

**AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND**

**ORDINANCE NO. 2020-19**

**PROPOSED ORDINANCE NO. 2020-03**

**AN ORDINANCE TO AMEND TITLE 16 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THE LAND MANAGEMENT ORDINANCE (LMO) , CHAPTERS 2, 3, 4, 5, 10 AND APPENDIX D. THESE AMENDMENTS, COMMONLY REFERRED TO AS *GENERAL 2019 AMENDMENTS – SET 2* AS NOTICED IN THE ISLAND PACKET ON DECEMBER 15, 2019, INCLUDE CHANGES THAT PROVIDE FOR GENERAL AMENDMENTS TO A VARIETY OF SECTIONS IN THE LMO DESCRIBED ON EXHIBIT “A” TO THIS ORDINANCE, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, on October 7, 2014, the Town Council did adopt a new Land Management Ordinance (LMO); and

**WHEREAS**, from time to time it is necessary to amend the LMO; and

**WHEREAS**, the LMO Committee held a public meeting on October 30, 2019 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed amendments; and

**WHEREAS**, the LMO Committee recommended that the proposed amendments be forwarded to the Planning Commission with a recommendation of approval; and

**WHEREAS**, the Planning Commission held a public hearing on January 15, 2020 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed LMO amendments; and

**WHEREAS**, after consideration of the Staff presentation and public comments the Planning Commission voted 8-0 to forward the proposed amendments to the Public Planning Committee with a recommendation of approval; and

**WHEREAS**, the Public Planning Committee held a public meeting on January 23, 2020 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed LMO amendments; and

**WHEREAS**, after consideration of the staff presentation and public comments, the Public Planning Committee voted 5-0 to recommend approval of the proposed LMO amendments with the exception of the amendment related to HVAC units being permitted to encroach up to five feet into a setback; and

WHEREAS, after due consideration of said LMO amendments and the recommendation of the Planning Commission, the Town Council, upon further review, finds it is in the public interest to approve the proposed amendments.

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

**Section 1. Amendment.** That the *General 2019 Amendments – Set 2* are adopted and the Land Management Ordinance is amended as shown on Exhibit “A” to this Ordinance. Newly added language is illustrated with double underline and deleted language is illustrated with ~~strikethrough~~.

**Section 2. Severability.** If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 3. Effective Date.** This Ordinance shall be effective upon its adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS 18th DAY OF August, 2020.

THE TOWN OF HILTON HEAD  
ISLAND, SOUTH CAROLINA


  
\_\_\_\_\_  
John McCann, Mayor

ATTEST:

  
\_\_\_\_\_  
Krista Wiedmeyer, Town Clerk

Public Hearing: January 15, 2020  
First Reading: July 21, 2020  
Second Reading: August 18, 2020

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Curtis L. Coltrane, Town Attorney

Introduced by Council Member: William D. Harkins

# Exhibit A

## Proposed General 2019 Amendments – Set 2

### General Amendments

#### Chapter 16-2: Administration

##### Section 16-2-103.F.5. Subdivision Review (Minor or Major)

##### 5. Effect of Approval

Approval of a Subdivision (Minor or Major) constitutes approval of a ~~final~~ preliminary plat for the *subdivision*. The final plat will not be approved or stamped for recording until issuance of the Certificate of Compliance for the subdivision. Recording of the final plat in the Office of the Register of Deeds for Beaufort County, South Carolina creates developable *lots* that may be sold or otherwise conveyed and may be developed in accordance with *development applications* authorized by this *Ordinance*.

#### Chapter 16-3: Zoning Districts

##### Section 16-3-105.C. Community Commercial District

2. Allowable Principal Uses		
	USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
<b>Commercial Services</b>		
<u>Indoor Commercial Recreation</u>	P	1 per 3 persons + 1 per 200 GFA of office or similarly used area

#### Chapter 16-4: Use Standards

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/	SPECIAL DISTRICTS		RESIDENTIAL DISTRICTS						MIXED-USE AND BUSINESS DISTRICTS						USE-SPECIFIC CONDITION				
USE TYPE	CON	PR	RSF -3	RSF -5	RSF -6	RM -4	RM -8	RM -12	C R	SP C	M C	WM S	M F	M V	N C	L C	R D	ME D	I L
COMMERCIAL RECREATION USES																			
Indoor Commercial Recreation Uses									P	P	P	P	P	P	P	P	P		Sec. 16-4-102.B.5.a

# **Exhibit A**

## **Proposed General 2019 Amendments – Set 2**

### **Chapter 16-3: Zoning Districts**

#### **Section 16-3-106. Overlay Zoning Districts**

##### **F. Corridor Overlay (COR) District**

###### **2. Delineation of District**

f. If a proposed *development* will not be visible from the *right-of-way* of the associated arterial, the OCRM Base Line within the Town or the OCRM Critical Line once the project is completed, the *Official* will review it through the Minor Corridor Review Procedure (Sec. 16-2-103.I.3).

### **16-10: Definitions, Interpretation, and Measurement**

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

##### **E. Commercial Recreation Uses**

###### **2. Use Types and Definitions**

###### **Indoor Commercial Recreation**

An establishment that offers entertainment activities, events, or attractions to the general public on a commercial or fee basis. Indoor commercial recreation *uses* include: movie theaters, stage theaters, auditoriums, amusement and electronic game arcades (video games, pinball, etc.), pool or billiard tables, theme or amusement parks, boardwalks, midway type attractions such as rides, bumper cars, go-cart tracks, game booths, bowling alleys, pool halls, dance studios and dance halls, indoor firing ranges, ~~health clubs and spas~~, indoor tennis and *swimming pools*, and indoor archery ranges.

##### **G. Commercial Services**

###### **2. Use Types and Definitions**

###### **Other Commercial Services**

A Commercial Services establishment other than those listed and defined above that primarily involves the sale, rental, and incidental servicing of consumer goods and commodities, or the provision of personal services or business-related services to consumers. This *use* includes, but is not limited to, day care centers, banks and other financial institutions, clothing stores, department and discount stores, furniture stores, hair and nail salons, health clubs and spas, laundry and dry-cleaning establishments, funeral homes, home electronics and small appliance stores, shoe *repair* shops, and tanning salons.

###### **Bicycle Shop**

An establishment that sells, services, or rents new or used bicycles, and accessories, with screened outdoor storage facilities permitted in certain zoning districts.

# Exhibit A

## Proposed General 2019 Amendments – Set 2

### APPENDIX D

#### D-6. - Development Plan Review, Major

##### F. Site Development Plan

One black line print of a final *site plan* or set of plans, at a minimum scale of 1"=30' or other appropriate scale acceptable to the *Official*, showing the following:

23. Location of screened outside trash receptacles and/or enclosures for use by the *building* occupants.

24. Location of proposed setback areas as required by Sec. 16-5-102.

#### D-7. - Development Plan Review, Minor

##### D. Site Development Plan

One black line print of a final *site plan* or set of plans, at a minimum scale of 1"=30' or other appropriate scale acceptable to the *Official*, showing the following:

23. Location of screened outside trash receptacles and/or enclosures for use by the *building* occupants

24. Location of proposed setback areas as required by Sec. 16-5-102.

### Chapter 16-4: Use Standards

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	RS F-3	RSF -5	RSF -6	RM -4	RM -8	RM -12	CR	SP	CC	MS	WMU	S	MF	MV	NC	LC		RD	MED	IL
COMMERCIAL RECREATION USES																						
<b>Outdoor Commercial Recreation Uses</b> Other than <b>Water Parks</b>									PC				PC			PC		PC	PC			Sec. 16-4- 102.B.5.a
									SE				SE			SE		SE	SE			

# Exhibit A

## Proposed General 2019 Amendments – Set 2

### Grinding Operation Amendments

#### Chapter 16-3: Zoning Districts

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

#### E. Light Industrial (IL) District

IL Light Industrial District			
2. Allowable Principal Uses			
		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
Industrial Uses			
<u>Grinding</u>	<u>SE</u>	<u>Sec. 16-4-102.B.9.a</u>	<u>1 per 1,300 GFA of indoor storage or manufacturing area + 1 per 350 GFA of office or administrative area</u>

#### Chapter 16-4: Use Standards

#### Section 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 CLASSIFIC ATION/ DISTRICTS	SPECI AL DISTRICTS	RESIDENTIAL DISTRICTS	MIXED-USE AND BUSINESS DISTRICTS	USE-SPECIFI C

## Exhibit A

## Proposed General 2019 Amendments – Set 2

USE TYPE	CO N	P R	RS F- 3	RS F- 5	RS F- 6	R M -4	R M -8	R M - 12	C R	S P C	C C	M S	W M U	S F	M V	N C	L C	R D	M ED	I L	
INDUSTRIAL USES																					
<u>Grinding</u>																				<u>S</u> <u>E</u>	<u>Sec. 16-</u> <u>4-</u> <u>102.B.9.</u> <u>a</u>

## B. Use-Specific Conditions for Principal Uses

## 9. Industrial Uses

### a. Grinding

All facility operations, including but not limited to, operating trucks and other equipment, loading and unloading of logs and materials, and grinding must comply with the decibel levels as stated in Title 17 (Noise Control) of the Municipal Code of the Town of Hilton Head Island. Additionally, all *grinding uses* in the IL district shall comply with the following conditions:

### i. Locational Restrictions

A grinding use shall comply with the following locational restrictions:

01. It shall not be located within 200 feet of the boundary of an RM-4, RM-8 or PD-1 zoning district.
  02. These distances shall be measured as the length of an imaginary straight line between the two closest points of the perimeter boundary of the property on which any **grinding use** is located, and the perimeter boundary of the property on which any **use** from which the separation is required.
- ii. The minimum acreage for a **grinding use** shall be four net acres.
  - iii. The site shall not have direct vehicular access onto a major or minor arterial.

The above conditions do not apply to properties located within the PD-1 zoning district.

- a. b.** Light Industrial, Manufacturing, and Warehouse Uses
- b. c.** Seafood Processing Facilities
- c. d.** Self-Service Storage

# Exhibit A

## Proposed General 2019 Amendments – Set 2

d. e. [Reserved]

### Chapter 16-5: Development and Design Standards

#### Section 16-5-107. Parking and Loading Standards

#### D. Parking Space Requirements

##### 1. Minimum Number of Parking Spaces

TABLE 16-5-107.D.1: MINIMUM NUMBER OF PARKING SPACES		
USE CATEGORY/USE TYPE	MINIMUM NUMBER OF PARKING SPACES <sup>1,2,3,4</sup>	
	CR DISTRICT	ALL OTHER DISTRICTS
<b>INDUSTRIAL USES</b>		
<u>Grinding</u>	<u>n/a</u>	<u>1 per 1,300 GFA of indoor storage or manufacturing area + 1 per 350 GFA of office or administrative area</u>

### Chapter 10: Definitions, Interpretation and Measurement

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

##### I. Industrial Uses

##### 2. Use Types and Definitions

##### Grinding

The reduction of vegetative materials in size or volume into materials such as but not limited to mulch or chips.



# Exhibit A

## Proposed General 2019 Amendments – Set 2

### MINISTERIAL AMENDMENTS

#### Chapter 16-2: Administration

#### Section 16-2-103. Application Specific Review Procedures

#### D. Planned Unit Development (PUD) District

#### 4. PUD District Review Standards

In determining whether to recommend that *Town Council* adopt a proposed PUD zoning district classification, the *Planning Commission* may consider and weigh the standards of Sec. 16-2-103.C.3, Zoning Map Amendment (Rezoning) Review Standards, and the extent to which the proposed PUD District complies with the standards of Sec. ~~16-1-104~~ 16-3-105.K, Planned Development Mixed-Use (PD-1) District or Sec. 16-3-106.G, Planned Development Overlay (PD-2) District.

#### Chapter 16-3: Zoning Districts

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

#### I. Mitchelville (MV) District

2. Allowable Principal Uses			
		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
<b>Vehicle Sales and Services</b>			
<i>Watercraft Sales, Rentals, or Services</i>	PC	Sec. 16-4-102.B.8.e f	1 per 200 GFA

#### K. Planned Development Mixed-Use (PD-1) District

3. Principal Uses Restricted by Master Plan			
The Master Plans and associated text, as approved and amended by the Town, establish general permitted <i>uses</i> for the respective PUDs, except as may be modified by an <i>overlay zoning district</i> . Undesignated areas on these Master Plans shall be considered as <i>open space</i> .			
The following <i>uses</i> are restricted to locations where a Town-approved Master Plan or associated text specifically states such <i>uses</i> are permitted. In addition, the <i>use</i> -specific conditions referenced below shall apply to any new such <i>use</i> or change to the site for any existing such <i>use</i> .			
		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
<b>Vehicle Sales and Services</b>			
<i>Gas Sales</i>	PC	Sec. 16-4-102.B.8.d e	
<i>Watercraft Sales, Rentals, or Services</i>	PC	Sec. 16-4-102.B.8.e f	1 per 200 GFA

# Exhibit A

## Proposed General 2019 Amendments – Set 2

### Section 16-3-106. Overlay Zoning Districts

#### G. Planned Development Overlay (PD-2) District

##### 5. PD-2 Listed Master Plans

The following PUDs are included in PD-2 Overlay Districts and their Town-approved Master Plans including associated text and any subsequent amendments are hereby incorporated by reference as a part of the *Official Zoning Map* and LMO text.

TABLE 16-3-106.G.4 5: PD-2 LISTED MASTER PLAN			
FILE NAME	NUMBER	PARCEL	TAX MAP #
Palmetto Headlands and H.H. Hospital	CUR-3-88	27/103/103A/337	4,8
Centre Court on Mathews Drive	CUR-1-89	88B	8
Presbyterian Conference Center	CUR-2-89	2	18
Marriott-South Forest Beach	CUR-1-90	67/69/71/73/252	15-A,18
Park Plaza Self Storage	CUR-2-90	336	15
Tidepointe Retirement	CUR-1-92	342/342A	14
Exec/Air Hilton Head	CUR-1-94	271A	5
Spanish Grove	CUR-1-95	34A/34B	10
First Baptist Church	CUR-1-96	138A/138C	18
Bermuda Point	CUR-1-97	1B	7
Waterside (Town Center)	N/A-JPC	202/202D	18
Palmetto Bay Marina	N/A-JPC	47/66A/273/273A/273C/314E	10
Tabby Village	ZA-000954-2017	223, 49, 14D, 16, 14I, 14, 58, 58A	3

### Chapter 16-5: Development and Design Standards

#### Section 16-5-102. Setback Standards

##### C. Adjacent Street Setback Requirements

TABLE 16-5-102.C: ADJACENT STREET SETBACK REQUIREMENTS				
PROPOSED USE		MINIMUM SETBACK DISTANCE <sup>1/</sup> / MAXIMUM SETBACK ANGLE <sup>2</sup>		
		ADJACENT STREET (BY CLASSIFICATION)		
		MAJOR ARTERIAL	MINOR ARTERIAL	ALL OTHER STREETS
Single-Family	Structure > 24 in high	50 ft <sup>3,4</sup> /75°	40 ft <sup>3,4</sup> / 70°	20 ft <sup>3,4</sup> /60°
	Structure ≤ 24 in high	50 ft <sup>3,4</sup> /n/a	30 ft <sup>3,4</sup> /n/a	10 ft <sup>3,4</sup> /n/a
All Other Uses <sup>5</sup>		50 ft <sup>3,4</sup> /75°	40 ft <sup>3,4</sup> /70°	20 ft <sup>3,4</sup> /60°

## **Exhibit A**

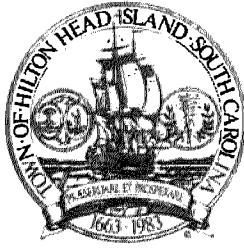
### **Proposed General 2019 Amendments – Set 2**

#### **Section 16-5-105. - Mobility, Street, and Pathway Standards**

##### **I. Access to Streets**

##### **7. Gates**

c. Gates shall be located at least 100 feet from any arterial or collector *street* , and shall comply with the stacking distance standards in ~~Sec. 16-5-105.A.5.f~~ Table 16-5-107.I.1, Vehicle Stacking Distance for Drive-Through and Related Uses.



# TOWN OF HILTON HEAD ISLAND

## *Community Development Department*

**TO:** Stephen G. Riley, ICMA~CM, *Town Manager*  
**VIA:** Shawn Colin, AICP, *Director of Community Development*  
**FROM:** Teri Lewis, AICP, *Deputy Director of Community Development*  
**CC:** Nicole Dixon, AICP, CFM, *Development Review Administrator*  
**DATE:** August 5, 2020  
**SUBJECT:** 2019 LMO Amendments – Set 2  
Proposed Ordinance #2020-03

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Town Council reviewed the proposed 2019 LMO Amendments- Set 2 at their meeting on July 21, 2020. At that meeting, Town Council voted unanimously to approve the proposed amendments with the following changes.

The amendments related to Stormwater were pulled from the proposed set of amendments at the request of staff for further review.

Staff is currently operating under a determination that HVAC units are permitted in the setback because staff found that they are no more objectionable than some of the other uses that are already permitted in a setback, including but not limited to, uncovered porches and patios. Staff, with the support of the LMO Committee and Planning Commission, took an amendment forward to allow HVAC units to encroach up to five feet into the setback. Town Council expressed concern with this proposed amendment and voted to remove it from the proposed set of amendments. The LMO does not specifically prohibit HVAC units from being located in the setback; therefore, staff will continue to operate under the current determination and will bring forward an amendment in the near future to clearly state where HVAC units are permitted on a site. Staff's current position is to encourage HVAC units to be located outside of the setback unless the lot is irregularly shaped or the house design precludes the HVAC units from being located outside of the setback.



# TOWN OF HILTON HEAD ISLAND

## *Community Development Department*

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**TO:** Stephen G. Riley, ICMA~CM, *Town Manager*  
**VIA:** Shawn Colin, AICP, *Director of Community Development*  
**FROM:** Teri Lewis, AICP, *Deputy Director of Community Development*  
**CC:** Nicole Dixon, AICP, CFM, *Development Review Administrator*  
**DATE:** July 6, 2020  
**SUBJECT:** 2019 LMO Amendments – Set 2  
Proposed Ordinance #2020-03

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### **Recommendation**

The Public Planning Committee recommends that Town Council approve the proposed amendments.

On January 23, 2020, the Public Planning Committee reviewed the proposed 2019 LMO Amendments – Set 2 and voted unanimously to recommend that Town Council approve the proposed amendments with the change listed below.

### **Summary**

The proposed amendments were reviewed by the Public Planning Committee at their meeting on January 23, 2020. At that meeting the Committee voted to forward the proposed amendments to Town Council with a recommendation of approval with the following change:

- The amendment related to allowing HVAC units to encroach up to 5 feet into a setback not move forward for adoption.

The proposed amendments were reviewed by the Planning Commission at their meeting on January 15, 2020. At that meeting the Commission voted to forward the draft amendments to the Public Planning Committee with a recommendation of approval.

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

### **Background**

The LMO is generally amended on a bi-annual basis. Newly added language is illustrated with double underline and deleted language is illustrated with ~~strikethrough~~.

### **Attachment**

A. Rationale – 2019 LMO Amendments – Set 2