



Town of Hilton Head Island

Community Services and Public Safety Committee Meeting

Monday, June 16, 2025, 10:00 AM

1 Town Center Court, Hilton Head Island, SC
Benjamin M. Racusin Council Chambers

The meeting can be viewed on the [Town's YouTube Channel](#), the [Beaufort County Channel](#), and Spectrum Channel 1304.

1. **Call to Order**
2. **Pledge to the Flag**
3. **Adoption of the Agenda**
4. **Approval of the Minutes**
 - a. Special Meeting Minutes of May 12, 2025
 - b. Special Meeting Minutes of May 13, 2025
 - c. Regular Meeting Minutes of May 19, 2025
 - d. Special Meeting Minutes of May 28, 2025
5. **New Business**
 - a. Consideration of an Ordinance of the Town of Hilton Head Island to Amend Chapter 16 of the Municipal Code, the Land Management Ordinance, to amend the current regulations for Tree Protection to include sections: 16-5-115, 16-6-104 and Appendix C for the Town of Hilton Head Island, South Carolina and Providing for Severability and an Effective Date - Missy Luick, Director of Planning
 - b. Consideration of an Ordinance of the Town of Hilton Head Island to Amend Chapter 16 of the Municipal Code, the Land Management Ordinance, to amend current regulations for Sign Standards to include sections: 16-5-114 and 16-10-105 for the Town of Hilton Head Island, South Carolina and providing for severability and an effective date - Missy Luick, Director of Planning
 - c. Consideration of an Ordinance of the Town of Hilton Head Island, to Amend Chapter 16 of the Municipal Code, the Land Management Ordinance, to

amend the Current Regulations for the Measure of Height and Setback Encroachments for Residential and Nonresidential Development to Include Land Management Ordinance Sections 16-3-106, 16-5-102 and 16-10-102, and Providing for Severability and an Effective Date - Missy Luick, Director of Planning

6. Public Comment - Non Agenda Items

7. Adjournment

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.

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Town of Hilton Head Island will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. Auditory accommodations are available. Any person requiring further accommodation should contact the Town of Hilton Head Island ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

Municipal Association of South Carolina (MASC) Civility Pledge:

"I pledge to build a stronger and more prosperous community by advocating for civil engagement, respecting others and their viewpoints, and finding solutions for the betterment of my city or town."



Town of Hilton Head Island
COMMUNITY SERVICES AND PUBLIC SAFETY
COMMITTEE
SPECIAL MEETING
Monday, May 12, 2025, 9:00 AM
Minutes

Call to Order

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

Committee Members Present: Tamara Becker, Chair; Steve Alfred, and Steve DeSimone

Other Members of Town Council Present: Patsy Brison

Adoption of the Agenda

Mr. Alfred made a motion to adopt. Mr. DeSimone seconded. Motion carried 3-0.

Executive Session

At 9:00 a.m., Mr. DeSimone moved to enter into Executive Session for the reasons as stated by Chair Becker. Mr. Alfred seconded. Motion carried 3-0.

At 12:04 p.m., Mr. Alfred moved to end Executive Session and return to the regular meeting. Mr. DeSimone seconded. Motion carried 3-0.

Discussion of Appointment to Boards, Commissions, and Committees [Pursuant to the South Carolina Freedom of Information Act Section 30-4-70 (a)(1)] related to:

1. Accommodations Tax Advisory Committee
2. Board of Zoning Appeals
3. Construction Board of Adjustments and Appeals
4. Design Review Board
5. Gullah Geechee Historic Neighborhood Community Development Corporation
6. Gullah Geechee Task Force
7. Housing Action Committee
8. Parks and Recreation Commission
9. Planning Commission

Action from Executive Session

There was no action as a result of executive session.

Town of Hilton Head Island Community Services and Public Safety Committee

Adjournment

Chair Becker adjourned the meeting at 12:04 p.m.

Approved: _____

The recording of this Meeting can be found on the Town's website at www.hiltonheadislandsc.gov



Town of Hilton Head Island
**COMMUNITY SERVICES AND PUBLIC SAFETY
COMMITTEE
SPECIAL MEETING**
Tuesday, May 13, 2025, 9:00 AM
Minutes

Call to Order

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

Committee Members Present: Tamara Becker, Chair; Steve Alfred, and Steve DeSimone

Other Members of Town Council Present: Patsy Brison and Alex Brown

Adoption of the Agenda

Mr. Alfred made a motion to adopt. Mr. DeSimone seconded. Motion carried 3-0.

Executive Session

At 9:00 a.m., Mr. Alfred moved to enter into Executive Session for the reasons as stated by Chair Becker. Mr. DeSimone seconded. Motion carried 3-0.

At 12:36 p.m, Mr. Alfred moved to end Executive Session and return to the regular meeting. Mr. DeSimone seconded. Motion carried 3-0.

Discussion of Appointment to Boards, Commissions, and Committees [Pursuant to the South Carolina Freedom of Information Act Section 30-4-70 (a)(1)] related to:

1. Accommodations Tax Advisory Committee
2. Board of Zoning Appeals
3. Construction Board of Adjustments and Appeals
4. Design Review Board
5. Gullah Geechee Historic Neighborhood Community Development Corporation
6. Gullah Geechee Task Force
7. Housing Action Committee
8. Parks and Recreation Commission
9. Planning Commission

Action from Executive Session

There was no action as a result of executive session.

Town of Hilton Head Island Community Services and Public Safety Committee

Adjournment

Chair Becker adjourned the meeting at 12:36 p.m.

Approved: _____

The recording of this Meeting can be found on the Town's website at www.hiltonheadislandsc.gov



Town of Hilton Head Island
**COMMUNITY SERVICES AND PUBLIC SAFETY
COMMITTEE MEETING**
Monday, May 19, 2025, 10:00 AM
Minutes

Call to Order

Chair Becker called the meeting to order at 10:02 a.m.

Committee Members Present: Tamara Becker, Chair; and Steve DeSimone

Other Members of Town Council Present: Patsy Brison, Alex Brown, Alan Perry; and Melinda Tunner

Adoption of the Agenda

Mr. DeSimone made a motion to adopt. Mrs. Becker seconded. Motion carried 2-0.

Approval of the Minutes

Regular Meeting Minutes of April 21, 2025

Mr. DeSimone made a motion to adopt. Mrs. Becker seconded. Motion carried 2-0.

New Business

Consideration of an Ordinance of the Town of Hilton Head Island to Amend Chapter 16 of the Municipal Code, the Land Management Ordinance, to Amend the Traffic Impact Analysis Plan Requirements and Traffic Analysis Standards in Land Management Ordinance Sections 16-2-103, 16-5-106 and Appendix D, and Providing for Severability and an Effective Date - Missy Luick, Director of Planning

Missy Luick addressed the Committee with the following information.

The Planning Commission held a public hearing on April 16, 2025, and, after consideration of the criteria set forth in Land Management Ordinance (LMO) Section 16-2-103, voted unanimously to recommend that Town Council approve the proposed text amendment.

Revitalize and Modernize the Economy is a focus area in the adopted Town Council 2023-2025 Strategic Action Plan. In this regard, Town Council directed Town Staff to advance amendments to the Land Management Ordinance (LMO) in the 2024 Strategic Action Work Plan. The effort has been divided into two separate projects, the full LMO Overhaul and the priority amendments. The priority amendments include incremental changes to both the LMO and portions of the Municipal Code related to land management that address important and urgent issues in advance of the full LMO Overhaul. These priority amendments address pressing community development issues with the best short-term solution while minimizing unintended outcomes. Issues that require additional analysis and research or are more complex are recommended to be further explored during the full LMO Overhaul.

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At the September 24, 2024, Town Council Workshop, Town staff received comments and direction regarding amendments related to Traffic Impact Analysis. Effective transportation planning is essential for managing growth, ensuring mobility, and maintaining a safe and efficient transportation network. As communities develop, new projects introduce additional traffic, impacting roads, intersections, and multimodal infrastructure such as sidewalks, bike lanes, and transit systems. Without proper assessment, development can lead to congestion, safety hazards, and infrastructure strain.

As part of the priority amendments, the Town is proposing to update its current requirements for these studies for a more comprehensive approach that better reflects the transportation needs of everyone, including pedestrians, cyclists, and transit users.

The proposed amendments strengthen the Town's requirements by:

- Expanding the scope of study beyond traffic to include multimodal infrastructure such as sidewalks, bike lanes, and transit services,
- Reducing the threshold for requiring a traffic study from 100 peak-hour trips to 50 peak-hour trips, ensuring that even moderate developments undergo proper transportation impact review,
- Expanding the type of mitigation options that can be used to address transportation impacts,
- Shifting approval authority from the LMO Official to the Town Engineer for consistency with best practices,
- Adding new standards for unsignalized intersections, and
- Eliminating exemptions associated with trips generated by previously existing development.

These updates will make the Town's process more responsive to the community's needs and promote a more balanced, multimodal, and forward-thinking approach to transportation planning, ensuring that growth aligns with the Town's long-term mobility and infrastructure goals. These changes are part of an ongoing effort to update the Town's regulations, with further revisions expected during the full LMO update.

The Town currently requires a "Traffic Impact Analysis Plan." Examples of projects that recently required a TIAP include:

1. 147 Residential Units on Jonesville Road and
2. 132 Residential Units on Office Way

As part of this amendment, the threshold for requiring a TIAP is proposed to be lowered from 100 to 50 peak hour trips, thereby increasing the number of projects subject to analysis, in addition to removing the exemption for trips generated by a previously existing development. For instance, two recent projects that were not required to provide a TIAP but were exempted due to the trips factored in for previously existing development would have been required to provide a TIAP under the proposed language are the following:

1. Timeshare development on Folly Field Road near Islanders Beach Park and
2. Waterfront restaurant on Squire Pope Road near the Rowing and Sailing Center at Squire Pope Community Park

The proposed TIAP amendments would also require the evaluation of multimodal infrastructure, such as bike paths, sidewalks, and public transit options. Transportation impacts can be mitigated by expanded and more flexible mitigation strategies to address transportation impacts, such as replacing a traffic signal or uncontrolled intersection with a roundabout that meets the Town's operational and design standards, changes to locations or design of median crossovers and removal of changes to the number and location, or design of access points. Additionally, new standards for unsignalized intersections have been introduced, requiring mitigation for impacts.

(A table included in the original agenda packet demonstrates how the proposed amendments address demonstrated issues).

The proposed text amendment aligns with the review criteria, as it:

1. Supports the Comprehensive Plan, which includes the following strategy and tactic: "Maintain, evaluate, and update as needed traffic analysis standards to guide development in accordance with the existing and future needs of the Town."
2. Is required due to increased traffic and congestion.
3. Addresses a demonstrated community need to mitigate traffic impact and includes consideration of essential multimodal transportation options.
4. Ensure that overall transportation impacts and mitigation efforts are consistent with the intent of the LMO.
5. Results in safer and less congested streets and intersections ensuring orderly development and transportation networks.
6. Minimizes the overall impact of Town-wide development and resulting traffic.

Committee Members had questions, comments and discussion regarding: clarify the term multimodal and the use in regards to transportation; if analysis was done on the two examples mentioned that would require a traffic impact analysis plan; look into the blighted areas on Hilton Head Island to attract redevelopment; redevelopment in residential areas affects the quality of life and the surrounding areas; have a traffic impact analysis plan done on some of the areas of interest to see what the impact on the developer would have been prior to this item being brought to Town Council; a request was made for the term "blighted" should be carefully defined; clarify how large of an area is analyzed when the traffic impact is studied; how does this plan being to be implemented moving forward; language included on downstream traffic impacts should be included in the plan; concerns that the level of service "F" is too low; consider what multimodal means to Hilton Head now and in the future; does this plan moving forward impact the Town if they do not own the road;

Mrs. Becker made a motion to forward the ordinance amending Chapter 16 of the Municipal Code, the Land Management Ordinance, to amend the Traffic Impact Analysis Plan Requirements and Traffic Analysis Standards in Land Management

Ordinance 16-2-103, 16-5-106, and Appendix D to the Full Town Council for approval with conditions including the comments of the Committee and other Town Council Members present but not limited to allow for improvements. Mr. DeSimone seconded.

Chair Becker asked for public comment.

Chester Williams addressed the Committee regarding legal issues and his concerns of the text of the ordinance that need to be addressed.

Motion carried 2-0.

Consideration of a Resolution Adopting the Program for Public Information 5-Year Update and Federal Emergency Management Agency (FEMA) Community Rating System Updates - Missy Luick, Director of Planning

Missy Luick addressed the Committee with the following information.

The Town of Hilton Head Island has actively participated in the Federal Emergency Management Agency's (FEMA's) Community Rating System (CRS) program since October 1, 1991. The Town is currently a Class 5 Community, which gives its residents in the Special Flood Hazard Area (SFHA) a 25% discount on their flood insurance premiums.

The Lowcountry Council of Governments, on behalf of Beaufort, Colleton, Hampton and Jasper Counties and municipalities within each county, prepared the 2020 Lowcountry Natural Hazard Mitigation Plan. The 2020 Lowcountry Natural Hazard Mitigation Plan, adopted by Town Council in October 2021, replaced the Beaufort County Hazard Mitigation Plan as an appendix to the Town of Hilton Head Island Comprehensive Plan. This Plan assesses the communities' vulnerabilities to natural hazards and includes long-term strategies to address these hazards and to prevent future damage and loss of life. The adoption of the Plan fulfills the continuing requirements that qualify the Town of Hilton Head Island for FEMA pre-disaster mitigation grants, post-disaster reconstruction assistance and continued participation in the Community Rating System (CRS). The Annual Evaluation Report of the 2020 Lowcountry Natural Hazard Mitigation Plan is prepared by Town staff to ensure there is a continuing and responsive planning process.

Town Council adopted the Repetitive Loss Area Analysis (RLAA) in 2024 as a credited activity in CRS program. The purpose of the RLAA is to assess the potential causes of flooding in areas that have historically flooded and properties with repeated flood losses and maintain reduced FEMA flood insurance premium costs to residents. To maintain CRS credit for the RLAA, the RLAA document must be evaluated annually to maintain site-specific detail for each property, such as structure's finish floor height, exterior a/c units, grades, plus nearby storm water inlets, catch basins and drainage waterway features. The results of the assessment are used to update recommendations for appropriate mitigation strategies to reduce or eliminate future flood losses.

Town Council adopted the original Program for Public Information (PPI) in 2015 and the required five-year update in 2020 as a credited activity in the CRS program. The purpose of the PPI is to maintain reduced FEMA flood insurance premium costs to residents and to

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provide flood-related information to property owners through a robust outreach program. To maintain CRS credit for the PPI, the PPI Committee must meet annually to monitor, evaluate and revise, as needed, the outreach projects and flood insurance coverage assessment that are included in the program. The PPI Committee consists of eleven (11) members of the members including four (4) members of Town staff and seven (7) volunteers from the community that together have a wealth of knowledge regarding flood hazards and flood risk.

Mr. DeSimone made a motion to forward to Town Council for consideration approval of the Lowcountry Natural Hazard Mitigation Plan, 2025 Program for Public Information, annual evaluation report of Repetitive Loss Area Analysis, and a resolution approving the community rating system updates. Mrs. Becker seconded.

Chair Becker asked for public comment.
There was no public comment at this time.

There were no comments from the Committee Members.

Motion carried 2-0.

Consideration of an Ordinance of the Town Council of the Town of Hilton Head Island, Amending Municipal Code Section 12-6-111, Definitions, and Section 12-6-115, Resident Beach Parking Pass Parking, to Authorize Beach Parking Permits for Qualified Residents in Beaufort County, South Carolina, South Carolina - Shawn Colin, Assistant Town Manager

Shawn Colin addressed the Committee with the following information.

The Town of Hilton Head Island has long sought to balance providing beach access to residents, visitors, and the broader region while managing limited parking resources at public beach parks. Town Council has expressed interest in exploring mechanisms that recognize and support the beach access needs of local Beaufort County residents, while ensuring the sustainable management of beach parking facilities.

Currently, the Town manages its beach resources primarily through revenues collected from the Beach Preservation Fee. Local ad valorem (property) taxes are not used to fund beach management efforts. The Beach Preservation Fee supports essential initiatives such as beach renourishment, park maintenance, and capital improvements to beach-related infrastructure.

The proposed ordinance authorizes the establishment of an annual beach parking pass program exclusively available to qualified Beaufort County residents. Elements of the proposed program include:

- Eligibility
- Pass Limits
- Pass Fee
- Pass Usage

The program is designed to:

- Improve Accessibility
- Support Resource Management
- Generate Revenue
- Strengthen Regional Collaboration

The exclusion of Islanders Beach Park from the pass program is consistent with the Town's longstanding policy to prioritize parking access at that facility exclusively for Hilton Head Island residents.

The fiscal impact will vary based on annual program participation. Staff will track the number of passes issued and report annually as part of the Town's budget process to ensure effective oversight and management.

Mr. DeSimone made a motion to forward to Town Council for consideration for denial the Ordinance of the Town Council of the Town of Hilton Head Island, amending Municipal Code Section 12-6-111, Definitions, and Section 12-6-115, resident beach parking pass, to authorize beach parking permits for qualified residents in Beaufort County, South Carolina. Mrs. Becker seconded.

Chair Becker asked for public comment.

Janice Grier addressed the Committee regarding her concerns of property owners, paying for parking in general and why this should not be open to Beaufort County Residents. She also stated the Islanders Beach Park is beginning to look like the parking on Coney Island.

Richard Bisi addressed the Committee regarding the Committee discussing parking just before Memorial Day Weekend. He also believes that Town Council making a decision to offer 14,000 beach passes to Beaufort County Residents poses ramifications and is possibly illegal.

Dee Anthony addressed the Committee of her of allowing Beaufort County Residents to have beach passes and if so they should not be for Islanders Beach Park.

Susan Maynard addressed the Committee regarding the current number of parking spaces and crime at the Town beach parking lots.

Committee Members had questions, comments and discussion regarding: the time frame of the fees; allowing for the flexibility to adjust the fees; if the fees were higher this could potentially deter and minimize traffic; the feed back received is that there should not be a charge for Beaufort County Residents, hourly rates on the weekends, and an annual pass should be offered to Beaufort County Residents; what is the overall capacity at our beaches; could this be considered an unintended consequence; text concerns of the definition of a "Beaufort County Resident"; and the true impact cannot be measured until paid parking is

charged in Coligny.

Motion carried 2-0.

Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, Establishing the Fee for a County Resident Beach Parking Pass in Accordance with Section 12-6-115(B)(2) of the Municipal Code of the Town of Hilton Head Island and Modify Fees for Saturday and Sundays Beach Parking - Shawn Colin, Assistant Town Manager

Shawn Colin addressed the Committee with the following information.

Town Council is currently considering adoption of amendments to Sections 12-6-111 and 12-6-115 of the Municipal Code, which would authorize the creation of a Beaufort County Resident Beach Parking Pass program. This program would provide eligible Beaufort County residents, living outside of the municipal limits of Hilton Head Island, with an annual pass option for parking in designated paid public beach parking areas (excluding Islanders Beach Park).

The amendments, if adopted, specify that the fee for the Beaufort County Resident Beach Parking Pass will be established by Resolution of Town Council. In parallel, Town Council has expressed interest in adjusting weekend parking rates to align with weekday rates, providing more flexibility for users and improving consistency in rate structure. This includes a revision to Section 2 of the Resolution, adopted by Town Council on September 17, 2024, which established the Daily Maximum Fees for Paid Parking Areas.

The proposed resolution includes the following:

- Beaufort County Resident Beach Parking Pass Fees
- Weekend Paid Parking Rate Adjustment

Financial Impact

- County Resident Pass: Potential to generate modest revenues depending on program participation; revenues will support operations and maintenance of beach parking facilities.
- Weekend Rate Adjustment: Expected to have a neutral to positive impact on parking revenues, contingent on visitor parking patterns.

Mrs. Becker made a motion to forward to Town Council, for consideration of approval, a resolution of the Town Council of the Town of Hilton Head Island establishing the fee for a County resident beach parking pass, in accordance with Section 12-6-115(B)(2) of the Municipal Code of the Town of Hilton Head Island, and to modify beach parking fees for Saturdays and Sundays with the following conditions to be included: implementation of a flat \$5 per hour fee, 7 days a week; elimination of the daily maximum fee; and initiation of the revised fee structure at the Coligny Beach parking lot. Mr. DeSimone seconded.

Chair Becker asked for public comment.

Richard Bisi addressed the Committee that Coligny Beach Park should not be free parking as it

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is the biggest lot on the Island and \$5 is more than reasonable.

Pamela Martin Owens addressed the Committee that charging in the Coligny area would hurt local business especially Piggly Wiggly as he would not have any business.

Committee Members had questions, comments and discussion regarding: there is no paid parking at Coligny Beach Park and that data is needed; turnover of parking is what is needed, not cars there all day as others need to enjoy the beach; \$3 is not enough for parking; how does the current price for parking impact the projection and budget; clarification of Beaufort County Taxes and Beach Fee Taxes; our beaches are already crowded enough and parking should be charged at Coligny; Tybee Island charges \$4 for parking and Hilton Head should be no lower than that there needs to be a way for anyone looking for parking can tell where parking is available on Hilton Head Island; charging on the weekends should be tested for one year; and charging for parking on Saturday and Sundays is a better option to allow for more turnover.

Motion carried 2-0.

Consideration of a Resolution Amending the Adopted Integrated Pest Management Policy - Shawn Leininger, Assistant Town Manager

Shawn Leininger addressed the Committee with the following information.

Environmental Sustainability is identified as a focus area in the Town Council approved 2023-2025 Strategic Action Plan and includes the Assessment and Implementation of an Environmentally Friendly Landscape and Grounds Maintenance Best Practices Program as an additional strategy.

The development of an Integrated Pest Management (IPM) policy is a best practice for management of grounds and facilities. In general terms, an IPM policy is a decision-making strategy that combines biological, cultural, physical, and chemical tools aimed on the long-term prevention of pests (plants and animals) or their damage. Following this strategy, pest control materials are selected and applied in a manner that minimizes risks to human health and nontarget organisms, is beneficial, and helps protect the environment.

On October 15, 2024, Town Council adopted an IPM Policy. This Policy was developed through the assessment of current Town practices along with other environmentally conscious landscaping practices relating to pest and weed control management practices and products. Additionally, Town Staff met with certified professionals; other municipalities; local, state and national leaders in this field; representatives of the Non-Toxic Neighborhoods organization; as well as Town landscaping contractors to review these strategies and best practices. This resulted in the following three goals guiding the adoption of the Policy:

1. Reduce / eliminate pesticide use.
2. Provide notice to the public when pesticides are used in public spaces.
3. Ensure the Town is responsible for making pest management decisions.

The IPM Policy further establishes the following:

1. Makes clear that existing service contracts that are not compliant with the IPM Policy will

either be amended or terminated, and a new contract will be issued within twelve (12) months following adoption of the IPM Policy.

2. Prioritizes pest prevention beginning at the design stage and continues with the use of non-pesticide controls first.
3. Establishes that the Town is the approval authority of all pest control measures and institutes a written approval process.
4. Prohibits the use of any pesticide containing a substance known to be a human carcinogen as listed on the United States Department of Health and Human Services, Public Health Service, Report on Carcinogens Section.
5. Prohibits the use of Glyphosate products (Roundup, Ranger Pro, etc.).
6. Prohibits the use of EPA Level I (danger) pesticides unless it is deemed necessary to protect public health and prevent economic loss when other methods do not adequately control the pest.
7. Requires pesticide applications to be appropriate for the target pest and must be applied by those persons possessing a valid South Carolina commercial applicator license; or supervised by a person possessing such license.
8. When pesticide controls are necessary, identifies which pesticides, following the defined organic first, least toxic approach, can be applied on Town properties (park, field, playground, dog park, right-of-way, facilities/ buildings, and other Town property).
9. Requires notice be posted forty-eight (48) hours prior to pesticide application and the notice remain in place for at least twenty-four (24) hours after the application, unless the product label requires a longer re-entry period.
10. Requires all pesticide application records be provided to the Town by the contractor.

Since the adoption of the Integrated Pest Management Policy the Town has implemented processes and procedures to ensure the effective delivery of the policy and have identified policy amendments that support its continued effective implementation.

The following amendments that must be approved by Town Council:

1. Remove the phrase “least toxic” in describing the organic first policy.
2. Emphasize non-pesticide controls, an organic first approach, and establish when EPA level pesticides are permitted.
3. Modified the approval authority for determining when EPA level pesticides are permitted.
4. Provided for third-party annual review of any use of EPA level pesticides.
5. Amended the pesticide control requirements to provide consistent pesticide applications to all Town owned and managed properties.
6. Recognized that the State of South Carolina offers multiple licenses that are appropriate for the application of pesticides on Town owned and managed properties.
7. Swapped the use of the EPA signal word (level) with the EPA registration number on required notifications regarding the application of pesticides.
8. In recognition of the annual third-party review of any EPA level pesticide use, an annual report required is posted on the Town website.

Mr. DeSimone made a motion to forward to Town Council for consideration of approval a resolution amending the adopted Integrated Pest Management Policy. Mrs. Becker

seconded.

Chair Becker asked for public comment.

Kim Konte addressed the Committee with her thankfulness to the Town for taking this issue seriously and now when her son has practice on one of our fields she no longer has to worry about his health and safety.

Pamela Martin Ovens thanked Council Member Patsy Brison, Shawn Leninger, and Town Manager Marc Orlando.

Committee Members had questions, comments and discussion regarding: this is a great effort and the contractor should be able to choose if a treatment plan is not working.

Motion carried 2-0.

Public Comment - Non Agenda Items

There was no public comment at this time.

Adjournment

Chair Becker adjourned the meeting at 12:17 p.m.

The recording of this Meeting can be found on the Town's website at www.hiltonheadislandsc.gov



Town of Hilton Head Island
**COMMUNITY SERVICES AND PUBLIC SAFETY
COMMITTEE
SPECIAL MEETING**
Wednesday, May 28, 2025, 9:00 AM
Minutes

Call to Order

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

Committee Members Present: Tamara Becker, Chair; Steve Alfred, and Steve DeSimone

Other Members of Town Council Present: Patsy Brison and Alex Brown

Adoption of the Agenda

Mr. DeSimone made a motion to adopt. Mr. Alfred seconded. Motion carried 3-0.

Executive Session

At 9:00 a.m., Mr. DeSimone moved to enter into Executive Session for the reasons as stated by Chair Becker. Mr. Alfred seconded. Motion carried 3-0.

At 11:58 a.m., Mr. DeSimone moved to end Executive Session and return to the regular meeting. Mr. Alfred seconded. Motion carried 3-0.

Discussion of Appointment to Boards, Commissions, and Committees [Pursuant to the South Carolina Freedom of Information Act Section 30-4-70 (a)(1)] related to:

1. Accommodations Tax Advisory Committee
2. Board of Zoning Appeals
3. Construction Board of Adjustments and Appeals
4. Design Review Board
5. Gullah Geechee Historic Neighborhood Community Development Corporation
6. Greenspace Advisory Committee
7. Gullah Geechee Task Force
8. Housing Action Committee
9. Parks and Recreation Commission
10. Planning Commission

Action from Executive Session

There was no action as a result of executive session.

Town of Hilton Head Island Community Services and Public Safety Committee

Adjournment

Chair Becker adjourned the meeting at 11:58 a.m.

Approved: _____

The recording of this Meeting can be found on the Town's website at www.hiltonheadislandsc.gov



TOWN OF HILTON HEAD ISLAND

Community Services and Public Safety Committee

TO: Community Services and Public Safety Committee
FROM: Missy Luick, Director of Planning
CC: Shawn Leininger, Assistant Town Manager
CC: Marc Orlando, Town Manager
DATE: June 16, 2025
SUBJECT: Public Hearing for Consideration of an Ordinance to Amend Title 16 of the Municipal Code of the Town of Hilton Head Island, the Land Management Ordinance, to amend the current regulations for Tree Protection to include sections: 16-5-115, 16-6-104 and Appendix C, and Providing for Severability and an Effective Date

RECOMMENDATION:

Community Services and Public Safety Committee review and consider an Ordinance of the Town of Hilton Head Island to amend Chapter 16 of the Municipal Code, the Land Management Ordinance, to amend current regulations for tree protection to include Section 16-5-115, Section 16-6-104, and Appendix C for the Town of Hilton Head Island, South Carolina and providing for severability and an effective date, and forward a recommendation to Town Council.

The Planning Commission held a public hearing on May 21, 2025, and, after consideration of the criteria set forth in Section 16-2-103.B.3 voted unanimously to recommend that Town Council approve the proposed text amendment.

BACKGROUND:

Revitalize and Modernize the Economy is a focus area in the adopted Town Council 2023-2025 Strategic Action Plan. In fulfillment of this focus area, Strategy #1 Establish a Growth Management Strategy states the Town will:

“Successfully manage increasing and evolving future growth patterns in a manner that will ensure sustainability of Hilton Head Island’s unique character. Additionally, the Town must monitor economic and demographic trends, undertaking a comprehensive list of future planning activities, and proactively protecting the Island’s rich natural resources through appropriate design, regulation, and capital investment practices.”

In this regard, Town Council directed Town Staff to advance amendments to the Land Management Ordinance (LMO) in the 2024 Strategic Action Work Plan. The effort has been divided into two separate projects, the full LMO Overhaul and the priority amendments. The priority amendments include incremental changes to both the LMO and portions of the Municipal Code related to land management that address important and urgent issues in advance of the full LMO Overhaul. These priority amendments address pressing community development issues with the best short-term solution while minimizing unintended outcomes. Issues that require additional analysis and research or are more complex are recommended to be further explored during the full LMO Overhaul.

At the September 24, 2024, Town Council Workshop, Town staff received the following comments and direction regarding amendments related to tree protection:

1. Increase requirements for Live Oak and Laurel Oak tree preservation by reducing the diameter breast height (DBH):
 - a. Live Oak single trunk from 35 to 30 DBH
 - b. Live Oak multiple trunk from 60 to 55 DBH
 - c. Laurel Oak from 35 to 30 DBH
2. Update mitigation requirements by increasing the plant back tree size requirements (i.e., minimum height from 10 to 12 feet and diameter from 2 inches to 4 inches)
3. Update the list of native plants.
4. Remove the exception of specimen trees on single-family lots to reduce unnecessary removal of specimen trees.

On May 21, 2025, the Planning Commission held a public hearing and voted unanimously to forward the amendment to Town Council with a recommendation of approval.

SUMMARY OF AMENDMENT:

Priority updates are proposed to strengthen tree protection during development and ensure that new projects align with the community's environmental values. These changes aim to improve tree preservation, enhance ecological outcomes, and promote sustainable development.

More specifically, these changes strengthen protections for significant trees and promote the use of native vegetation. Key updates include lowering the diameter breast height (DBH) thresholds for preserving Live Oak and Laurel Oak trees for specimen and significant classifications, resulting in more trees receiving protection. Mitigation requirements for tree removal are also enhanced by increasing the minimum size standards for replacement trees, ensuring greater environmental impact and maturity. Additionally, the list of approved native plants is expanded to support ecological diversity.

Finally, specimen tree protections are extended to single-family lots which is consistent with existing private tree preservation standards within PUDs.

ANALYSIS:

Proposed Amendments

Key updates include:

1. Enhanced Tree Preservation for Live Oak and Laurel Oak Trees:
 - The diameter breast height (DBH) threshold for preservation is reduced, increasing the number of protected “specimen” Live Oak and Laurel Oak trees.
 - Reduced five inches for Live Oak and Laurel Oak specimen trees
 - In addition to the Town Council recommendation, Staff also recommends that the DBH threshold be reduced for “significant” Live Oak and Laurel Oak trees.
 - Reduced four inches for single-trunk Live Oak and Laurel Oak significant trees
 - Reduced seven inches for multi-trunk Live Oak significant trees
2. Updated Mitigation Provisions Require Larger Replacement Trees:
 - The size requirements for replacement trees ("plant back" trees) are increased, ensuring greater environmental impact and maturity in replanting efforts.
 - Increased the minimum installation height by two feet for all tree categories (I-IV)
 - Increased the minimum trunk diameter by two inches for categories I-II.
 - Increased the minimum trunk diameter by one inch for categories III-IV. Please note that Staff recommends this as a slight variation from the September 24 meeting (one inch increase instead of two inches for cone-bearing evergreens, palms, and ornamentals).
3. Expanded Native Plant List:
 - The list of approved native plants is updated to reflect current ecological priorities and promote biodiversity.
4. Specimen Tree Protections and Single-Family Lot Exceptions.
 - Specimen tree protections are extended to include all single-family lots, reducing unnecessary removal of significant trees.

The priority amendment changes aim to strengthen tree preservation, promote ecological health, and maintain the aesthetic and environmental character of the area. Additional changes to tree protection will be analyzed during the full LMO overhaul project.

The following table shows how the proposed amendments address the demonstrated issues.

Issue	Proposed Amendment			
1. Increase requirements for Live Oak and Laurel Oak tree preservation by reducing the diameter breast height (DBH): <ul style="list-style-type: none"> a. Live Oak single trunk from 35 to 30 DBH b. Live Oak multiple trunk from 60 to 55 DBH c. Laurel Oak from 35 to 30 DBH 	Table 16-6-104.F.1: Specimen and Significant Trees			
	Tree Type		Specimen DBH (Inches)	Significant DBH (Inches)
	Live oak	Single trunk	35- <u>30</u>	28- <u>24</u>
		Multiple trunks	60- <u>55</u> (sum of all trunks)	48- <u>41</u>
Laurel oak		35- <u>30</u>	28- <u>24</u>	
2. Update mitigation requirements by increasing the plant back tree size requirements (i.e., minimum height from 10 to 12 feet and diameter from 2 inches to 4 inches)	Table 16-6-104.I.3: Minimum Planting Size for Supplemental and Replacement Trees			
	Tree Category	Minimum Height (Feet)	Minimum Trunk Diameter (Inches) (Using ANSI Standards)	
	Category I	10- <u>12</u>	2- <u>4</u>	
	Category II	10- <u>12</u>	2- <u>4</u>	
	Category III	6- <u>8</u>	1- <u>2</u>	
Category IV	6- <u>8</u>	1- <u>2</u>		
3. Update list of native plants.	See Appendix C of proposed text amendment for new list of native plants.			
4. Remove exception of specimen trees on single-family lots to reduce unnecessary removal of specimen trees.	<p>Sec.16-6-104. Tree Protection</p> <p>F. Specimen and Significant Tree Preservation</p> <p>2. General Requirements</p> <ul style="list-style-type: none"> a. No <i>specimen tree</i> may be removed except in accordance with paragraph b below. In addition, all <i>specimen trees</i> shall have the following protections, whether located on public or private <i>land</i>. with the exception of <i>specimen trees</i> located on <i>single-family lots</i>: 			

	<p>(Revised 5-17-2016 - Ordinance 2016-07)</p> <ul style="list-style-type: none"> i. Any activities performed within the drip line of a specimen tree shall have the prior approval of the Official. ii. Specimen trees shall not be cut, removed, pushed over, killed, or otherwise harmed. iii. No more than 20 percent of the total area within the drip line of any specimen tree shall be subject to paving or soil compaction, and no paving or soil compaction is allowed within 15 feet of the tree trunk. (See Figure 16-6-104.F.2: Limits of Paving or Compaction near Specimen Trees.) The Official may allow paving or soil compaction beyond the 20 percent limit if low impact development techniques (e.g., pervious pavers, materials placed at or above grade, no use of mechanical machinery) are used as an alternative means of protecting the specimen tree. <p>b.If preservation of a specimen tree causes unnecessary hardship, the applicant may apply for a variance from this subsection (see Sec. 16-2-103.S, Variance) once any required State or federal government agency approval, if applicable, to remove the tree is received in writing.</p>
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Nonconformities

Chapter 16-7 provides standards for nonconformities. This amendment will not create nonconformities.

Text Amendment Review Standards

Section 16-2-103.B.3 of the LMO provides standards for the review of Text Amendments and states the following:

“In determining whether to recommend that Town Council adopt or deny the proposed text amendment, the Planning Commission may weigh the relevance of and consider whether and the extent to which the proposed Text Amendment:

- a. Is in accordance with the Comprehensive Plan;
- b. Is required by changed conditions;
- c. Addresses a demonstrated community need;
- d. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the Town;
- e. Would result in a logical and orderly development pattern; and
- f. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.”

The proposed text amendment aligns with the review criteria, as it:

1. Supports the Comprehensive Plan’s goals concerning natural resource preservation and tree protection.
2. Is required due to continuing concerns with tree cutting and the loss of specimen and significant trees.
3. Addresses a demonstrated and vocalized community need to strengthen tree preservation, promote ecological health, and maintain the aesthetic and environmental character of the area.
4. Is consistent with the intent of the Ordinance and the Town’s efforts to preserve tree cover and habitat.
5. Results in more attractive and sustainable development, ensuring a logical and orderly development pattern.
6. Minimizes the impact of development on the natural environment by protecting trees and strengthening mitigation for the removal of trees.

COMMUNITY SERVICES AND PUBLIC SAFETY COMMITTEE ACTION:

The Community Services and Public Safety Committee’s recommendation shall be based on the standards in Sec. 16-2-103.B.3, Ordinance Text Amendment Review Standards.

The Committee has the following options when considering this agenda item. These include:

1. Recommend approval to Town Council.
2. Recommend denial to Town Council.
3. Recommend approval with conditions to Town Council.

ATTACHMENTS:

1. Ordinance
2. Text Amendment

TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND TO AMEND CHAPTER 16 OF THE MUNICIPAL CODE, THE LAND MANAGEMENT ORDINANCE, TO AMEND CURRENT REGULATIONS FOR TREE PROTECTION TO INCLUDE SECTIONS: 16-5-115, 16-6-104 AND APPENDIX C FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town Council for the Town of Hilton Head Island, South Carolina, has identified a continued need for the adoption of LMO Amendments to address needs and issues in the Town as such arise; and,

WHEREAS, the Town Council seeks to amend the Land Management Ordinance to increase tree protection requirements for development to enhance ecological outcomes, and promote sustainable development; and,

WHEREAS, on May 21, 2025, the Planning Commission held a Public Hearing to consider the proposed amendments to increase tree protection requirements for development, and the public had an opportunity to comment on the proposed amendments, and the Planning Commission voted unanimously to recommend adoption of the amendments to increase tree protection requirements for development; and,

WHEREAS, on June 16, 2025, the Community Services & Public Safety Committee voted ___ to recommend _____ of the proposed amendments to increase tree protection requirements for development; and,

WHEREAS, the Town Council finds it is in the best interest of the Town and its citizens, residents and visitors to amend Land Management Ordinance by amending the current regulations for tree protection.

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

Section 1. Amendment. That 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 _____ DAY OF _____, 2025.

THE TOWN OF HILTON HEAD
ISLAND, SOUTH CAROLINA

Alan R. Perry, Mayor

ATTEST:

Kimberly Gammon, Town Clerk

First Reading:

Second Reading:

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

Chapter 16-5: Development and Design Standards

Sec.16-5-115. Subdivision Standards

A. Purpose and Intent

The purpose of **subdivision** layout is to create a functional and attractive **development** with infrastructure and **lots** appropriately sized and located to minimize adverse impacts. The intent of this section is to provide clear requirements and guidelines for **subdivision** design for both Major and Minor Subdivisions. **Subdivisions** should promote the health, safety, convenience, order, prosperity and welfare of the present and future residents of the **Town** by:

- a. Providing for the orderly growth and **development** of the **Town**;
- b. Coordinating with the existing **street** system, transportation plans, and public facilities;
- c. Providing **right-of-way** for **street** and vehicular **easements**;
- d. Avoiding congestion and overcrowding and encouraging proper arrangement of **streets** in relation to existing planned **streets**;
- e. Preservation of the natural tree canopy and preservation of protected tree species;
- e-f. Ensuring there is adequate **open space** and recreation facilities; and
- f-g. Ensuring there is proper recordation of **land** ownership.

C. General Requirements

1. Layout of the **subdivision** shall be based on complete **site** analysis. **Streets** and **lots** shall be designed to preserve significant trees, stands of trees and understory vegetation and situated to minimize alteration of natural and historic **site** features to be preserved.
2. The **subdivision** layout shall consider the practicality and economic feasibility of **development** of individual **lots** including the environmental characteristics, size of the **site**, and the requirements of ~~this~~ the Ordinance.
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~~ significant stands of trees and individual **trees** of significant size, with **development** reserved for environmentally stable areas.
(Revised 1-7-2020 - Ordinance 2020-02; revised 3-7-2023 - Ordinance 2023-04)
4. **Open space** and recreational areas shall be planned in accordance with Sec. 16-5-104, Open Space Standards.
5. **Lots** shall be situated so that stormwater may be easily directed away from **buildings** in subsequent **site-specific development**. **Lots** shall be configured so that **buildings** and general **flood** sensitive **site** facilities can be located out of drainageways. **Subdivisions** shall be designed so as to comply with Sec. 16-5-109, Stormwater Management and Erosion and Sedimentation Control Standards.
6. All **lots** shall have the **access** required by Sec. 16-5-105.I, Access to Streets.

Chapter 16-6: Natural Resource Protection

Sec.16-6-104. Tree Protection

B. Applicability

2. Exemptions

- a. The following activities are exempt from the standards in this section and the requirement for a Natural Resources Permit:
 - i. Removal of damaged protected **trees** during an emergency such as a hurricane, tornado, ice or wind storm, **flood**, wildfire or any other such act of nature;
 - ii. The removal of invasive species;
 - iii. Removal of a **hazardous tree**, provided such removal is reported to the **Official** within five days after removal. Removal of a **hazardous tree** may require mitigation at the discretion of the ~~Official~~ Official;
(Revised 1-7-2020 - Ordinance 2020-02)
 - iv. The selective and limited pruning and removal of **trees** or vegetation within **sight triangles** (see Sec. 16-5-105.H.4, Sight Triangles) as necessary to obtain clear visibility at **street** and **driveway** intersections;
 - v. Necessary **tree** removal by a utility company consistent with plans submitted periodically to the **Official** for approval in accordance with Sec. 16-5-110, Utility Standards, provided such plans include appropriate provision for removal of any felled **trees**;
 - vi. Topping of healthy **trees** is only permitted on **land** of the Hilton Head Island Airport, and only for the **maintenance** of the slope approaches to the airport as referenced in Sec. 16-3-106.E, Airport Overlay (A-O) District;
 - vii. **Tree** removal associated with forestry activities shielded from local **development** regulation in accordance with S.C. Code Ann. § 48-23-205, subject to the limitations on subsequent **development** in Sec. 16-6-104.E, Limitations on Development Applications Subsequent to Exempt Forestry Activity; and
 - viii. Routine or seasonal pruning (see Sec. 16-5-103.H, Existing Vegetation, for restrictions on limbing **trees** in adjacent street and use buffers), subject to the following requirements and conditions:
 01. Pruning shall be done according to the guidelines of the International Society of Arboriculture, as published in the *Arborist Certification Guide*.
 02. No more than ten percent of the **tree's** leaf surface shall be removed.
 03. Climbing spikes shall not be used on **trees** that are not being removed.
 04. **Property owners** bear the burden of proving that they have met the above requirements.
 - ix. Removal or pruning of trees in the PD-1 zoning district under the following conditions:

01. On the Common Property owned by a Property Owners Association, to which all landowners of property located behind the security gate must belong, that is behind any security gate or access point that is manned a minimum of eight (8) hours per day, or at any point within the Spanish Wells PD-1, where the **tree** or **trees** to be removed or pruned are:

- a) Damaged, dead or dying or a fall hazard; or,
- b) Causing an actual, imminent hazard to pedestrian, bicycle or vehicular travel because roots of any **tree** or **trees** have uplifted pavement, or because branches and foliage are impeding travel sight lines, or because branches and foliage impede travel areas for pedestrians, bicycles and vehicles, and no feasible alternative to removing or pruning the **tree** or **trees** exists.

b. No Natural Resources Permit is required where the proposed **tree** removal or alteration is reviewed and authorized in accordance with an approved Subdivision Plan (see Sec. 16-2-103.F), Development Plan (Minor or Major) (see Sec. 16-2-103.G), Small Residential Development (see Sec. 16-2-103.H) or Public Project (see Sec. 16-2-103.Q)—though compliance with the standards in this section is required.

C. Tree Protection Information in Applications

2. Tree Survey

- a. The **tree survey** shall be in the form of a map or a **site plan** prepared and sealed by a registered **land** surveyor within two years of the date of **application**. The **tree survey** shall be at the same scale as the required **site development** plan and shall include the following information:
 - i. The location of all Category I, II and IV **trees** with a **DBH** of 6 inches or greater, Category III **trees** (other than cedar and palmetto **trees**) with a **DBH** of 12 inches or greater and cedar and palmetto **trees** with a **DBH** of 8 inches or greater within the areas to be developed and within areas 25 feet beyond such area in each direction, or extending to the property line, whichever is less;
(Revised 5-17-2016 - Ordinance 2016-07)
 - ii. The location of any **trees** with a **DBH** less than 6 inches (Category I, II and IV), less than 8 inches (cedar and palmetto **trees**), and less than 12 inches (Category III other than cedar and palmetto **trees**) that the **applicant** wishes to count toward the minimum standard of **tree** coverage on the **site**; and
(Revised 5-17-2016 - Ordinance 2016-07)
 - iii. The species and **DBH** of all **trees**.
- b. In conjunction with the **tree survey**, **trees** shall be marked with color ribbons, using blue ribbons to mark **trees** to be preserved, red ribbons for **trees** to be removed, and orange ribbons for hazardous **trees** that are proposed to be removed (hazardous **trees** will not count towards the overall required **tree** replacement). In heavily wooded areas, the **Official** may allow ~~large groups of a significant stand of trees~~ to be preserved or removed to be marked with the appropriately colored ribbon extending around the perimeter of the group of **trees**.

F. Specimen and Significant Tree Preservation

1. Specimen and Significant Tree Defined

For purposes of this section, a specimen tree is any tree of a species designated by the State or federal government as an endangered, threatened, or rare species, or any tree of a type and with a DBH equal or greater than that indicated in Table 16-6-104.F.1, Specimen Trees, for the tree type. A tree that is within 20% of the size classified as a specimen, is considered a significant tree.

(Revised 5-17-2016 - Ordinance 2016-07; revised 1-7-2020 - Ordinance 2020-02)

TABLE 16-6-104.F.1: SPECIMEN AND SIGNIFICANT TREES			
TREE TYPE		SPECIMEN DBH (INCHES)	SIGNIFICANT DBH (INCHES)
Live oak	Single trunk	35-30	28-24
	Multiple trunks	60-55 (sum of all trunks)	48-41
Laurel oak		35-30	28-24
Water oak		30	24
Red oak		25	20
White oak		20	16
All hickories		20	16
American elm		15	12
Loblolly and slash pines		35	28
Longleaf and pond pines		25	20
Red bay		10	8
Southern magnolia		30	24
Bald cypress and pond cypress		15	12
Black gum and sweet gum		30	24
Red maple		30	24
Spruce pine		Any size	Any size
Red cedar		10	8
Sycamore		30	24
Black cherry		25	20
Sassafras		6	5

(Revised 1-7-2020 - Ordinance 2020-02)

2. General Requirements

- a. No **specimen tree** may be removed except in accordance with paragraph b below. In addition, all **specimen trees** shall have the following protections, whether located on public or private **land**, with the exception of ~~specimen trees~~ located on ~~single family lots~~:

(Revised 5-17-2016 - Ordinance 2016-07)

- i. Any activities performed within the drip line of a **specimen tree** shall have the prior approval of the **Official**.
- ii. **Specimen trees** shall not be cut, removed, pushed over, killed, or otherwise harmed.

- iii. No more than 20 percent of the total area within the drip line of any **specimen tree** shall be subject to paving or soil compaction, and no paving or soil compaction is allowed within 15 feet of the **tree** trunk. (See Figure 16-6-104.F.2: Limits of Paving or Compaction near Specimen Trees.) The **Official** may allow paving or soil compaction beyond the 20 percent limit if low impact **development** techniques (e.g., **pervious** pavers, materials placed at or above **grade**, no use of mechanical machinery) are used as an alternative means of protecting the **specimen tree**.

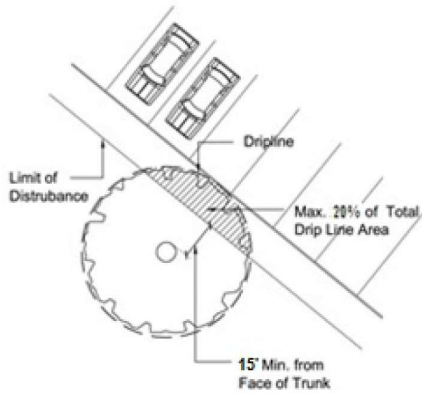


Figure 16-6-104.F.2: Limits of Paving or Compaction near Specimen Trees

- b. If preservation of a **specimen tree** causes unnecessary hardship, the **applicant** may apply for a variance from this subsection (see Sec. 16-2-103.S, Variance) once any required **State** or federal government agency approval, if applicable, to remove the **tree** is received in writing.

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

I. Standards for Supplemental and Replacement Trees

3. Replacement Rate, Tree Category, Planting Size

- a. **Trees** that are removed shall be replaced at the rate of one **tree** for every ten **tree** inches removed per **tree** category.
- b. Supplemental and replacement **trees** shall be within the same or lower-numbered **tree** category (see Sec. 16-6-104.H, Tree Equivalency Table) as the **trees** being replaced.
- c. At the time of planting, supplemental and replacement **trees** shall have the minimum **height** and trunk diameter shown in Table 16-6-104.I.3 for the category of the **tree**.

TABLE 16-6-104.I.3: MINIMUM PLANTING SIZE FOR SUPPLEMENTAL AND REPLACEMENT TREES		
TREE CATEGORY	MINIMUM HEIGHT (FEET)	MINIMUM TRUNK DIAMETER (INCHES) (USING ANSI STANDARDS)
Category I	10-12	2-4
Category II	10-12	2-4
Category III	6-8	1-2

Category IV	6-8	1-2
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(Revised 4-18-2017 - Ordinance 2017-05)

Appendix C: Recommended Native Plants

RECOMMENDED NATIVE PLANTS FOR BUFFERS AND WETLANDS		
This list is meant to be used as a guide, and is not all inclusive. Buffer and <i>wetland</i> plants are intended to supply a year-round filtering and habitat function. Therefore, using a diverse selection of flora is highly encouraged.		
COMMON NAME	LATIN NAME	LOCATION
GRASSES, VINES, AND GROUNDCOVER		
Black Needle Rush	<i>Juncus roemerianus</i>	Tidal <i>wetland</i>
Blue Flag Iris	<i>Iris virginica</i>	Freshwater <i>wetland</i>
Lizard's Tail	<i>Saururus cernuus</i>	Freshwater <i>wetland</i>
Maidencane	<i>Panicum hemitoman</i>	Freshwater <i>wetland</i>
Muhley Grass	<i>Muhlenbergia capillaris</i>	<i>Upland</i>
Passion Flower	<i>Passiflora incarnata</i>	<i>Upland</i>
Pickeralweed	<i>Pontederia cordata</i>	Freshwater <i>wetland</i>
Saltmeadow Cordgrass	<i>Spartina patens</i>	<i>Upland</i>
Sand Cordgrass	<i>Spartina bakeri</i>	<i>Upland</i>
Smooth Cordgrass	<i>Spartina alterniflora</i>	Tidal <i>wetland</i>
Soft Rush	<i>Juncus effuses</i>	Tidal <i>wetland</i>
Wild Ginger	<i>Asarum canadense</i>	<i>Upland</i>
Yellow Jassamine	<i>Gelsemium sempervirens</i>	<i>Upland</i>
SHRUBS AND SMALL TREES		
Beautyberry	<i>Callicarpa Americana</i>	<i>Upland</i>
Coral Bean	<i>Erythrina herbacea</i>	<i>Upland</i>
Dahoon Holly	<i>Ilex cassine</i>	<i>Upland</i>
Fetterbush	<i>Lyonia lucida</i>	Freshwater <i>wetland/Upland</i>
Inkberry	<i>Ilex glabra</i>	Freshwater <i>wetland/Upland</i>
Loblolly Bay	<i>Gordonia lasianthus</i>	<i>Upland</i>
Salt Myrtle	<i>Baccharis halimifolia</i>	<i>Upland</i>
Saw Palmetto	<i>Serona repens</i>	<i>Upland</i>
Sparkleberry	<i>Vaccinium arboreum</i>	<i>Upland</i>
Star Anise	<i>Illicium floridanum</i>	<i>Upland</i>
Wax Myrtle	<i>Myrica ceriflora</i>	<i>Upland</i>
Witch Hazel	<i>Hamamelis virginiana</i>	<i>Upland</i>
Yaupon Holly	<i>Ilex vomitoria</i>	<i>Upland</i>
MEDIUM AND LARGE TREES		
American Holly	<i>Ilex opaca</i>	<i>Upland</i>

Bald Cypress	<i>Taxodium distichum</i>	Freshwater <i>wetland/Upland</i>
Black Gum	<i>Nyssa sylvatica</i>	Freshwater <i>wetland/Upland</i>
Laurel Oak	<i>Quercus laurifolia</i>	Upland
Little Gem Magnolia	<i>Magnolia grandiflora</i> "Little Gem"	Upland
Live Oak	<i>Quercus virginiana</i>	Upland
Red Maple	<i>Acer rubrum</i>	Freshwater <i>wetland/Upland</i>
Sabal palmetto	<i>Sabal palmetto</i>	Upland
Southern Magnolia	<i>Magnolia grandiflora</i>	Upland
Southern Red Cedar	<i>Juniperis silicicola</i>	Upland
Sweet Gum	<i>Liquidamber styraciflua</i>	Freshwater <i>wetland/Upland</i>

RECOMMENDED NATIVE PLANTS FOR BUFFERS AND WETLANDS

This list is meant to be used as a guide, and is not all inclusive. *Buffer* and *wetland* plants are intended to supply a year-round filtering and habitat function. Therefore, using a diverse selection of flora is highly encouraged.

<u>COMMON NAME</u>	<u>LATIN NAME</u>	<u>LOCATION</u>
NATIVE PLANTS FOR DUNES		
<u>Beach evening primrose</u>	<u>Oenothera drummondii</u>	<u>Primary Dune</u>
<u>Beach morning glory</u>	<u>Ipomoea imperati</u>	<u>Primary Dune</u>
<u>Bear-grass (yucca)</u>	<u>Yucca filamentosa</u>	<u>Primary Dune</u>
<u>Camphor weed</u>	<u>Heterotheca subaxillaris</u>	<u>Primary Dune</u>
<u>Climbing Butterfly pea</u>	<u>Centrosema virginianum</u>	<u>Primary Dune</u>
<u>Devil-joint cactus</u>	<u>Opuntia drummondii</u>	<u>Primary Dune</u>
<u>Dune sunflower</u>	<u>Helianthus debilis</u>	<u>Primary Dune</u>
<u>Dwarf palmetto</u>	<u>Sabal minor</u>	<u>Primary Dune</u>
<u>Moundlily yucca</u>	<u>Yucca gloriosa</u>	<u>Primary Dune</u>
<u>Prickly pear cactus</u>	<u>Opuntia compressa</u>	<u>Primary Dune</u>
<u>Purple passion flower (vine)</u>	<u>Passiflora incarnata</u>	<u>Primary Dune</u>
<u>Railroad vine</u>	<u>Ipomea pes-caprae</u>	<u>Primary Dune</u>
<u>Salt myrtle</u>	<u>Baccharus halimifolia</u>	<u>Primary Dune</u>
<u>Saw palm</u>	<u>Serenoa repens</u>	<u>Primary Dune</u>
<u>Sea oats</u>	<u>Uniola paniculata</u>	<u>Primary Dune</u>
<u>Seaside panicum</u>	<u>Panicum amarum</u>	<u>Primary Dune</u>
<u>Spanish bayonet</u>	<u>Yucca aloifolia</u>	<u>Primary Dune</u>
<u>Wax myrtle</u>	<u>Myrica cerifera</u>	<u>Primary Dune</u>
<u>Yaupon holly</u>	<u>Ilex vomitoria</u>	<u>Primary Dune</u>
<u>Yellow passion flower (vine)</u>	<u>Passiflora lutea</u>	<u>Primary Dune</u>
*Dune fields can contain several dune rows that have mostly grasses and other non-woody plants in them. Look at dune areas adjacent to yours to determine which plants are best to use in similar areas. NEVER plant a non-native plant in dune areas; they may become invasive.		
GRASSES, VINES, AND GROUNDCOVER		

<u>Arrow Arum</u>	<u><i>Peltandra virginica</i></u>	<u>Lower Bank/Shallow Water</u>
<u>Black Needle Rush</u>	<u><i>Juncus roemerianus</i></u>	<u>Tidal wetland, Salt marsh buffer</u>
<u>Blue Flag Iris</u>	<u><i>Iris virginica</i></u>	<u>Freshwater wetland</u>
<u>Bur-marigolds</u>	<u><i>Bidens sp. (yellow flower, blooms in fall)</i></u>	<u>Lower Bank/Shallow Water</u>
<u>Buttonbush</u>	<u><i>Cephalanthus occidentalis</i></u>	<u>Lower Bank/Shallow Water</u>
<u>Duck potato</u>	<u><i>Sagittaria latifolia</i></u>	<u>Lower Bank/Shallow Water</u>
<u>Floating hearts</u>	<u><i>Nymphoides aquatica</i></u>	<u>Floating Plants</u>
<u>Fragrant water lily</u>	<u><i>Nymphaea odorata</i></u>	<u>Floating Plants</u>
<u>Golden club</u>	<u><i>Orontium aquaticum</i></u>	<u>Lower Bank/Shallow Water</u>
<u>Hooded pitcher plant</u>	<u><i>Sarracenia minor</i></u>	<u>Lower Bank/Shallow Water</u>
<u>Jack-in-the-pulpit</u>	<u><i>Arisaema triphyllum</i></u>	<u>Lower Bank/Shallow Water</u>
<u>Large marsh pink</u>	<u><i>Sabatia dodecandra</i></u>	<u>Lower Bank/Shallow Water</u>
<u>Lizard's Tail</u>	<u><i>Saururus cernuus</i></u>	<u>Freshwater wetland</u>
<u>Maidencane</u>	<u><i>Panicum hemitoman</i></u>	<u>Freshwater wetland</u>
<u>Muhley Grass</u>	<u><i>Muhlenbergia capillaris</i></u>	<u>Upland</u>
<u>Passion Flower</u>	<u><i>Passiflora incarnata</i></u>	<u>Upland</u>
<u>Pickerelweed</u>	<u><i>Pontederia cordata</i></u>	<u>Freshwater wetland</u>
<u>Rushes</u>	<u><i>Juncus sp.</i></u>	<u>Lower Bank/Shallow Water</u>
<u>Saltmeadow Cordgrass</u>	<u><i>Spartina patens</i></u>	<u>Upland</u>
<u>Salthay</u>	<u><i>Spartina patens</i></u>	<u>Salt marsh buffer</u>
<u>Sand Cordgrass</u>	<u><i>Spartina bakeri</i></u>	<u>Upland</u>
<u>Sea ox-eye</u>	<u><i>Borrchia frutescens</i></u>	<u>Salt marsh buffer</u>
<u>Smooth Cordgrass</u>	<u><i>Spartina alterniflora</i></u>	<u>Tidal wetland</u>
<u>Soft Rush</u>	<u><i>Juncus effuses</i></u>	<u>Tidal wetland</u>
<u>Spikerushes</u>	<u><i>Eleocharis sp.</i></u>	<u>Lower Bank/Shallow Water</u>
<u>Swamp rose mallow</u>	<u><i>Hibiscus moscheutos</i></u>	<u>Lower Bank/Shallow Water</u>
<u>Watershield</u>	<u><i>Brasenia schreberi</i></u>	<u>Floating Plants</u>
<u>Wild Rice</u>	<u><i>Zizania aquatica</i></u>	<u>Lower Bank/Shallow Water</u>
<u>Wild Ginger</u>	<u><i>Asarum canadense</i></u>	<u>Upland</u>
<u>Woolgrass bulrush</u>	<u><i>Scirpus cyperinus</i></u>	<u>Lower Bank/Shallow Water</u>
<u>Yellow canna</u>	<u><i>Canna flaccida</i></u>	<u>Lower Bank/Shallow Water</u>
<u>Yellow Jassamine</u>	<u><i>Gelsemium sempervirens</i></u>	<u>Upland</u>
<u>Yellow fringed orchid</u>	<u><i>Habenaria ciliaris</i></u>	<u>Lower Bank/Shallow Water</u>
<u>SHRUBS AND SMALL TREES</u>		
<u>American holly</u>	<u><i>Ilex opaca</i></u>	<u>Upland</u>
<u>Beautyberry</u>	<u><i>Callicarpa Americana</i></u>	<u>Upland</u>
<u>Cabbage palmetto</u>	<u><i>Sabal palmetto</i></u>	<u>Upland, salt marsh buffer</u>
<u>Carolina cherry laurel</u>	<u><i>Prunus caroliniana</i></u>	<u>Upland</u>
<u>Chickasaw plum</u>	<u><i>Prunus angustifolia</i></u>	<u>Upland</u>
<u>Cinnamon fern</u>	<u><i>Osmunda cinnamomea</i></u>	<u>Upland</u>
<u>Common persimmon</u>	<u><i>Diospyros virginiana</i></u>	<u>Upland</u>
<u>Coral Bean</u>	<u><i>Erythrina herbacea</i></u>	<u>Upland</u>
<u>Coral honeysuckle</u>	<u><i>Lonicera sempervirens</i></u>	<u>Upland</u>
<u>Cross vine</u>	<u><i>Anisostichus capreolata</i></u>	<u>Upland</u>
<u>Dahoon Holly</u>	<u><i>Ilex cassine</i></u>	<u>Upland</u>
<u>Fetterbush</u>	<u><i>Lyonia lucida</i></u>	<u>Freshwater wetland/Upland</u>
<u>Hercules' Club</u>	<u><i>Zanthoxylum clava-herculis</i></u>	<u>Upland, salt marsh buffer</u>

<u>Horse sugar</u>	<u><i>Symplocos tinctoria</i></u>	<u>Upland</u>
<u>Inkberry</u>	<u><i>Ilex glabra</i></u>	Freshwater <u>wetland/Upland</u>
<u>Loblolly Bay</u>	<u><i>Gordonia lasianthus</i></u>	<u>Upland</u>
<u>Redbay</u>	<u><i>Persea borbonia</i></u>	<u>Upland</u>
<u>Salt Myrtle</u>	<u><i>Baccharis halimifolia</i></u>	<u>Upland</u>
<u>Sassafras</u>	<u><i>Sassafras albidum</i></u>	<u>Upland</u>
<u>Saw Palmetto</u>	<u><i>Serona repens</i></u>	<u>Upland</u>
<u>Southern Red Cedar</u>	<u><i>Juniperus silicicola</i></u>	<u>Upland, salt marsh buffer</u>
<u>Sparkleberry</u>	<u><i>Vaccinium arboreum</i></u>	<u>Upland</u>
<u>Star Anise</u>	<u><i>Illicium floridanum</i></u>	<u>Upland</u>
<u>Sugarberry</u>	<u><i>Celtis laevigata</i></u>	<u>Upland</u>
<u>Tough bumelia</u>	<u><i>Bumelia tenax</i></u>	<u>Upland, salt marsh buffer</u>
<u>Trumpet vine</u>	<u><i>Campsis radicans</i></u>	<u>Upland</u>
<u>Wax Myrtle</u>	<u><i>Myrica ceriflora</i></u>	<u>Upland</u>
<u>Winged sumac</u>	<u><i>Rhus copallina</i></u>	<u>Upland</u>
<u>Witch Hazel</u>	<u><i>Hamamelis virginiana</i></u>	<u>Upland</u>
<u>Yaupon Holly</u>	<u><i>Ilex vomitoria</i></u>	<u>Upland</u>
<u>MEDIUM AND LARGE TREES</u>		
<u>American Holly</u>	<u><i>Ilex opaca</i></u>	<u>Upland</u>
<u>Bald Cypress</u>	<u><i>Taxodium distichum</i></u>	Freshwater <u>wetland/Upland</u>
<u>Black Gum</u>	<u><i>Nyssa sylvatica</i></u>	Freshwater <u>wetland/Upland</u>
<u>Florida Maple</u>	<u><i>Acer barbatum</i></u>	<u>Upland</u>
<u>Hickories, various species</u>	<u><i>Carya spp.</i></u>	<u>Upland</u>
<u>Laurel Oak</u>	<u><i>Quercus laurifolia</i></u>	<u>Upland</u>
<u>Little Gem Magnolia</u>	<u><i>Magnolia grandiflora</i> "Little Gem"</u>	<u>Upland</u>
<u>Live Oak</u>	<u><i>Quercus virginiana</i></u>	<u>Upland</u>
<u>Loblolly pine</u>	<u><i>Pinus taeda</i></u>	<u>Upland</u>
<u>Long leaf pine</u>	<u><i>Pinus Palustris</i></u>	<u>Upland</u>
<u>Red Maple</u>	<u><i>Acer rubrum</i></u>	Freshwater <u>wetland/Upland</u>
<u>Sabal palmetto</u>	<u><i>Sabal palmetto</i></u>	<u>Upland</u>
<u>Slash pine</u>	<u><i>Pinus elliotii</i></u>	<u>Upland</u>
<u>Southern Magnolia</u>	<u><i>Magnolia grandiflora</i></u>	<u>Upland</u>
<u>Southern Red Cedar</u>	<u><i>Juniperis silicicola</i></u>	<u>Upland</u>
<u>Southern Red Oak</u>	<u><i>Quercus falcata</i></u>	<u>Upland</u>
<u>Sweet Gum</u>	<u><i>Liquidamber styraciflua</i></u>	Freshwater <u>wetland/Upland</u>
<u>Water Oak</u>	<u><i>Quercus nigra</i></u>	<u>Upland</u>

RECOMMENDED INVASIVE TREES AND PLANTS FOR REMOVAL

The following is a list of common Invasive Trees and Plants in the Lowcountry. The list contains plants and trees that negatively impact native plants and trees and are recommended for removal. Therefore, using a recommended native plant list is encouraged.

- Autumn-Olive Tree
- Bamboo
- Beach Vitex ground cover
- Bradford Pear Tree
- Chinese Privet Shrub
- Chinese Silvergrass grass
- Chinese Tallow Tree
- Chinese Wisteria vine
- Cogongrass grass
- Common Reed (Phragmites) grass
- English Ivy vine
- Japanese Honeysuckle shrub
- Japanese Stiltgrass grass
- Kudzu Vine
- Multiflora Rose Shrub
- Non-Native Milkweed



TOWN OF HILTON HEAD ISLAND

Community Services and Public Safety Committee

TO: Community Services and Public Safety Committee
FROM: Missy Luick, Director of Planning
CC: Shawn Leininger, Assistant Town Manager
CC: Marc Orlando, Town Manager
DATE: June 16, 2025
SUBJECT: Consideration of an Ordinance of the Town of Hilton Head Island to Amend Chapter 16 of the Municipal Code, the Land Management Ordinance, to Amend Current Regulations for Sign Standards to Include Sections 16-5-114 and 16-10-105, and Providing for Severability and an Effective Date

RECOMMENDATION:

Community Services and Public Safety Committee review and consider an Ordinance of the Town of Hilton Head Island to amend Chapter 16 of the Municipal Code, the Land Management Ordinance, to amend current regulations for sign standards to include Sections 16-5-114 and 16-10-105 for the Town of Hilton Head Island, South Carolina and providing for severability and an effective date, and forward a recommendation to Town Council.

The Planning Commission held a public hearing on May 21, 2025, and, after consideration of the criteria set forth in Land Management Ordinance (LMO) Section 16-2-103.B, voted unanimously to recommend that Town Council approve the proposed text amendment.

BACKGROUND:

Revitalize and Modernize the Economy is a focus area in the adopted Town Council 2023-2025 Strategic Action Plan. In fulfillment of this focus area, Strategy #1 Establish a Growth Management Strategy states the Town will:

“Successfully manage increasing and evolving future growth patterns in a manner that will ensure sustainability of Hilton Head Island’s unique character. Additionally, the Town must monitor economic and demographic trends, undertaking a comprehensive list of future planning activities, and proactively protecting the Island’s rich natural resources through appropriate design, regulation, and capital investment practices.”

In this regard, Town Council directed Town Staff to advance amendments to the Land Management Ordinance (LMO) in the 2024 Strategic Action Work Plan. The effort has been divided into two separate projects, the full LMO Overhaul and the priority amendments. The priority amendments include incremental changes to both the LMO and portions of the Municipal Code related to land management that address important and urgent issues in advance of the full LMO Overhaul. These priority amendments address pressing community development issues with the best short-term solution while minimizing unintended outcomes. Issues that require additional analysis and research or are more complex are recommended to be further explored during the full LMO Overhaul.

At the September 24, 2024, Town Council Workshop, Town staff received the following comments and direction regarding amendments related to sign regulation:

1. Sign standards are not content neutral as required from Reed v. Town of Gilbert Supreme Court decision.
2. Amending our sign code to be compliant with the Supreme Court decision will reduce our ability to regulate certain sign types.

SUMMARY OF AMENDMENT:

The proposed updates to the sign regulations aim to ensure compliance with federal case law by adopting a "content-neutral" approach. This change is in response to the U.S. Supreme Court's 2015 decision in Reed v. Town of Gilbert, which invalidated a town's sign regulations for distinguishing between different types of non-commercial messages, such as political or event-related signs. The Court's decision made it clear that regulations based on the content of signs must be avoided, as content-based rules are subject to strict scrutiny, requiring a compelling governmental interest and narrowly tailored measures.

The following updates are designed to align with these evolving legal standards and create fairer, more defensible sign regulations that preserve to the maximum extent possible current Town regulations regarding size, height, location, design, and permitting of signs. In addition, the amendments include minor clarifications and housekeeping changes to streamline the process and make the regulations easier to navigate.

The proposed amendment is summarized as follows:

1. Noncommercial Message Substitution: This language was replaced. The purpose of a substitution clause is to assure that if the sign code allows a sign containing commercial copy, it shall also allow a non-commercial sign to the same extent. It should apply to every possible dimension of the sign, including location, duration of posting, size or area, materials or design requirements, requirement for permit, etc.
2. Flag Regulations: Flag regulations have been updated to reflect case law and federal law. Flags on Town property can only include the United States, South Carolina, or Town flag—unless Town Council specifically approves something

else. On private property, you're allowed up to two flags per parcel, but they cannot be:

- In street easements or public rights-of-way
- Placed on public land, unless the public agency that owns the land puts them there
- Larger than 24 square feet, unless the Design Review Board and Town Council approve a larger one (like on a telecommunications tower)

These rules apply to all flags but must still follow state and federal laws about the U.S. and South Carolina flags.

3. Interior Site Signs: The current ordinance includes several sign types that are found internal to sites and in parking lots (menu boards, parking signs, shopping cart return sign, etc.). These signs are grouped together as "interior site signs." Interior site signs are proposed to be exempt from permitting and subject to requirements.
4. Temporary Yard Signs: Temporary yard signs totaling six square feet or less during election seasons are proposed to be exempt from permitting based on legal review and case law. In no case can the Town regulate what message is displayed on these signs during the specified timeframe, even if not related to the election or referendum.
5. Temporary Yard Sign Standards: This section "standardizes" all temporary signs that are currently regulated by their content (real estate signs, construction signs, etc.). Paragraph H.1.a includes general requirements for durability, illumination, shape, number, size, and timeframe. Temporary yard signs are not exempt from permitting.

One temporary yard sign is permitted per parcel. However, there are other circumstances and timeframes where "additional" temporary yard signs are permitted:

- During permitted construction projects
- When the building or property is listed for sale or lease
- A timeframe before and after an election or referendum

Concerning temporary yard signs 90 days before to seven days after an election or referendum, a permit is only required if the total size of the signs exceeds six square feet. Otherwise, signs are exempt from permitting and are allowable if compliant with Section E.1.b.ii.12.

6. Driveway Access Point Signs: While similar to "interior site signs," these signs are oriented toward traffic control at driveway intersections. Driveway access point signs require a permit. Signs at driveway entrances (for non-residential properties)

are allowed but must be no larger than 4 square feet and no taller than 3 feet. Only two signs are allowed per access point.

7. Interior Site Signs: Interior site signs that fall within setback areas (the required open spaces around a building) need a permit. Otherwise, the rules for size (4 square feet) and height (3 feet) apply to these signs as well.

Given the importance of ensuring legal compliance, these changes are part of the priority amendments and will address immediate concerns. Further adjustments are expected during the full LMO update project.

ANALYSIS:

Proposed Amendments

The proposed priority amendment streamlines and clarifies sign regulations, focusing on simplicity, consistency, maintaining community standards, and legal compliance. Based on the length of the text amendment, only the most noteworthy sections are included in the following table. All other changes are included in the attached text amendment and relate to the removal of content-based language and general editing.

Issue	Proposed Amendment
<p>Section B.2. Substitution of Noncommercial Message. This language was replaced. The purpose of a substitution clause is to assure, in one fell swoop, that if the sign code allows a sign containing commercial copy, it shall also allow a non-commercial sign to the same extent. It should apply to every possible dimension of the sign, including location, duration of posting, size or area, materials or design requirements, requirement for permit, etc.</p>	<p><u>Notwithstanding anything contained in this Ordinance to the contrary, any sign erected pursuant to the provisions of this Ordinance may, at the option of the owner, contain a non-commercial message in lieu of a commercial message, and the non-commercial copy may be substituted at any time in place of the commercial copy. The non-commercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from a commercial message to a non-commercial message or from one non-commercial message to another non-commercial message; provided, however, that there is no change in the size, height, setback, or spacing criteria contained in this Ordinance. Noncommercial signs shall be allowed in all zoning districts and may be substituted for any sign expressly allowed under this Ordinance. Noncommercial signs shall be subject to the same permit requirements, restrictions on size and type, and other conditions and specifications as apply to the sign for which they are being substituted.</u></p>

Section E.1.b.ii.01. Flags. Flag regulations have been updated to reflect case law and federal law.

01. Flags

Non-governmental flags are deemed to be **signs** and shall be subject to the provisions of this section. The official flags of the federal, **State, county**, or municipal governments are not deemed to be **signs** provided no such flag shall exceed 40 square feet per face. The **Official** may waive this size provision for the United States flag when:

(A) The **Design Review Board** approves a larger flag for use on a telecommunications tower designed as a flagpole; or

(B) The **Town Council** approves a larger flag for display on public property or other appropriate noncommercial **sites** as determined by **Town Council**.

(A) Flags on **Town-Owned, Leased, Managed, or Operated Property**. The **Town**, at the **Town Manager's** discretion or when voted on by Town Council and unless otherwise permitted by this Section, may display the United States flag, South Carolina flag, or **Town** flag on any and all Town owned, leased, managed, or operated property in accordance with all applicable **state** and federal laws. Unless approved by the **Town Council**, any and all other displays of flags on property that is owned, leased, managed, or operated by the **Town** are not permitted.

(B) Flags Generally. Flags shall comply with the following:

1. No more than two flags are allowed per **parcel**.

2. Flags shall not be placed within **street easements** and **rights-of-way**.

3. Flags shall not be placed on public property unless posted by the public entity owning the **parcel**.

4. The size of a flag shall not exceed 24 square feet. The **Official** may waive this size provision when the **Design Review Board** approves a larger flag for use on a telecommunications

	<p>tower designed as a flagpole or on appropriate sites as determined by the <i>Town Council</i>.</p> <p><u>(C) The terms of this section are to be applied to flags generally and shall not be interpreted to supersede nor conflict with any applicable state or federal laws or regulations related to the United States or South Carolina flag.</u></p>
<p>Section E.1.b.ii.03. Interior Site Signs. The current ordinance includes several sign types that are found internal to sites and in parking lots (menu boards, parking signs, shopping cart return sign, etc.). These signs are grouped together as “interior site signs.” Interior site signs are proposed to be exempt from permitting and subject to the following requirements.</p> <p>A new definition is located in Sec.16-10-105. General Definitions.</p>	<p>03. Incidental Interior Site Signs</p> <p><u>Interior site signs that are internally oriented on commercial and multi-family property shall not require sign permits as long as they are not readily legible or visible beyond the boundaries of the parcel on which they are located, do not exceed four square feet in area per sign, and do not fall within required setback areas. Signs located at the end of a parking space and within five feet of the parking space are limited to 1.5 square feet, and no more than three are permitted per parcel. However, signs within five feet of parking spaces are not permitted in shopping centers.</u></p> <p>Addresses, building numbers, entrance and exit signs, and traffic directional signs shall not require Sign Permits if they do not exceed four square feet in area per sign. If such sign contains commercial copy, the sign counts toward the allowable square footage for freestanding signs.</p> <p><i>Sec.16-10-105. General Definitions.</i></p> <p><u>Sign, Interior Site</u></p> <p><u>A permanent and internally oriented sign on a non-residential parcel that is not readily visible and legible beyond the boundaries of the parcel on which it is located and is intended for viewing from the interior of the subject parcel.</u></p>

<p>Section E.1.b.ii.12. Temporary Yard Signs. Temporary yard signs totaling six square feet or less during election seasons are proposed to be exempt from permitting based on legal review and case law.</p> <p>In no case can the Town regulate what message is displayed on these signs during the specified timeframe, even if not related to the election or referendum.</p>	<p><u>12. Temporary Yard Signs</u></p> <p><u>Up to six square feet of temporary yard signs are allowed 90 days prior to an election or referendum to seven days after the election or referendum without permits. The temporary yard signs shall comply with the following requirements:</u></p> <p><u>(A) The number of temporary yard signs on a parcel is not limited during this timeframe as long as the total size does not exceed six square feet.</u></p> <p><u>(B) During this timeframe, temporary yard signs may be made from lightweight materials such as corrugated plastic, cardboard, wood, or similar materials and may be affixed to the ground with metal wire frames, wood stakes, or plastic stakes.</u></p> <p><u>(C) Temporary yard signs shall not be placed within street easements and rights-of-way.</u></p> <p><u>(D) Temporary yard signs shall not be placed on public property unless posted by the public entity owning the parcel.</u></p>
<p>Section H.1. Temporary Yard Signs. This section “standardizes” all temporary signs that are currently regulated by their content (real estate signs, construction signs, etc.). Paragraph H.1.a includes general requirements for durability, illumination, shape, number, size, and timeframe. Temporary yard signs are not exempt from permitting.</p> <p>One temporary yard sign is permitted per parcel. However, there are other circumstances and timeframes where “additional” temporary yard signs are permitted:</p>	<p><u>H. Standards for Specific Types of Signs</u></p> <p><u>1. Temporary Yard Signs</u></p> <p>a. <u>All temporary yard signs shall comply with the following requirements:</u></p> <p>i. <u>A maximum of one temporary yard sign is allowed per parcel.</u></p> <p>ii. <u>Temporary yard signs shall be constructed of ½-inch medium density overlay panel (MDO) or a material of equal durability.</u></p> <p>iii. <u>Temporary yard signs shall not be illuminated.</u></p>

- During permitted construction projects
- When the building or property is listed for sale or lease
- A timeframe before and after an election or referendum

Concerning temporary yard signs 90 days before to seven days after an election or referendum, a permit is only required if the total size of the signs exceeds six square feet. Otherwise, signs are exempt from permitting and are allowable if compliant with Section E.1.b.ii.12.

Although the additional sign provisions may relate to what the signs will be used for, in no case can the Town regulate what is on the additional signs during these circumstances or timeframes.

- iv. Temporary yard signs shall be square or rectangular in shape.
 - v. Temporary yard signs shall not be placed on public street right-of-way, private street easements, and publicly owned parcels, unless posted by the public entity owning the parcel.
 - vi. The size of a temporary yard sign shall not exceed three square feet.
 - vii. A temporary yard sign shall be removed within 90 days from the date of its permit, unless an extension is approved by the Official.
- b. One additional temporary yard sign is permitted per street frontage on a parcel from the time a building or development permit is issued for construction on the parcel to the time a building occupancy permit is issued. The additional temporary yard sign shall not exceed 20 square feet in size and shall not exceed six feet in height from the existing grade.
 - c. One additional temporary yard sign is permitted per street frontage of a parcel when the parcel, or building or unit on a parcel, is listed for rent or sale to the time two days after the execution of a rental contract or closing of the sale. The additional temporary yard sign shall comply with the following requirements:
 - i. On parcels with residential uses, the additional temporary yard sign shall not exceed four square feet in size and shall not exceed four feet in height from the existing grade.
 - ii. On parcels with non-residential uses, the additional temporary yard sign shall not exceed 20 square feet in size and shall not

	<p><u>exceed six feet in height from the existing grade.</u></p> <ul style="list-style-type: none">iii. <u>Where placement on the ground is not feasible, the Official may approve the sign to be placed on the façade of the building listed for rent or sale.</u>d. <u>Additional temporary yard signs are allowed 90 days prior to an election or referendum to seven days after the election or referendum. Permits are required in accordance with this section if the total size of the signs exceeds six square feet. If the total size of the signs does exceed six square feet, see Section 16-5-114 E.1.b.ii.12. The additional temporary yard signs shall comply with the following requirements:</u><ul style="list-style-type: none">i. <u>The number of temporary yard signs on a parcel is not limited during this timeframe.</u>ii. <u>The total size of temporary yard signs during this timeframe shall not exceed 32 square feet per parcel.</u>iii. <u>During this timeframe, temporary yard signs may be made from lightweight materials such as corrugated plastic, cardboard, wood, or similar materials and may be affixed to the ground with metal wire frames, wood stakes, or plastic stakes.</u>iv. <u>Temporary yard signs shall not be placed within street easements and rights-of-way.</u>v. <u>Temporary yard signs shall not be placed on public property unless posted by the public entity owning the parcel.</u>
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<p>Section H.9. Driveway Access Point Signs. While similar to “interior site signs,” these signs are oriented toward traffic control at driveway intersections. Driveway access point signs require a permit.</p>	<p>H. Standards for Specific Types of Signs</p> <p><u>9. Driveway Access Point Signs</u></p> <p>On <u>parcels</u> with non-residential uses, <u>driveway access point signs</u> shall comply with the following standards:</p> <ul style="list-style-type: none"> a. <u>The maximum size of an individual driveway access point sign is four square feet.</u> b. <u>A maximum of two driveway access point signs are allowed per access point.</u> c. <u>The maximum height of a driveway access point sign is three feet.</u>
<p>Section H.10. Interior Site Signs. Interior site signs within setback areas are not exempt from permitting. Otherwise, the size and height requirements are the same.</p>	<p>H. Standards for Specific Types of Signs</p> <p><u>10. Interior Site Signs</u></p> <ul style="list-style-type: none"> a. <u>Interior site signs require sign permits if proposed within the required side and rear setback areas.</u> b. <u>The maximum size of an individual non-exempt interior site sign is four square feet.</u> c. <u>The maximum height of an individual non-exempt interior site sign is three feet.</u>

Nonconformities

The approval of this text amendment will not create nonconformities. Several sign types were grouped into the “interior site sign” classification, but the same dimensional requirements will apply. Additionally, temporary yard signs cannot benefit from nonconforming rights.

Text Amendment Review Standards

Section 16-2-103.B.3 of the LMO provides standards for the review of Text Amendments and states the following:

“In determining whether to recommend that Town Council adopt or deny the proposed text amendment, the Planning Commission may weigh the relevance of and consider whether and the extent to which the proposed Text Amendment:

- a. Is in accordance with the Comprehensive Plan;
- b. Is required by changed conditions;
- c. Addresses a demonstrated community need;
- d. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the Town;
- e. Would result in a logical and orderly development pattern; and
- f. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.”

The proposed text amendment aligns with the review criteria, as it:

1. Supports the Comprehensive Plan by minimizing the impact of signs and ensuring high-quality signage.
2. Is required due to a US Supreme Court decision.
3. Addresses a community need to hold signage to high standards for aesthetics and to reduce the visual clutter caused by unregulated signage.
4. Is consistent with the zoning districts in this Ordinance by ensuring high-quality and visually unobtrusive signage.
5. Will result in more attractive street corridors and properties.
6. Will have no impact on the natural environment.

COMMUNITY SERVICES AND PUBLIC SAFETY COMMITTEE ACTION:

LMO Sec.16-2-103-B.2.d states that the Community Services and Public Safety Committee’s recommendation shall be based on the standards in Sec. 16-2-103.B.3, Ordinance Text Amendment Review Standards.

The Committee has the following options when considering this agenda item. These include:

1. Recommend approval to Town Council.
2. Recommend denial to Town Council.
3. Recommend approval with conditions to Town Council.

ATTACHMENTS:

1. Ordinance
2. Text Amendment

TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND TO AMEND CHAPTER 16 OF THE MUNICIPAL CODE, THE LAND MANAGEMENT ORDINANCE, TO AMEND CURRENT REGULATIONS FOR SIGN STANDARDS TO INCLUDE SECTIONS: 16-5-114 AND 16-10-105 FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town Council for the Town of Hilton Head Island, South Carolina, has identified a continued need for the adoption of LMO Amendments to address needs and issues in the Town as such arise; and,

WHEREAS, in *Reed v. Town of Gilbert, Arizona*, the United States Supreme Court has found that content neutrality is required for ordinances regulating signs, and the Town Council seeks to amend the Land Management Ordinance to comply with content neutrality requirements; and,

WHEREAS, the decision in *Reed v. Town of Gilbert, Arizona*, recognized that safety and aesthetics are valid subjects for local government to consider in the regulation of signs, and that a sign ordinance may address size, materials, lighting, moving parts, portability and location as well as other content neutral elements; and,

WHEREAS, on May 21, 2025, the Planning Commission held a Public Hearing to consider the proposed amendments to regulations for sign standards, and the public had an opportunity to comment on the proposed amendments, and the Planning Commission voted unanimously to recommend adoption of the amendments to regulations for sign standards; and,

WHEREAS, on June 16, 2025, the Community Services & Public Safety Committee voted ___ to recommend adoption to Town Council of the proposed amendments to regulations for sign standards; and,

WHEREAS, the Town Council finds that the best interests of the Town, and the health, safety and welfare of its citizens, property owners, residents and visitors will be furthered by an amendment to the Land Management Ordinance to regulate the construction materials, compliance with applicable building and electrical codes, size, location, number and illumination of signs, in order to promote and preserve the aesthetic quality of the Town by reducing visual clutter, and preserve and promote pedestrian, cyclist and motorist safety by reducing distractions along roadways; and,

WHEREAS, the Town Council finds that the best interests of the Town, and the health, safety and welfare of its citizens, property owners, residents and visitors will be furthered by these

amendments to the Town’s Sign Ordinance, which will promote and preserve the aesthetic quality of the Town, reduce visual clutter, reduce distractions along roadways, ensure adequate separation between signs, and aid in providing for adequate light, air, and open space and facilitate the creation of a convenient, attractive, and harmonious community.

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

Section 1. Amendment. That 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 ____ DAY OF _____, 2025.

THE TOWN OF HILTON HEAD
ISLAND, SOUTH CAROLINA

Alan R. Perry, Mayor

ATTEST:

Kimberly Gammon, Town Clerk

First Reading:
Second Reading:

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

Chapter 16-5: Development and Design Standards

Sec.16-5-114. Sign Standards

A. Purpose

It is the purpose of this section to promote the public health, safety, and general welfare through a comprehensive system of reasonable, consistent, and nondiscriminatory sign standards and requirements. These sign regulations are intended to:

- ~~1. Maximize the value of commercial signage as a means of locating and identifying commercial establishments providing goods and services while, at the same time, discouraging the use of commercial signage to sell goods and services;~~
- ~~21. Encourage the **construction** of commercial **signs** of high-quality materials that are aesthetically pleasing and are compatible with their natural surroundings and with the **buildings** they identify the parcels and buildings on which they are placed;~~
- ~~32. Avoid the creation of a distracting atmosphere that can result when businesses compete for attention through the use of commercial advertising **signs**;~~
- ~~4. and protect, preserve, and enhance the unique aesthetic character, beauty, and charm of the **Town**, and thereby encourage the continued economic **development** within its limits the **Town**; and~~
- ~~53. Improve pedestrian and traffic safety and eliminate physical and visual clutter caused by **signs** that compete for the attention of pedestrian and vehicular traffic; and.~~
- ~~4. Prevent hazards caused by **signs** that are improperly secured or constructed.~~

B. Applicability and Provisions

1. Applicability

- a. A **sign** may be erected, placed, established, painted, created, or maintained in the **Town** only in conformance with the standards, procedures, exemptions, and other requirements of this section and this **Ordinance**. Signs exempt from regulations under Sec. 16-5-114.E.1.b.ii, Signs Allowed Without a Sign Permit, shall not otherwise be subject to this **Ordinance**.
- ~~b. With the exception of Sec. 16-5-114.H.5, Residential Real Estate Sales Signs, and Sec. 16-5-114.H.6, Residential Short Term Rental Signs, the provisions of this **Ordinance** shall not apply to **single family uses**.~~
- ~~c. **Signs** located on property within those portions of a PD-1 district where vehicular **access** by the general public is restricted by a security **gate** staffed 8 hours each day by a security guard and within the Spanish Wells PD-1 District, and where such **signs** are not visible from any **beach**, navigable waterway, or **public street** are not subject to the provisions of this **Ordinance**.~~
- ~~d. Notwithstanding any other provision of this section, no **sign** shall be subject to any limitation based on the content of the message contained on such **sign**.~~

- ec. Any **legal sign** that does not comply with the provisions of this section due solely to the enactment of an amendment shall, upon the effective date of such amendment, become a legal **nonconforming sign** and shall be subject to the provisions of Title 16, Chapter 16-7: Nonconformities.
- fd. All **signs** shall comply with applicable **building** and electrical code requirements.
- ge. In accordance with IBC Section 1609.1, **applications** for new freestanding **signs** larger than 40 square feet shall include wind load calculations stamped and signed by a certified engineer and stating that the sign can withstand winds of up to 130 miles per hour.

2. Substitution of Noncommercial Message

Notwithstanding anything contained in this **Ordinance** to the contrary, any **sign** erected pursuant to the provisions of this **Ordinance** may, at the option of the owner, contain a non-commercial message in lieu of a commercial message, and the non-commercial copy may be substituted at any time in place of the commercial copy. The non-commercial message may occupy the entire **sign** face or any portion thereof. The **sign** face may be changed from a commercial message to a non-commercial message or from one non-commercial message to another non-commercial message; provided, however, that there is no change in the size, **height**, **setback**, or spacing criteria contained in this **Ordinance**. Noncommercial **signs** shall be allowed in all zoning districts and may be substituted for any sign expressly allowed under this **Ordinance**. Noncommercial **signs** shall be subject to the same permit requirements, restrictions on size and type, and other conditions and specifications as apply to the sign for which they are being substituted.

C. Sign Design, Construction, and Maintenance Guidelines

1. Design Guide

The Hilton Head Island Design Guide defines Island Character and describes how **development** should be directed to preserve Island Character. Goals of the Design Guide that pertain to sign design include:

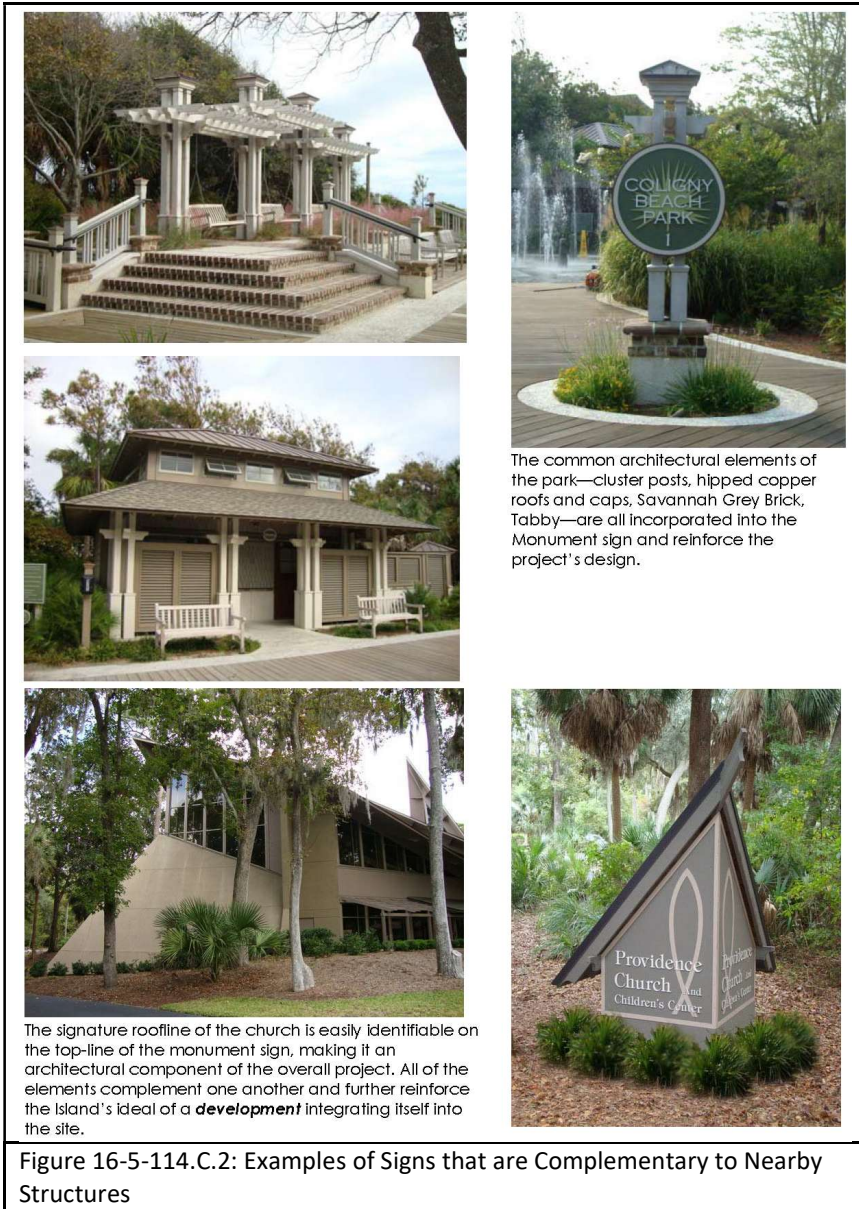
- a. Demonstrate the fundamental principles of good architectural design.
- b. Design **structures** with subtle visual impact and utilize natural materials, textures, and colors.
- c. Coordinate and harmonize the design of **structures**, parking, and site amenities.
- d. Conceal visually undesirable utilities and equipment.

2. Sign Design, Construction, and Maintenance Standards

To meet these goals, sign design, **construction**, and **maintenance** shall comply with the following standards:

- a. Materials, colors, and shapes of proposed **signs** shall be complementary to the related **buildings** and to nearby **structures** and **signs**. Sign colors shall be non-reflective and shall not contain fluorescent colors. (See Figure 16-5-114.C.2: Examples of Signs that are Complementary to Nearby Structures.)
- b. **Signs** shall be constructed of high-quality materials. (See Design Guide.)
- c. The amount of information on **signs** shall be no more than is necessary to provide reasonable identification of the business or of any message to be conveyed. Objective factors to consider in determining reasonableness shall include, but not be limited to, physical location, size of the sign and typeface, colors of the sign and typeface, and sign **height**.

- d. The visual impact of freestanding *signs* shall be softened with landscaping appropriate to the site.



- e. Sign illumination shall comply with the standards in Sec. 16-5-114.D, Sign Illumination.



- f. **Signs** shall be maintained in good condition at all times and shall be kept free of cracked or peeling paint, missing or damaged sign panels or supports, and weeds, grass or vegetation that obscures the view of the sign message.

D. Sign Illumination

Electrical requirements pertaining to sign illumination shall be as prescribed under the latest adopted edition of the IBC. Illuminated **signs** shall conform to the following standards:

1. External illumination shall be by a steady stationary light source, shielded and directed solely at the sign. Light fixtures shall be restricted to not more than one shielded light fixture per side for **signs** up to 40 square feet and not more than two shielded light fixtures per side for **signs** over 40 square feet.
2. Light sources to illuminate **signs** shall neither be visible from any **street right-of-way**, nor cause glare hazardous to pedestrians or vehicle drivers or so as to create a nuisance to **adjacent** properties. All ground-mounted lighting must be obscured by landscaping approved by the **Official**.
3. The intensity of the light shall not exceed 20 **foot-candles** at any point on the sign.
4. Signs shall not have light-reflecting backgrounds but may use light-reflecting lettering or halo lighting.
5. The **Official** may permit internal illumination for menu board **signs** for **eating establishments** with a **drive-through**. Such **signs** shall not cause glare hazardous to pedestrians or vehicle drivers or so as to create a nuisance to **adjacent** properties. Such **signs** shall be placed and angled so that, to the greatest extent possible, they are not visible from public or private **streets**.
6. Lamps shall only produce a white light.

E. Sign Permits

1. Applicability

a. General

Unless exempted in accordance with subparagraph b below, a Sign Permit is required for each of the following types of all **signs** prior to the ~~sign~~ being erected, placed, or displayed.:

- i. ~~Freestanding Signs (Sec. 16-5-114.F).~~
- ii. ~~Tenant Panels on Freestanding Signs (Sec. 16-5-114.F.10.a).~~
- iii. ~~Facade and Hanging Signs (Sec. 16-5-114.G).~~
- iv. ~~Temporary Signs for Permitted Signs (Sec. 16-5-114.H.1).~~
- v. ~~Construction Signs (Sec. 16-5-114.H.2).~~
- vi. ~~Nonresidential Real Estate Sales Signs (Sec. 16-5-114.H.3).~~
- vii. ~~Nonresidential Real Estate Lease or Rent Signs (Sec. 16-5-114.H.4).~~
- viii. ~~Residential Real Estate Sales Signs (Sec. 16-5-114.H.5).~~
- ix. ~~Residential Short Term Rental Signs (Sec. 16-5-114.H.6).~~
- x. ~~Sign Systems (Sec. 16-5-114.H.7).~~
- xi. ~~Temporary Special Event Signs (Sec. 16-5-114.H.9).~~
- xii. ~~Signs with Changeable Copy (Sec. 16-5-114.H.10).~~
- xiii. ~~Price Displays at Gas Sales Establishments (Sec. 16-5-114.H.11).~~
- xiv. ~~Planned Unit Development Off-Premises Signs (Sec. 16-5-114.H.12).~~

b. Exemptions

i. **Sign Alterations Exempt from Sign Permit**

A Sign Permit is not required prior to engaging in the following alterations to a sign:

- 01.**The changing of **copy** on a sign permitted for **changeable copy**.
- 02.**The painting or refinishing of the surface of a **sign face** or **sign structure** of a **permitted sign** so as to keep the appearance of such sign as permitted.

ii. **Signs Allowed Without a Sign Permit**

The following **signs** shall be allowed subject to compliance with the standards of this section, but no Sign Permit shall be required. The **property owner's** consent shall be obtained before erecting such signage.

01. Flags

Non-governmental flags are deemed to be **signs** and shall be subject to the provisions of this section. The official flags of the federal, **State, county**, or municipal governments are not deemed to be **signs** provided no such flag shall exceed 40 square feet per face. The **Official** may waive this size provision for the United States flag when:

- ~~(A) The **Design Review Board** approves a larger flag for use on a telecommunications tower designed as a flagpole; or~~
- ~~(B) The **Town Council** approves a larger flag for display on public property or other appropriate noncommercial **sites** as determined by **Town Council**.~~
- (A) Flags on **Town**-Owned, Leased, Managed, or Operated Property. The **Town**, at the **Town Manager's** discretion or when voted on by **Town Council** and unless otherwise permitted by this Section, may display the United States flag, South Carolina flag, or **Town** flag on any and all **Town** owned, leased, managed, or operated property in accordance with all applicable **state** and federal laws. Unless approved by the **Town Council**, any and all other displays of flags on property that is owned, leased, managed, or operated by the **Town** are not permitted.
- (B) Flags Generally. Flags shall comply with the following:
1. No more than two flags are allowed per **parcel**.
 2. Flags shall not be placed within **street easements** and **rights-of-way**.
 3. Flags shall not be placed on public property unless posted by the public entity owning the parcel.
 4. The size of a flag shall not exceed 24 square feet. The **Official** may waive this size provision when the **Design Review Board** approves a larger flag for use on a telecommunications tower designed as a flagpole or on appropriate sites as determined by the **Town Council**.
- (C) The terms of this section are to be applied to flags generally and shall not be interpreted to supersede nor conflict with any applicable **state** or federal laws or regulations related to the United States or South Carolina flag.

02. ~~Holiday~~ Seasonal decorations

Decorations that are not internally illuminated shall not require a Sign Permit, provided they are displayed for no more than a total of 60 days per calendar year, excluding the time period between November 1 and January 15. Such decorations shall be maintained in a good condition at all times and shall be removed or replaced when they are overly weathered, torn, broken, or otherwise present a potential safety hazard.

- (A) Strings of lights used as ~~holiday~~ seasonal decorations shall be subject to the provisions of Sec. 16-5-114.E.1.b.ii.12, ~~String Lights for Decoration~~.
- (B) Inflated ~~holiday~~ seasonal decorations are allowed from November 1 through January 15 of each year.
- (C) **Windblown decorations are prohibited at all times.**



Figure 16-5-114.E.1.b.ii.02(A): Example of Conforming ~~Holiday~~ Seasonal Decorations with String Lights



Figure 16-5-114.E.1.b.ii.02(B): Example of Conforming ~~Holiday~~ Seasonal Decorations Without String Lights



Figure 16-5-114.E.1.b.ii.03: Example of a Conforming Incidental Sign

03. ~~Incidental Interior Site Signs~~

Addresses, ~~building~~ numbers, entrance and exit ~~signs~~, and traffic directional ~~signs~~ shall not require Sign Permits if they do not exceed four square feet in area per sign. If such ~~sign~~ contains commercial ~~copy~~, the ~~sign~~ counts toward the allowable square footage for ~~freestanding signs~~. Interior site ~~signs~~ that are internally oriented on commercial and multi-family property shall not require sign permits as long as they are not readily legible or visible beyond the boundaries of the ~~parcel~~ on which they are located, do not exceed four square feet in area per sign, and do not fall within required ~~setback~~ areas. ~~Signs~~ located at the end of a parking space and within five feet of the parking space are limited to 1.5 square feet, and no more than three are permitted per ~~parcel~~. However, ~~signs~~ within five feet of parking spaces are not permitted in ~~shopping centers~~.

04. ~~Interior Indoor Signs~~

Any ~~sign~~ that, in the ~~Official's~~ reasonable opinion, is to be viewed from the inside of a ~~building~~ only.

05. ~~Nonresidential Real Estate for Lease or Rent Signs~~

Such ~~signs~~ shall meet the requirements in Sec. 16-5-114.H.4, Nonresidential Real Estate Lease or Rent Signs.

06. ~~Menus~~

Menus attached to the ~~facade~~ of a ~~building~~ with no more than four square feet of ~~sign face~~ area located at the entrance or service window of a business.

07. ~~Parking Signs~~

~~Signs~~ that reserve parking spaces for specific ~~uses~~ or businesses, except that such ~~signs~~ are not allowed in ~~shopping centers~~ per Sec. 16-5-114.I, Prohibited Signs. Parking ~~signs~~ shall not exceed 1.5 square feet in area per sign. No more than three parking ~~signs~~ shall be displayed at any given time on each ~~parcel~~.

08. ~~Public Signs~~

~~Signs~~ erected by the federal, ~~State~~, or local government, or governmental entity, including interpretive ~~signs~~ located on ~~Town~~-owned property. ~~Signs~~ that are required by a public entity are considered public ~~signs~~.

096. Sandwich Boards and Chalkboards



Figure 16-5-114.E.1.b.ii.09: Example of a Conforming Sandwich Board Sign

Freestanding, **sandwich board and** framed chalkboard **signs** that comply with each of the following standards:

- (A) One **sign** per business may be displayed during hours of operation.
- (B) **Signs** shall be placed within ten feet of the **building** entrance of the business displaying the sign.
- (C) **Signs** shall be placed to allow at least 36 inches of unobstructed pedestrian clearance **adjacent** to the sign.
- (D) **Signs** shall be limited to a maximum of six square feet in total area.
- (E) Sign frame colors are limited to **earth tones**. **Sign face** colors are limited to black (Pantone® Black or equivalent) or dark green (Pantone® 574 U or equivalent) with a matte finish.
- (F) Plastic or dry erase boards shall not be allowed.

10. Shopping Cart Return

~~Signs~~ identifying shopping cart return areas, provided that such ~~signs~~ are no larger than ten square feet.

0711. Stadium Signs

~~Signs~~ or banners that are located within a stadium and are not intended to be visible from outside of a stadium.

0812. String Lights for Seasonal Decoration

- (A) White or multi-color Sstrings of lights may be used for outside lighting or **tree** decoration from November 1 through January 15 of each year.

~~(B) Because many colors are used to celebrate various holidays during this time, multi-color lights are allowed.~~

~~(CB)~~ Flashing, blinking and chasing lights are prohibited.

0913.String Lights for Ambient Illumination

- (A) Strings of white lights may be used to provide ambient lighting for outdoor seating areas of an ***eating establishment***. Such string lights shall be limited to the dining area.
- (B) Colored bulbs, colored lanterns, or other housing and rope lights are prohibited. Flashing and chasing lights are prohibited.
- (C) Strings of white lights may be hung from or displayed on ***trees***, but may not be attached to ***trees*** with nails, hooks, fasteners, or other materials that penetrate the ***tree's bark***.



Figure 16-5-114.E.1.b.ii.13: Example of Conforming Strings of Lights Used for Ambient Illumination

14.Towing Signs



Figure 16-5-114.E.1.b.ii.14: Example of a Conforming Towing Sign

- (A) ~~Public notice required by applicable law to be displayed on a property where vehicles may be towed.~~
- (B) ~~Such **signs** shall not exceed four square feet in size and shall be limited to one sign per vehicular entrance to the property.~~

150. Traffic Control Signs

Any public notice or warning required by applicable federal, **State**, or local law, regulation, or ordinance—including, but not limited to, warning flashers and variable message **signs** (VMSs) deployed temporarily by a government agency to guide traffic. When such **signs** are located on private property, they are subject to each of the following:

- (A) **Sign faces** shall not exceed four square feet per **sign face**.
- (B) The **Official** shall have authority to limit the number, location, and color of such **signs**.
- (C) **Sign faces** shall meet South Carolina Department of Transportation standards.

161. Window Signs

Signs on the inside, or attached to the outside, of window glass shall comply with each of the following:

- (A) Window **signs** shall cover no more than 25 percent of the gross area of glass on any one side of a **building**.
- (B) Window **signs** shall not be illuminated.
- (C) No single window sign shall exceed four square feet in totality.

12. Temporary Yard Signs

Up to nine square feet of **temporary yard signs** are allowed 90 days prior to an election or referendum to seven days after the election or referendum without permits. The **temporary yard signs** shall comply with the following requirements:

- (A) The number of **temporary yard signs** on a **parcel** is not limited during this timeframe as long as the total size does not exceed nine square feet.
- (B) During this timeframe, **temporary yard signs** may be made from lightweight materials such as corrugated plastic, cardboard, wood, or similar materials and may be affixed to the ground with metal wire frames, wood stakes, or plastic stakes.
- (C) **Temporary yard signs** shall not be placed within **street easements** and **rights-of-way**.
- (D) **Temporary yard signs** shall not be placed on public property unless posted by the public entity owning the **parcel**.

2. Sign Review

a. Sign Review

i. **Signs Subject to Administrative Sign Review**

Unless review by the **Design Review Board** is required in accordance with Sec. 16-5-114.E.2.a.ii below, **signs** are subject to review and approval of a **Sign Permit application by the Official.**

ii. **Signs Subject to DRB Sign Review**

Any permanent sign, including the **sign face** and **structure**, that is greater than 40 square feet, or any sign system that includes such a sign, is subject to review and approval of a Sign Permit **application** by the **Design Review Board** in accordance with the following procedures, which relate to the standard review steps and specific procedures in Sec. 16-2-102, Standard Review Procedures.

b. Sign Review Procedures

i. **Application Submittal**

An **application for a Sign Permit may be submitted by persons identified in Sec. 16-2-102.C.1, and shall be submitted in accordance with Sec. 16-2-102.C.**

ii. **Staff Review and Action**

01.On receiving a Sign Permit **application subject to administrative sign review (see Sec. 16-5-114.E.2.a.i), the Official shall review and make a final decision on the application in accordance with Sec. 16-2-102.D. The Official's decision shall be based on the standards in Sec. 16-5-114.E.3, Sign Review Standards, and shall be one of the following:**

- (A) Approve the **application**;



- (B) Approve the **application**, subject to conditions of approval; or
- (C) Deny the **application**.

02.On receiving a Sign Permit **application** subject to DRB sign review (see Sec. 16-5-114.E.2.a.ii), the **Official** shall transmit the **application** to the DRB.

iii. **Decision-Making Body Review and Decision**

On receiving a Sign Permit **application** subject to DRB sign review (see Sec. 16-5-114.E.2.a.ii), the **Design Review Board** shall review the **application**, hold a public meeting and make a final decision on the **application** in accordance with Sec. 16-2-102.G. The Board's decision shall be based on the standards in Sec. 16-5-114.E.3, Sign Review Standards, and shall be one of the following:

- 01.**Approve the **application**;
- 02.**Approve the **application**, subject to conditions of approval; or
- 03.**Deny the application.

iv. **Post-Decision Actions and Limitations**

01.Notice of Decision

The **Official** shall provide notice of the final decision on the **application** in accordance with Sec. 16-2-102.H.1.

02.Appeal

- (A) Appeals from the final decision of the **Official** on an **application** for a Sign Permit are governed by Sec. 16-2-103.V, Appeal of Official's Decision to Design Review Board, and S.C. Code Ann. § 6-29-890.

- (B) Appeals from the final decision of the **Design Review Board** on an **application** for a Sign Permit are governed by S.C. Code Ann. § 6-29-890.

3. Sign Review Standards

A Sign Permit **application** shall be approved on a finding the **applicant** demonstrates the sign complies with the standards in this section, including the standards in:

- a. Sec. 16-5-114.I, Prohibited Signs;
- b. Sec. 16-5-114.C, Sign Design, Construction, and Maintenance Guidelines;
- c. Sec. 16-5-114.D, Sign Illumination;
- d. Sec. 16-5-114.F, Freestanding Signs;
- e. Sec. 16-5-114.G, Facade and Hanging Signs; and
- f. Sec. 16-5-114.H, Standards for Specific Types of Signs.

4. Effect of Approval

If a Sign Permit **application** is approved, the **Official** shall issue a Sign Permit. A Sign Permit authorizes only the approved sign, and not any other sign.

5. Expiration

A Sign Permit is valid for a period of six months, unless the **Official** approves an extension for good cause in accordance with Sec. 16-2-102.J.2.b, Extension of Expiration Time Period.

6. Amendment

A Sign Permit may be amended only in accordance with the procedures and standards for its original approval.

F. Freestanding Signs

1. The total area and quantity of any freestanding **signs** for which a Sign Permit is required shall conform to the standards in Table 16-5-114.F, Freestanding Sign Standards. For **planned unit developments** that contain more than one category of **use**, the **Official** shall apply the appropriate **use** category to each **building or development** to calculate the total area and quantity of freestanding **signs** allowed. The number of freestanding **signs** for any **development** may not exceed the total number allowed in Table 16-5-114.F: Freestanding Sign Standards.

TABLE 16-5-114.F: FREESTANDING SIGN STANDARDS				
RESIDENTIAL DEVELOPMENT				
NUMBER OF DWELLING UNITS	NUMBER OF SIGNS	NUMBER OF FACES PER SIGN	NO SINGLE SIGN FACE SHALL EXCEED	TOTAL SIZE OF ALL SIGN FACES
> 500 Dwelling Units	1 per entrance	4	120 sf	240 sf
300—500 Dwelling Units	1 per entrance	4	80 sf	160 sf

< 300 Dwelling Units	1 per entrance	4	40 sf	80 sf
PUBLIC, CIVIC, INSTITUTIONAL, EDUCATIONAL, HEALTH SERVICES, RESORT ACCOMMODATIONS, COMMERCIAL RECREATION, OFFICE, COMMERCIAL SERVICES, VEHICLE SALES AND SERVICES, INDUSTRIAL OR OTHER USES				
TOTAL SQUARE FEET OF GROSS FLOOR AREA	NUMBER OF SIGNS	NUMBER OF FACES PER SIGN	NO SINGLE SIGN FACE SHALL EXCEED	TOTAL SIZE OF ALL SIGN FACES
> 100,000	6, if the <i>development</i> has frontage on 4 or more streets 4, if the <i>development</i> has frontage on 2 or 3 streets 2, if the <i>development</i> has frontage on 1 street	4	120 sf	480 sf
40,000—100,000	3, if the <i>development</i> has frontage on more than 1 street 2, if the <i>development</i> has frontage on 1 street	4	80 sf	320 sf
2,500—39,999	2	4	40 sf	160 sf
2,499 or Less ¹	1	2	40 sf	40 sf
NOTES sf = square feet				
1. If an <i>applicant</i> in this category shall waive the right to have a freestanding sign , the <i>applicant</i> shall be permitted to exceed the size limitations of Sec. 16-5-114.G, Facade and Hanging Signs, by 50 percent.				

(Revised 6-6-2017 - Ordinance 2017-08)

2. The maximum **height** of any **freestanding sign** above the average **grade** elevation surrounding the **sign** shall not exceed the following:
 - a. Eight feet where the **sign face** does not exceed 40 square feet;
 - b. Ten feet where the **sign face** does not exceed 60 square feet; or
 - c. Twelve feet where the **sign face** exceeds 60 square feet.
3. The bottom edge of the **sign** shall not exceed four feet in **height** from the lowest **grade** elevation at the base of the sign.
4. The maximum width of any **freestanding sign** shall not exceed the following:
 - a. Fifteen feet where the **sign face** does not exceed 40 square feet;
 - b. Twenty feet where the **sign face** does not exceed 60 square feet; or
 - c. Twenty-five feet where the **sign face** exceeds 60 square feet.
5. All freestanding **signs** fronting on a **street right-of-way** shall be required to be set back at least 20 feet from the edge of the **adjacent street right-of-way**. However, if conditions exist so as to make this impractical, this setback may be reduced by the **Official** provided such reduction does not create a hazard to motorists or pedestrians and that no portion of the sign is located in the **right-of-way**.

6. Freestanding **signs** shall be separated by a distance of not less than 200-foot intervals along each **street frontage** of the **premises**.
7. Freestanding menu boards—including, but not limited to, those used for **drive-through eating establishments**—shall meet the standards of this section, but shall not count toward the total number of **signs** allowed for a business.
8. In lieu of a **freestanding sign**, a **development** may use **signs** on entrance **structures** such as fences or walls. The number of **sign faces** is limited to two per entrance, on either side of the entrance, and are confined to the entrance area. The distance between **sign faces** shall not exceed 100 feet. Such **signs** are subject to the size limitations of this section. Entrance **structures** are subject to the provisions of Sec. 16-5-102, Setback Standards.
9. **Signs** may be permitted in **access easements**, subject to the approval of the **Official**, if the **applicant** can demonstrate that the **access easement** provides a necessary means of vehicular **access** to the property for which the **sign** is proposed. In the event where a property is served by more than one necessary **access easement**, the **sign** shall be located within the **easement** that serves the **street** with the highest number of average daily vehicle traffic (ADT) as determined by the **Official**.
10. **Directory signs** are subject to the following standards:
 - a. Changing the tenant panels of a **directory sign** does not require a Sign Permit where the new panel matches the approved tenant panel design, including materials, dimensions, and colors.
 - b. The **sign** should not be, to the greatest extent practicable, visible from a **street** or **right-of-way**.

G. Facade and Hanging Signs

1. The total size of **facade** and hanging **signs** shall not occupy more than ten percent of the area of the **facade** on which they are placed, with the maximum size of any one sign limited to 40 square feet. Developments with less than 2,500 square feet of **gross floor area** that waive the right to have a **freestanding sign** shall be permitted to exceed these size limitations by 50 percent.





Figure 16-5-114.G.2: Example of a Tenant Space in a Shopping Center with Two Conforming Signs—One Facade Sign and One Hanging Sign Perpendicular to the Storefront

2. No more than two **signs** may be placed on or displayed from any one **facade** of any one **building**. **Shopping centers** shall be permitted two **signs** per tenant **facade**, provided that only one such tenant sign is visible from any **public way**. Such tenant **signs** shall only be permitted in lieu of **facade signs** identifying the name of the **shopping center** or **building**.
3. **Facade signs** shall be contained within any single wall panel, window, door, or other architectural component upon which they are placed.
4. Hanging **signs** shall be located in consideration of their respective architectural element.
5. Tenant **facade** and hanging **signs** shall be located on the tenant space being identified. If this requirement cannot be reasonably achieved, the **Official** shall approve an alternate location.

H. Standards for Specific Types of Signs

1. Temporary Yard Signs



- a. All **temporary yard signs** shall comply with the following requirements:
 - i. A maximum of one **temporary yard sign** is allowed per **parcel**.
 - ii. **Temporary yard signs** shall be constructed of ½-inch medium density overlay panel (MDO) or a material of equal durability.
 - iii. **Temporary yard signs** shall not be illuminated.
 - iv. **Temporary yard signs** shall be square or rectangular in shape.
 - v. **Temporary yard signs** shall not be placed within **street easements** and **rights-of-way**.
 - vi. **Temporary yard signs** shall not be placed on public property unless posted by the public entity owning the parcel.
 - vii. The size of a **temporary yard sign** shall not exceed three square feet.
 - viii. A **temporary yard sign** shall be removed within 90 days from the date of its permit, unless an extension is approved by the **Official**.
- b. One additional **temporary yard sign** is permitted per **street** frontage on a **parcel** from the time a **building** or **development** permit is issued for construction on the parcel to the time a **building** occupancy permit is issued. The additional **temporary yard sign** shall not exceed 20 square feet in size and shall not exceed six feet in height from the existing grade.

- c. One additional **temporary yard sign** is permitted per **street** frontage of a **parcel** when the **parcel**, or **building** or unit on a **parcel**, is listed for rent or sale to the time two days after the execution of a rental contract or closing of the sale. The additional **temporary yard sign** shall comply with the following requirements:
 - i. On **parcels** with residential uses, the additional **temporary yard sign** shall not exceed four square feet in size and shall not exceed four feet in height from the existing grade.
 - ii. On **parcels** with non-residential uses, the additional **temporary yard sign** shall not exceed 20 square feet in size and shall not exceed six feet in height from the existing grade.
 - iii. Where placement on the ground is not feasible, the **Official** may approve the **sign** to be placed on the façade of the **building** listed for rent or sale.
- a.d. Additional **temporary yard signs** are allowed 90 days prior to an election or referendum to seven days after the election or referendum. Permits are required in accordance with this section if the total size of the signs exceeds nine square feet. If the total size of the signs does not exceed nine square feet, see Section 16-5-114 E.1.b.ii.12. The additional **temporary yard signs** shall comply with the following requirements
 - i. The number of **temporary yard signs** on a **parcel** is not limited during this timeframe.
 - ii. The total size of **temporary yard signs** during this timeframe shall not exceed 32 square feet per parcel.
 - iii. During this timeframe, **temporary yard signs** may be made from lightweight materials such as corrugated plastic, cardboard, wood, or similar materials and may be affixed to the ground with metal wire frames, wood stakes, or plastic stakes.
 - iv. **Temporary yard signs** shall not be placed within **street easements** and **rights-of-way**.
 - v. **Temporary yard signs** shall not be placed on public property unless posted by the public entity owning the **parcel**.

12. Temporary Signs for Permitted Signs

- a. When a Sign Permit has been issued for a permanent commercial **sign**, a separate Sign Permit may be issued for a **temporary sign** to identify the business while the permanent **sign** is being constructed. The **temporary sign** shall comply with the following standards:
 - i. Only one **sign** with no more than two **sign faces** shall be displayed per proposed permanent sign.
 - ii. Any temporary **sign face** shall not exceed 16 square feet.
 - iii. The **copy**, logo, and colors on a **temporary sign** shall be identical to the **copy**, logo, and colors on the related permanent sign.
 - iv. A **temporary sign** shall be constructed of ½-inch MDO or a material of equal durability. Banners shall not be a permitted material.
 - v. A **temporary sign** shall be removed upon installation of the permanent identification sign or within 45 days from the date of its permit, unless an extension is approved by the **Official**.
- b. ~~Temporary **signs** advertising a sales event, such as a grand opening or a seasonal sale, shall not be permitted.~~

c. Temporary ~~special event signs~~ are permitted as specified in Sec. 16-5-114.H.9, Temporary Special Event Signs.

	
<p>This sign would not be approved as a temporary sign for the following reasons:</p> <ol style="list-style-type: none"> 1. It does not provide reasonable identification of a business. 2. The colors are not muted and nature-blending as specified in the Design Guide. 3. The material used for the sign board is corrugated plastic instead of MDO or a material of equal durability. 	<p>This sign would be approved as a temporary sign for the following reasons:</p> <ol style="list-style-type: none"> 1. It provides reasonable identification of a business. 2. The colors are muted and nature-blending. 3. The sign is constructed of MDO or a material of equal durability.
<p>Figure 16-5-114.H.1.a: Example of A Prohibited Temporary Sign</p>	<p>Figure 16-5-114.H.1.b: Example of a Conforming Temporary Sign</p>

2. Construction Signs



Figure 16-5-114.H.2: Example of a Conforming Construction Sign

Any **sign** identifying a project under **construction** and located on the **construction** site shall comply with the following standards:

- a. Quantity is limited to one per **street** front of the property on which the **construction** is occurring.
- b. The total area of a freestanding **construction sign** shall not exceed 40 square feet. The total area of a **facade construction sign** shall not exceed 20 square feet. Each **sign face** shall not exceed 20 square feet.
- c. A **freestanding sign** shall be mounted so that its top edge is no higher than eight feet above **grade**. A **facade-mounted sign** shall be mounted so that its top edge is no higher than eight feet above **grade**.
- d. Such **signs** shall not be illuminated by artificial light.

- e. Such ~~signs~~ shall be square or rectangular in shape.
- f. Such ~~signs~~ may not be erected prior to issuance of a ~~Building Permit~~ and shall be removed prior to the issuance of a Certificate of Occupancy.

3. Nonresidential Real Estate Sales Signs

- a. A Sign Permit is required for the design of ~~signs~~ that advertise the sale of nonresidential property and are four square feet or smaller in size. Such ~~signs~~ shall comply with the following standards:
 - i. The number of such ~~signs~~ placed on any one ~~premises~~ shall be limited to one sign per ~~street frontage~~ of the property being sold.
 - ii. The ~~sign~~ shall be square or rectangular in shape.
 - iii. The ~~sign~~ shall not exceed four square feet in area.
 - iv. The amount of information on the ~~sign~~ shall be no more than is necessary to provide reasonable identification of the offering.
 - v. The ~~sign~~ shall not be illuminated by artificial light.
 - vi. The ~~sign~~ shall be removed within two days of completion of the sale of the property.
- b. A Sign Permit is required for each ~~sign~~ that advertises the sale of nonresidential property and is larger than four square feet. Such ~~signs~~ shall comply with the following standards:
 - i. The number of ~~signs~~ placed on any one ~~premises~~ shall be limited to one sign per ~~street frontage~~ of the property being sold.
 - ii. The ~~sign~~ shall be rectangular or square in shape.
 - iii. The area of each ~~sign~~ shall not exceed 40 square feet total and 20 square feet per ~~sign face~~.
 - iv. The maximum ~~height~~ of each ~~sign~~ shall not exceed eight feet above the average ~~grade~~ within a 20-foot radius of the ~~sign~~. The lower edge of each ~~sign~~ shall not exceed four feet in ~~height~~ from the lowest ~~grade~~ at the base of the sign.
 - v. The amount of information on the ~~sign~~ shall be no more than is necessary to provide reasonable identification of the offering.
 - vi. The ~~sign~~ shall not be illuminated by artificial light.
 - vii. The ~~sign~~ shall be removed within two days of completion of the sale of the property.
- c. Where a ~~freestanding sign~~ is not feasible, the ~~Official~~ may approve a real estate sales ~~facade sign~~. The sign shall comply with the following standards:
 - i. The number of ~~signs~~ placed on any one ~~premises~~ shall be limited to one sign per ~~street frontage~~ of the property being sold.
 - ii. The ~~sign~~ shall be square or rectangular in shape.
 - iii. The area of each ~~sign~~ shall not exceed 20 square feet.
 - iv. The maximum ~~height~~ of each sign shall not exceed ten feet above the average ~~grade~~ within a 20-foot radius of the sign.
 - v. The ~~sign~~ shall be contained within any single wall panel, window, door, or other architectural component upon which it is placed.

- vi. The amount of information on the ~~sign~~ shall be no more than is necessary to provide reasonable identification of the offering.
- vii. The ~~sign~~ shall not be illuminated by artificial light.
- viii. The ~~sign~~ shall be removed within two days of completion of the sale of the property.

4. Nonresidential Real Estate Lease or Rent Signs

a. Buildings for Lease or Rent

On ~~premises~~ where a whole ~~building~~ or whole ~~buildings~~ are offered for lease or rent and where there are no other tenant spaces on the ~~premises~~, a nonresidential ~~real estate sign~~ offering the ~~building~~ or ~~buildings~~ for lease or rent may be displayed. Such ~~signs~~ shall comply with the following standards:

- i. A Sign Permit is required.
- ii. The number of ~~signs~~ placed on any one ~~premises~~ shall be limited to one sign per ~~street frontage~~ of the property to be let.
- iii. The ~~sign~~ shall be square or rectangular in shape.
- iv. The area of each ~~sign~~ shall not exceed 40 square feet total and 20 square feet per ~~sign face~~.
- v. The maximum ~~height~~ of each ~~sign~~ shall not exceed eight feet above the average ~~grade~~ within a 20-foot radius of the sign. The lower edge of each ~~sign~~ shall not exceed four feet in ~~height~~ from the lowest ~~grade~~ at the base of the sign.
- vi. The amount of information on the ~~sign~~ shall be no more than is necessary to provide reasonable identification of the offering.
- vii. The ~~sign~~ shall not be illuminated by artificial light.
- viii. The ~~sign~~ shall be removed within two days of execution of a lease for the property.

b. Tenant Spaces for Lease or Rent

- i. A nonresidential ~~real estate sign~~ offering tenant space for lease or rent shall be placed as a tenant panel on a permitted ~~sign~~ or as a panel on a permitted ~~freestanding sign~~ if there are such ~~signs~~ on site. Such ~~signs~~ shall comply with the following standards:

01. A Sign Permit is required.

02. If placed on a ~~sign~~ with other panels, such panels shall match the dimensions, materials, and colors of the other panels. The amount of information on the panel shall be no more than is necessary to provide reasonable identification of the offering.



Figure 16-5-114.H.4.b: Example of a Directory Sign with a Conforming Space for Lease Tenant Panel

~~03.~~ If placed on a **freestanding sign** without other panels, a Sign Permit is required to ensure the panel complements the design of the **freestanding sign**. The amount of information on the panel shall be no more than is necessary to provide reasonable identification of the offering.

ii. If there are no permitted **signs** on which a tenant panel or other panel may be placed to advertise a tenant space for lease or rent, a sign not exceeding four square feet in area may be used. The sign shall comply with the following standards:

~~01.~~ A Sign Permit is required for an individual sign, regardless of whether the sign design has been approved for other **uses**.

~~02.~~ The number of **signs** placed on any one **premises** shall be limited to one **sign** per **street frontage** of the **building** that includes the space to be let.

~~03.~~ The **sign** shall be square or rectangular in shape.

~~04.~~ The **sign** shall not exceed four square feet in area.

~~05.~~ The amount of information on the **sign** shall be no more than is necessary to provide reasonable identification of the offering.

~~06.~~ The **sign** shall not be illuminated by artificial light.

~~07.~~ The **sign** shall be removed within two days of the execution of a lease for the property.

5. Residential Real Estate Sales Signs

a. A Sign Permit is required for each **sign** advertising the sale of residential real estate. The design of the sign shall comply with the following:

i. The **sign** shall be square or rectangular in shape.

ii. The **sign** shall not exceed four square feet in area.

- iii. ~~The amount of information on the **sign** shall be no more than is necessary to provide reasonable identification of the offering and identification of the agent.~~
- b. ~~Once a Sign Permit is issued for a sign design, individual **signs** are not required to be permitted.~~
- c. ~~Such **signs** shall meet the following standards:~~
 - i. ~~The number of **signs** placed on any one **premises** shall be limited to one sign per **street frontage** of the property being sold.~~
 - ii. ~~**Signs** shall be placed on the **parcel** for sale. In **multifamily** or condominium **development**, **signs** shall be placed near the front door of the unit for sale.~~
 - iii. ~~**Signs** shall not be illuminated by artificial light.~~
 - iv. ~~**Signs** shall be removed within two days of the completion of the sale of the property.~~
 - v. ~~Each **sign** may have one information box or tube attached to the **sign structure**. Information boxes or tubes shall not be independently freestanding.~~
 - d. ~~A residential **development** (such as a named **subdivision**) with multiple properties for sale may use one **real estate sign** in lieu of individual **real estate signs** on each **lot**. A Sign Permit is required for each sign. Such **signs** shall comply with the following standards:~~
 - i. ~~The number of **signs** shall be limited to one per entrance of the **development**, not including paired one-way entrance lanes.~~
 - ii. ~~**Signs** shall be square or rectangular in shape.~~
 - iii. ~~The area of each **sign** shall not exceed 40 square feet total and 20 square feet per **sign face**.~~
 - iv. ~~The maximum **height** of each sign shall not exceed eight feet above the average **grade** within a 20-foot radius of the **sign**. The lower edge of each sign shall not exceed four feet in **height** from the lowest **grade** at the base of the **sign**.~~
 - v. ~~The amount of information on the **sign** shall be no more than is necessary to provide reasonable identification of the offering.~~
 - vi. ~~**Signs** shall not be illuminated by artificial light.~~
 - vii. ~~**Signs** shall be removed within two days of the completion of the sale of the property.~~
 - viii. ~~Each **sign** may have one information box or tube attached to the **sign structure**. Information boxes or tubes shall not be independently freestanding.~~

6. Residential Short-Term Rental Signs

A Sign Permit is required for each sign advertising the short-term rental of a residence. Such **signs** shall meet the following standards:

- a. ~~**Signs** are limited to one per residence. The **sign** shall be placed near the entrance of the residence, visible from the **street** and wall mounted no more than six feet above FEMA **base flood elevation**. The **sign** shall not be visible from the **beach**.~~
- b. ~~The **sign** shall be 12 inches in **height** by 18 inches in length.~~

- ~~c. The **sign** shall be made of ½ inch PVC sign board or another material approved by the **Official**.~~
- ~~d. The amount of information on the **sign** shall be no more than is necessary to provide reasonable identification of the offering.~~
- ~~e. The **sign** shall not be illuminated by artificial light.~~

73. Sign Systems

An integrated sign system design shall be required for all **planned unit developments**, commercial developments, office complexes, and **shopping centers**.

- a. These systems shall be reviewed for materials, colors, shapes, sizes, compatibility and architecture, and establishment of unity of design for the **development**. (See the Hilton Head Island Design Guide for guidance.)
- b. New individual **signs** and changes to existing individual **signs** shall conform to such sign systems.
- c. In the case of changes to any integrated sign system design, all existing **signs** in the sign system shall be brought into compliance with the changed design within three months of approval of any changes to the integrated sign system.

84. Permanent Special Event Signs



Figure 16-5-114.H.8: Example of a Conforming Permanent Special Event Sign

Permanent **signs** identifying **special events** may be erected only by the Town of Hilton Head Island. They shall comply with the following standards:

- a. Permanent special event **signs** may only announce events that are sponsored by a nonprofit or public entity, or public service announcements. Requests to display announcements shall be made to the Town Manager.
- b. Guidelines for determining the events or functions to be announced, **copy**, space, location, and display time limit shall be as proposed by the **Official** and approved by the **Town Council**.
- c. Public service announcements may obtain a higher priority for display than special event announcements, at the discretion of the Town Manager.

95. Temporary Special Event Signs

The organizer of a special event (see definition in Sec. 16-10-105, General Definitions), shall obtain a Temporary Special Event Sign Permit prior to displaying temporary **signs** at a special event. The **application** shall state the location and dates of the event, the expected number of attendees, and the

types and number of proposed temporary **signs**. The **application** shall be submitted no fewer than five business days prior to the event. The following temporary special event **signs** may be used as specified:

a. Off-Premises Signs Directing Traffic

- i. **Signs** directing traffic to the site of an event may be used for events at which more than 5,000 attendees are expected.
- ii. **Signs** shall meet South Carolina DOT standards.

b. Off-Premises Signs Identifying Race Routes

Signs intended to direct pedestrians, runners, and bicyclists on race routes are subject to the following standards:

- i. Such **signs** shall be no larger than two square feet each.
- ii. Such **signs** may be displayed one day prior to the event, during the duration of the event, and one day after the event.

c. Off-Premises Post Mounted Banners

- i. Post mounted banners may only be used for events which are multi-day and at which more than 18,000 attendees are expected during the course of the event.
- ii. The banners shall be no larger than 16" in width and 45" in height.
- iii. The banners must be approved and installed as part of the Town permitting process.

(Revised 12-5-2017 - Ordinance 2017-19)

d. On-Premises Signs Identifying an Event

Signs located at the entrances of **special events** that are meant to identify a special event are subject to the following standards:

- i. No more than two **signs** shall be displayed per event, with no more than four **sign faces**. Any single **sign face** shall not exceed 16 square feet.
- ii. **Signs** shall be constructed of ½-inch MDO, or a material of equal durability, mounted on four-by-four wood posts.
- iii. The amount of information on **signs** shall be no more than is necessary to provide reasonable identification of the event or other information to be conveyed.
- iv. **Signs** shall be displayed no sooner than one day prior to the event, during the duration of the event, and one day after the event.
- v. **Signs** shall not be illuminated by artificial light.

(Revised 12-5-2017 - Ordinance 2017-19)

e. On-Premises Signs

Signs displayed within a special event are subject to the following standards:

- i. **Signs** shall be displayed no sooner than one day prior to the event, during the duration of the event, and one day after the event.
- ii. Banners and pennants are permitted within the area where the special event takes place.

(Revised 12-5-2017 - Ordinance 2017-19)

106. 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**.
- d. **Copy height** shall be eight inches maximum and four inches minimum.
- e. **Copy** shall be securely fastened to the **sign face** and neatly maintained.
- f. ~~**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. 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.

(Revised 3-7-2023 - Ordinance 2023-04)

711. Price Displays at Gas Sales Establishments

- a. Petroleum product pumps and dispensers that are within view of a **public way** shall be allowed to display only the information needed to reasonably identify the products dispensed.
- b. Premises from which retail petroleum products are dispensed by pump shall be allowed one additional sign with a maximum size of ten square feet announcing the price per gallon of the products. The additional sign shall require a Sign Permit.
- c. In lieu of the one additional sign allowed above, the price per gallon may be displayed by increasing by ten square feet the area allowed within this section for a single **freestanding sign**.

812. Planned Unit Development Off-Premises Signs

a. Planned Unit Development Off-Premises Directional Signs

- i. Planned unit developments (PUDs) may erect freestanding off-premises directional **signs** for the purpose of directing vehicle traffic to destinations within the **development**. Such **signs** must be located within the boundary of the PUD or on a **parcel** within 500 feet of the boundary that fronts on the major arterial serving the PUD.
- ii. Off-**premises** directional **signs** that are viewed from any **public way** shall comply with the following requirements:
 - 01.The amount of information on **signs** shall be no more than is necessary to provide reasonable identification of the destination(s) and direction thereto.
 - 02.Such **signs** shall be located within one mile of the intersection where vehicles must turn to reach the PUD. No more than two **signs** shall be placed in any one direction from such intersection with no more than three **signs** for any one **development**.
 - 03.The total area of all **signs** for any one **development** shall not exceed 200 square feet of **sign face** with no single **sign face** greater than 80 square feet. Sign **height**, width, and **structure** shall meet the requirements of Sec. 16-5-114.F, Freestanding Signs.
- iii. Off-premises directional **signs** that are viewed from private **streets** internal to the **development** shall comply with the following requirements:
 - 01.The amount of information on **signs** shall be no more than is necessary to provide reasonable identification of the destination(s) and direction thereto.
 - 02.Such **signs** must be located within 200 feet of an intersection with no more than one sign viewed from any one direction.
 - 03.Such **signs** shall be limited to 20 square feet of **sign face**.

b. Planned Unit Development Off-Premises Identification Signs

- i. A planned unit **development** (PUD) whose primary entrance (**right-of-way** or **easement**) is located on a public **street** but is not within the boundary of the PUD shall be allowed one off-premises identification sign, which shall be located within the **right-of-way** or **easement** for the entrance street.
- ii. This sign shall comply with the following requirements:
 - 01.The amount of information on such sign shall be no more than is necessary to provide reasonable identification of the PUD.
 - 02.Such sign shall be subject to the standards of Sec. 16-5-114.F, Freestanding Signs.

9. Driveway Access Point Signs

On **parcels** with non-residential uses, **driveway access point signs** shall comply with the following standards:

- a. The maximum size of an individual **driveway access point sign** is four square feet.
- b. A maximum of two **driveway access point signs** are allowed per access point.

c. The maximum height of a **driveway access point sign** is three feet.

10. Interior Site Signs

a. **Interior site signs** require sign permits if proposed within the required side and rear setback areas.

b. The maximum size of an individual non-exempt **interior site sign** is four square feet.

c. The maximum height of an individual non-exempt **interior site sign** is three feet.

I. Prohibited Signs

The following types of **signs** are prohibited:

1. Abandoned **signs** and **sign structures**.
2. **Signs** with animated or moving effects (including but not limited to **sign faces** that periodically change to show different images or messages), and **signs** carried, waved, or otherwise displayed by **persons** either on public ways or in a manner visible from public ways, are prohibited. This provision is directed toward such displays intended to draw attention for a commercial purpose, and is not intended to limit the display of placards, banners, flags, or other signage by **persons** participating in demonstrations, ~~political~~ rallies, and similar events.
3. Balloons.
4. Banners, except within the boundaries of a special event. (See Sec. 16-5-114.H.9, Temporary Special Event Signs.)
5. Bench **signs**.
6. Dilapidated or damaged **signs**.
7. **Signs** attached to or painted upon piers, docks, or seawalls, other than official regulatory or warning **signs**.
8. **Signs** that emit sound, vapor, smoke, odor, particles, or gaseous matter.
9. Inflated **signs** and windblown **signs** other than ~~holiday~~ seasonal decorations.
10. Information boxes not attached to a **real estate sign**.
11. Internally illuminated **signs** that contain a visible light source, except for those **signs** complying with the provisions of Sec. 16-5-114.D, Sign Illumination.
12. **Signs** that are displayed or erected for which a Sign Permit has been denied or has not been issued.
13. **Signs** that exhibit statements, words, or pictures of an obscene or pornographic nature.
14. **Signs** that are not located on the **parcel** of the business or **development** it identifies, except ~~that~~ special event **signs**, directional **signs**, public park **signs**, and other **signs** that are specifically allowed under this section, are exempt.
15. ~~Parking **signs** that limit parking spaces to certain **uses** or businesses within a **shopping center**.~~
16. Pennants except within the boundaries of a special event. (See Sec. 16-5-114.H.9, Temporary Special Event Signs.)



Figure 16-5-114.I.17: Examples of Prohibited Portable and Off-Premises Signs

17. **Portable signs**, or any **sign** not permanently attached to the ground or other permanent **structure**, including but not limited to **signs** attached to or painted on vehicles or trailers other than those advertising the business which the vehicle is used to conduct, either parked or being driven, and visible from the **right-of-way**, unless said vehicle is used as a vehicle in the normal day-to-day operations of the business, except that sandwich boards, chalkboards, and other **signs** that are specifically allowed under this section are exempt.
18. **Signs** located in the public **rights-of-way**, except **signs** in landscaped medians of private **streets** where the sign meets the minimum **sight triangle** distances of Sec. 16-5-105.H.4, Sight Triangles.
19. **Signs** where the sign or any portion of the sign is located on or extends above the roof of the **building** where the sign is located.
20. **Signs** attached to, placed on, painted on, or otherwise displayed on or from any **tree** or other vegetation.
21. **Signs** in or upon any body of water, other than official regulatory or warning **signs**, including any sign located on any **land** subject to periodic inundation by tidal saltwater. The **Design Review Board** may approve a permanent monument sign in or upon a body of water within a **parcel** if the **Official** determines that there is no other reasonable location for that sign on that **parcel**.
22. **Signs** towed behind a vehicle, watercraft, or aircraft.
23. All other **signs** that are not expressly exempt from regulation or expressly allowed under this **Ordinance**.

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

Chapter 16-10: Definitions, Interpretation, and Measurement

Sec.16-10-105. General Definitions

Terms defined in this section shall have the meanings stated in the definition of the term.

Sign

Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, **structures**, costumes, designs, trade names, or trademarks by which anything is made known (all or any of which are sometimes referred to as "**copy**"), ~~and that are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or products,~~ and that are visible from any **public street** or **adjacent** property and used to attract attention. A sign includes the **sign structure** and the **sign face** on which any **copy** is displayed.

Sign Area

The area enclosed by the perimeter of the **sign face**. For **signs** consisting of **copy** or **graphics** individually applied to a **facade**, the **sign area** shall be considered as the area of an imaginary rectangle that will enclose all such items.

Sign Face

The part of the sign that is or can be used for the display of any **copy** or **graphics**, including any background material, panel, trim, color, or illumination that differentiates the sign from a **facade** or **sign structure**.

Sign Structure

Any supporting **structure** erected, used, or intended for the purpose of displaying any sign, with or without a sign thereon.

Sign Structure Area

The area within an imaginary rectangle that encompasses the sign minus the area of the **sign face**.

Sign, Dilapidated

Any sign that is structurally unsound, has defective parts, or is in need of painting or **maintenance**.

Sign, Directory

A freestanding or **façade** sign that serves to identify the location of tenant spaces within a multi-tenant **building** or **development** to pedestrians or motorists moving with the **development**.

Sign, Driveway Access Point

Any **sign** within a front **setback** area located at a driveway access point to a **commercial parcel**.

Sign, Facade

Any sign that utilizes any portion of a **facade** for support.

Sign, Freestanding

Any sign supported by a **sign structure** secured in the ground and that is wholly independent of any other support.

Sign, Illegal

Any existing sign that does not have a Sign Permit issued by the **Town** in accordance with Sec. 16-5-114, Sign Standards. **Persons** responsible for such **signs** are subject to the enforcement provisions in Chapter 16-8: Enforcement.

Sign, Illuminated

Any sign which is directly or indirectly lighted by an artificial light source.

Sign, Indoor

Any **sign** located inside of a building that is not intended to be readily visible and legible from outside of the building.

Sign, Inflatable

Any sign that is either expanded to its full dimensions or supported by gasses contained within the sign, or sign parts, at a pressure greater than atmospheric pressure. Untethered airships are not considered to be inflatable **signs**.

Sign, Interior Site

A permanent and internally oriented **sign** on a non-residential **parcel** that is not readily visible and legible beyond the boundaries of the **parcel** on which it is located and is intended for viewing from the interior of the subject **parcel**.

Sign, Internally Illuminated

Any sign which has light transmitted outward through its face or any part thereof.

Sign, Legal

Any **permitted sign** that complies with the provisions of Sec. 16-5-114, Sign Standards.

Sign, Off Premises

Any sign located or proposed to be located at any place other than within the same platted **parcel** of **land** on which the specific business or activity being identified on such sign is itself located or conducted.

Sign, Permitted

Any sign for which a Sign Permit has been issued by the **Town** in accordance with Sec. 16-5-114, Sign Standards.

Sign, Public

Signs erected by, or required by, a federal, **State, county**, or municipal government or entity.

~~Sign, Political~~

~~Any sign erected for the purpose of advertising a candidate for public office or stating a position on a public issue on which an election or referendum is pending with respect to a particular campaign.~~

~~Sign, Project~~

~~Any sign erected and maintained on the **premises** temporarily during **construction** and displaying only the name of the project, architect, engineer, contractor, **developer** or finance organization upon which property such individual is furnishing labor, services or material.~~

~~Sign, Public Utility~~

Any sign placed by a publicly regulated utility for the purpose of identifying its utility lines, devices, or other similar equipment.

Sign, Real Estate

Any sign advertising real property as being for rent, for lease, or for sale.

Sign, Roof

Any sign erected over or on the roof of a *building*.

Sign, Special Event

Any sign erected for the purpose of announcing a special event or function which may be of general interest to the community.

Sign, Stadium

Signs or banners that are located within a stadium and are not intended to be visible from outside of a stadium.

Sign, Temporary

Any sign or information transmitting ~~structure~~ intended to be erected or displayed for a limited period and that is not permanently affixed to the ground or a *building*.

Sign, Temporary Yard

A *temporary sign*, often double-faced, that is supported by metal legs or wooden post(s) anchored into a lawn or landscaped area with no permanent foundation making it easy to install and remove.

Sign, Traffic Directional/Safety

Any sign that is designed, sized, and erected solely for the purpose of vehicular or pedestrian traffic direction or safety, and is without any commercial ~~copy~~ or ~~graphics~~.

Sign, Vehicle

Any permanent or *temporary sign* affixed, painted on or placed in or upon any vehicle.



TOWN OF HILTON HEAD ISLAND

Community Services and Public Safety Committee

TO: Community Services and Public Safety Committee
FROM: Missy Luick, Director of Planning
CC: Shawn Leininger, Assistant Town Manager
CC: Marc Orlando, Town Manager
DATE: June 16, 2025
SUBJECT: Consideration of an Ordinance of the Town of Hilton Head Island to Amend Title 16 of the Municipal Code, the Land Management Ordinance, to Amend the Current Regulations for the Measure of Height and Setback Encroachments for Residential and Nonresidential Development to Include Land Management Ordinance Sections: 16-3-106, 16-5-102 & 16-10-102, and Providing for Severability and an Effective Date

RECOMMENDATION:

Community Services and Public Safety Committee review and consider an Ordinance of the Town of Hilton Head Island to amend Chapter 16 of the Municipal Code, the Land Management Ordinance, to amend the current regulations for the measurement of height and setback encroachments for residential and nonresidential development to include Sections 16-3-106, 16-5-102, & 16-10-102 for the Town of Hilton Head Island, South Carolina and providing for severability and an effective date, and forward a recommendation to Town Council.

The Planning Commission held a public hearing on May 21, 2025, and, after consideration of the criteria set forth in Section 16-2-103.B voted unanimously to recommend that Town Council approve the proposed text amendment.

BACKGROUND:

Revitalize and Modernize the Economy is a focus area in the adopted Town Council 2023-2025 Strategic Action Plan. In fulfillment of this focus area, Strategy #1 Establish a Growth Management Strategy states the Town will:

“Successfully manage increasing and evolving future growth patterns in a manner that will ensure sustainability of Hilton Head Island’s unique character. Additionally, the Town must monitor economic and demographic trends, undertaking a comprehensive

list of future planning activities, and proactively protecting the Island’s rich natural resources through appropriate design, regulation, and capital investment practices.”

In this regard, Town Council directed Town Staff to advance amendments to the Land Management Ordinance (LMO) in the 2024 Strategic Action Work Plan. The effort has been divided into two separate projects, the full LMO Overhaul and the priority amendments. The priority amendments include incremental changes to both the LMO and portions of the Municipal Code related to land management that address important and urgent issues in advance of the full LMO Overhaul. These priority amendments address pressing community development issues with the best short-term solution while minimizing unintended outcomes. Issues that require additional analysis and research or are more complex are recommended to be further explored during the full LMO Overhaul.

At the September 16, 2024, Town Council Workshop, Town staff received the following comments and direction regarding amendments related to the measurement of height and setback encroachments for residential and commercial development:

Residential:

1. Changes need to apply to existing subdivisions where possible. Current building heights are too high.
2. There needs to be more lighting, air, and separation between units.
3. Need to increase setbacks.
4. Need to establish minimum lot sizes (*to be addressed during the full LMO update*).

Nonresidential:

1. Current building heights are too high.
2. There needs to be more light, air, and separation between units. Need to increase setbacks.
3. Need to establish minimum lot sizes (*to be addressed during the full LMO update*).
4. There should be a relationship between height and proximity to the street and boundaries (lower closer to the street and boundaries of property).

On May 21, 2025, the Planning Commission held a public hearing and voted unanimously to forward the amendment to Town Council with a recommendation of approval.

SUMMARY OF AMENDMENT:

The mass and scale of recent developments have been of concern for both residential and nonresidential developments. New buildings are often larger and out of character with the existing surroundings. This priority amendment will modify how height is measured and reduce the allowable setback encroachments.

Current regulations require that building heights be measured relative to flood zone elevations, which effectively increases the allowable height of the building. This amendment would change this to measure height from the pre-development grade elevation. This will provide a more accurate representation of the building’s scale relative

to the surrounding landscape by adjusting the building height measurement. Current regulations also permit significant projections/ encroachments into setback areas. This amendment will provide more separation between buildings. Both of these changes will help to reduce the overall mass and scale of development in residential and nonresidential building types.

ANALYSIS:

Proposed Amendments

Setback Angle. This priority amendment proposes to change the elevation above the ground at which the setback angle is measured. In practice, the standard minimum horizontal setback distance is measured from the property line or street right-of-way. No building or structure may be placed within the setback unless specifically exempted. However, the setback angle begins well over the minimum setback on the ground, and it applies to taller structures and upper stories. This requires buildings to “step back” at a specified angle (varies by zoning district) at a set point above the ground, which controls the overall mass and scale closer to property lines and the street.

For residential structures, the current ordinance requires the setback angle to begin 20 feet over an elevation of 13 feet above mean sea level or pre-development grade, whichever is higher. For nonresidential structures, it begins 20 feet over an elevation of 11 feet above mean sea level or pre-development grade, whichever is higher. The lower the point at which the angle begins (red line), the more restrictive it is than if measured from a higher point (blue line). The example below in Figure 1 is for a residential structure with the pre-development grade less than 13 feet above mean sea level (not to scale).

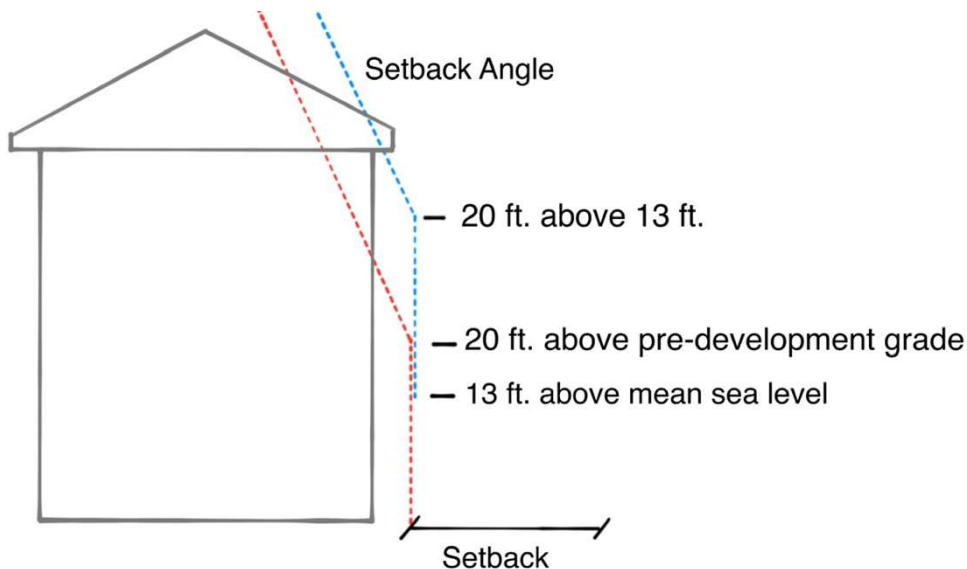


Figure 1 Setback Angle

The blue line shows the existing LMO measurement and an allowable eave encroachment. The red line shows a more restricted horizontal building envelope that limits the mass and scale of new buildings. However, as the point where the angle measurement lowers, the likelihood of creating nonconformities increases when applying to existing buildings, as excessive encroachments may result (red line).

Allowable Encroachments. A limited number of setback and height encroachments are allowable per Table 16-5-102.E. While the closest point of a building is subject to the minimum setback from property lines and the setback angle, certain architectural elements may extend into a setback area with limitations. For instance, if a side wall of a house is built up to the setback line, a bay window may extend up to two feet into a setback if not more than nine feet wide.

Several allowable encroachments, such as open balconies and uncovered decks and porches, are proposed to be struck from Table 16-5-102.E to reduce allowable encroachments. While items like eaves, bay windows, and awnings are proposed to be retained in the table with reduced extent, other architectural elements and appurtenances are proposed to be removed so that they may no longer encroach into the maximum height limitation, setback angle area, and minimum setback. A further restriction is also included to prevent all allowable encroachments from being closer than 5 feet from a property line.

The highest likelihood of resulting nonconformities will be those architectural elements that are proposed to be struck that are currently encroaching or very close to setback and height limitations. The example below in Figure 2 shows how an eave may still extend into a setback angle area by two feet (reduced from three feet), while an unenclosed porch can no longer extend into a minimum setback area. In the current LMO, an unenclosed porch can encroach into a setback by five feet.

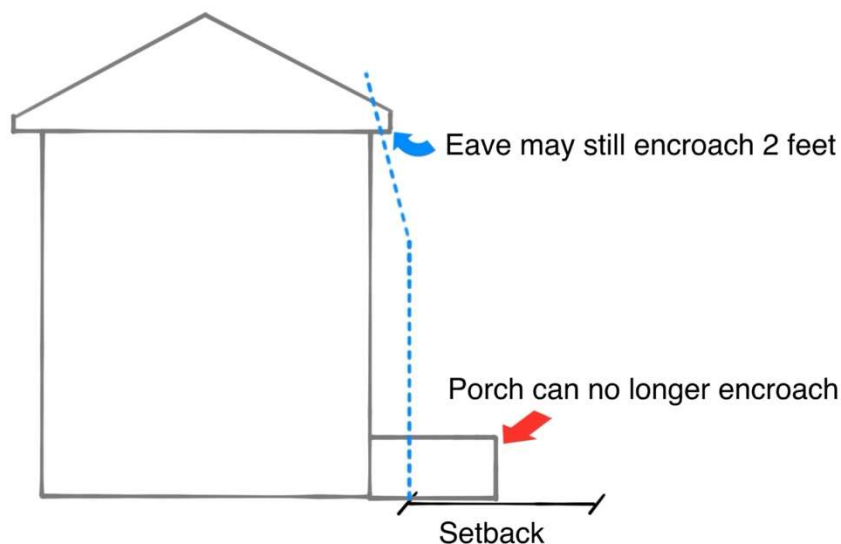


Figure 2 Encroachment

Height. Building height is also proposed to be measured from pre-development grade in all cases, rather than the higher elevation of the pre-development grade or 13 feet or 11 feet above mean sea level (depending on residential or non-residential use). This means that if the building site is lower than 13 or 11 feet, depending on the building type, the measurement from pre-development grade to the highest point (red line) will be greater than measuring from 13 feet or 11 feet above mean sea level to the highest point (blue line).

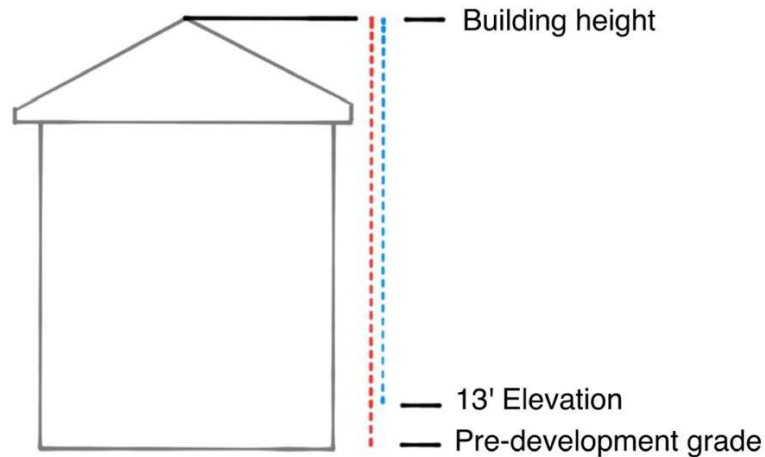


Figure 3 Building Height Measurement

When applied to a recently submitted building plan, the difference in measurements can be observed between the current language of the LMO (blue line) and the proposed language (red line). Figure 4 shows the setback and setback angle area and Figure 5 shows building height measurement.

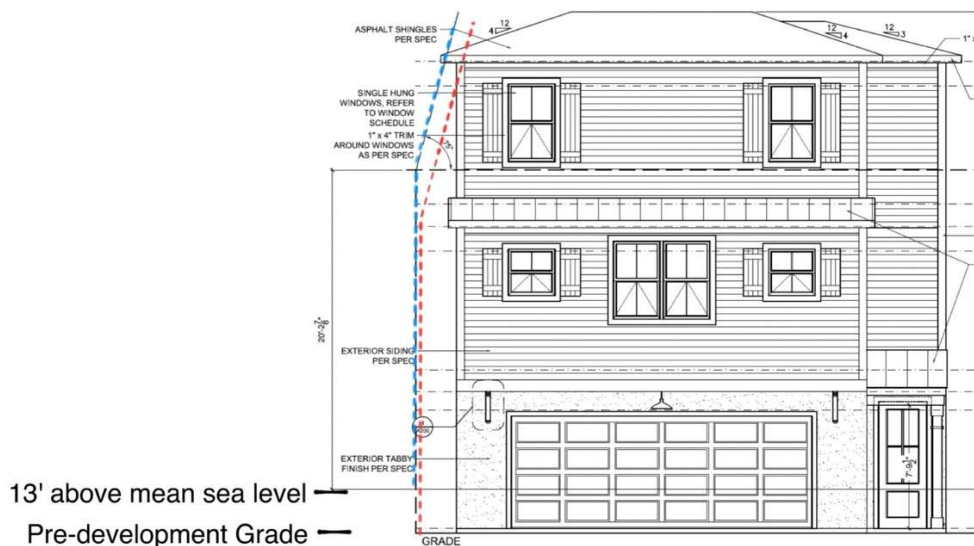


Figure 4 Setback Angle on Building Plan

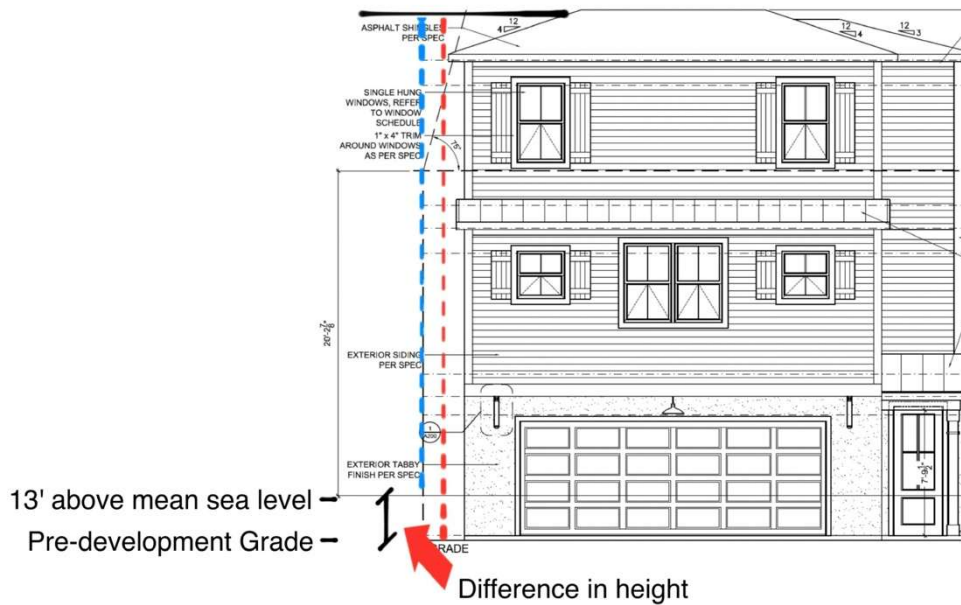


Figure 5 Height Measurement on Building Plan

Affected Properties. The following maps (Figures 6-7) show residential and nonresidential properties that may be affected by the proposed change to the LMO. Figure 6 shows that of 18,015 residential properties, 11,394 properties fall completely or partially below the threshold of 13 feet above mean sea level, which means the effective allowable height is being reduced. In Figure 7, of the 895 nonresidential properties, 380 are below the threshold of 11 feet above mean sea level. It is important to note that these properties are the most susceptible to being impacted by this proposed change and the approval of this amendment does not suddenly create 11,394 nonconforming structures. For any resulting nonconformities, the LMO has specific regulations on how such nonconformities may continue or be corrected depending on certain circumstances such as natural disasters, renovation, and other events. This is discussed further later in this report.

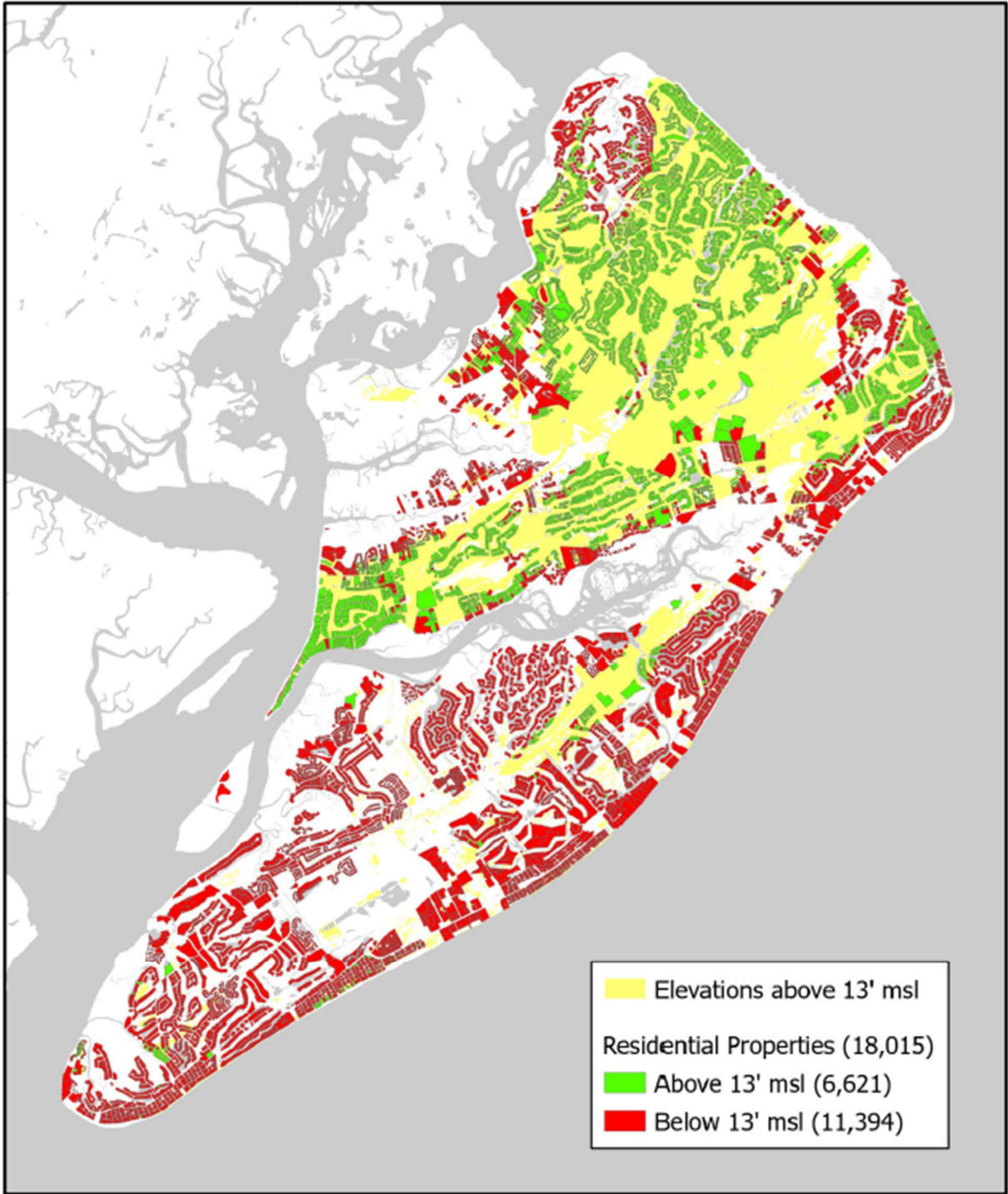


Figure 6 Residential Properties 13 Feet Above Mean Sea Level

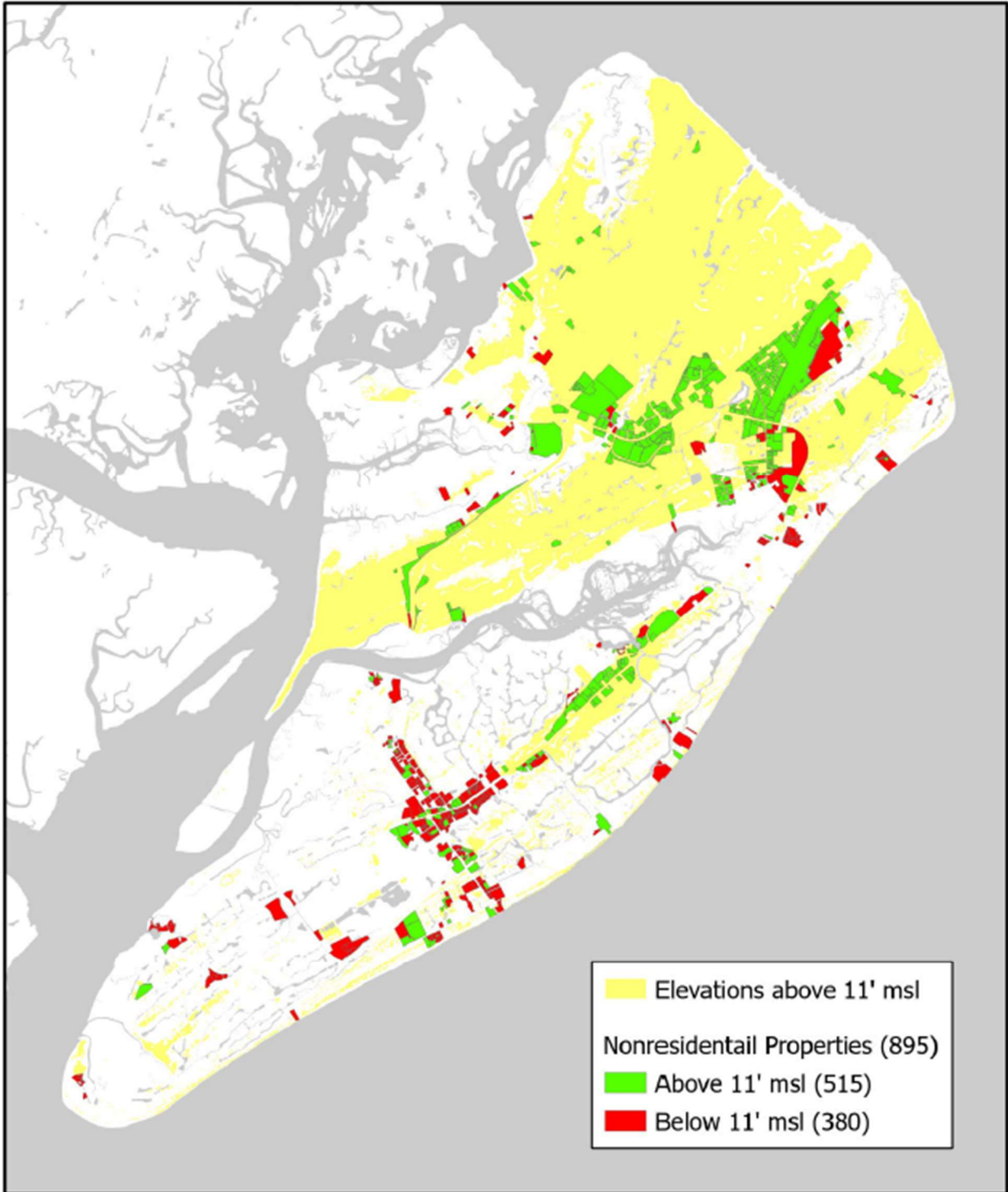


Figure 7 Nonresidential Properties 11 Feet Above Mean Sea Level

The following table demonstrates how the proposed amendments address the demonstrated issues.

Issue	Proposed Amendment
<p>There needs to be more lighting, air, and separation between units.</p> <p>There should be a relationship between height and proximity to the street and boundaries (lower closer to the street and boundaries of property).</p>	<p>Sec.16-3-106. Overlay Zoning Districts</p> <p>H. Forest Beach Neighborhood Character Overlay (FB-NC O) District</p> <p>4. District Regulations</p> <p><u>a. Setbacks</u></p> <p>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.</p>
<p>There needs to be more lighting, air, and separation between units.</p> <p>There should be a relationship between height and proximity to the street and boundaries (lower closer to the street and boundaries of property).</p>	<p>Sec.16-3-106. Overlay Zoning Districts</p> <p>I. Folly Field Neighborhood Character Overlay (FF-NC-O) District</p> <p>4. District Regulations</p> <p>a. Setbacks</p> <p>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.</p>
<p>There needs to be more lighting, air, and separation between units.</p> <p>There should be a relationship between height and proximity to the street and boundaries (lower closer to the street and boundaries of property).</p>	<p>Sec.16-3-106. Overlay Zoning Districts</p> <p>J. Holiday Homes Neighborhood Character Overlay (HH-NC-O) District</p> <p>4. District Regulations</p> <p><u>a. Setbacks</u></p> <p>ii.</p> <p>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</p>

is higher, 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.

There needs to be more lighting, air, and separation between units.

There should be a relationship between height and proximity to the street and boundaries (lower closer to the street and boundaries of property).

Sec.16-5-102. Setback Standards
C. Adjacent Street Setback Requirements
Table 16-5-102.C

Notes:
 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,~~ or pre-development grade, whichever is higher, and a vertical plane extending upward at the minimum setback distance (see Figure 16-5-102.C, Street Setback Angle).

There needs to be more lighting, air, and separation between units.

There should be a relationship between height and proximity to the street and boundaries (lower closer to the street and boundaries of property).

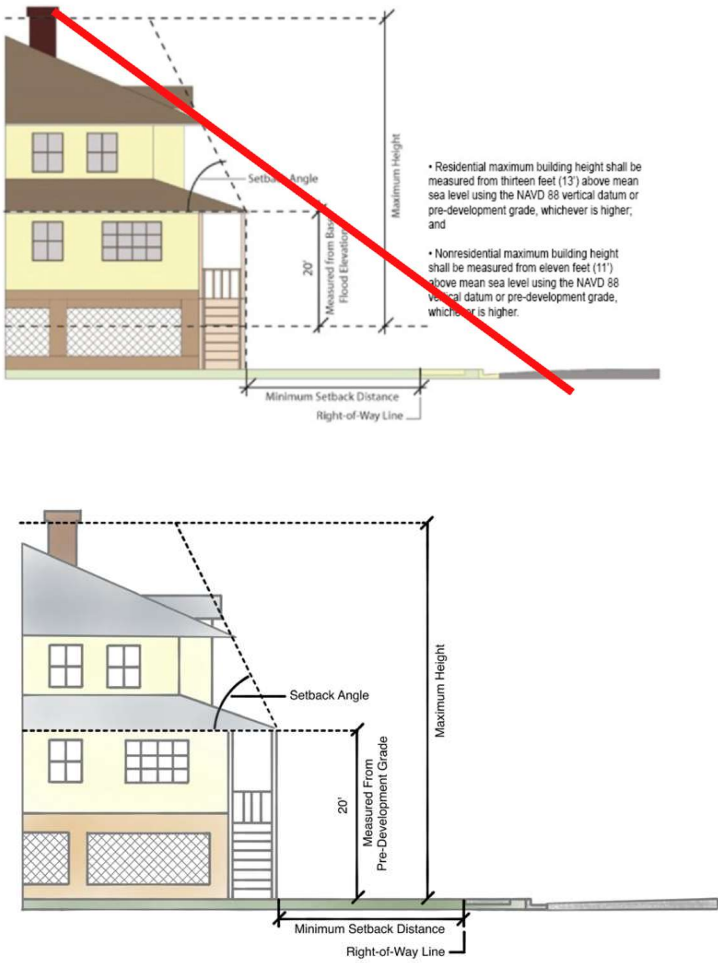


Figure 16-5-102.C, Street Setback Angle

There needs to be more lighting, air, and separation between units.

There should be a relationship between height and proximity to the street and boundaries (lower closer to the street and boundaries of property).

Sec.16-5-102. Setback Standards
D. Adjacent Use Setback Requirements
Table 16-5-102.D

Notes:
 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,~~ 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).

There needs to be more lighting, air, and separation between units.

There should be a relationship between height and proximity to the street and boundaries (lower closer to the street and boundaries of property).

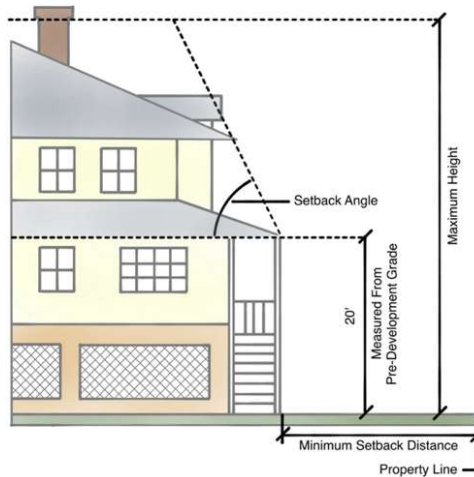


Figure 16-5-102.D, Use Setback Angle

Need to increase setbacks.	<p>Sec.16-5-102. Setback Standards E. Allowable Setback Encroachments</p> <p>TABLE 16-5-102.E: ALLOWABLE SETBACK ENCROACHMENTS</p>	
	Fences or walls	<ul style="list-style-type: none"> • Allowed in adjacent use setbacks if located along common property lines and no more than 7 feet high • Allowed in adjacent street setbacks if less than 4 feet high
	Open balconies, fire escapes, or exterior stairways	May extend up to 5 feet into any setback
	<u>Required means of egress¹</u>	<u>May extend up to 42 inches into any setback</u>
	Chimneys or fireplaces ¹	May extend up to <u>2</u> 3 feet into any setback if no more than 5 feet higher than the highest point of building to which it is attached
	Roof eaves and overhangs ¹	May extend up to <u>2</u> 3 feet into any setback
	Awnings ¹	May extend up to <u>2</u> 5 feet into any setback
	Bay windows ¹	May extend up to <u>2</u> 3 feet into any setback if no more than 9 feet wide
	Sills or entablatures ¹	May extend up to 1 foot into any setback
	Uncovered porches, stoops, decks, patios or terraces	May extend up to 5 feet into any setback
	Lighting fixtures	May be located in any setback if no more than 20 feet high
	Roof dormers ¹	May extend up to <u>2</u> 5 feet beyond the setback angle plane (horizontally or vertically)
	Spires, cupolas, domes, skylights, and similar rooftop architectural features	May extend up above the setback angle plane if they occupy no more than 25% of the roof area

		of the structure to which they are attached and extend no more than 25% more than the height limit defined by the setback angle plane at the point(s) of penetration
	Solar collection devices	See Sec. 16-4-103.E.8
	Television or radio antennas¹	May extend up to 10 feet above the setback angle plane if they are attached to a side or rear elevation of a structure
	Small wind energy conversion systems	See Sec. 16-4-103.E.7
	Amateur radio antenna	See Sec. 16-4-103.E.1
	Bike racks, bollards and other site furnishings (such as tables and chairs) ¹	Allowed in adjacent use and adjacent street setbacks
	Other architectural features not listed above (parts of a structure that provide visual interest to the structure and are nonhabitable and decorative in nature)	<p>May be allowed to penetrate the plane of the setback angle if the Official makes the following determinations:</p> <ul style="list-style-type: none"> • The required setback angle cannot be met for the architectural elements using alternate site layouts without major modifications to an otherwise acceptable application; • The excepted architectural elements will not be major or dominant features of the structure; • The excepted architectural elements will not penetrate the vertical plane of the minimum required setback distance; • The exception is the

		<p>minimum reasonably required to achieve the architectural goal; and</p> <ul style="list-style-type: none"> • If applicable, the placement of the structure provides protection of prominent natural features on the site, such as trees, wetlands, or historic sites.
	Flagpoles/Flags ¹	<p>Unless they constitute a "sign" and thus subject to Sec. 16-5-114.E, Flagpoles no more than 20 feet high and flags no greater than 20 square feet in area may be located in setbacks</p>
	Signs ¹	See Sec. 16-5-114.E
<p><u>¹In no case shall an allowable encroachment for a listed feature extend into a setback to a point that is less than 5 feet from a lot line.</u></p>		
<p>Current building heights are too high.</p>	<p>Chapter 16-10: Definitions, Interpretation, and Measurement Sec.16-10-102. Rules of Measurement C. Height</p> <p>1. Calculation of Height</p> <ul style="list-style-type: none"> a. Maximum structure height shall be measured from <u>pre-development grade</u> immediately adjacent to the structure. to a point level with the highest point of the structure. For development in each zoning district shall be calculated as follows: <ul style="list-style-type: none"> 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 	

	<p>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.</p> <p>b. The measurement of the height of a structure shall be the distance from the height as determined by 16-10-102.C.a immediately adjacent to the structure to a point level with the highest point of the structure.</p> <p>cb. Equipment such as satellite dishes and heating and air conditioning equipment installed on top of buildings are excluded from the measurement of height provided they are screened from view.</p> <p>dc. The height of fences shall be measured from preconstruction grade.</p>
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Nonconformities

Changes to building height calculations and allowable setback encroachments may result in the creation of legal nonconforming structures (structures that do not comply with current dimensional standards). Such structures are addressed in LMO Section 16-7, Nonconformities, and also in LMO Section 16-9, Disaster Recovery, which are outlined below. In most cases, there is flexibility in the LMO to address the various situations that apply.

Chapter 16-7 provides general standards for nonconformities. The purpose statement of the Nonconformities Chapter reads as follows:

“The zoning regulations and development standards established by this Ordinance are designed to guide the future development and redevelopment of land within the Town by encouraging and regulating site development and appropriate groupings of compatible and related uses that promote and protect the public health, safety, and general welfare. While the Town recognizes the continued existence of nonconformities is generally inconsistent with the purpose and intent of this Ordinance, it also recognizes this Ordinance needs to provide flexibility to encourage redevelopment of nonconforming development if it lessens the degree of the nonconformity and if redevelopment is consistent with the goals of the Comprehensive Plan and the district in which the development is located. This Chapter provides for the regulation of nonconforming uses, structures, signs, and site features, and specifies those circumstances and conditions under which such nonconformities are allowed to continue and redevelop.”

LMO Section 16-7-101-C, Authority to Continue, states that legal nonconformities are allowed to continue in accordance with these standards.

Repairs and normal maintenance are allowed. To keep legal nonconforming uses, structures, or site features in safe conditions, repairs and maintenance are permitted, provided that no alterations may be made except those allowed by this Chapter, as stated in LMO Section 16-7-101-E, Repairs and Maintenance.

However, in the case that a legal nonconformity is discontinued or abandoned for 18 consecutive months, it shall not be reestablished.

Within the nonconformities chapter, the terms "expansion", "enlargement" or "extension" refer to any increase in the size of a legal nonconforming structure, or site feature. Special provisions are included for the footprint of any existing nonconforming site feature or structure. According to LMO Section 17-7-101-H, the footprint of any existing nonconforming site feature or structure may be maintained or expanded as long as the applicant receives an approval as provided in Sec. 16-7-101.F, Substitution of Nonconformities for Redevelopment, unless one of the following is involved:

1. *Expansion*, enlargement, or extension associated with a *nonconforming use*; and
2. Replacement of a nonconforming *site* feature with a *nonconforming structure*; and
3. The demolition or modification of an existing *nonconforming structure* with the intent to rebuild or remodel the *structure* in accordance with an approved Zoning Map Amendment for the Redevelopment Overlay (R-O) District (see Sec. 16-3-106.K); and
4. *Nonconforming signs*.

Through the Substitution of Nonconformities for Redevelopment process, the Official is authorized to approve a Development Plan for such sites if the proposed development:

1. Will not include any new development that increases the amount of encroachment into any required buffer or setback;
2. Will not increase the impervious cover on the site over the maximum allowed for the district or the existing impervious cover, whichever is greater;
3. Will not result in a density in excess of what is allowed under this Ordinance, or the existing density, whichever is greater;
4. Will lessen the extent of existing nonconforming site features to the greatest extent possible;
5. Will not have an adverse impact on the public health, safety or welfare; and
6. Will lessen the extent of nonconformities related to any existing nonconforming structure on the site to the greatest extent possible.

LMO Sec.16-7-103, Nonconforming Structures, outlines additional provisions that apply unless approved through the Substitution of Nonconformities for Redevelopment process.

A legal nonconforming structure shall not be expanded, enlarged, relocated, or redeveloped, in whole or in part, unless the structure is made conforming in accordance

with the provisions of this Ordinance or is otherwise allowed by the provisions in this Chapter or Chapter 16-9: Disaster Recovery.

1. Chapter 16-9 shall apply in all cases where any structure is damaged or destroyed as a direct result of any event that has been declared a State of Emergency due to a disaster by the Mayor in accordance with the Municipal Code.
2. In such cases, this chapter takes precedence over Chapter 16-7: Nonconformities.

This chapter establishes an emergency permitting process for various building types such as Single-Family, Non-Single Family Structures, and Manufactured Homes that allows owners to submit documentation of their properties to allow repair and redevelopment to the state or condition that existed prior to the disaster without the necessity of full review.

A legal nonconforming structure that is damaged or destroyed by means not covered by Chapter 16-9: Disaster Recovery (including intentional human destruction), may be repaired, reconstructed, or rebuilt per LMO Section 16-7-103.B, Damage or Destruction of Nonconforming Structure. This section establishes the requirements for legal nonconforming structures that are damaged or destroyed by means not covered by Chapter 16-9 which are summarized as follows:

1. Single-Family Dwelling Unit: legal nonconforming single-family structures may be rebuilt, restored or repaired meeting the Building Code (Title 15) and shall comply with the development standards of the LMO to the extent deemed reasonably practical by the Official.
2. Non-single-family structure less than 50% destroyed: structure may be rebuilt (if not more than 50% of its appraised fair market value immediately prior to the damage) within 18 months of damage or destruction.
3. Non-single-family structure more than 50% destroyed: structure shall not be repaired or replaced except in accordance with the current zoning and current Ordinance. For condo properties (horizontal property regimes), reconstruction is allowed if fully funded and approved by the owners, with restrictions.

Examples of Nonconformities

Q: Can any structure damaged in a named storm rebuild in its current condition?

A: Yes, a landowner can repair, reconstruct, or rebuild any structure that is damaged or destroyed as a direct result of a natural disaster to the state or condition that existed prior to the disaster within 18 months of the declared disaster, but must be developed per Chapter 16-9, Disaster Recovery and be in compliance of Title 15, Building Code.

Q: Can a single-family home that burns down outside a state of emergency be rebuilt with nonconformities?

A: Yes, it can if it is rebuilt within 18 months, meets the requirements of the Building Code, is brought into conformance with the LMO to the extent deemed reasonably practical by the Official, and the applicant makes efforts to eliminate or lessen the extent of the nonconformities.

Q: Can a commercial building that burns down outside of a state of emergency be rebuilt with nonconformities?

A1: If less than 50% were destroyed, yes, it can be rebuilt with its existing nonconformities within 18 months of damage or destruction

A2: If more than 50% were destroyed, no, it cannot be rebuilt with its nonconformities. It will have to be replaced or repaired in accordance with the standards of the LMO.

In most cases, the LMO provides flexibility.

Text Amendment Review Standards

Section 16-2-103.B.3 of the LMO provides standards for the review of Text Amendments and states the following:

“In determining whether to recommend that Town Council adopt or deny the proposed text amendment, the Planning Commission may weigh the relevance of and consider whether and the extent to which the proposed Text Amendment:

- a. Is in accordance with the Comprehensive Plan;
- b. Is required by changed conditions;
- c. Addresses a demonstrated community need;
- d. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the Town;
- e. Would result in a logical and orderly development pattern; and
- f. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.”

The proposed text amendment aligns with the review criteria, as it:

1. Supports the Comprehensive Plan, by ensuring new and redeveloped housing maintains and enhances the character of the Island.
2. Is required due to concerns with the scale of buildings and impacts on adjacent properties and residents.
3. Addresses a demonstrated community need to control the overall mass, scale, and height of new buildings.
4. Ensures that development meets the intent of the Town’s zoning districts.
5. Results in logical and orderly development at the proper scale and are compatible with nearby buildings and structures.
6. Reduces the overall impact of Town-wide development, thus minimizing adverse effects on the environment and natural resources.

COMMUNITY SERVICES AND PUBLIC SAFETY COMMITTEE ACTION:

The Community Services and Public Safety Committee’s recommendation shall be based on the standards in Sec. 16-2-103.B.3, Ordinance Text Amendment Review Standards.

The Committee has the following options when considering this agenda item. These include:

1. Recommend approval to Town Council.
2. Recommend denial to Town Council.
3. Recommend approval with conditions to Town Council.

ATTACHMENTS:

1. Ordinance
2. Text Amendment

TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA

ORDINANCE NO. 2025-_____

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND TO AMEND CHAPTER 16 OF THE MUNICIPAL CODE, THE LAND MANAGEMENT ORDINANCE, TO AMEND THE CURRENT REGULATIONS FOR THE MEASURE OF HEIGHT AND SETBACK ENCROACHMENTS FOR RESIDENTIAL AND NONRESIDENTIAL DEVELOPMENT TO INCLUDE LAND MANAGEMENT ORDINANCE SECTIONS: 16-3-106, 16-5-102 & 16-10-102, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, The Town Council previously adopted a Strategic Action Plan for 2023-2025, and Strategy Number 1 states that the Town will:

Successfully manage increasing and evolving future growth patterns in a manner that will ensure sustainability of Hilton Head Island’s unique character. Additionally, the Town must monitor economic and demographic trends, undertaking a comprehensive list of future planning activities, and proactively protecting the Island’s rich natural resources through appropriate design, regulation, and capital investment practices; and,

WHEREAS, at its September 16, 2024, Town Council Workshop, Town staff received the following comments and direction regarding amendments to the Land Management Ordinance related to the measurement of height and setback encroachments for residential and commercial development:

Residential:

1. Changes need to apply to existing subdivisions where possible. Current building heights are too high.
2. There needs to be more lighting, air, and separation between units.
3. Need to increase setbacks.
4. Need to establish minimum lot sizes (*to be addressed during the full LMO update*)

Commercial

1. Current building heights are too high.
2. There needs to be more light, air, and separation between units. Need to increase setbacks.
3. Need to establish minimum lot sizes (*to be addressed during the full LMO update*).
4. There should be a relationship between height and proximity to the street and boundaries (lower closer to the street and boundaries of property); and,

WHEREAS, the Town Council finds that the mass and scale of recent developments

have been of concern for both residential and commercial developments, and the Town Council finds that the best interests of the Town, and the health, safety and welfare of its citizens, property owners, residents and visitors will be furthered by an amendment to the Land Management Ordinance to address development and design standards for residential and nonresidential development by improving the definition and regulations related to the measurement of height and to identify a maximum for setback encroachments to promote the design and development of more appropriately scaled development in the Town; and,

WHEREAS, the Town Council finds that the best interests of the Town, and the health, safety and welfare of its citizens, property owners, residents and visitors will be furthered by an amendment to the Land Management Ordinance to require the height of structures be measured from the pre-development grade of the property on which the structure is built, and by amending the Land Management Ordinance to measure the setback angles at twenty (20) feet above the pre-development grade as this will ensure adequate separation between structures, provide for adequate light, air, and open space; prevent the overcrowding of land and facilitate the creation of a convenient, attractive and harmonious community; and,

WHEREAS, the Town Council finds that the best interests of the Town, and the health, safety and welfare of its citizens, property owners, residents and visitors will be furthered by an amendment to the Land Management Ordinance to limit the types and extent of projections and encroachments that are allowed in the area of the setbacks as this will also ensure adequate separation between structures, provide for adequate light, air, and open space; prevent the overcrowding of land and facilitate the creation of a convenient, attractive and harmonious community; and,

WHEREAS, on April 16, 2025, the Planning Commission decided to postpone the public hearing until next month's Planning Commission meeting to include Section 16-3-106, and,

WHEREAS, on May 21, 2025, the Planning Commission held a Public Hearing to consider the proposed amendments related to the definition and regulations for the measure of height and setback encroachments, and the public had an opportunity to comment on the proposed amendments, and the Planning Commission voted unanimously to recommend that Town Council adopt the amendments to the definition and regulations for height and setback encroachments; and,

WHEREAS, on June 16, 2025, the Community Services and Public Safety Committee discussed the proposed amendments related to the regulations for the measure of height and setback encroachments, and voted ___ to recommend that Town Council adopt the amendments the regulations for the measure of height and setback encroachments; and,

WHEREAS, the Town Council finds that the best interests of the Town, and the health, safety and welfare of its citizens, property owners, residents and visitors will be

furthered by these amendments which will ensure adequate separation between structures, provide for adequate light, air, and open space; prevent the overcrowding of land and facilitate the creation of a convenient, attractive, and harmonious community.

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

Section 1. Amendment. That 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 _____ DAY OF __, 2025.

THE TOWN OF HILTON HEAD ISLAND,
SOUTH CAROLINA

Alan R. Perry, Mayor

ATTEST:

Kimberly Gammon, Town Clerk

First Reading:
Second Reading:

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

Chapter 16-3: Zoning Districts

Sec.16-3-106. Overlay Zoning Districts

H. Forest Beach Neighborhood Character Overlay (FB-NC-O) District

4. District Regulations

a. Setbacks

- 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.
- iii. Side adjacent use setbacks shall be 10 feet for **lots** with a width of 70 feet and above. For **lot** widths less than 70 feet, the side adjacent use setback shall be equal to 12 percent of the **lot** width rounded to the closest whole number. However, to preserve significant **trees** or stands of **trees** any one side setback may be reduced to five feet, provided the sum of the required side setbacks is not reduced.
- iv. Rear adjacent use setbacks shall equal 10 percent of the **lot** depth or 10 feet, whichever is greater. However, to preserve significant **trees** or stands of **trees**, the rear setback may be reduced to five feet provided the sum of the required street and rear setbacks is not reduced.
- v. To preserve significant **trees** or stands of **trees** in the rear of the lot, the street setback may be reduced to 15 feet provided the sum of the required street and rear setback is not reduced.

I. Folly Field Neighborhood Character Overlay (FF-NC-O) District

4. District Regulations

a. Setbacks

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

- i. Rear yard setbacks shall be a minimum of ten percent of **lot** depth or ten feet, whichever is greater.
- ii. Side yard setbacks shall each contain a minimum of ten percent of the total **lot** width.
- iii. Maximum setback angle of 65 degrees shall be measured from 20 feet above ~~thirteen feet (13') above mean sea level using the NAVD 88 vertical datum or~~ **pre-development grade**, whichever is higher.

J. Holiday Homes Neighborhood Character Overlay (HH-NC-O) District

4. District Regulations

a. Setbacks

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, 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.
- iii. In the case of a **corner lot**, the required 20-foot adjacent street setback may be reduced to ten feet for the **street** with the lower average daily trips (ADT).
- iv. **Lots** directly **adjacent** to Folly Field Road shall have a minimum adjacent street setback of 20 feet.

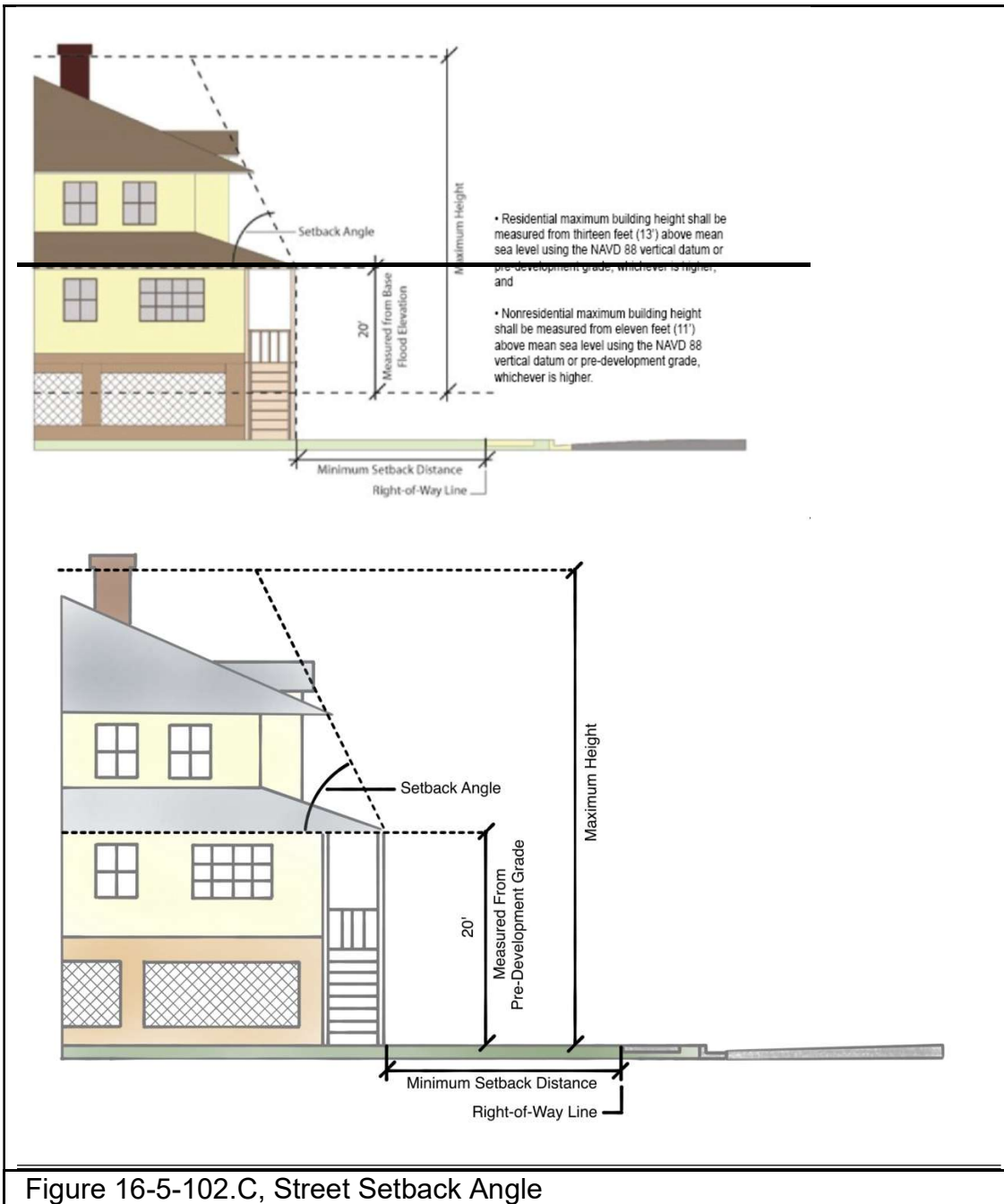
**Chapter 16-5:
Development and Design Standards**

Sec.16-5-102. Setback Standards

C. Adjacent Street Setback Requirements

Unless expressly exempted or modified in this subsection or for the CR, S, and IL Districts in Chapter 16-3: Zoning Districts, all portions of a **structure** shall be located to the interior of the vertical and angled planes established by the applicable minimum setback distance from an adjacent street and maximum setback angle shown in Table 16-5-102.C, Adjacent Street Setback Requirements, based on the proposed **use** and the classification of the **adjacent street**. (See Figure 16-5-102.C, Street Setback Angle.)

TABLE 16-5-102.C: ADJACENT STREET SETBACK REQUIREMENTS				
PROPOSED USE		MINIMUM SETBACK DISTANCE ^{1/} MAXIMUM SETBACK ANGLE ²		
		ADJACENT STREET (BY CLASSIFICATION)		
		MAJOR ARTERIAL	MINOR ARTERIAL	ALL OTHER STREETS
Single-Family	Structure > 24 in high	50 ft ⁴ /75°	40 ft ⁴ / 70°	20 ft ⁴ /60°
	Structure ≤ 24 in high	50 ft ⁴ /n/a	30 ft ⁴ /n/a	10 ft ⁴ /n/a
All Other Uses		50 ft ⁴ /75°	40 ft ⁴ /70°	20 ft ⁴ /60°
<p>NOTES: in = inches ft = feet ° = degrees</p> <p>1. Measured from the adjacent street right-of-way or easement line to the closest portion of a structure. A 5' setback is required from an access easement for Family Compounds and Family Subdivisions. A street setback from an easement line is not required for non-single-family properties.</p> <p>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, or pre-development grade, whichever is higher, and a vertical plane extending upward at the minimum setback distance (see Figure 16-5-102.C, Street Setback Angle).</p> <p>3. The adjacent street setback shall be a minimum of five (5) feet on any parcel abutting a Town right-of-way acquired under the Town's Dirt Road Paving Program. See Section 16-5-105.D for additional details.</p> <p>4. For corner lots, reduced to 10 feet from the right-of-way of the street with the lowest average daily vehicle traffic count (ADT). If both streets have equal ADT, the lot owner may choose which street shall be subject to the reduced setback distance.</p> <p>5. For Family Compounds and Family Subdivisions, the minimum setback from a minor arterial shall be 25' and the minimum setback from all other streets shall be 10'.</p> <p>6. Any further reductions to the adjacent street setbacks for Family Compounds and Family Subdivisions will require a variance from the BZA.</p>				



D. Adjacent Use Setback Requirements

1. Unless expressly exempted or modified in this subsection or for the CR and S Districts in Chapter 16-3: Zoning Districts, all portions of a **structure** shall be located to the interior of the vertical and angled planes established by the applicable minimum setback distance from **adjacent** properties and maximum setback angle shown in Table 16-5-102.D, Adjacent Use Setback

Requirements, based on the proposed **use** and the existing **use** of the **adjacent** property (or zoning of a vacant **adjacent** property). (See Figure 16-5-102.D, Use Setback Angle.)

TABLE 16-5-102.D: ADJACENT USE SETBACK REQUIREMENTS¹				
PROPOSED USE³	MINIMUM SETBACK DISTANCE¹/MAXIMUM SETBACK ANGLE²			
	USE OF ADJACENT DEVELOPMENT PROPERTY³			
	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-Family⁶	20 ft ^{4,5} /75°	20 ft ^{4,5} /75°	30 ft ^{4,5} /60°	40 ft ^{4,5} /45°
<ul style="list-style-type: none"> • Any Other Residential Uses • Commercial Recreation 	20 ft/75°	20 ft/75°	25 ft/75°	30 ft/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/60°	25 ft/75°	20 ft/75°	20 ft/75°
Industrial Uses	40 ft ^{4,5} /45°	30 ft/60°	20 ft/75°	20 ft/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 ~~13 feet above Mean Sea Level for residential use or 11 feet above Mean Sea Level for nonresidential use, 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. For **Family Compounds** and **Family Subdivisions**, the minimum setback from an adjacent property shall be reduced by 10' from what is required in Table 16-5-102.D except that an adjacent use setback of 5' shall be required between single-family uses.
7. Any further reductions to the adjacent use setbacks for Family Compounds and Family Subdivisions will require a **variance** from the BZA.

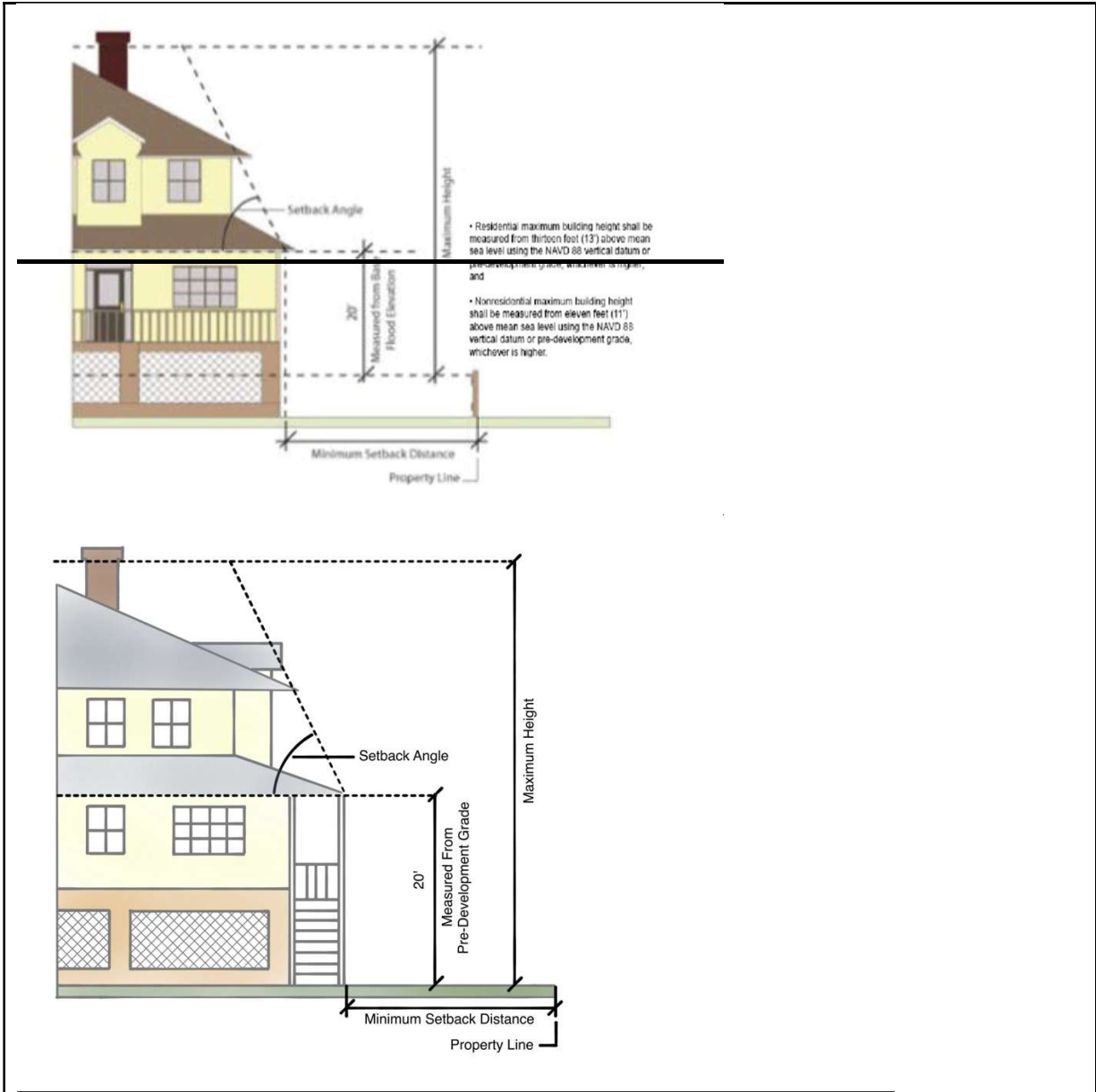


Figure 16-5-102.D, Use Setback Angle

2. Where the **adjacent** property includes **uses** from more than one listed **use** classification/**use** type (including **mixed-use** developments), the adjacent **use** setback required shall be that for the **use** classification/**use** type to which the greatest percentage of the **development's gross floor area** is devoted.
3. The adjacent use setback distance applicable to **lots** along the perimeter of **development** subject to Small Residential Development Review may be reduced by up to 50 percent, down to no less than five feet. The **Official** may allow further reduction as necessary to ensure that the total area within such perimeter setbacks does not exceed 20 percent of the total area of the site of the Small Residential Development.

4. There is no adjacent use setback requirement for non-single-family properties when the proposed **development** and the **adjacent development** function as a single **development** due to having either shared parking, connecting vehicular access or shared stormwater facilities. The recording of a cross access easement agreement between the two properties is required.

E. Allowable Setback Encroachments

Table 16-5-102.E, Allowable Setback Encroachments, identifies features that are allowed to encroach beyond the vertical and angled planes defined by minimum adjacent street and use setback requirements.

TABLE 16-5-102.E: ALLOWABLE SETBACK ENCROACHMENTS	
FEATURE	EXTENT AND LIMITATIONS
Fences or walls	<ul style="list-style-type: none"> Allowed in adjacent use setbacks if located along common property lines and no more than 7 feet high Allowed in adjacent street setbacks if less than 4 feet high
Open balconies, fire escapes, or exterior stairways	May extend up to 5 feet into any setback
<u>Required means of egress¹</u>	<u>May extend up to 42 inches into any setback</u>
Chimneys or fireplaces ¹	May extend up to 3 <u>2</u> feet into any setback if no more than 5 feet higher than the highest point of building to which it is attached
Roof eaves and overhangs ¹	May extend up to 3 <u>2</u> feet into any setback
Awnings ¹	May extend up to 5 <u>2</u> feet into any setback
Bay windows ¹	May extend up to 3 <u>2</u> feet into any setback if no more than 9 feet wide
Sills or entablatures ¹	May extend up to 1 foot into any setback
Uncovered porches, stoops, decks, patios or terraces	May extend up to 5 feet into any setback
Lighting fixtures	May be located in any setback if no more than 20 feet high
Roof dormers ¹	May extend up to <u>25</u> feet beyond the setback angle plane (horizontally or vertically)
Spires, cupolas, domes, skylights, and similar rooftop architectural features	May extend up above the setback angle plane if they occupy no more than 25% of the roof area of the structure to which they are attached and extend no more than 25% more than the height limit defined by the setback angle plane at the point(s) of penetration
Solar collection devices	See Sec. 16-4-103.E.8

Television or radio antennas¹	May extend up to 10 feet above the setback angle plane if they are attached to a side or rear elevation of a structure
Small wind energy conversion systems	See Sec. 16-4-103.E.7
Amateur radio antenna	See Sec. 16-4-103.E.1
Bike racks, bollards and other site furnishings (such as tables and chairs) <u>1</u>	Allowed in adjacent use and adjacent street setbacks
Other architectural features not listed above (parts of a structure that provide visual interest to the structure and are nonhabitable and decorative in nature)	<p>May be allowed to penetrate the plane of the setback angle if the Official makes the following determinations:</p> <ul style="list-style-type: none"> • The required setback angle cannot be met for the architectural elements using alternate site layouts without major modifications to an otherwise acceptable application; • The excepted architectural elements will not be major or dominant features of the structure; • The excepted architectural elements will not penetrate the vertical plane of the minimum required setback distance; • The exception is the minimum reasonably required to achieve the architectural goal; and • If applicable, the placement of the structure provides protection of prominent natural features on the site, such as trees, wetlands, or historic sites.
Flagpoles/Flags ¹	Unless they constitute a "sign" and thus subject to Sec. 16-5-114.E, Flagpoles no more than 20 feet high and flags no greater than 20 square feet in area may be located in setbacks
Signs ¹	See Sec. 16-5-114.E
<u>¹ In no case shall an allowable encroachment for a listed feature extend into a setback to a point that is less than 5 feet from a lot line.</u>	

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

Sec.16-10-102. Rules of Measurement

C. Height

1. Calculation of Height

- a. Maximum **structure height** shall be measured from **pre-development grade** immediately **adjacent** to the **structure** to a point level with the highest point of the **structure**. ~~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.
- b. The measurement of the **height** of a **structure** shall be the distance from the height as determined by 16-10-102.C.a immediately **adjacent** to the **structure** to a point level with the highest point of the ~~structure~~.
- c. Equipment such as **satellite dishes** and heating and air conditioning equipment installed on top of **buildings** are excluded from the measurement of **height** provided they are screened from view.
- d. The **height** of fences shall be measured from preconstruction grade.

(Revised 3-7-2023 - Ordinance 2023-04)