written notice to the *applicant* by certified mail, after which time the *Town* may draw on the security and use the funds to complete the required installation.

(B) Town Completion of Landscaping. After completing the required landscaping installation, the *Town* shall provide a complete accounting of the expenditures (to include administrative fees) to the *applicant* and, as applicable, refund all unused security deposited, without interest.

Proposed LMO Amendments – Tier 1.A

7. Definition of Dwelling Unit.

In Section 16-10-105. General Definitions, amend the definition of ‘Dwelling Unit (DU)’ to state:

~~A **building** or a portion of a **building** providing complete and independent living facilities for a **family**, including permanent provisions for living, sleeping, eating, cooking, and sanitation.~~ A Structure, or part of a structure with independent access, designed for any type of occupancy providing living facilities for a person or persons, including permanent provisions for all the following: sleeping, eating, cooking, and sanitation, but not including Hotels, Bed and Breakfasts, Divisible Dwelling Units, Interval Occupancy Units and Group Living Facilities.

8. Signs with Changeable Copy

(a) In Section 16-5-114.H.10. Standards for Specific Types of Signs, amend provisions as follows:

(10) Signs with Changeable Copy.

a. Description of Changeable Copy Types.

i. Manually activated **changeable copy** shall mean a sign or portion of a sign that can be changed or re-arranged manually or mechanically, and has a readerboard for the display of text information in which each alphanumeric character, graphic, or symbol is defined by objects, not consisting of an illumination device.

ii. Electronically activated **changeable copy** shall mean a sign or portion of a sign that can be changed by means of remote electrically energized on-off switching combinations of alphanumeric character, graphic, or symbol.

b. a. **Signs with changeable copy** are limited to one **sign** per **street frontage** per **parcel**.

c. b. The total size of **changeable copy** shall not exceed 20 square feet per **sign face**, with no more than three lines of **copy**.

d. e. **Copy height** shall be eight inches maximum and four inches minimum.

e. f. **Copy** shall be securely fastened to the **sign face** and neatly maintained.

f. g. **Changeable copy** shall be limited to announcing:

i. On-premises **special events**.

ii. Motion pictures or entertainment at a theater whose primary function is to provide musical or dramatic events; or

iii. Gasoline prices as described in Sec. 16-5-114.H.11, Price Displays at Gas Establishments.

g. h. Permanent Special Event Signs as described in Sec. 16-5-114.H.8, Permanent Special Event Signs, are exempt from the requirements of this section.

Proposed LMO Amendments – Tier 1.A

h. Minimum Fixed Period. Electronic *changeable copy* shall remain fixed and should be changed no more than twice per day.

i. Transition Between Copy. The duration of change between electronic *changeable copy* shall be accomplished within two seconds or less.

(b) In Section 16-10-105. General Definitions, amend the definition of ‘Changeable Copy’ as follows:

Any *copy* or *graphics* on a sign designed to be changed manually ~~in the field~~ or electronically.

9. Building Height Measurement.

(a) In Section 16-3-106.H.4.a.ii- Forest Beach Neighborhood Character Overlay District Standards, amend the provisions as follows:

i. In addition to the *single-family* setback requirements of Sec. 16-5-102, Setback Standards, a side, and rear adjacent use setback shall be required.

ii. Setbacks shall comply with the standards of Sec. 16-5-102, Setback Standards, except that the 65 degree setback angle shall be measured from 20 feet above thirteen feet (13’) above mean sea level using the NAVD 88 vertical datum or *pre-development grade*, whichever is higher ~~the required *base flood elevation*.~~

(b) In Section 16-3-106.I.4.a.ii- Folly Field Neighborhood Character Overlay District Standards, amend the provisions as follows:

In addition to the *single-family* setback requirements of Sec. 16-5-102, Setback Standards, with the exception that *structures* greater than 24 inches in *height* along minor arterials are required to have a minimum adjacent street setback of 20 feet, the following setbacks shall be required.

i. Rear yard setbacks shall be a minimum of ten percent of *lot* depth or ten feet, whichever is greater.

ii. Side yard setbacks shall each contain a minimum of ten percent of the total *lot* width.

iii. Maximum setback angle of 65 degrees shall be measured from 20 feet above thirteen feet (13’) above mean sea level using the NAVD 88 vertical datum or *pre-development grade*, whichever is higher ~~the required *base flood elevation*.~~

(c) In Section 16-3-106.J.4.a.ii- Holiday Homes Neighborhood Character Overlay District Standards, amend the provisions as follows:

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In addition to the *single-family* setback requirements of Sec. 16-5-102, Setback Standards, the following setbacks shall be required:

- i. Rear yard setbacks shall be a minimum of ten feet.
- ii. Side yard setbacks shall be a minimum of ten feet; however, to preserve existing *trees*, any one side yard setback may be reduced to five feet provided the sum of the required side yard setbacks equals at least 20 feet.

01. A *lot* with less than 50 feet of *street frontage* or less than 0.15 acres in area shall be permitted to reduce side yard setbacks to a minimum of five feet.

02. Dwelling units that are nonconforming as to the side yard setbacks identified above are permitted to be expanded along the subject boundary line; however, *expansions* shall be constructed no closer than five feet from the side property line.

03. Side yard setback angles shall be a minimum of 65 degrees measured from 20 feet above thirteen feet (13') above mean sea level using the NAVD 88 vertical datum or pre-development grade, whichever is higher the required base flood elevation (BFE), at the setback line. The illustration in Sec. 16-5-102.D, Adjacent Use Setback Requirements, can be referenced for an example of a setback angle.

(d) In Section 16-5-102.C, amend the text in Table 16-5-102.C, footnote (2) as follows:

2. Measured within the upper inward quadrant of the intersection of a horizontal plane at a height of 20 feet above 13 feet above Mean Sea Level for residential use or 11 feet above Mean Sea Level for nonresidential use, ~~the base flood elevation~~ or pre-development grade, whichever is higher, and a vertical plane extending upward at the minimum setback distance (see Figure 16-5-102.C, Street Setback Angle).

(e) In Section 16-5-102.C- Adjacent Street Setbacks and 16-5-102.D – Adjacent Use Setbacks, amend the Figures illustrating the Setback Angles to measure height according to the height definition.

(f) In Section 16-5-102.D, amend the text in Table 16-5-102.D, footnote (2) as follows:

2. Measured within the upper inward quadrant of the intersection of a horizontal plane at a height of 20 feet above 13 feet above Mean Sea Level for residential use or 11 feet above Mean Sea Level for nonresidential use, ~~the base flood elevation~~ or pre-development grade, whichever is higher,

Proposed LMO Amendments – Tier 1.A

and a vertical plane extending upward at the minimum setback distance (see Figure 16-5-102.D, Use Setback Angle).

(g) In Section 16-10-102 – Rules of Measurement, amend Section 16-10-102.C.1.a as shown below.

(C) Height

1. Calculation of Height

a. Maximum structure height for development in each zoning district shall be calculated as follows:

- i. Residential maximum building height shall be measured from thirteen feet (13') above mean sea level using the NAVD 88 vertical datum or pre-development grade, whichever is higher; and
- ii. Nonresidential maximum building height shall be measured from eleven feet (11') above mean sea level using the NAVD 88 vertical datum or pre-development grade, whichever is higher.

10. Minor Subdivision Requirements

In Appendix D: D-5. – Subdivision Review, Minor, amend as follows:

(A) Submittal Requirements

A minor subdivision plat shall be submitted with each of the items set forth in D-4, Subdivision Review, Major, with the exception of the following:

~~1. Item C., Certification of Owner's Consent;~~

1. ~~2.~~ Item F., Open space and Public Dedication narrative; and

2. ~~3.~~ Item H., Subdivision in Phases.

11. Deviations to Approved Single-Family Residential Subdivisions

(a) In Section 16-2-102.E.2 – Hearing Notice Requirements, amend Table 16-2-102.E.2 as follows:

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<u>Subdivision Amendment</u>	<u>Publish notice of the hearing no less than 15 calendar days before the hearing date</u>	<u>Mail notice of the hearing to all owners of record of properties located within the subdivision no less than 15 calendar days before the hearing date</u>	<u>Post conspicuous notice of the hearing at the entrance of the subdivision no less than 15 days before the hearing date</u>
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(b) In Section 16-2-103.F – Subdivision Review (Minor or Major), amend as follows:

7. ~~Amendment~~ Deviations to Platted Single-Family Residential Subdivisions

~~An approved Minor or Major Subdivision may be modified or amended only in accordance with the procedures and standards established for its original approval.~~

a. For a previously platted single-family residential subdivision, any changes proposed to be made to commonly owned property such as open space, rights-of-way, amenities and parking or any lot combinations or subdivisions that will result in an increase in density or additional lots shall require approval by the Planning Commission following a public hearing of the Planning Commission.

b. A decision to approve a proposed change to a previously platted subdivision shall be based on a finding that the proposed change is not detrimental to the reasonable, investment backed expectations of owners of lots in the subdivision arising from:

i. Increased burdens on utility of roadways caused by off-site parking;

ii. Increased burdens on amenities in the subdivision caused by increased numbers of dwelling units;

iii. Overcrowding in the subdivision;

iv. Increased noise and traffic in the subdivision; and

v. Decreased utility of amenities and other commonly owned property.



TOWN OF HILTON HEAD ISLAND

Staff Report Memo

TO: LMO Committee
FROM: Missy Luick, *Community Planning Manager*
VIA: Shawn Colin, AICP, *Assistant Town Manager – Community Development*
DATE: October 27, 2022
SUBJECT: Requested LMO Amendments – Islander Housing Mixed-Use

Recommendation

Staff recommends that the LMO Committee review the proposed Islanders Mixed-Use LMO Amendments and make a recommendation to the Planning Commission.

Summary

The LMO Committee met on September 1, 2022 and reviewed the requested LMO amendments for Islander Mixed-Use. Staff requested that the applicant team explore modifications to the proposed amendment to reflect staff's recommendations and brought back to the Committee for review.

Background

The proposed amendments would create a new use called Islanders Mixed-Use that is permitted with conditions in the Sea Pines Circle (SPC) District. The request is from Josh Tiller of J. K. Tiller Associates, Inc. for a text amendment to LMO Sections 16-3-105.M, Sea Pines Circle District, 16-4-102.A, Principal Uses, 16-4-102.B, Use-Specific Conditions and 16-10-103.A, Use Classifications, Use Types, and Definitions, to allow for a new use to be established called Islander Mixed-Use within the Sea Pines Circle District, establish a definition for the use, establish use-specific conditions and exceptions to development form standards.

The proposal includes:

1. Creating a new use called "Islander Mixed-Use" with a definition proposed in 16-10-103.A
 2. The use is proposed to be permitted with conditions per 16-4-102.B.1.g
 - a. Remote, off-site parking, limit to 50% of all parking can be provided
 - b. Must be within 500 feet of an education institution or within 1000 feet of businesses which employ substantial numbers of service workers
 - c. Short-term rental prohibition through deed restriction
 - d. No residential density proposed
 - e. Parking standards may be adjusted, if requested by the applicant, if approved by the Official
-

- f. Increase building height limit from 45 feet to 55 feet for Islander Mixed Use development
3. In Section 16-3-105.M, Sea Pines Circle District, the new use is proposed as Permitted with Conditions. The Development Form Standards propose a height of 55 feet for this use. Proposed is table note 1.g. that explains the unlimited density proposed.

Staff review comments are as follows:

1. The definition should be more specific to the use- Consider "**Development** that includes two or more different **uses**, which shall include **Islander mixed-use** and one or more of the Office **uses**, as described in Sec. 16-10-103.F or one or more of the Commercial Services **uses**, as described in Sec. 16-10-103.G or some combination thereof. Such **uses** should be functionally integrated and share vehicular use areas, ingress/egress, and pedestrian **access**." Furthermore, the applicant previously indicated that some of the proposed units in their development proposal may be dormitory style. If that is the case, the definition should also include the allowance of Group Living.
 - a. Consider adding a definition for the term "service workers," such as "individuals employed in positions that include food service, cleaning service, personal service, protective service, and other related activities."
2. Comments on the Use-specific conditions
 - a. Recommend striking language proposed. Recommend replacing with "**Islander Mixed-use development** shall designate separate parking spaces for **use** by the residential units. The parking spaces designated for residential **use** are eligible to be included as part of a **shared parking** plan meeting the requirements in Section 16-5-107.H.3"
 - b. Recommend something more definitive that defines "businesses which employ substantial numbers of service workers"
 - i. Specifically, "substantial" and "service workers" should have clearly defined specifications to know when those provisions would, or would not, apply.
 - i. Recommended revised language "Islander Mixed-Use development must be on property which is within 500 feet (measured at nearest property line to property line) of an education institution which benefits from student housing opportunities, or, within 1000 feet (measured at nearest property line to property line) of businesses which primarily employs service workers."
 - c. Recommend replacing text with "Islander Mixed-Use shall not be a Short-Term Rental Property" Note: Short-Term Rental Property is defined as "Any residential property in the municipal limits of the Town of Hilton Head Island, South Carolina, that, in whole or in part, is offered for lease or occupancy under a lease or any other form of agreement, for periods of less than thirty (30) days."

- d. Recommend deleting, the density for the use should be in the Development Form Standards section for the Sea Pines Circle District.
 - e. Recommend deleting, we are in the process of eliminating staff waivers. If deviation from LMO requirements is needed, the process is to request a variance from the Board of Zoning Appeals.
 - f. Recommend deleting, the height for the use should be in the Development Form Standards section for the Sea Pines Circle District.
3. In the Development Form Table, in the Maximum Building Height section, staff recommends deleting the line for Islander Mixed-Use, 55 feet. If the LMO Committee is comfortable recommending additional height for this use, staff would recommend adding a footnote ² after “All Development, 45 ft” that would state “A height exception of 55 feet is allowed for Islander Mixed-Use”. However, staff does not recommend adjustments to building height for this district. In the Development Form table, the Maximum Residential Density should have a footnote added (if the LMO Committee agrees) that unlimited residential density should be allowed for this use.

Attachment

- A. Proposed Islander Mixed-Use LMO Amendments

Chapter 16-4: Use Standards

Sec.16-4-102. Principal Uses

A. Principal Use Table

6. Principal Use Table

TABLE 16-4-102.A.6: PRINCIPAL USE TABLE																						
P = Permitted by Right PC = Permitted Subject to Use-Specific Conditions																						
SE = Allowed as a Special Exception Blank Cell = Prohibited																						
USE CLASSIFICATION/ USE TYPE	SPECIAL DISTRICTS		RESIDENTIAL DISTRICTS						MIXED-USE AND BUSINESS DISTRICTS											USE-SPECIFIC CONDITIONS		
	CON	PR	RSF-	RSF-	RSF-	RM-	RM-	RM-	CR	SPC	CC	MS	WM	S	MF	MV	NC	LC	RD		MED	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	PC	PC	PC		Sec. 16-4-102.B.1.a
<i>Multifamily</i>						P	P	P	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC		Sec. 16-4-102.B.1.b
<i>Recreational Vehicle</i>						PC	PC	PC					PC	PC	PC	PC	PC	PC				
<i>Recreation Vehicle (RV) Parks</i>																		P				Sec. 16-4-102.B.1.c
<i>Single-Family</i>			P	P	P	P	P	P					P	P	P	P	P	P	P			
<i>Workforce Housing</i>						PC				PC	PC	PC	PC	PC		PC		PC		PC		Sec 16-4-

Animal Services										P C	P C								P C			P C	Sec. 16-4-102.B.7.b	
Bicycle Shops										P C			P C	P C			Sec. 16-4-102.B.7.c							
Convenience Stores						P C				P C	P C	P C		P C	P C	P C	P C					P C	Sec. 16-4-102.B.7.d	
Eating Establishments										P C					P C	Sec. 16-4-102.B.7.e								
Grocery Stores										P C	P C	P C	P C											
Landscape Businesses																							P C	Sec. 16-4-102.B.7.f
Liquor Stores										S E			Sec. 16-4-102.B.7.g											
Nightclubs or Bars										P C	P C	P C		P C	P C	P C	P C							Sec. 16-4-102.B.7.h
Open Air Sales		P C				P C				P C	P C		P C	P C	P C	P C	P C	P C						Sec. 16-4-102.B.7.i
Shopping Centers										P C	P C	P C	P C											Sec. 16-4-102.B.7.j
Tattoo Facilities																							P C	Sec. 16-4-102.B.7.k
Other Commercial						P C	P C			P C		Sec. 16-4-												

Agriculture Uses		P	P	P	P	P	P	P						P	P	P	P	P					
Boat Ramps, Docking Facilities, and Marinas	P C	P	P C	P C		P C	P C							P			P						Sec. 16-4- 102.B. 10.a

(Revised 5-17-2016 - Ordinance 2016-07; revised 4-18-2017 - Ordinance 2017-05; revised 9-17-2019 - Ordinance 2019-20; revised 8-18-2020 - Ordinance 2020-19; revised 11-4-2020 - Ordinance 2020-26; revised 2-16-2021 - Ordinance 2021-02)

B. Use-Specific Conditions for Principal Uses

1. Residential Uses

g. Islander Mixed-Use

- i. Islander Mixed-Use development shall designate separate parking spaces for use by the residential units. Remote, Off-site parking, limit to 50% of all parking required for site development, can be provided for residential and commercial uses.
- ii. Islander Mixed-Use development must be on property which is within 500 feet (measured at nearest property line to property line) of an education institution which benefits from student housing opportunities, or, within 1000 feet (measured at nearest property line to property line) of businesses which employ substantial numbers of service workers which would benefit by nearby housing opportunities.
- iii. Islander Mixed-Use residential development must be restricted to prohibit short term rental of units, as defined in the LMO. This restriction must be contained in a deed restriction, in a form acceptable to the Town, or otherwise restricted to such as a condition of utilizing these specific use restrictions. The purpose of this restriction is to avoid units within the development which serve the vacation visitor market, in favor of units which serve the student housing and service worker market. There shall be no other restrictions by the Town regarding rentals, other than the short-term rental prohibition.
- iv. Given the unique type of residential uses allowed and prohibited within the Islander Mixed-Use development, and the designated purposes and target market, no specific residential density cap is applicable to development within the Islander Mixed-Use Classification. Residential density is limited by applicable site design standards for

height, open space, parking, impervious surface coverage limitations, stormwater design standards, etc., as may be modified by this Islander Mixed-Use Use Classification.

- v. Parking standards and requirements may be adjusted, if requested by an applicant, to reflect specific uses, site design, and site conditions, if approved by the Official, or otherwise as allowed in accordance with the Base Zoning District. Remote parking and shared parking may be allowed, not to exceed 50% of total parking requirements.
- vi. In order to achieve cost efficient unit design and to promote affordability, the height limit for buildings within the Islander Mixed-Use development shall be 55 feet above finished grade.

(Revised 11-4-2020 -Ordinance 2020-26; revised 2-16-2021 -Ordinance 2021-02; revised TBD)

M. Sea Pines Circle (SPC) District

SPC Sea Pines Circle District				
1. Purpose				
The purpose of the Sea Pines Circle (SPC) District is to provide lands for commercial and mixed-use development at moderate to relatively high intensities in the area around Sea Pines Circle. District regulations emphasize moderate-scale buildings and shopping centers that balance the needs of the driving public and pedestrian activity and circulation among the district's retail, dining, and entertainment activities. The district is also intended to accommodate nighttime activities.				
2. Allowable Principal Uses				
USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses				
Mixed-Use	PC	Sec. 16-4-102.B.1.a	Residential	1.5 per du
			Nonresidential	1 per 500 GFA
Multifamily	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
Islander Mixed-Use	PC	Sec. 16-4-102.B.1.g	Residential	1.5 per du
			Nonresidential	1 per 500 GFA
Public, Civic, Institutional, and Educational Uses				
Community Service Uses	P		1 per 400 GFA	
Education Uses	P		Colleges and High Schools	10 per classroom

			Elementary and Junior High/Middle Schools	4 per classroom
			Other Education Uses	See Sec. 16-5-107.D.2
Government Uses	P		Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-107.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Health Services				
Other Health Services	P		1 per 225 GFA	
Commercial Recreation				
Indoor Commercial Recreation Uses	P		1 per 3 persons + 1 per 200 GFA of office or similarly used area	
Office Uses				
Contactors' Offices	PC	Sec. 16-4-102.B.6.a	1 per 350 GFA of office/administrative area	
Other Office Uses	P		1 per 350 GFA	
Commercial Services				
Adult entertainment use	SE	Sec. 16-4-102.B.7.a	1 per 100 GFA	
Animal Services	PC	Sec. 16-4-102.B.7.b	1 per 225 GFA	
Bicycle Shops	PC	Sec. 16-4-102.B.7.c	1 per 200 GFA	
Convenience Stores	PC	Sec. 16-4-102.B.7.d	1 per 200 GFA	
Eating Establishments	P		1 per 100 sf of gross floor area and outdoor eating area	
Grocery Stores	P		1 per 200 GFA	
Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 200 GFA	
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h	1 per 70 GFA	
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 sf of sales/display area	
Shopping Centers	PC	Sec. 16-4-102.B.7.j	1 per 335 GFA	
Other Commercial Services	P		See Sec. 16-5-107.D.2	
Vehicle Sales and Services				
Auto Rentals	PC	Sec. 16-4-102.B.8.a	See Sec. 16-5-107.D.2	
Car Washes	P		10 per wash unit for automatic wash + 5 per bay for manual wash	
Commercial Parking Lot	PC	Sec. 16-4-102.B.8.d	See Sec. 16-5-107.D.2	
Gas Sales	PC	Sec. 16-4-102.B.8.e		
Industrial Uses				
Self-Service Storage	PC	Sec. 16-4-102.B.9.c	1 per 15,000 GFA of storage and office area	

3. Development Form Standards				
MAX. DENSITY (PERNET ACRE)			LOT COVERAGE	
Residential	12 du		Max. Impervious Cover	60%
Nonresidential	10,000 GFA		Min. Open Space for Major Residential Subdivisions	16%
MAX. BUILDING HEIGHT				
All Development	45 ft			
Islander Mixed-Use	55 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				
1. May be increased by up to ten percent on demonstration to the Official that:				
a. The increase is consistent with the character of development on surrounding land ;				
b. Development resulting from the increase is consistent with the purpose and intent of the building height standards;				
c. The increase either (a) is required to compensate for some unusual aspect of the site or the proposed development , or (b) results in improved site conditions for a development with nonconforming site features ;				
d. The increase will 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.				
g. Given the unique type of residential uses allowed and prohibited within the Islander Mixed-Use development, and the designated purposes and target market, no specific residential density cap is applicable to development within the Islander Mixed-Use Classification. Residential density is limited by applicable site design standards for height, open space, parking, impervious surface coverage limitations, stormwater design standards, etc., as may be modified by this Islander Mixed-Use Use Classification.				

(Revised 4-18-2017 -Ordinance 2017-05)

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

A. Residential Uses

1. Description

The Residential **Uses** classification is primarily characterized by the residential occupancy of a **dwelling unit** by a household. Such household living **uses** include **single-family dwellings** and **multifamily dwellings** (triplexes and other **multifamily development**, including townhouse **development**). The Residential **Uses** classification also includes **group living uses** (the residential occupancy of a group of living units by **persons** who do not constitute a **single-family**), as well as **recreational vehicle (RV) parks** (providing spaces for overnight accommodation of people in a **recreational vehicle**), and

workforce housing. **Accessory uses** commonly associated with Residential **Uses** are recreational activities, raising of pets, hobbies, parking of the occupants' vehicles, and administrative offices in **multifamily, group living, and recreational vehicle (RV) parks**, and workforce housing developments. Home occupations are **accessory uses** that are subject to additional regulations (see Sec. 16-4-103.E.3, Home Occupation).

2. Use Types and Definitions

Group Living

The residential occupancy of a group of living units by **persons** who do not constitute a **single-family** and may receive some level of personal care. Individual living units often consist of a single room or group of rooms without cooking and eating facilities, but unlike a **hotel**, are generally occupied on a monthly or longer basis. **Uses** include group homes, assisted living facilities, dormitories, and similar **uses**. Although continuing care retirement communities may include **single-family** and **multifamily dwellings** and health care **uses**, they are categorized as a group living **use** because of their focus on the present or future provision of personal care to senior citizens and their integration of various **uses** as a single cohesive **development**. Dormitories are categorized as a group living use because they consist of a building or buildings which house students, employees, etc. and contain communal facilities and sleeping rooms with several beds. Group living does not include **uses** where **persons** generally occupy living units for periods of less than 30 days (e.g., **hotels**), which are categorized as Resort Accommodation **Uses**. It also does not include **uses** where residents or inpatients are routinely provided more than minor health care services (e.g., **nursing homes, hospitals**) unless they are associated with a continuing care retirement community. These types of facilities are categorized as Health Services **uses**. **Accessory uses** common to group living **uses** include recreational facilities, administrative offices, and food preparation and dining facilities.

Multifamily

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

Mixed-Use

Development that includes two or more different **uses**, which shall include **multifamily or workforce housing use** and one or more of the Office **uses**, as described in Sec. 16-10-103.F or one or more of the Commercial Services **uses**, as described in Sec. 16-10-103.G or some combination thereof. Such **uses** should be functionally integrated and share vehicular use areas, ingress/egress, and pedestrian **access**.

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).

Recreational Vehicle (RV) Park

An establishment consisting of paved parking spaces, served by utilities and accessways, that are utilized for overnight parking and occupancy of **recreational vehicles**. A recreational vehicle park may include an office for an **on-site** manager and rental of parking spaces, and amenities for the use of park

tenants and residents, such as **swimming pools**, tennis courts, play grounds and covered or uncovered picnic areas. **Accessory uses** include offices, limited commercial services oriented to the needs of park occupants, and recreational facilities (e.g., swimming pool, playgrounds, and picnic areas) for the use of park occupants.

Single-Family

A freestanding **structure** containing not more than two **single-family dwelling units**. Two **single-family** homes may be located on the same **lot** if the applicable **density** standard is met. More than two **single-family dwellings** on a single **lot** constitute a **multifamily dwelling**.

Townhouse

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

Workforce Housing

Housing that is affordable at 60—100% of the Area Median Income (AMI) for Beaufort County.

Islander Mixed-Use

The Sea Pines Circle District is further intended to provide opportunities for student housing near the University of South Carolina, and for service worker housing near centers of commerce and business which employ substantial numbers of workers. This type of development is hereby labelled as Islander Mixed-Use and shall have the prerequisites and site development standards set forth in 16-4-102.B.1.g. Only development which meets the stated prerequisites shall be entitled to utilize the special site development standards described therein. The intent is to encourage market rate, but affordable, housing for students and service workers, while also allowing a Mixed-Use element to serve the residents and nearby community.

(Revised 9-17-2019 - Ordinance2019-20; revised 7-21-2020 - Ordinance2020-16; revised 11-4-2020 - Ordinance 2020-26; revised 2-16-2021 -Ordinance 2021-02)