



Town of Hilton Head Island
LMO Committee Meeting
Thursday, September 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. 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.

6. New Business

- a. Potential LMO Text Amendment for Housing Unit Conversion – *presented by requestor*
- b. Tier 1.A Proposed LMO Amendments – *presented by Nicole Dixon*

7. Committee Business

8. 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.

Prepared for the Hilton Head Island Planning Commission

- The project we have been working on is not new development, but commercial redevelopment of existing dilapidated property on the south end of the island.
- Due to the definition of a unit in the Land Management Ordinance, we are able to build dormitory units with up to 8 or more beds.
- Our approach instead is to develop islander housing that satisfies the inventory needs identified in the Beaufort County Housing Study with a blend of studio, two, three and four bedroom units along with a building of quad style dormitory units for USCB students.
- We are not asking for more people to reside on the property than are allowed, we are asking for flexibility in the LMO definition of a unit to accommodate this critical need for the quality of life of our residents and visitors.
- We have elected to propose an islander housing overlay district as an amendment to the LMO that would prioritize the development of housing for service workers across the market segments in need here on Hilton Head Island including medical, educational, municipal, hospitality, attractions and landscape services.
- This LMO text amendment approach would require proximity to educational facility and or service related businesses.
- This overlay zoning district would allow a targeted approach to meeting the housing demands of our community while reducing the demands of impact and traffic that could be created by maximizing the by right development provided in the current LMO language.
- We hope to engage the LMO Committee for review of the proposed amendment and look forward to continuing our work with town staff and community stakeholders to ensure we work towards sustainable solutions to address the housing shortage facing our community.



PREPARED FOR:
 DOUBLE D OFFICE WAY, LLC
 PREPARED BY:



J. K. TILLER ASSOCIATES, INC.
 LAND PLANNING LANDSCAPE ARCHITECTURE
 181 BLUFFTON ROAD, SUITE #203 181 BLUFFTON, SC 29916
 Phone 843.815.4800 tiller@tiller.com Fax 843.815.4802

**OFFICE WAY MIXED-USE
 VICINITY MAP**
 TOWN OF HILTON HEAD, SOUTH CAROLINA
 AUGUST 16, 2022



THIS IS A CONCEPTUAL PLAN AND IS SUBJECT TO CHANGE. ALL SURVEY INFORMATION AND SITE BOUNDARIES WERE COMPILED FROM A VARIETY OF UNVERIFIED SOURCES AT VARIOUS TIMES AND AS SUCH ARE INTENDED TO BE USED ONLY AS A GUIDE. ALL PROPERTY LINES, TRACT DIMENSIONS AND NARRATIVE DESCRIPTIONS ARE FOR GRAPHIC REPRESENTATION ONLY, AS AN AID TO SITE LOCATION AND POTENTIAL LAND USE, AND ARE NOT LEGAL REPRESENTATIONS AS TO FUTURE USES OR LOCATIONS. J. K. TILLER ASSOCIATES, INC. ASSUMES NO LIABILITY FOR ITS ACCURACY OR STATE OF COMPLETION, OR FOR ANY DECISIONS (REQUIRING ACCURACY) WHICH THE USER MAY MAKE BASED ON THIS INFORMATION.

SITE INFORMATION

PARCEL PINS R552 015 000 0355 0000
 R552 015 000 0354 0000
 R552 015 000 0357 0000
 R552 015 000 164A 0000

ZONING ZONED SEA PINES CIRCLE DISTRICT
 ACRES +/-4.38 ACRES

PROPOSED MIXED USE

TOTAL RETAIL 5,623 SF
 STUDENT DWELLING UNITS 12 UNITS (4 BEDS EACH)
 ISLANDER HOUSING DWELLING UNITS 121 UNITS

PARKING

NON RESIDENTIAL PARKING (1/500 GFA) 11 SPACES
 RESIDENTIAL PARKING (1.5/ DU) 200 SPACES
 TOTAL PARKING REQUIRED 211 SPACES
 PROPOSED PARKING 136 SPACES
 SHARED PKG. WITH ADJ. USCB PARCEL 75 SPACES
 PROPOSED BIKE PARKING 66 SPACES (2 PER RACK)

TOHH LMO REQUIREMENTS

ORDINANCE	REQUIREMENT
SEC. 16-3-105.M.3 RES. DENSITY	12 DU PER ACRE
SEC. 16-3-105.M.3 NON RES. DENSITY	10,000 GFA
SEC. 16-3-105.M.3 IMPERVIOUS COVER	60%
SEC. 16-3-105.M.3 BLDG. HEIGHT	45'
SEC. 16-3-105.M.2 SPC PARKING	1.5/ DU - RESIDENTIAL 1/ 500 GFA - NON RES.
SEC. 16-5-107.D.6 ACCESSIBLE PKG.	5 CAR (INCL. 1 VAN)
SEC. 16-5-107.D.10 EV CHARGING	1 STATION
SEC. 16-5-103.C.3.A SHARED PKG.	50% OF REQ. PARKING
SEC.16-5-107.H.7.A BIKE PARKING	4 PER 10 CAR SPACES
SEC.16-5-107.H.8 LOADING AREAS	1/ 25,000 GFA
SEC.16-5-103.D ADJ. ST. BUFFER	TYPE A (10' OR 20')
SEC.16-5-103.E ADJ. USE BUFFER	TYPE B (15' OR 25')
SEC.16-5-102.C ADJ. ST. SETBACK	20/60°
SEC.16-5-102.D ADJ. USE SETBACK	25/75°



LABEL	BEARING	DISTANCE
L1	S84°31'42" W	251.60
L2	S84°05'15" W	88.44
L3	S83°08'05" W	187.03
L4	S88°02'32" W	67.62
L5	N36°08'48" W	318.11
L6	N53°53'12" E	36.85
L7	N53°19'11" E	26.42
LB	N76°24'03" W	14.91
L9	S83°53'12" W	17.25
L10	N83°08'43" W	77.07
L11	N61°04'59" E	153.92
L12	S70°43'35" E	85.23
L13	S70°43'35" E	81.13
L14	N65°44'02" E	133.90
L15	N65°25'55" E	20.28
L16	N7°44'15.6" E	65.42
L17	N75°31'29" E	241.08
L18	S35°56'13" E	133.08
L19	N73°08'30" E	67.87

PREPARED FOR:
 DOUBLE D OFFICE WAY, LLC
 PREPARED BY:

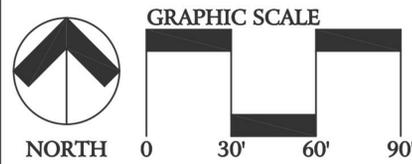
J. K. TILLER ASSOCIATES, INC.
 LAND PLANNING LANDSCAPE ARCHITECTURE
 181 BLUFFTON ROAD, SUITE #203 BLUFFTON, SC 29910
 Voice 843.815.4800 tiller@jtiller.com Fax 843.815.4802

OFFICE WAY MIXED-USE CONCEPT PLAN

SEA PINES CIRCLE DISTRICT

TOWN OF HILTON HEAD, SOUTH CAROLINA

AUGUST 16, 2022



THIS IS A CONCEPTUAL PLAN AND IS SUBJECT TO CHANGE. ALL SURVEY INFORMATION AND SITE BOUNDARIES WERE COMPILED FROM A VARIETY OF UNVERIFIED SOURCES AT VARIOUS TIMES AND AS SUCH ARE INTENDED TO BE USED ONLY AS A GUIDE. ALL PROPERTY LINES, TRACT DIMENSIONS AND NARRATIVE DESCRIPTIONS ARE FOR GRAPHIC REPRESENTATION ONLY, AS AN AID TO SITE LOCATION AND POTENTIAL LAND USE, AND ARE NOT LEGAL REPRESENTATIONS AS TO FUTURE USES OR LOCATIONS. J. K. TILLER ASSOCIATES, INC. ASSUMES NO LIABILITY FOR ITS ACCURACY OR STATE OF COMPLETION, OR FOR ANY DECISIONS (REQUIRING ACCURACY) WHICH THE USER MAY MAKE BASED ON THIS INFORMATION.

L. Islander Student/Service Worker Housing (I-SS-O)

1. Purpose and Zoning District Type

The Islander Student/Service Worker Housing District (I-SS-O) is a hybrid floating zone and overlay zone that is unmapped on the **Official Zoning Map** and that can be applied to discreet, contiguous or noncontiguous parcels for the purpose of promoting development or redevelopment of sites specifically designed to meet the housing needs of student and service worker populations at market rates, with affordability achieved by unit design, site design, and site location in close proximity to educational institutions and/or service based places of employment. To facilitate and encourage residential units developed under these standards, short term rental of units for periods of less than 90 days will be prohibited by recorded covenant. A mixed use element may be included, to help meet the needs of students and service workers and also the greater community, to the extent allowed under the applicable Base Zoning District.

2. Specific Techniques Authorized

On parcels approved for the Islander Student/Service Worker Housing District (I-SS-O) the following techniques are authorized to accomplish the purposes of the I-SS-O District:

- (a) A relaxation of specific design and density standards set forth in Chapter 16-5: Development and Design Standards, or elsewhere in the LMO, and,
- (b) Authorization of the Official to make minor amendments to any I-SS-O District to facilitate the purposes of the I-SS-O District as set forth herein.

3. Applicability

- (a) A landowner of a parcel or parcels of land who proposes to develop residential uses to meet the specific needs of student or service worker housing, with or without a complementary commercial component, may apply to have the parcel(s) of land rezoned I-SS-O District in accordance with Section 16-2-103.C, Zoning Map Amendment (Rezoning), and this section. For the purposes of this section, qualifying development is defined as development of

conforming or nonconforming parcels to promote the development or redevelopment of contiguous or noncontiguous sites to allow and promote development specifically designed to meet the housing needs of students of nearby educational institutions, or workers in nearby service industry jobs. To fulfill these purposes, residential site density may be allowed which exceeds otherwise allowable density, as provided below. Such increases in density shall be provided to facilitate housing types that do not necessarily conform to normal multifamily definitions, such as increased small unit allowances (both one bedroom, and room rentals served by common kitchen and bathroom amenities, and efficiency units) which shall be allowable at project percentages found to serve the purpose of providing student and service worker housing at more affordable market rates. There shall be no percentage caps on these unit types.

(b) The following parcels of land may apply to have the land rezoned to I-SS-O District :

- (i) A parcel of land, with or without a nonconforming structure or site, which is located in close proximity to an educational institution, with a demonstrated need for student housing and/or located in reasonably close proximity to service industry facilities which have a demonstrated need for affordable, market rate housing.
- (ii) Residential units shall not be restricted to use by any specific class of resident but are deemed to serve the above purposes by virtue of site design, short term rental prohibition, and proximity to the above markets.

4. Procedure

An I-SS-O District classification shall only be approved in accordance with the procedures in Section 16-2-103.C, Zoning Map Amendment (Rezoning) Standards, and the requirements of this section.

5. Additional I-SS-O District Review Standards

In addition to the review standards in section 16-2-103.C, Zoning Map Amendment (Rezoning) Review Standards, development proposed to be classified to an I-SS-O District may modify the dimensional, development design, density requirements, and other standards of this Ordinance in accordance with Table 16-3-106.L, Additional I-SS-O District Review Standards.

TABLE 16-3-106.L: ADDITONAL I-SS-O DISTRICT REVIEW STANDARDS

STANDARD	ALLOWABLE MODIFICATION
Uses (see base district standards in this chapter)	Only uses allowed in the base district are allowed, and short-term rental of units for less than 90 days shall be prohibited by recorded covenant.
Maximum density (see base district standards in this chapter, as modified here)	Given the unique type of residential units to be allowed hereunder, and their designed purposes and target market, no specific residential density cap is applicable to development hereunder. Density is limited by applicable design standards for height, open space, parking, storm water design, etc.
Parking	<p>Parking standards and requirements may be adjusted, if requested by an applicant, to reflect specific uses, design, and conditions, if approved by the Official -or- in accordance with the underlying zoning district.</p> <p>Remote parking and shared parking may be allowed, not to exceed 50% of total parking requirements.</p>
Building Height	In order to achieve cost efficient unit design, to promote affordability, the height limit for buildings shall be 55 feet above finished grade.

6. Minor Amendment

Because unanticipated circumstances may arise in the development of I-SS-O District property, to meet the stated goals of the District, that may make it impractical or impossible to execute an approval development plan under the I-SS-O District Standards, the **Official** is authorized to approve minor amendments to the approved I-SS-O District as follows:

- (a) A minor amendment shall be an amendment that does not relax any applicable design standards provided hereunder by more than 10% of the applicable standard established hereunder from which an amendment is sought. The applicable standards established hereunder are the standards applicable within the base zoning district, as those standards are modified as provided above.
- (b) Disapproval or denial of a request for a proposed minor amendment to an I-SS-O District by the **Official** may be appealed within 14 calendar days of the decision to the **Board of Zoning Appeals**.

7. Expiration

An I-SS-O District Map Amendment (Rezoning) shall not expire, but the amended **Official Zoning Map** is subject to further amendment or repeal, in accordance with the map amendment procedures set forth in Section 16-2-103.C, Zoning Map Amendment (Rezoning).



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*
VIA: Christopher Yates, CBO, CFM, CGP, *Development Services Manager*
DATE: August 16, 2022
SUBJECT: Proposed LMO Amendments – Tier 1-A

Recommendation

Staff recommends that the LMO Committee forward the proposed Tier 1-A amendments to Planning Commission with a recommendation of approval.

Summary

The Public Planning Committee met on August 4, 2022 to review the full list of LMO amendments. The Public Planning Committee gave the green light for staff to advance Tier 1-A on to the LMO Committee for review as these amendments have been drafted and are further along in the process. The remaining LMO Amendments will move through the process when ready.

Background

The Strategic Action Plan adopted by Town Council includes an initiative as part of the Connected Community action item to conduct a Strengths, Weaknesses, Opportunities & Threats (SWOT) Analysis of the Land Management Ordinance. The SWOT analysis will serve as an assessment tool that will identify the core strengths, weaknesses, opportunities, and threats of the existing code regulations. The review of the proposed list of LMO Amendments serves as the first step in the SWOT Analysis.

The proposed amendments are step one of a deeper effort on the SWOT Analysis. Staff has prioritized the list of amendments into separate tiers based on preliminary assessment of needs. This list may change based upon committee or management direction.

Newly added language is illustrated with double underline and deleted language is illustrated with ~~strikethrough~~.

Attachment

- A. List of Proposed Tier 1-A LMO Amendments
-

LMO Amendments List

Tier 1.A

AMENDMENT	ISSUE	SECTION
Remove staff waivers (except as related to nonconformities)	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
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
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
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 as a result of an appeal. The use should be considered a commercial use	16-10-103.I

	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
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
Amend the dwelling unit definition	The definition needs to be clear about what constitutes a separate dwelling unit.	16-10-105
Amend the definition of changeable copy	The current definition of changeable copy as it relates to signs does not allow signs to be changed electronically. The sign provisions	16-10-105, 16-5-114.H.10

	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
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
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.	16-5-115

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:

Proposed LMO Amendments – Tier 1.A

- (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.~~

Proposed LMO Amendments – Tier 1.A

- 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. 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. The recording of a cross access easement agreement between the two properties is required.~~
- f) Remove Adjacent Street and Use Buffer waivers. In Section 15-5-103.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 site 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;~~

Proposed LMO Amendments – Tier 1.A

- ~~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;~~
 - ~~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;~~
 - ~~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. Remove Section 16-5-105.I.8 Waiver in its entirety, which states:

(8) ~~Waiver~~

~~Where the *applicant* demonstrates that a *lot of record* would be rendered unusable by the strict application of the standards int his 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*;~~
- ~~c. Qualification of the request in a format consistent with that for a variance request (see Sec. 16-2-103.S, Variance); and~~

Proposed LMO Amendments – Tier 1.A

- d. ~~A map or plan showing the proposed vehicular *access* and the surveyed distances to nearest existing ingress/egress points.~~
- 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*;~~
 - b. ~~*Development* resulting from the reduction is consistent with the purpose and intent of the parking standards;~~
 - c. ~~The reduction either (1) is required to compensate for some unusual aspect of the site or the proposed *development*, or (2) results in improved site conditions for a *development* with *nonconforming site features* (e.g., allows the 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:

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- (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.
- 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~~
 - c. ~~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

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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.~~

2. Variances

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

(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.

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- iii. ~~ii.~~ Vegetation, fences, and 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:

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 delay 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:

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(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 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 all development-related improvements and 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 South Carolina lender based upon a cash deposit, in a form acceptable to the *Town Attorney*;

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

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(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 development-related improvements not to exceed 18 months.

03. Amount of Guarantee. Performance guarantees for the completion of improvements 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 improvements 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 PUBLIC IMPROVEMENTS ARE NOT COMPLETED. ISSUANCE OF BUILDING PERMITS PRIOR TO COMPLETION OF PUBLIC IMPROVEMENTS 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 IMPROVEMENTS, 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 Engineer determines that the improvements in-lieu of which the guarantee was accepted are 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 improvements, in the *Beaufort County Register of Deeds*.

06. Forfeiture of Security.

(A) Notice of Failure to Install or Complete Improvements. If an *applicant* fails to properly install all required improvements 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 improvements.

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(B) Town Completion of Improvements. After completing the required improvements, 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.

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.~~

One or more habitable rooms comprising complete independent living facilities for one or more persons, and including within those rooms provisions for living, sleeping, eating, cooking and sanitation. In order for a dwelling unit to be considered a separate dwelling unit, it would need to have a habitable room(s) with independent access to the exterior, either directly, or through a common foyer. It would need to have its own sanitation facilities with a full bathroom, including a sink and bathtub and/or shower (or plumbing rough-ins for a full bath or shower). It would need to have its own eating and cooking facilities with a kitchen, including a stove and sink (separate from the full bath or laundry sink) or rough-ins for stoves and sinks (such as a gas line or line for a stove or plumbing connection for a separate sink).

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

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

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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.

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

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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:

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,

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

(d) 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.

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11. Deviations to Approved Subdivisions

In Section 16-5-115 – Subdivision Standards, amend as follows:

(H) Deviations to Platted Subdivisions

For a previously platted subdivision, any changes made to commonly owned property such as open space, rights-of-way, amenities and parking, shall require all property owners consent unless private covenants indicate otherwise. Lot combinations that will result in an increase in density or additional lots and the further subdivision of lots shall require all property owners consent.