

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2015-# 23

PROPOSED ORDINANCE NO. 2015-23

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, 6 AND 10 AND APPENDICES A AND D TO REVISE VARIOUS SECTIONS. THESE AMENDMENTS, COMMONLY REFERRED TO AS 2015 LMO AMENDMENTS AS NOTICED IN THE ISLAND PACKET ON SEPTEMBER 6, 2015, INCLUDE CHANGES THAT PROVIDE FOR GENERAL AMENDMENTS TO A VARIETY OF SECTIONS IN THE LMO, 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, after ten months of utilizing the new LMO, staff has identified a variety of administrative and functional amendments to the LMO; and

WHEREAS, the LMO Committee held a public meeting on September 23, 2015 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 Planning Commission with a recommendation of approval with the changes as discussed by staff and the Committee

WHEREAS, the Planning Commission held a public hearing on October 7, 2015 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, the Planning Commission, after consideration of the staff presentation and public comments, voted 9-0 to recommend that Town Council approve the proposed amendments; 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:

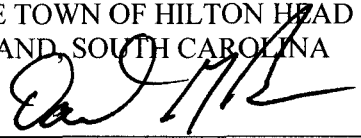
Section 1. Amendment. That the 2015 LMO Amendments are adopted as indicated on the attached pages (Exhibits A and B). Newly added language is illustrated with double underline and deleted language is illustrated with ~~striketrough~~.

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.

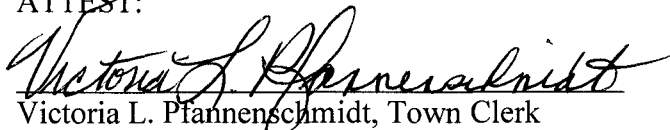
Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS 3rd DAY OF NOVEMBER, 2015.

THE TOWN OF HILTON HEAD
ISLAND, SOUTH CAROLINA


David Bennett, Mayor

ATTEST:


Victoria L. Pfannenschmidt, Town Clerk

Public Hearing: October 7, 2015

First Reading: OCTOBER 30, 2015

Second Reading: NOVEMBER 3, 2015

APPROVED AS TO FORM:


Gregory M. Alford, Town Attorney

Introduced by Council Member: WILLIAM D. HARKINS

EXHIBIT A

DRAFT 2015 ADMINISTRATIVE LMO AMENDMENTS

CHAPTER 16-2: ADMINISTRATION

Staff Explanation: This change will return to the LMO the list of sections with which single-family structures have to comply.

Section 16-2-103. Application Specific Review Procedures

G. Development Plan Review (Minor and Major)

1. – 2. No Changes

3. Exemptions

The following activities or *uses* are exempt from Development Plan Review (although they may be reviewed under a separate administrative procedure, or may be governed or prohibited by private covenants and restrictions):

a. – c. No Changes.

d. All *structures* (including factory-built housing) built or placed on an individual *single-family* residential *lot* with no other *dwelling* on it although such structures shall comply with the provisions set forth below:

- i. Section 16-3-106.H, Forest Beach Neighborhood Character Overlay (FB-NC-O) District;
- ii. Section 16-3-106.I, Folly Field Neighborhood Character Overlay (FF-NC-O) District;
- iii. Section 16-3-106.J, Holiday Homes Neighborhood Character Overlay (HH-NC-O) District;
- iv. Section 16-3-104, Residential Base Zoning Districts;
- v. Section 16-3-105, Mixed-Use and Business Districts;
- vi. Section 16-5-102, Setback Standards;
- vii. Section 16-5-105.J, Access to Streets;
- viii. Section 16-5-106, Parking and Loading Standards;
- ix. Section 16-5-111, Fire Protection Water Supply;
- x. Section 16-6-102.D, Wetland Buffer Standards; and
- xi. Title 15, Building and Building Codes, Chapter 9, Flood Damage Controls, of the Municipal Code of the Town of Hilton Head Island.

Staff Explanation: This change will provide a reference in the buffer section to the requirement for a buffer from a loading area.

CHAPTER 16-5: ZONING DISTRICTS

Section 16-5-103. Buffer Standards

Table 16-5-103.F: Buffer Types

Minimum Buffer Width and Screening Requirements^{1, 2, 3, 4, 5, 6, 7}

Type A Buffer – Type C Buffer. No Changes

Type D Buffer

The buffer includes high-density screening designed to eliminate visual contact up to a height of six feet and create a strong spatial separation between *adjacent uses*. A Type D buffer is required adjacent to all loading areas per Section 16-5-107.H.8.d, Buffering of Loading Areas.

Staff Explanation: These changes will fix incorrect State Code section references.

APPENDIX A: Advisory and Decision Making Bodies and Persons

A-3. Board of Zoning Appeals

A. Powers and Duties

1. – 2. No Changes

3. Carry out any other powers and duties delegated to it by the *Town Council*, consistent with the S.C. Code of Laws Section 6-29-340 800, et seq.

B. – C. No Changes

D. Officers, Meetings, Quorum

1. – 3. No Changes

4. Notice of Meetings

Public notice of all meetings of the *Board of Zoning Appeals* shall be provided in compliance with the requirements of S. C. Code of Laws Section 30-4-10, et seq.;

S. C. Code of Laws Section 6-29-340 790, et seq.; and this *Ordinance*.

A-4. Design Review Board

A. Powers and Duties

1.-3. No Changes

4. Carry out any other powers and duties delegated to it by the *Town Council*, consistent with the S.C. Code of Laws Section 6-29-340 880, et seq.

B. – C. No Changes

D. Officers, Meetings, Quorum

1. – 3. No Changes

4. Notice of Meetings

Public notice of all meetings of the *Design Review Board* shall be provided in compliance with the requirements of S. C. Code of Laws Section 30-4-10, et seq.;

~~S. C. Code of Laws Section 6-29-310, et seq.~~; and this *Ordinance*.

Staff Explanation: This will change the term ‘Administrator’ to ‘Official’.

APPENDIX D: Application Submittal Requirements

D-1. – D-5. No Changes

D-6. Development Plan Review, Major

A. – H. No Changes.

I. Site Lighting Plan

Site lighting plans shall clearly demonstrate conformance to Sec. 16-5-108, Site Lighting Standards. Site lighting plans shall be submitted at a scale of 1"=30' or other appropriate scale acceptable to the ~~Administrator~~ Official, and shall include:

1. – 4. No Changes.

J. – S. No Changes

T. Emergency Preparedness Documentation

1. Affected **applicants** listed below shall submit an emergency preparedness plan consistent with the provisions of this section to the ~~Administrator~~ Official and to the Beaufort County Emergency Management Director at the time of **development** plan approval **application**:

D-7 – D-19. No Changes

Staff Explanation: This change will return to the LMO the plat stamping requirement.

D-20. Plat Stamping

A plat **application** shall be considered complete when the following items have been submitted.

A. Application Form

An **application** form as published by the **Official**.

B. Plat

A minimum of three plats (one for the **Town** and two for Beaufort **County**). These plats shall contain a signature block which shall be signed by the owner of record before these plats can be stamped for recording purposes; this requirement may be waived if the applicant presents a written acknowledgement of the action in a legally recordable form, such as, but not limited to an easement, a right of entry, or a deed. The above requirement shall not apply to plats related to public projects. Upon such plat shall appear:

1. Owner of Record Signature (Sign plat as it appears on the deed). Example: “I the undersigned as the Owner of Record of parcel(s) R### ###, agree to the recording of this plat.” This requirement may be waived if the applicant presents a written acknowledgement of the action in a legally recordable form, such as, but not limited to an easement, a right of entry, or a deed. This requirement shall not apply to plats related to public projects, such as easements obtained through condemnation for a public pathway.
2. Title – Purpose of plat.
3. Vicinity Sketch – Map of property location.
4. Address, State and County where property to be recorded is located.
5. Who the survey was prepared for, name(s) on deed.
6. Tax District, Map and Parcel Number of subject property.
7. Total acreage of parcel(s).
8. All property access improvements.
9. Easements.
10. Date of survey and date of any revisions.
11. Graphic and numeric scale.
12. North arrow.
13. Certification of surveyor stating “class” of survey.
14. Existing monuments – property pins.
15. Improvements.
16. Surveyor’s original embossed seal, signature, surveyor ID, address and registration number.
17. “S.C. Certificate of Authorization” embossed seal when survey done by corporation, firm, association, partnership, or other such entity.
18. FEMA zone information – property assigned flood zone.
19. Flood disclosure statement.
20. Notation of specific reference plats.
21. OCRM critical line and base line.

22. Space for stamp – Minimum 4x4 inches

C. Other Requirements

1. Property Deed/Title Source.
2. Recorded easement documents.
3. Transfer agreement – legal document showing property owner change.

Staff Explanation: This change will re-number these sections.

D-20 21. Appeals of Official's Decision and Written Interpretations to Board of Zoning Appeals

D-21. 22 Appeals of Official's Decision to Planning Commission

D-22. 23 Appeals of Official's Decision to Design Review Board

D-23. 24 Application Deadlines

EXHIBIT B

DRAFT 2015 FUNCTIONAL LMO AMENDMENTS

CHAPTER 16-2: ADMINISTRATION

Staff Explanation: The way the language is currently written if Town Council makes a recommendation that differs from the Planning Commission recommendation, then the application needs to go back to the Planning Commission for review. This creates an unnecessary delay for the applicant. The applications (text amendments, zoning map amendments and PUD zonings) should only go back to Planning Commission if the application itself changes after it has been reviewed by Planning Commission. For example, the applicant decides to ask for fewer units.

Section 16-2-103. Application Specific Review Procedures

- A. No Changes
- B. Text Amendment
 - 1. – 2.d. No Changes

e. Decision-Making Body Review and Decision

i. The *Town Council* shall review the *application*, staff report, and *Planning Commission* recommendation, and make a final decision on the *application*. If the applicant proposes a change or departure from the text amendment that is different than what was reviewed by Planning Commission ~~No change in or departure from the text amendment as recommended by the *Planning Commission* may be made by the *Town Council* unless the change or departure is~~ shall first be submitted to the *Planning Commission* for review and recommendation in accordance with *State* law. The *Town Council's* decision shall be one of the following:

- 01. Adopt an *ordinance* approving the Text Amendment; or
- 02. Adopt a resolution denying the Text Amendment.

ii. If the applicant proposes a change or departure from the text amendment that is different than what was reviewed by Planning Commission ~~If the *Town Council* proposes any changes or departures from a Text Amendment as recommended by the *Planning Commission*, it shall first remand the~~ *application* shall be remanded to the *Planning Commission* for review of and a recommendation on the proposed changes and departures. The *Planning Commission* shall deliver its recommendation on the proposed changes and departures to the *Town Council* within 30 days after the remand; if the *Planning Commission* fails to do so, it is deemed to have recommended approval of the proposed changes and departures.

- C. Zoning Map Amendment (Rezoning)
 - 1. – 2.e. No Changes

f. Decision-Making Body Review and Decision

i. The *Town Council* shall review the *application*, staff report and *Planning Commission* recommendation, and make a final decision on the *application*. If the applicant proposes a change or departure from the Zoning Map Amendment that is different than what was reviewed by Planning Commission ~~No change in or departure from the Zoning Map Amendment as recommended by the~~ *Planning Commission* may be made by ~~Town Council~~ unless the change or departure is shall first be submitted to the *Planning Commission* for review and recommendation in accordance with *State* law. The *Town Council's* decision shall be one of the following:

01. Adopt an *ordinance* approving the Zoning Map Amendment; or

02. Adopt a resolution denying the Zoning Map Amendment.

ii. If the applicant proposes a change or departure from the Zoning Map Amendment that is different than what was reviewed by Planning Commission ~~If the Town Council proposes any changes or departures from a Zoning Map Amendment as recommended by the~~ *Planning Commission*, it shall first remand the *application* shall be remanded to the *Planning Commission* for review of and a recommendation on the proposed changes and departures. The *Planning Commission* shall deliver its recommendation on the proposed changes and departures to the *Town Council* within 30 days after the remand; if the *Planning Commission* fails to do so, it is deemed to have recommended approval of the proposed changes and departures.

D. Planned Unit Development (PUD) District

1. – 2.e. No Changes

f. Decision-Making Body Review and Decision

i. The *Town Council* shall review the *application*, staff report, and *Planning Commission* recommendation, and make a final decision on the *application*. If the applicant proposes a change or departure from the PUD zoning that is different than what was reviewed by Planning Commission ~~No change in or departure from the PUD zoning as recommended by the~~ *Planning Commission* may be made by the ~~Town Council~~ unless the change or departure is shall first be submitted to the *Planning Commission* for review and recommendation in accordance with *State* law. The *Town Council's* decision shall be one of the following:

01. Adopt an ordinance approving the PUD District as submitted; or

02. Adopt a resolution denying the PUD District.

ii. If the applicant proposes a change or departure from the PUD zoning that is different than what was reviewed by Planning Commission ~~If the Town Council proposes any changes or departures from a PUD District as recommended by the~~ *Planning Commission*, it shall first remand the *application* shall be remanded to the *Planning Commission* for review of and a recommendation on the proposed changes and departures. The *Planning Commission* shall deliver its recommendation on the proposed changes and departures to the *Town Council* within 30 days after the remand; if the *Planning Commission* fails to do so, it is deemed to have recommended approval of the proposed changes and departures.

Staff Explanation: Currently any development that is not visible from an arterial can be approved by staff rather than the Design Review Board (DRB). The unanticipated consequence of this is that large projects that would typically require a two-step review by the DRB would not go through this review process.

E. – H. No Changes

I. Corridor Review (Minor and Major)

1. – 2.a. No Changes

b. Minor and Major Corridor Review

There are two types of Corridor Review: Major and Minor.

i. Minor Corridor Review is required for the following types of **development** within the Corridor Overlay District:

01. **Multifamily accessory structure;**

02. The addition of minor **building** or site elements (such as patios, decks, railings, awnings, and shutters, landscaping, exterior lighting, fences and walls, dumpster enclosures);

03. The use of the same color(s) on the exterior of an **accessory structure** as authorized by a Major Corridor Review approved for the principal **structure**; and

04. Outdoor merchandising; ~~and~~

05. Any **development** alteration/addition within the Corridor Overlay District that is not visible from an arterial **street**, the OCRM Beachfront Baseline, or the OCRM Critical Line.

CHAPTER 16-3: ZONING DISTRICTS

Staff Explanation: Group Living was inadvertently left out as a permitted use in the Main Street zoning district. The consequence of this is that Indigo Pines is currently a nonconforming use.

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

A. – E. No Changes

F. Main Street (MS) District

MS Main Street District			
1. Purpose			
The purpose of the Main Street (MS) District is to provide lands for shopping center , other commercial, and mixed-use development at moderate to relatively high intensities in the Main Street area and the portion of Indigo Run between U.S. Highway 278 and Pembroke Drive. Generally, the district places an emphasis on moderate-scale buildings , quality design, and pedestrian orientation (balanced with some accommodation of auto-oriented development).			
2. Allowable Principal Uses			
USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
Residential Uses			
<u>Group Living</u>	P		<u>1 per 3 rooms</u>

CHAPTER 16-4: USE STANDARDS

Staff Explanation: Group Living was inadvertently left out as a permitted use in the Main Street zoning district. The consequence of this is that Indigo Pines is currently a nonconforming use.

Section 16-4-102. Principal Uses

A.1 – 5. No Changes

6. Principal Use Table

TABLE 16-4-102.A.6: PRINCIPAL USE TABLE																					
P = Permitted by Right PC = Permitted Subject to Use-Specific Conditions																					
SE = Allowed as a Special Exception Blank Cell = Prohibited																					
USE CLASSIFICATION/ USE TYPE	SPECIAL DISTRICTS		RESIDENTIAL DISTRICTS						MIXED-USE AND BUSINESS DISTRICTS											USE-SPECIFIC CONDITIONS	
	CON	PR	RSF-3	RSF-5	RSF-6	RM-4	RM-8	RM-12	CR	SPC	CC	MS	WMU	S	MF	MV	NC	LC	RD		MED
RESIDENTIAL USES																					
Group Living						P	P	P				P						P			

CHAPTER 16-5: DEVELOPMENT AND DESIGN STANDARDS

Staff Explanation: When the new LMO was adopted, the requirement that the single-family setback only apply to the exterior subdivision boundary was inadvertently eliminated. This change fixes that error.

Section 16-5-102. Setback Standards

A. – C. No Changes

D. Adjacent Use Setback Requirements

TABLE 16-5-102.D: ADJACENT USE SETBACK REQUIREMENTS ¹

PROPOSED USE ³	MINIMUM SETBACK DISTANCE ¹ / MAXIMUM SETBACK ANGLE ²			
	USE OF ADJACENT DEVELOPMENT PROPERTY ³			
	SINGLE-FAMILY DWELLING	ALL OTHER RESIDENTIAL USES; COMMERCIAL RECREATION	PUBLIC, CIVIC, INSTITUTIONAL, AND EDUCATION; RESORT ACCOMMODATION; OFFICES; COMMERCIAL SERVICES; VEHICLE SALES AND SERVICES; BOAT RAMPS, DOCKING FACILITIES, AND MARINAS	INDUSTRIAL USES
	ZONING OF ADJACENT VACANT PROPERTY			
	CON, PR, RSF-3, RSF-5, RSF-6, RM-4	RM-8, RM-12	CR, CC, WMU, S, RD, SPC, LC, MF, MV, MS, NC, MED	IL
Single-Family	20 ft ^{4,5,6} / 75°	20 ft ^{4,5,6} / 75°	30 ft ^{4,5,6} / 60°	40 ft ^{4,5,6} / 45°
<ul style="list-style-type: none"> Any Other Residential Uses Commercial Recreation 	20 ft ⁶ / 75°	20 ft ⁶ / 75°	25 ft ⁶ / 75°	30 ft ⁶ / 60°
<ul style="list-style-type: none"> Public, Civic, Institutional, and Education Resort Accommodation Offices Commercial Services Vehicle Sales and Services Boat Ramps, Docking Facilities, or Marinas 	30 ft ⁶ / 60°	25 ft ⁶ / 75°	20 ft ⁶ / 75°	20 ft ⁶ / 75°
Industrial Uses	40 ft ^{4,5,6} / 45°	30 ft ⁶ / 60°	20 ft ⁶ / 75°	20 ft ⁶ / 75°

1. Measured from the common property line to the closest portion of a **structure**.

2. Measured within the upper inward quadrant of the intersection of a horizontal plane at a **height** of 20 feet above 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).

3. See Sec. 16-10-103 for a description or definition of the listed **use** classification and types.

4. Single family subdivision exterior boundary only.

5. For all Minor Subdivisions and Small Residential Developments, the entire single family exterior boundary setback may be reduced by 50% in area. The setback area shall not be reduced to less than 5 feet wide at any point; it may be reduced to 5 feet where adjoining another **single-family dwelling lot** in the same **subdivision**; may be reduced to less than 5 feet if it, when combined with the platted setback distance for the adjoining **lot**, is at least 10 feet.

6. May be reduced by up to 10 percent in any district on demonstration to the **Official** that:

- The reduction is consistent with the character of **development** on surrounding **land**;
- Development resulting from the reduction is consistent with the purpose and intent of the adjacent setback standards;
- 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 extension of a wall or fence that screens an existing **outdoor storage** area);
- The reduction will not pose a danger to the public health or safety;
- Any adverse impacts directly attributable to the reduction are mitigated (e.g., the closer proximity of **buildings** to a property line are mitigated by a wider or more densely screened adjacent use buffer along that property line); and
- The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than a 10 percent.

Staff Explanation: The intent of the LMO Rewrite Committee in creating the CR (Coligny Resort) zoning district was to eliminate the adjacent street buffers and instead create very specific adjacent street setback standards. The exception for street buffers was inadvertently left out during the LMO rewrite. This error is corrected with this amendment.

Section 16-5-103. Buffer Standards

A. No Changes

B. Applicability

1. General

Except as provided in subsection 2 below, the requirements of this section shall apply to all ***development*** in the ***Town***.

2. Exceptions

a. For ***development*** within a PD-1 District, adjacent street and use buffer standards shall apply only along those ***lot*** lines and ***street rights-of-way*** located within a Corridor Overlay District, located outside any ***gates*** restricting ***access*** by the general public to areas within the PUD, or constituting the boundaries of the district.

b. For ***development*** within a PD-2 District, adjacent street and use buffer standards shall apply only along those ***lot*** lines and ***street rights-of-way*** located within a Corridor Overlay District or constituting the boundaries of the district.

c. For zero ***lot*** line ***subdivisions***, adjacent street and use buffer standards shall apply only along those ***lot*** lines and ***street rights-of-way*** constituting the perimeter of the ***subdivision***.

d. Adjacent street buffers shall not apply to ***development*** within the CR District.

Staff Explanation: When the new LMO was adopted, the requirement that the single-family buffer only apply to the exterior subdivision boundary was inadvertently eliminated. This change fixes that error. Additionally, a review of the table indicated that there was an error in the required buffer between a proposed single-family use and an existing other residential use or commercial recreation use.

C. – D. No Changes

E. Adjacent Use Buffer Requirements

TABLE 16-5-103.E: ADJACENT USE BUFFER REQUIREMENTS¹

PROPOSED OR EXISTING USE ²	REQUIRED BUFFER TYPE ²			
	USE OF ADJACENT DEVELOPED PROPERTY ³			
	SINGLE-FAMILY DWELLING	ALL OTHER RESIDENTIAL USES; COMMERCIAL RECREATION	PUBLIC, CIVIC, INSTITUTIONAL, AND EDUCATION; RESORT ACCOMMODATIONS; OFFICES; COMMERCIAL SERVICES; VEHICLE SALES AND SERVICES; BOAT RAMPS, DOCKING FACILITIES, AND MARINAS	INDUSTRIAL USES
	ZONING OF ADJACENT VACANT PROPERTY			
	CON, PR, RSF-3, RSF-5, RSF-6, RM-4	RM-8, RM-12	CR, CC, WMU, S, SPC, RD, MS, MV, MF, LC, NC, MED	IL
Single-Family	n/a ⁴	C ⁴	C ⁴	D ⁴
<ul style="list-style-type: none"> All Other Residential Uses Commercial Recreation 	A	n/a	B	D
<ul style="list-style-type: none"> Public, Civic, Institutional, and Education Resort Accommodations Offices Commercial Services Vehicle Sales and Services Boat Ramps, Docking Facilities, or Marinas 	C	B	n/a	A
Industrial Uses	D ⁴	D	A	n/a

NOTES: n/a = not applicable

1. Descriptions and width and screening requirements for the various buffer types are set out in Sec. 16-5-103.F. Buffer Types.

2. When a shared **access easement** is located along a common property line, any required buffer shall be provided to the interior of the **access easement**.

3. See Sec. 16-10-103 for a description or definition of the listed **use** classification and types.

4. Single family subdivision exterior boundary only.

Staff Explanation: Applicants often want to plant ornamentals in the street buffer adjacent to the sign and to the driveway entrance. The Design Review Board often approves ornamental plantings in these specific areas. This change will allow ornamental plants when reviewed as part of a minor or major corridor review application.

F. – H. No Changes

I. Buffer Materials

At the time of planting, overstory and understory *trees* included as part of required buffers shall comply with the size standards for supplemental and replacement *trees* in Sec. 16-6-104.I, Standards for Supplemental and Replacement Trees; evergreen shrubs shall be at least three feet in *height* above ground level. All buffer plantings must be native species of plants, see Appendix C, except where ornamental plantings or plants that have historically been prevalent on Hilton Head Island are approved as part of a Corridor Review approval.

Staff Explanation: This language specifies when a street is considered a cul-de-sac.

Section 16-5-105

A. – E. No Changes

F. Cul-de-Sac

To be classified as a *cul-de-sac*, a street must terminate at one end with the hammerhead or *cul-de-sac* geometric end treatment described in 16-5-105.F and 16-5-105.G, respectively.

G. No Changes

H. 1-5. No Changes

Staff Explanation: The changes within the figure more accurately reflect the associated language in the LMO.

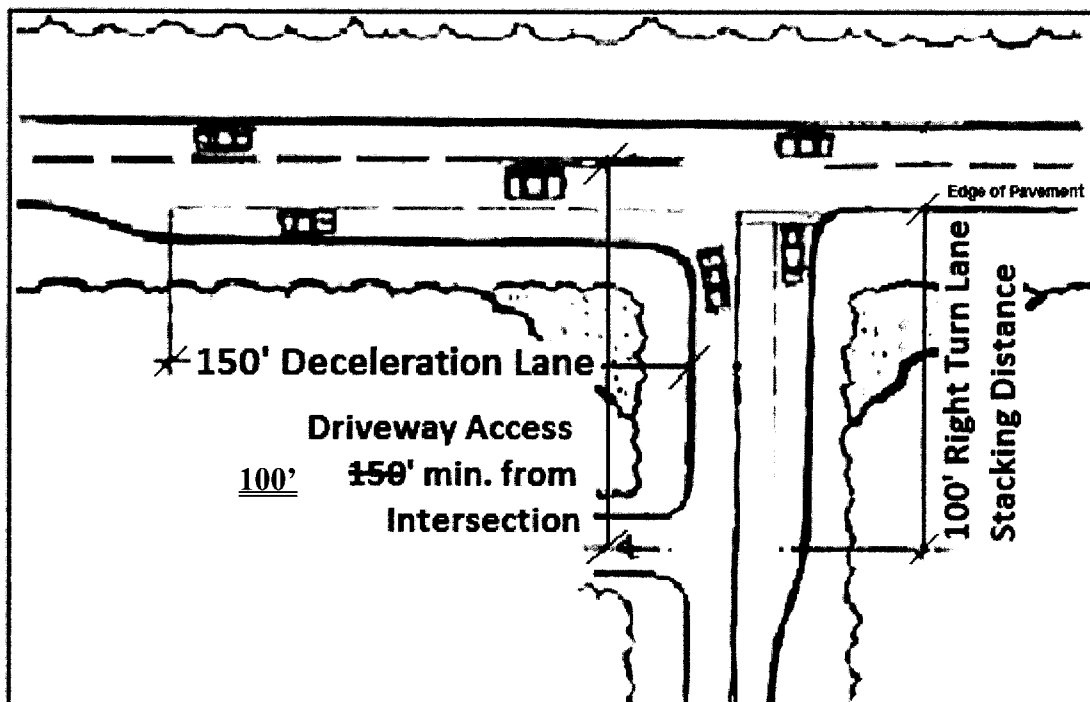


Figure 16-5-105.H.6 Deceleration Lanes

Staff Explanation: The LMO currently does not permit LED lights. This change will allow LED lights to be used.

Section 16-5-108. Lighting Standards

A. – B. No Changes

C. General Exterior Lighting Standards

1. No Change

2. Light Source (lamp)

Only LED, incandescent, florescent, metal halide, or color corrected high-pressure sodium may be used. The same type must be used for the same or similar types of lighting on any one *development* site or Planned Unit Development district.

Staff Explanation: This change will clarify that in a redevelopment scenario, only the new impervious surfaces shall be used when calculating the on-site retention of the first inch of runoff.

Section 16-5-109

A - C. No Changes

D. 1-2. No Changes

D.3.a All **development** shall provide for **on-site** retention (dry or wet) or percolation of a minimum of one inch of runoff from **on-site impervious surfaces**, ~~regardless of pre-development condition~~. Major drainage canals may not be used for retention where doing so may adversely impact the storm hydrology upstream or downstream.

Staff Explanation: It is important for emergency purposes that the Town's critical facilities (such as fire stations, hospitals, etc.) be built at an elevation of 20'. Currently fill materials is limited to 3' above grade regardless of the elevation of the site. This amendment would provide an exception to this regulation for critical facilities only. A definition of critical facilities is also being added.

Section 16-5-112

A. – B. No Changes

C. Elevation of Sites

Sites shall not be elevated with fill material to an average **height** greater than three feet above existing **grade with the exception of critical facilities**. The fill material shall be retained under the footprint of the **structure**. Other methods of elevation may be used solely or in conjunction with three feet of fill to meet **base flood elevation** requirements. **Single-family** residential **development** is exempt from this provision.

CHAPTER 16-6: NATURAL RESOURCE PROTECTION

Staff Explanation: The prior LMO had language that allowed mobi-mats or similar products for the purpose of providing handicap access to the beach. This language was inadvertently left out during the rewrite. This change fixes that omission. The prior LMO also allowed small wooden decks per OCRM regulations; this was also left out during the rewrite. This change fixes that omission.

Section 16-6-103. Beach and Dune Protection

F. Development on Dunes

1. General

No **dune** in an active **beach** system shall be leveled, breached, altered, or undermined in any way by **development** or other human-caused activity, and no **dune** vegetation may be disturbed or destroyed, except for:

a. The **construction** and **maintenance** of very limited elevated boardwalks with a two foot minimum clearance or similar beach access for handicap accessibility necessary for pedestrian and bicycle **access** to the **beach**, in accordance with the standards in paragraph 2 below and their associated wooden deck not larger than 144 square feet;

Staff Explanation: The prior LMO allowed flexibility for tree replacement during the development of single-family subdivisions, athletic fields, airport runways and golf courses given the nature of these types of development. This language was inadvertently left out during the rewrite. This change fixes that omission.

Section 16-6-104. Tree Protection

A. – F. No Changes

G. Minimum Tree Coverage Standard

1. Applicability

a. All new **development** except for the **construction** of any public **street**, pathway, drainage project, single family subdivision, athletic field, airport runway, golf course or minor utility and the redevelopment or alteration of existing **development** (see subparagraph b below) shall include at least 900 adjusted caliper inches (ACI) of **trees** per acre of **pervious** surface area. **Pervious** surface area equals the **gross acreage** less the maximum **impervious cover** required for the proposed **development**.

b. Redevelopment or alteration of existing **development** shall have the option of meeting the standard in subparagraph a above or meeting replacement requirements in Sec. 16-6-104.I, Standards for Supplemental and Replacement Trees, based on **trees** removed by **tree** category

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 shall make all reasonable efforts to save significant trees and stands of trees. In these cases, at the discretion of the official, a centerline field inspection may relieve the applicant of the tree survey requirement. Reasonable tree replanting may be required by the Official for these uses.

CHAPTER 16-10: DEFINITIONS, INTERPRETATION, AND MEASUREMENT

Staff Explanation: This has been changed to match the language used in 16-2-102.E.2.1.

Section 16-10-101. General Rules for Interpretation

A. – C. No Changes

D. Computation of Time

1. The time in which an act is to be done shall be computed by excluding ~~first day~~ the day the notice is postmarked or published and including the day of the hearing. ~~and including the last day.~~ If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the **Town**, the deadline or required

date of action shall be the ~~next~~ day prior that is not a Saturday, Sunday, or holiday observed by the *Town*. References to days are calendar days unless otherwise stated.

Staff Explanation: A definition is being provided for critical facilities in conjunction with the proposed amendment which will allow an exception to the maximum fill requirements for critical facilities.

Section 16-10-105. General Definitions

Critical Facility

A structure or other improvement that, because of its function, size, service area, or uniqueness, has the potential to cause serious bodily harm, extensive property damage, or disruption of vital socioeconomic activities if it is destroyed or damaged or if its functionality is impaired. Critical facilities include but are not limited to health and safety facilities, utilities and government facilities.

Staff Explanation: The Design Review Board (DRB) is dependent on design professionals. At-large members without a design background typically have little to nothing to add compared to trained professionals and this is a disservice to the community.

Appendix A: Advisory and Decision Making Bodies and Persons

A-4. Design Review Board

A. No Changes

B. Membership, Terms and Compensation

1. Number, Appointment

The *Design Review Board* shall consist of seven members, appointed by the *Town Council*, and shall include, ~~to the extent practicable, at least one attorney and at least two but not more than three design professionals (such as a registered architect, a landscape architect or a graphic artists).~~ None of the members shall hold elected public office in the *Town* or *County*.

Appendix D: Application Submittal Requirements

Staff Explanation: This section is being amended to make it clear which days count in the computation.

D-23. Application Deadlines

All *applications* shall be completed and submitted to the Administrator not less than the following number of days prior to the meeting at which the permit, appeal or approval will be considered. The date of the hearing shall be included when computing the required deadlines.



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Stephen G. Riley, ICMA~CM, *Town Manager*
VIA: Jill Foster, AICP, *Deputy Director of Community Development* *JF*
CC: Charles Cousins, AICP, *Director of Community Development* *CC*
FROM: Teri B. Lewis, AICP, *LMO Official* *TBL*
DATE: October 22, 2015
SUBJECT: Proposed 2015 LMO Amendments

Town Council made no changes to Proposed Ordinance 2015-23 as a result of the meeting on October 20, 2015.



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Stephen G. Riley, ICMA~CM, *Town Manager*
VIA: Jill Foster, AICP, *Deputy Director of Community Development*
CC: Charles Cousins, AICP, *Director of Community Development CFC*
FROM: Teri B. Lewis, AICP, LMO *Official TBL*
DATE: October 7, 2015
SUBJECT: Proposed 2015 LMO Amendments

Recommendation: The Planning Commission met on October 7, 2015 to review the proposed 2015 LMO Amendments. The Commission voted 9-0 to recommend forwarding the amendments to Town Council with a recommendation for approval.

The LMO Committee met on September 23, 2015 to review the proposed 2015 LMO Amendments. The Committee recommended forwarding the amendments to the Planning Commission with a recommendation for approval with the changes as discussed by the Committee.

Staff recommends that the Planning Commission forward the attached amendments to Town Council with a recommendation of approval.

Summary: The following changes were made to the proposed amendments as a result of the meeting on October 7th:

- Administrative Amendments - No Changes
- Functional Amendments:
 - Table 16-5-102.D (Adjacent Use Setback Requirements) – added superscripts 4 and 5 to the IL zoning district.
 - Table 16-5-103.E (Adjacent Use Buffer Requirements) – added superscript 4 to the IL zoning district.

Background: Staff has identified a number of proposed amendments to the Town's Land Management Ordinance (LMO). The reason for each proposed amendment is listed above the amendment. Newly added language is illustrated with double underline and deleted language is illustrated with ~~strikethrough~~.

Please contact me at (843) 341-4698 or at teril@hiltonheadislandsc.gov if you have any questions.