



## **Town of Hilton Head Island**

### **Land Management Ordinance Task Force Meeting**

**Monday, August 17, 2026, 5:00 PM**

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

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

- 1. Call to Order**
- 2. Adoption of the Agenda**
- 3. Approval of the Minutes**
  - a. Regular Meeting Minutes of May 21, 2026
- 4. Workshop Discussion**
  - a. Consideration of a Recommendation to the Planning Commission and Town Council for Land Management Ordinance (LMO) Priority 1 Amendments, which include the following:
    - i. Natural Resource Protection: Wetland Protection
    - ii. Natural Resource Protection: Tree Protection
    - iii. Jonesville Road: Residential Single-Family District – 4 (RSF-4)
    - iv. Bradley Circle: Residential Single-Family District – 8 (RSF-8)
    - v. Subdivision and Residential Development Standards
- 5. Public Comment**
- 6. 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 LAND MANAGEMENT ORDINANCE TASK FORCE MEETING Thursday, May 21, 2026, 5:00 PM Minutes

## 1. Call to Order

The meeting was called to order at 5:00 pm.

In attendance: Chair Councilman Steve DeSimone, Vice Chair Councilwoman Tamara Becker, Councilwoman Patsy Brison, Mike Alsko, Barbara Banaszynski, Eric Brehm, Judd Carstens, Bill Dix, Edwina Dunlap, Thomas Henz, Louis Johnson, Brian Kinard, Peter Kristian, Cliff McMackin, Gregg Russell, Lavon Stevens, Ciaran Storan, Ray Warco, James Wedgeworth, and Town Manager Marc Orlando.

## 2. Adoption of the Agenda

Vice Chair Councilwoman Tamara Becker moved to adopt the agenda. Councilwoman Patsy Brison seconded. Eric Brehm was not present for this motion, which passed unanimously, 18-0.

## 3. Approval of the Minutes

### a. Regular Meeting Minutes of March 26, 2026

Councilwoman Patsy Brison moved to approve the minutes of March 26, 2026. Peter Kristian seconded. Eric Brehm was not present for this vote, which passed unanimously, 18-0.

### b. Regular Meeting Minutes of May 7, 2026

Peter Kristian moved to approve the minutes of May 7, 2026. Vice Chair Councilwoman Tamara Becker seconded. Eric Brehm was not present for this motion, which passed unanimously, 18-0.

## 4. Workshop Discussion

### a. Continued Discussion of Land Management Ordinance Amendments

Chair Councilman Steve DeSimone opened by explaining the meeting focus would surround short-term rentals, while first providing a summary of recommendations from prior Task Force discussions. Direction was provided to staff regarding amendments to advance as Priority 1 items and those requiring additional review as Priority 2 items.

Town Manager Marc Orlando reviewed proposed Priority 1 amendments related to wetland protection, tree protection, zoning and land use in the Jonesville Road and Bradley Circle areas, and subdivision regulations. The Task Force supported replacing

wetland buffer averaging with fixed minimum buffers . Members also supported strengthening tree protection standards by removing the single-family subdivision exemption, adding phased clearing standards, requiring clearer tree removal findings, expanding the use of tree mitigation funds, and establishing a tree bond requirement.

The Task Force agreed the Jonesville Road area should maintain its single-family residential character. Approximately 60% of members supported a lower-intensity district similar to RSF-4, while approximately 85% supported allowing multiple single-family dwelling units on one parcel and excluding larger apartment and condominium developments. Regarding Bradley Circle, approximately 82% supported removing multifamily uses and rezoning the area from RM-8 to a new RSF-8 district. Members also supported reorganizing subdivision regulations to improve consistency, neighborhood compatibility, and alignment with zoning intent, including requiring major subdivisions to undergo Planning Commission and Design Review Board review.

Priority 2 amendments requiring additional analysis include Mixed-Use Zoning District on Arrow Road, timeshare and lockout units, food truck standards, pedestrian connectivity requirements for all development, enhancements to stormwater to mitigate off-site impacts, Marshfront Zoning District sliding scale, adjacent street setback and buffer widths, adjacent use setback and buffer widths, lot design standards, building design standards, content neutral sign design standards, dust control standards, residential parking requirements, flexibility in parking requirements for redevelopment and adaptive reuse projects, creation of an applications chapter and manual, and creation of site design checklists. Concerns discussed included building height, scale, redevelopment intensity, FAR limitations, neighborhood compatibility, and density standards. It was advised that additional technical analysis and community engagement would occur before advancing those amendments. Staff will now work with code consultants to draft Priority 1 amendments, with the Task Force expected to reconvene in approximately 60 days to review proposed code language before further review by advisory bodies and Town Council.

The Task Force then transitioned to discussion of STRs and their impact on single-family residential areas in Forest Beach and Jonesville Road. Chair Councilman DeSimone clarified that the Town is not considering eliminating STRs and addressed misinformation circulated prior to the meeting. Trey Lowe, Interim Planning Director and LMO Official, presented data surrounding STR activity within the RSF-5 Zoning District in Forest Beach and the RM-4 Zoning District along Jonesville Road. Staff explained the discussion was intended to evaluate whether additional LMO review should occur regarding redevelopment intensity, neighborhood compatibility, and STR concentration.

Lowe reviewed the Town's current STR regulations, which require annual permits and business licenses and address operational issues such as parking, occupancy, noise, trash, inspections, and enforcement. Staff emphasized that the current ordinance regulates operations but does not directly address land use impacts such as redevelopment scale or neighborhood character.

Discussion focused heavily on the Forest Beach area, where approximately 390 of 600 single-family homes operate as licensed STRs, representing roughly 65% of homes. Lowe reviewed the purpose of the Forest Beach Neighborhood Character Overlay District. Dialogue included possible tools such as modifying floor area ratio calculations, reducing exemptions, creating a formal STR definition within the LMO, and using overlay districts to regulate mass and scale more effectively.

Discussion then shifted to Jonesville Road, where only three licensed STRs currently exist among 184 housing units. Members expressed concerns about future STR growth due to traffic, infrastructure limitations, and compatibility with owner-occupied residential neighborhoods. Additional discussion focused on balancing neighborhood preservation with private property rights and considering impacts on Native Islander and Gullah-owned properties.

Chair Councilman DeSimone opened public comment prior to polling questions and recommendations. Following public comment, the Task Force participated in polling regarding STR regulations. Approximately 94% supported additional design and development standards for STRs on the landward side of Forest Beach Drive. Responses regarding Jonesville Road were more divided, with more than half supporting additional standards and approximately 40% supporting elimination of STRs.

Discussion concluded with consideration of potential operational and policy changes, including defining STRs within the LMO, evaluating zoning impacts, and exploring overlay districts to address location, mass, and scale concerns. Chair Councilman DeSimone stated staff would continue drafting and analysis work, with the Task Force expected to reconvene in August, subject to member availability.

## **5. Public Comment**

Public comment was divided into two sessions, one related to short-term rentals that took place prior to Task Force polling and one for all other topics that took place following polling.

Prior to polling, public comment centered on STRs in the Forest Beach and Jonesville Road areas. Forest Beach residents expressed mixed views regarding STRs. Several emphasized that the issue with STRs is the mass and scale of redevelopment rather than rentals themselves and supported stronger design and overlay standards instead of rental restrictions.

Several residents emphasized the importance of protecting property rights and warned that limiting STRs could negatively impact property values. Comments regarding Jonesville Road generally supported preserving the area as a primarily residential neighborhood. Speakers cited traffic concerns, infrastructure limitations, and neighborhood character as reasons STRs may not be appropriate for the area. It was highlighted that STRs can help Native Islander families maintain ancestral property and support cultural tourism.

Following polling, public comments addressed neighborhood character, governance, and community preservation. One speaker expressed support for Hilton Head Island establishing Town of Hilton Head Island Land Management Ordinance Task Force

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its own police force to address local concerns and quality-of-life issues. Another proposed creating a volunteer financial oversight committee of local certified public accountants to independently review town spending and improve transparency and accountability. A Mitchelville community member emphasized balancing preservation of Gullah heritage and community history with future economic and land use opportunities for local property owners.

## **6. Adjournment**

The meeting was adjourned at 7:23 pm.

**The full recording and a transcript of this meeting can be found on the Town's website at [www.hiltonheadislandsc.gov](http://www.hiltonheadislandsc.gov)**



## **TOWN OF HILTON HEAD ISLAND**

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### *LMO Task Force*

**TO:** LMO Task Force  
**FROM:** Trey Lowe, Interim Planning Director  
**CC:** Marc Orlando, Town Manager, ICMA-CM  
Shawn Leininger, AICP, Deputy Town Manager  
**DATE:** August 17, 2026  
**SUBJECT:** Consideration of a Recommendation to the Planning Commission and Town Council for Land Management Ordinance (LMO) Priority 1 Amendments, which include the following:

1. Natural Resource Protection: Wetland Protection;
2. Natural Resource Protection: Tree Protection;
3. Jonesville Road: Residential Single-Family District – 4 (RSF-4);
4. Bradley Circle: Residential Single-Family District – 8 (RSF-8); and
5. Subdivision and Residential Development Standards.

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#### **RECOMMENDATION:**

Consideration of a recommendation to the Planning Commission and Town Council for Land Management Ordinance (LMO) Priority 1 Amendments, which include the following:

1. Natural Resource Protection: Wetland Protection;
2. Natural Resource Protection: Tree Protection;
3. Jonesville Road: Residential Single-Family District – 4 (RSF-4);
4. Bradley Circle: Residential Single-Family District – 8 (RSF-8); and
5. Subdivision and Residential Development Standards.

Staff recommends that the LMO Task Force review the LMO Priority 1 Amendments and forward a recommendation of Approval to the Planning Commission and Town Council.

#### **BACKGROUND:**

Since the adoption of the Town's LMO in 2014, the Town has continued to evaluate the effectiveness of its development regulations in achieving the community's long-term vision. During that time, numerous amendments have been adopted in response to changing development patterns, evolving environmental conditions, implementation challenges, and emerging policy priorities. While these amendments have addressed specific issues, they have also highlighted additional opportunities to improve the clarity, consistency, and effectiveness of the LMO.

Recognizing the importance of proactively managing growth while protecting the Island's unique natural environment and community character, Town Council established the LMO Task Force to conduct a comprehensive policy review of remaining priority amendments. The Task Force was charged with evaluating these policy issues, considering public input, reviewing technical information, and providing consensus-based recommendations to the GGTF, CDPS, Planning Commission, and Town Council regarding future amendments to the LMO. The Task Force's role is advisory in nature and focuses on policy direction rather than preparation of specific code language, with draft regulations to be prepared by staff and the Town's code consultants following Task Force direction. This purpose and process were established during the kickoff meeting and reiterated throughout the Task Force's deliberations.

Between January and May 2026, the Task Force conducted eight publicly noticed meetings to review the Town's development regulations related to natural resource protection, zoning districts, subdivision design, application procedures, and other growth management topics. Throughout this process, staff presented existing regulations, identified implementation challenges, summarized previous amendments, provided technical analysis, and facilitated discussion among Task Force members. The resulting recommendations reflect months of public discussion and represent a balanced approach to strengthening environmental protections, preserving neighborhood character, improving development standards, increasing regulatory predictability, and simplifying the overall administration of the LMO.

The amendments presented in this report constitute the Priority 1 Amendment Package. These amendments reflect those topics for which the Task Force provided clear policy direction and where sufficient consensus exists to proceed with draft ordinance language. Additional topics requiring further technical evaluation, community engagement, or policy discussion have been identified as Priority 2 Amendments and are recommended for future consideration following completion of the Priority 1 Amendments package.

Collectively, these amendments advance the Town's Strategic Action Plan by strengthening protections for the Island's natural resources, improving predictability within the development review process, reinforcing neighborhood character, modernizing development regulations, and ensuring that future growth occurs in a manner consistent with the community's long-standing vision of protecting the Island's unique environmental, cultural, and economic resources.

### ***A. Strategic Plan***

The Town of Hilton Head Island Strategic Action Plan establishes the long-term framework for preserving the Island's character while responsibly accommodating future growth and redevelopment. Central to this framework is the recognition that growth management is not achieved solely through land use planning, but through the continuous evaluation and calibration of the development regulations that implement the Comprehensive Plan.

Many of the Town's highest strategic priorities, including protection of natural resources, preservation of neighborhood character, enhancement of community resilience, improvement of development predictability, and efficient delivery of governmental services, are directly implemented through the Land Management Ordinance.

The amendments contained within this report support several Strategic Action Plan goals, including:

- Protect Island Character Through Managing Growth;
- Reinforce Island Resilience; and
- Protect and Enhance Environmental Sustainability

Collectively, these amendments represent significant implementation actions supporting the Town's Strategic Action Plan.

### ***B. Task Force Purpose***

On January 6, 2026, the Town initiated the LMO Task Force to conduct a comprehensive policy review of remaining priority amendments identified through years of LMO administration. The Task Force consisted of representatives from Town Council, Planning Commission, Board of Zoning Appeals (BZA), Design Review Board (DRB), GGTF, CDPS, advisory boards, community organizations, professional disciplines, and residents representing a broad cross-section of community interests. The kickoff meeting established the Task Force's role, expectations, and review process.

The purpose of the Task Force is to:

- Review existing LMO regulations.
- Evaluate remaining priority amendments identified by staff.
- Consider technical information, public comment, and implementation experience.
- Provide policy direction to staff and the Town's code consultants.
- Develop consensus recommendations for GGTF, Planning Commission, CDPS, and Town Council consideration.

Throughout the process, staff consistently emphasized that the Task Force's objective was to achieve consensus on policy direction, not unanimous approval of every individual amendment, and that draft ordinance language would be prepared following receipt of that policy guidance. This process was reiterated at multiple meetings and formed the basis for development of the Priority 1 Amendment Package.

The Task Force met over a five-month period to evaluate amendments affecting natural resource protection, zoning districts, subdivision standards, neighborhood character, application procedures, and related growth management topics. Each

meeting included presentations from staff, facilitated discussion, public comment, and identification of consensus direction to guide preparation of draft code language.

## **SUMMARY:**

The LMO Task Force convened between January 6, 2026 and May 21, 2026 to review priority amendments identified through years of Land Management Ordinance administration, development review experience, implementation of previous code amendments, public feedback, and Town Council direction. The Task Force's review focused on amendments that would strengthen the Town's ability to protect Island character, improve environmental stewardship, increase predictability within the development review process, modernize development standards, and simplify administration of the LMO.

The Task Force was intentionally structured as a policy advisory body. Rather than drafting ordinance language, members evaluated existing regulations, considered staff recommendations and technical information, received public comment, discussed potential policy alternatives, and provided consensus direction to Town staff. That policy direction served as the basis for development of the proposed code amendments contained within this report and the accompanying attachments. Throughout the process, staff consistently emphasized that the objective was to achieve consensus on policy direction, not unanimous agreement on every individual amendment, and that all draft code language would return to the Task Force prior to continuing through the Town's formal public hearing process prior to adoption.

### ***A. Meetings/Dates/Topics***

#### **January 6, 2026 – Task Force Kickoff**

The initial meeting introduced the purpose, scope, and expectations of the LMO Task Force. Staff reviewed the history of the 2014 LMO, previous amendments, the Town's Strategic Action Plan, and the overall amendment process. Members received an overview of the project schedule, consultant team, meeting format, and the role of the Task Force in developing recommendations to Planning Commission and Town Council.

#### **January 26, 2026 – Project Overview**

Staff provided a comprehensive overview of the LMO project, including the Town's growth management philosophy, implementation objectives, and anticipated amendment categories. The discussion established the guiding principles that would be used throughout the amendment process, emphasizing preservation of Island character, environmental stewardship, simplification of the code, and improved predictability for property owners and applicants.

## **February 26, 2026 – Natural Resource Protection**

The Task Force began its substantive policy review by evaluating amendments related to Natural Resource Protection. Discussion focused on:

- Natural Resource Protection: Wetland Protection; and
- Natural Resource Protection: Tree Protection and Planting:
  - Remove Exemption for all Single-Family Subdivisions in Meeting Minimum Tree Coverage Requirements;
  - Require Tree Removal to be Completed in Phases; and
  - Add Clarity to “Reasonable Efforts” Language for Preservation of Trees.

## **March 5, 2026 – Land Use and Zoning**

The Task Force continued with a recap of discussions regarding Natural Resource Protection and a review of amendments related to land use regulations and zoning districts. Discussion included:

- Continued Discussion of Natural Resource Protection: Wetland Protection and Tree Protection and Planting;
- Land Use Table; and
- Zoning Map Changes:
  - Jonesville Road Zoning;
  - Bradley Circle Zoning; and
  - Resort Development (RD) Zoning District.

## **March 26, 2026 – Continued Zoning Review**

Staff presented refined recommendations based upon previous Task Force direction and additional public input regarding zoning map changes. The Task Force continued discussion regarding:

- Continued Discussion of Zoning Map Changes:
  - Jonesville Road Zoning;
  - Bradley Circle Zoning; and
  - RD Zoning District.

## **April 13, 2026 – Continued Zoning Review and Density**

Building upon previous discussions, the Task Force reviewed additional zoning related amendments and continued with discussion regarding density. Discussion focused on:

- Continued Discussion of Zoning Map Changes:
  - Mitchellville (MV) Zoning District.
- Density:

- Eliminate Sliding Scale in the Low to Moderate Density Residential District (RM-4) Zoning District; and
- Further Calibrate the Forest Beach Neighborhood Character Overlay (FB-NC-O) District.

### **May 7, 2026 – Priority Amendment Refinement**

Staff presented additional detail and analysis based upon previous Task Force direction and additional public input regarding density and continued with discussion including subdivision regulations. Discussion included:

- Continued Discussion of Density:
  - Eliminate Sliding Scale in the RM-4 Zoning District.
- Subdivision and Residential Development Regulations.

### **May 21, 2026 – Priority 1 Amendment Summary**

At the final regularly scheduled Task Force meeting, staff summarized the direction received throughout the Task Force process and identified those amendments that had achieved sufficient consensus to proceed into code language drafting. Staff also identified remaining policy issues requiring additional analysis as Priority 2 Amendments. Discussion also focused on short-term rentals and included:

- Short-Term Rentals (STRs) on the landward side of North and South Forest Beach Drive in the Single-Family Residential District-5 (RSF-5) Zoning District; and
- STRs on Jonesville Road.

This meeting served as the transition between policy development and preparation of draft amendments, confirming the overall direction for the Priority 1 Amendment Package presented within this report.

## ***B. LMO Task Force Direction By Topic***

Rather than considering each meeting independently, staff evaluated the Task Force's direction collectively by amendment topic. This approach recognizes that many topics were discussed over multiple meetings, with policy recommendations evolving as additional information, public input, and technical analysis were presented. The following summary reflects the consensus direction provided by the Task Force and forms the basis for the proposed amendments contained within this report.

1. Natural Resource Protection: Wetland Protection
  - While no poll was taken, the Task Force provided direction to replace wetland buffer averaging with fixed minimum buffers for more predictable wetland protection standards.
2. Natural Resource Protection: Tree Protection

- While no poll was taken, the Task Force supported strengthening tree protection standards and removing the single-family subdivision exemption from tree coverage requirements.
  - The Task Force also supported phased clearing, clearer tree removal findings, broader use of tree mitigation funds, and establishment of a tree bond requirement.
3. Jonesville Road: Residential Single-Family District – 4 (RSF-4)
- The Task Force agreed that the area should reflect its existing single-family residential character.
  - Approximately 60% of Task Force members supported a lower-intensity zoning district similar to RSF-3 or RSF-4.
  - Approximately 85% of Task Force members supported retaining the ability to have multiple single-family dwelling units on one single parcel while excluding larger apartment and condominium developments.
  - Task Force direction is to create a new zoning district with a maximum density of 4 dwelling units per acre, retention of lower intensity residential uses, and removal of higher intensity commercial and mixed uses.
4. Bradley Circle: Residential Single-Family District – 8 (RSF-8)
- The Task Force supported maintaining the existing single-family character of the area.
  - Approximately 82% of Task Force members supported removal of multifamily and rezoning from RM-8 to a new RSF-8 district.
  - Task Force direction is to create a new RSF-8 zoning district, removing multifamily and higher intensity commercial and mixed uses.
5. Subdivision and Residential Development Standards
- The Task Force supported reorganizing subdivision regulations to improve readability, consistency, neighborhood compatibility, and alignment with zoning intent.

### ***C. Proposed Amendments***

The proposed amendments presented within this report have been organized into six attachments. This organization follows the chronological order that each amendment was covered by the LMO Task Force to provide consistency while allowing the LMO Task Force, GGTF, Planning Commission, CDPS, Town Council, and the public to evaluate each LMO chapter reviewed with the LMO Task Force in its entirety.

| <b>Attachment</b> | <b>Subject</b>                                                      |
|-------------------|---------------------------------------------------------------------|
| Attachment 1      | Natural Resource Protection: Wetland Protection and Tree Protection |

|              |                                                                                                                                    |
|--------------|------------------------------------------------------------------------------------------------------------------------------------|
| Attachment 2 | Jonesville Road: Residential Single-Family District – 4 (RSF-4) and Bradley Circle: Residential Single-Family District – 8 (RSF-8) |
| Attachment 3 | Subdivision and Residential Development Standards                                                                                  |
| Attachment 4 | Administrative Conforming Amendments (Renumbering, Cross-References, and Related Code Revisions)                                   |

Each attachment contains an executive summary giving a high-level overview of the proposed code change. Together, these attachments comprise the complete Priority 1 Amendment package and provide the framework necessary to implement the policy direction established through the LMO Task Force process.

In addition to the substantive policy amendments contained within the attached ordinance language, Town staff have identified numerous internal cross-references, section citations, definitions, and related administrative references throughout the LMO that will require conforming updates as a result of the proposed amendments. Attachment 4 identifies the LMO sections anticipated to be affected by these revisions. Staff will continue to refine and verify these conforming edits throughout the ordinance preparation process, with all necessary cross-reference and administrative updates incorporated into the ordinance package prior to Planning Commission consideration. These revisions are administrative in nature and are intended solely to maintain internal consistency, accuracy, and usability of the LMO without altering the policy direction established through the LMO Task Force.

#### **NEXT STEPS – ADOPTION PROCESS & PRELIMINARY SCHEDULE:**

Following completion of the LMO Task Force process, the proposed Priority 1 Amendments will proceed through the Town's established review process. This multi-step process provides additional opportunities for public engagement, technical review, and policy consideration prior to adoption by Town Council.

Consistent with the Task Force's advisory role, the proposed amendments contained within this report represent the consensus policy direction developed during the Task Force process. The draft code language included in the accompanying attachments has been prepared by Town staff and the Town's code consultants to implement that direction while maintaining consistency with the organization, intent, and administration of the LMO.

Each reviewing body will have the opportunity to evaluate the proposed amendments, receive public comment, and provide recommendations before the ordinance is presented for adoption by Town Council.

The following schedule represents the anticipated legislative review process.

**A. Gullah Geechee Land & Cultural Preservation Task Force (GGTF) – Week of August 24, 2026**

Prior to Planning Commission review, the proposed amendments will be presented to the GGTF for consideration of amendments that may affect Gullah Geechee neighborhoods, historic resources, cultural landscapes, and traditional development patterns.

This review will provide an opportunity to ensure that the proposed amendments appropriately reflect previous guidance provided by the Gullah Geechee Historic Neighborhood Community Development Corporation (GGHNCD), recommendations received during the LMO Task Force process, and the Town's ongoing commitment to protecting historically significant communities while balancing future growth and redevelopment.

Any recommendations received from the GGTF will be evaluated by staff and incorporated into the final ordinance package, as appropriate, prior to Planning Commission review.

**B. Planning Commission – Week of September 7, 2026**

Following completion of the GGTF review, the Planning Commission will conduct a public meeting to evaluate the proposed amendments for consistency with:

- The Town Comprehensive Plan;
- The Strategic Action Plan;
- Sound planning principles;
- The purposes and intent of the LMO; and,
- The policy direction established through the LMO Task Force process.

Planning Commission will receive presentations from staff, consider public testimony, discuss the proposed amendments, and make a formal recommendation to Town Council.

Following Planning Commission action, staff will prepare the ordinance package for Committee review and incorporate any modifications directed by the Planning Commission.

**C. Community Development & Public Services Committee (CDPS) – September 21, 2026**

The CDPS Committee will review the proposed ordinance package and Planning Commission recommendation prior to consideration by Town Council.

The purpose of the Committee review is to:

- Evaluate the overall policy framework of the proposed amendments;
- Consider fiscal, operational, and implementation impacts;
- Review any recommended modifications from the Planning Commission;
- Receive additional public input, as appropriate; and
- Make a recommendation regarding advancement of the ordinance package to Town Council.

Following Committee review, staff will prepare the final ordinance documents for Town Council consideration.

#### ***D. Town Council First and Second Readings***

Consistent with South Carolina law and the Town's legislative procedures, the proposed amendments will be considered by Town Council through two public readings.

##### **First Reading – October 13, 2026**

During First Reading, Town Council will:

- Receive an overview of the proposed amendments;
- Consider the recommendations of the GGTF, Planning Commission, and CDPS Committee;
- Receive public comment;
- Discuss the proposed ordinance package; and
- Determine whether to advance the amendments to Second Reading.

At the discretion of Town Council, any amendments receiving First Reading approval may become subject to the Pending Ordinance Doctrine, making the pending legislation effective, until final legislative action is taken by Town Council.

##### **Second Reading – November 10, 2026**

Following any revisions directed during First Reading, Town Council will conduct Second Reading and consider final adoption of the Priority 1 Amendment Package.

Upon approval at Second Reading, the amendments will become effective in accordance with the effective date established by the adopting ordinance.

Following adoption, Town staff will:

- Update the LMO;
- Publish revised ordinance language;
- Revise associated application materials;
- Update internal administrative procedures;
- Conduct staff training;
- Prepare public education materials; and,

- Implement the adopted amendments through the Development Review Program.

### ***E. Priority 2 Amendments***

During the Priority 1 Amendment process, staff identified several additional policy topics that warrant further evaluation but require additional technical analysis, stakeholder coordination, public engagement, and policy direction prior to consideration for adoption.

Although these topics were discussed during various Task Force meetings, the Task Force generally recognized that additional time would be necessary to fully evaluate their long-term planning implications. Accordingly, these items have been designated as Priority 2 Amendments and are not included within the current Priority 1 Amendments.

The Priority 2 Amendments are anticipated to address topics including, but not necessarily limited to:

- Mixed-Use Zoning District on Arrow Road;
- Short-Term Rentals;
- Timeshare and Lockout Units;
- RM-4 Zoning District Sliding Scale;
- MV Zoning District;
- RD Zoning District;
- FB-NC-O District;
- Food Truck Standards;
- Require Pedestrian Connectivity for all Development;
- Enhancements to Stormwater to Mitigate Offsite Impacts;
- Marshfront Zoning District Sliding Scale;
- Open Space for Multifamily, Mixed-Use, and Commercial;
- Adjacent Street Setback and Buffer Widths;
- Adjacent Use Setback and Buffer Widths;
- Lot Design Standards;
- Building Design Standards; and
- Other Standards:
  - Content Neutral Sign Design Standards;
  - Dust Control Standards;
  - Residential Parking Requirements; and
  - Flexibility in Parking Requirements for Redevelopment and Adaptive Reuse Projects

The Priority 2 Amendments will allow staff to continue implementing the Town's Strategic Action Plan while ensuring that future code amendments receive the same level of technical review, stakeholder engagement, and public participation that characterized the Priority 1 Amendment process.

Following adoption of the Priority 1 Amendments, staff will develop a detailed Priority 2 work program, including a proposed schedule, public engagement strategy, and future opportunities for review by Town advisory boards, Planning Commission, and Town Council.

### **ATTACHMENTS:**

1. Natural Resource Protection: Wetland Protection and Tree Protection;
  - a. Executive Summary
  - b. LMO Chapter 16-6: Natural Resource Protection
2. Jonesville Road: Residential Single-Family District – 4 (RSF-4) and Bradley Circle: Residential Single-Family District – 8 (RSF-8);
  - a. Executive Summary
  - b. LMO Chapter 16-3: Zoning Districts
  - c. LMO Chapter 16-4: Use Standards
3. Subdivision and Residential Development Standards; and
  - a. Executive Summary
  - b. LMO Chapter 16-2: Administration
  - c. LMO Chapter 16-5: General Development and Design Standards
  - d. LMO Chapter 16-7: Non-Residential and Vertical Mixed Use Development Design Regulations
  - e. LMO Chapter 16-8: Residential Subdivision and Residential Development Design Regulations
  - f. LMO Appendix A: Advisory and Decision Making Bodies and Persons
  - g. LMO Appendix D: Application Submittal Requirements
4. Administrative Conforming Amendments (Renumbering, Cross-References, and Related Code Revisions)
  - a. Executive Summary



# **TOWN OF HILTON HEAD ISLAND**

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## *Attachment 1.a*

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### **EXECUTIVE SUMMARY**

Proposed LMO Priority 1 Amendments

#### **Chapter 16-6 Natural Resource Protection**

##### **General**

The proposed amendments reorganize Chapter 16-6, Natural Resource Protection, to consolidate all environmental protection standards into a single chapter. In addition to the existing natural resource provisions, the chapter now incorporates the Stormwater Management and Erosion and Sedimentation Control Standards and Flood Zone Standards, which are currently located in Chapter 16-5, General Development and Design Standards. Consolidating these related requirements into one location improves the organization and usability of the Land Management Ordinance, making environmental standards easier for applicants, property owners, staff, and decision-makers to locate and apply while providing a more comprehensive and coordinated approach to environmental protection. Additional amendments to 16-5, General Development and Design Standards are presented with Attachment 3.

##### **Wetland Protection**

The proposed amendments to Sec. 16-6-102, Wetland Protection, revise the wetland buffer requirements applicable to multifamily and non-residential development. The current Land Management Ordinance establishes both minimum and average buffer widths between tidal and freshwater wetlands and pervious paved surfaces, structures, and impervious paved surfaces. No changes are proposed for the minimum tidal wetland buffer of 20 feet for single-family uses.

The proposed amendments simplify these requirements by eliminating the average buffer width and instead making the current average buffer width the minimum required buffer. This revision creates a more consistent and uniform wetland buffer by eliminating variable buffer widths that can result in irregular buffer boundaries. The simplified standard is intended to improve ordinance administration, provide greater predictability

during site design and review, and better ensure continuous protection of wetland resources.

### **Standards for Tree Removal**

The proposed amendments strengthen the Town's tree preservation standards by requiring applicants to make all reasonable efforts to preserve existing tree canopy, significant trees, and vegetation during the development process. Further, they establish a more rigorous and transparent review process for significant tree removal while reinforcing the Town's objective of preserving mature tree canopy and incorporating existing natural resources into project design wherever practicable. These requirements apply not only to development projects, but also to public street, pathway, drainage, athletic field, airport runway, golf course, and minor utility projects.

The proposal also establishes new criteria for the removal of significant trees. Before a significant tree may be removed, the applicant must demonstrate that the property cannot be reasonably used or the project reasonably completed without its removal, that roads, parking areas, drive aisles, pathways, and other site improvements have been designed around the tree to the greatest extent possible, that removal will facilitate preservation of healthier hardwood trees, that reasonable design modifications cannot preserve the tree without reducing lots or floor area, and that the tree is not located within a required setback or buffer. These standards require applicants to evaluate alternative site layouts before requesting tree removal.

If the Official determines that these criteria have not been satisfied, approval of the tree removal must instead be requested from the Planning Commission. Any approved removal remains subject to the ordinance's tree replacement requirements.

### **Tree Mitigation Fee and Tree Replacement Fund**

The proposed amendments clarify and expand the administration of the Town's existing Tree Mitigation Fee and Tree Replacement Fund. The current program allows payment into the fund in limited circumstances when required on-site tree preservation or tree retention standards cannot reasonably be achieved. The amendments retain this purpose while providing clearer standards regarding when the fee may be used, how the mitigation amount is determined, and how the collected funds may be expended.

The proposal clarifies that payment into the Tree Replacement Fund is not an automatic alternative to on-site tree replacement. Instead, the Official must determine that on-site mitigation is not reasonable or practical and that off-site mitigation will better achieve the purposes of the tree preservation regulations. This reinforces the ordinance's preference for preserving and replacing trees on the development site whenever feasible, while reserving off-site mitigation for situations where it provides a greater public benefit.

The amendments also establish a more objective methodology for calculating the tree mitigation fee. Rather than relying on a generalized estimate, the fee must be based on the full cost of the replacement trees that would otherwise be required on-site. The calculation must incorporate all applicable mitigation requirements, including the required number and minimum trunk diameter of replacement trees, ANSI measurement standards, priority tree categories (three per category I through IV), replacement credit calculations, and other applicable mitigation provisions.

Finally, the proposal expands and clarifies the authorized uses of the Tree Replacement Fund. In addition to off-site mitigation planting, the fund may be used for tree planting and mitigation projects on Town property, canopy restoration initiatives, Arbor Day and other community tree planting events, post-disaster canopy recovery efforts, and other similar public tree canopy projects approved by the Town. These revisions provide greater flexibility in using mitigation funds while ensuring that all expenditures directly support the preservation, restoration, and expansion of the Town's urban forest and advance the overall intent of the Land Management Ordinance.

### **Replacement Rate, Tree Category, Planting Size**

The proposed amendments establish an incentive for installing replacement trees that exceed the minimum required trunk diameter. Under the current standards, replacement trees must have a minimum trunk diameter of four inches, and all replacement trees receive the same replacement credit regardless of whether larger trees are installed. The proposed amendment recognizes the additional environmental, aesthetic, and community benefits provided by larger trees by allowing replacement credit to increase for trunk diameter exceeding the four-inch minimum.

Under the proposed formula, the first four inches of each replacement tree receive credit on a one-to-one basis, while each additional whole inch of trunk diameter receives replacement credit at a one-to-one-and-one-half ratio. This approach provides an incentive for applicants to install larger trees without requiring them to do so. Applicants may continue to satisfy the ordinance using the minimum four-inch replacement trees or may elect to install fewer, larger-caliper trees that provide equivalent replacement credit.

*Example: 120 tree inches are removed. At a replacement rate of one (1) four-inch (4") tree for every 10 tree inches removed, 12 replacement trees are required (48 replacement credit inches). Using six-inch replacement trees, each tree receives seven replacement credit inches. Therefore, seven replacement six-inch trees ( $7 \times 7 = 49$  replacement credit inches) satisfy the same replacement requirement.*

The proposed amendment encourages the planting of larger trees that provide more immediate canopy coverage and a more mature appearance upon installation.

## **LMO Amendments Legend**

The attached LMO amendments are identified as follows:

1. Additions are identified in blue double-underline text; and
2. Deletions are identified in ~~red strikethrough~~ text.

Hilton Head Island, South Carolina, Land Management Ordinance  
Chapter 16-6: Natural Resource Protection

## Chapter 16-6: Natural Resource Protection

### Sec.16-6-102. Wetland Protection

#### D. Wetland Buffer Standards

##### 2. Wetland Buffer Width

- a. **Wetland buffers** shall comply with the average and minimum width standards in Table 16-6-102.D.2, Wetland Buffer Width, for the type of **development** and the type of wetland.

| TABLE 16-6-102.D.2: WETLAND BUFFER WIDTH <sup>1,2,3</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                |                                                                          |                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|--------------------------------------------------------------------------|--------------------------------------------------------------------------|
| TYPE OF ADJACENT DEVELOPMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                | TYPE OF WETLAND                                                          |                                                                          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                | TIDAL WETLAND                                                            | FRESHWATER WETLAND                                                       |
| <b>Single-Family</b> (including <b>accessory structure</b> and <b>pervious</b> or <b>impervious surfaces</b> )                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                | Minimum: 20 feet                                                         | n/a                                                                      |
| <b>Multifamily</b> or Nonresidential <b>Development</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Pervious</b> Paved Surfaces | Average: <del>35</del> feet<br>Minimum: <del>35</del> <sup>15</sup> feet | Average: <del>35</del> feet<br>Minimum: <del>35</del> <sup>10</sup> feet |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Structures</b>              | Average: <del>40</del> feet<br>Minimum: <del>40</del> <sup>20</sup> feet | Average: <del>35</del> feet<br>Minimum: <del>35</del> <sup>20</sup> feet |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Impervious Paved Surfaces      | Average: <del>50</del> feet<br>Minimum: <del>50</del> <sup>25</sup> feet | Average: <del>40</del> feet<br>Minimum: <del>40</del> <sup>20</sup> feet |
| Lagoons and Stormwater Retention or <b>Detention</b> Areas                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                | n/a                                                                      | Minimum: 20 feet                                                         |
| NOTES: n/a = not applicable<br>1. Measured from the outer edge of the wetland, as certified in writing by U.S. Army Corps of Engineers (USACE), a <b>Town</b> -approved wetlands consultant, or Ocean & Coastal Resource Management (OCRM).<br>2. Average buffer width is determined by quantifying the buffer width for every 10-foot linear increment of <b>pervious</b> surface, <b>impervious surface</b> , or <b>structure</b> , as appropriate; summing these; and dividing the number of increments measured. Quantification of each increment of buffer shall be approved by the <b>Official</b> .<br>3. Buildings, surface parking lots, and vehicular accessways shall be set back at least 5 feet beyond the outer edge of the <b>wetland buffer</b> . |                                |                                                                          |                                                                          |

### Sec.16-6-103. Stormwater Management and Erosion and Sedimentation Control Standards

#### A. Purpose

The purpose of the standards in this section is to ensure that developments incorporate **best management practices** to minimize and manage stormwater runoff so as to control flooding, protect the quality of the ground and surface waters within and surrounding the **Town**, and minimize erosion and sedimentation. Specifically, this section is intended to supplement the **State's** stormwater management program and standards with additional standards that ensure control of the volume and flow of stormwater runoff, limit pollutants in stormwater runoff, provide opportunities for the filtering and settling of pollutants from runoff

before it enters the **ground water** and surface waters, and minimize erosion and sedimentation from stormwater runoff.

## **B. Applicability**

### **1. General**

This section applies to all land disturbing activity that disturbs ½ acre or greater of land and all development that is within ½ mile of **coastal receiving waters**, regardless of disturbed area. Additionally, this section applies to any project or activity that is part of a **Larger Common Plan**, regardless of size. Exceptions to these requirements are listed in subsection 2. below.

### **2. Exceptions**

The following activities are exempt from the standards in this section:

- a. **Development** exempt from Development Plan Review in accordance with Sec. 16-2-103.G.3, Exemptions, with the exception of public street or minor utility construction;
- b. The establishment of, or additions or modifications to, a **single-family dwelling** or its **accessory structure**, provided that such **development** shall be subject to all standards in Sec. 16-6-103.I, Erosion and Sedimentation Control, except the requirement to submit an erosion control plan (Such **development** is also subject to the **flood** damage control standards in Chapter 9 of Title 15 of the **Municipal Code**, and must conform to the grading scheme and finished floor elevation established by the approved Development Plan.);
- c. **Maintenance** and **repair** of public **streets**, pathways, storm drainage, or similar public infrastructure subject to government **maintenance**;
- d. New or existing **agricultural activity** (as defined in Sec. 16-12-105, General Definitions) not involving the **filling** or drainage of **land**; and
- e. Emergency work by agencies or **property owners** required to address flooding conditions, provided:
  - i. Such work is verbally approved by the **Official** or other duly appointed official in charge of emergency preparedness or emergency relief if practicable (**property owners** performing emergency work will be responsible for any damage or injury to **persons** or property caused by their unauthorized actions);
  - ii. The **Official** or other duly appointed official who verbally approved the action delivers written notice of the action to the **landowner** and any affected agency at the earliest possible time; and
  - iii. **Property owners** performing emergency work restore the site of the emergency work within 60 days following the end of the emergency period.

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

## **C. General Standards for Stormwater Management`**

### **1. Compliance with State and Federal Stormwater Management Standards**

All **development** shall comply with the stormwater management standards of the South Carolina Department of Health and Environment Control (DHEC) and any applicable federal stormwater standards and permits (e.g., NPDES permits), unless such standards are waived by the appropriate **State** or federal agency.

## **2. Compliance with Maximum Impervious Cover Standards**

All **development** shall comply with the maximum **impervious cover** standards applicable to the zoning district in which the **development** is located (see Chapter 16-3: Zoning Districts). (See definition of **impervious surface** in Sec. 16-12-105, General Definitions.)

## **3. Compliance with OCRM Critical Area Permitting Requirements**

For **development adjacent** to the OCRM Critical Line, all stormwater management facilities located in the critical areas shall obtain a permit from the South Carolina Office of Ocean and Coastal Resource Management (OCRM) prior to installation.

## **4. No Increased Flood Potential**

**Development** shall not appreciably increase the **flood** potential within the **development**, on **adjacent** or surrounding **lands**, or on tidal or freshwater wetlands, as determined by the Town Engineer.

## **5. No High-Maintenance Facilities**

**Development** shall not incorporate **structures** and facilities that the Town Engineer determines will demand considerable **maintenance**.

## **6. Discharges onto Beaches and into Wetlands and Water Bodies**

- a. No stormwater discharge shall be permitted onto **beaches**.
- b. No direct stormwater discharge shall be permitted into tidal or freshwater wetlands unless approved by the Town Engineer.
- c. Discharging stormwater runoff directly into water bodies from impervious areas shall not be allowed unless methods are provided to filter the runoff to the **maximum extent practicable**. Such methods include filtering runoff through sheet flow, grass swales, drywells, infiltration ditches, gravel, sand, or other filter mediums before the runoff leaves the site or enters any natural or shared-in-common manmade water body.

## **7. Alteration of Water Bodies**

Dredging, clearing, deepening, widening, straightening, stabilizing, or otherwise altering water bodies may be permitted by the Town Engineer only when a positive benefit can be demonstrated. Such approval does not obviate the need for other applicable **Town, State**, or federal agency approvals.

## **8. Water Surface Elevation Alteration and Adjustment**

- a. No **development** shall construct, establish, maintain, or permanently alter the surface water elevation of any water body or wetland so as to adversely affect the natural drainage from any upstream areas, or to any downstream areas, of the **drainage basin**.
- b. The water surface elevations proposed for lagoons or water bodies are subject to approval by the Town Engineer as part of the **development** review process. The **applicant** shall submit sufficient **ground water**, topographic elevation data, and hydrologic data on or around the proposed water body site to assist in establishing the water surface elevation.

## **9. Reference Guides**

The standards and design guidelines as set forth in the latest editions of the *Beaufort County Manual for Storm Water Best Management and Design Practices*, the South Carolina DHEC's *Stormwater Management BMP Handbook*, and the *Georgia Coastal Stormwater Supplement* shall serve as guides to

technical specifications for the design and **construction** of various types of stormwater management facilities (including, but not limited to, structural and nonstructural stormwater **best management practices** (BMPs) and **maintenance** standards).

## 10. Pre-Design Conference

A pre-design conference with the Town Engineer or his or her designee is suggested for small projects not affecting major drainage ways or environmentally sensitive areas, and is required for all Subdivision Review and Development Plan Review **applications**.

## 11. Professional Engineer or Surveyor

All surveys, plans, specifications, and reports shall be prepared and certified by the appropriate professional engineer or professional surveyor registered in South Carolina, in accordance with the current South Carolina Code of Laws, Title 40-Professions and Occupations, Chapter 22, Engineers and Surveyors.

## D. Drainage Design Standards

### 1. General

#### a. Design Methodology

- i. The two accepted hydrological methodologies for computing surface runoff are the rational method and the USDA NRCS TR-55 method. Other methods approved by the Town Engineer are allowable.
- ii. The rational method may be used only for sizing individual culverts or storm drains that are not part of a pipe network or system and have a contributing drainage area of 20 acres or less.
- iii. The USDA NRCS TR-55 method or other approved methodology may be used for **sites** of any size.
- iv. Proposed **development** design shall consider the hydrological features within the total watershed, including the **development** site, upstream and downstream areas.

#### b. Site Area

The site area incorporated in stormwater management design shall be the total area of proposed **development**, including any noncontiguous **lands** that are part of a Planned Development, which is owned in fee simple by the **landowner/developer** of the Planned Development, or is included in perpetual cross **easements** for drainage purposes.

#### c. Design Storm

The design storm, to be used in the design of all drainage systems and permanent stormwater management facilities, is the 25-year frequency/24-hour/8.4-Inch rainfall and Antecedent Moisture Condition II (AMC II).

#### d. Engineering Checklist

Detailed design standards for all stormwater management systems required by this section can be found in the Engineering Checklist maintained by the Town Engineer.

## 2. Pre-Development Peak Discharge Rates

- a. All **development** shall incorporate stormwater management facilities sufficient to ensure that for the design storm and Type III rainfall distribution, the post-**development** peak discharge rate across **adjacent** property lines will not exceed the pre-development peak discharge rate. In the case of redevelopment, the pre-development condition shall be defined as the existing state at the time of **development application**.
- b. Stormwater **best management practices** (BMPs) shall be used to retain and detain the increased and accelerated runoff that the **development** generates.
- c. The peak discharge requirement is not required upon the Town Engineer determining that the **applicant** has demonstrated that:
  - i. A suitable means of flow into a downstream tidal discharge point is accessible by means of recorded permanent storm drainage easements, through drainage infrastructure that will adequately convey the peak discharge from the 100-year storm without any adverse impacts on downstream properties; or
  - ii. The **development** includes a drainage system with adequate capacity to carry site flows to an ultimate downstream tidal discharge point.

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

## 3. On-Site Retention of First Inch of Runoff

- a. All **development** shall provide for **on-site** retention (dry or wet) or percolation of a minimum of one inch of runoff from **on-site impervious surfaces**. Major drainage canals may not be used for retention where doing so may adversely impact the storm hydrology upstream or downstream.
- b. The one inch of runoff from all such **impervious surfaces** shall be dissipated by percolation into the soil, evaporation, or other methods of treatment or handling acceptable to the Town Engineer.
- c. Where **on-site** retention of runoff is also required by OCRM standards, evidence of OCRM approval of the **on-site** retention shall be submitted to the Town Engineer.

## 4. On-Site Detention or Percolation of Runoff

- a. All **development** shall provide for **on-site detention** (dry or wet) or percolation of stormwater runoff that is sufficient to maintain the same peak discharge rate as occurred pre-development. Major drainage canals may not be used for **detention** where doing so may adversely impact the storm hydrology upstream or downstream.
- b. **Off-site detention** (dry or wet) or percolation areas may be used, provided:
  - i. The Town Engineer determines that such **improvements** are in the common good and are of satisfactory design to cause no hardship to others utilizing the same drainageway, whether **on-site** or upstream or downstream;
  - ii. A recorded, permanent drainage **easement** is provided that complies with this section and Sec. 16-6-103.G, Drainage Easements, and benefits the **land** described in the **application** for **development** permit;
  - iii. Adequate **maintenance** of the areas is provided for in accordance with Sec. 16-6-103.H.1, Ownership and Maintenance Responsibility; and
  - iv. The **developer** bears the total cost of the areas and their **detention** or percolation facilities.

## 5. Design of Detention and Retention Facilities

- a. **Detention** and retention facilities shall be designed to provide at least one-half foot of freeboard or vertical **detention** storage volume for runoff above the design storm peak elevation.
- b. **Detention** and retention facilities shall be designed for ten-year sediment loads before the one-half foot storage volume required in subparagraph a above is included. Sediment storage may be accommodated below the dry weather water level design, as long as an adequate permanent pool depth is maintained.
- c. **Detention** and retention facilities shall be designed with relatively flat side slopes (maximum horizontal to vertical ratio of 3:1) along the shoreline.
- d. Where possible, **detention** and retention facilities shall be designed with meandering shorelines to increase the length of shoreline, thus offering more space for the growth of littoral vegetation for pollution control purposes.
- e. Where cleared site conditions exist around **detention** or retention areas, the banks shall be sloped to the proposed dry weather water surface elevation and planted for stabilization purposes. Where slopes are not practical or desired, other methods of bank stabilization will be used and noted on plans submitted for approval.

## 6. Adequate Outfall

A **developer** shall provide adequate outfall ditches, pipes, and **easements** downstream from a proposed discharge if public or private facilities adequate to carry the proposed discharge do not exist or are not available for use by the **developer**.

## 7. Use of Wetlands

- a. The use of wetlands for stormwater retention is allowable with approval by the Town Engineer. **Adjacent** BMPs that benefit from retention of normal wetland water table elevations are acceptable.
- b. Regulated wetlands shall not be disturbed by the **construction** of BMPs in them or sufficiently near to deprive them of required runoff or to lower their normal water table elevations.
- c. If a BMP is proposed to be located near a regulated wetland or in a required **wetland buffer** (see Sec. 16-6-102, Wetland Protection), the **applicant** will provide data showing that impacts will not be detrimental to the wetland or **wetland buffer**, and the BMPs shall include flow dissipation devices ensuring that discharge to wetlands occurs at non-erosive velocities.

## 8. Incorporation of Stormwater Management into Landscape Design

Final landscape designs and plantings shall not adversely affect stormwater conveyance or **maintenance** of stormwater management facilities, but rather should further opportunities for percolation, retention, **detention**, filtration, and plant absorption of site-generated stormwater runoff (e.g., using low impact **development** (LID) measures—see guides in Sec. 16-6-103.C.9, Reference Guides).

## E. Inspection and Certification of Construction

The **application** for a Certificate of Compliance for a **development**, or approved phase thereof, shall include certification by a professional engineer registered in South Carolina that the **development** site work was constructed in accordance with approved plans and the requirements of this **Ordinance**. Prior to approval of such **application**, the Town Engineer or his or her designee shall conduct an inspection of constructed

stormwater management facilities. Any deficiencies identified by the inspection shall be corrected before a Certificate of Compliance is issued.

## **F. As-Built Survey**

1. Before issuance of a Certificate of Compliance, the **applicant** shall submit to the Town Engineer an **as-built survey** prepared and certified by a South Carolina professional **land** surveyor that accurately identifies and depicts the horizontal location of all property corners, **easements**, and the horizontal and vertical locations of all **on-site improvements**. The **as-built survey** shall show:
  - a. Closed polygons of all impervious areas (**buildings**, sidewalks, parking facilities, paved areas), utilities, storm drainage **structures**, pipes, channels, and **detention/retention** areas;
  - b. The diameter and type of material for all new storm drainage pipes;
  - c. All storm drainage **structures**, grate/rim, and invert elevations, along with **finish grades** on pavements and curbing as per the design plans (with design elevations to be struck through and the actual as-built elevations to be underlined and shown directly above or below the design elevation).
2. The **as-built survey** shall be clearly labeled and based on NAD 83, NAD 83 State Plane South Carolina Feet Intl, and NAVD 88 datums.
3. The **as-built survey** shall be submitted in the form of two sets of hard copy, sealed prints at a legible scale, and the digital file in AutoCAD 2007 format or newer.

## **G. Drainage Easements**

### **1. General**

**Developments** shall provide adequate **access** for **maintenance** and **improvement** of the drainage easement and required stormwater management facilities.

### **2. Closed Pipe Easements**

Generally, the minimum width of a drainage easement with underground storm drain pipes shall be at least 15 feet. The Town Engineer may require additional width as necessary to allow for **access** by service equipment and storage of removed fill to one side of the pipes, or to accommodate larger or more deeply buried pipes.

### **3. Open Channel Easements**

Drainage **easements** for open drainage channels shall have a minimum width equal to the maximum top width of the channel plus an additional 15 feet. The Town Engineer may require additional width as necessary to allow for **access** by service equipment to one side of the channel.

### **4. Shared Easements**

Drainage **easements** may be shared with other **easements** with the written approval of the Town Engineer and with consent of the easement holders. Nothing herein shall be construed as prohibiting the use of drainage **easements** for **access** to various properties or other compatible **uses** with the consent of the **landowners** and easement holders.

## **H. Maintenance of Stormwater Management Facilities and Easements**

All required drainage **easements** and stormwater management facilities shall be maintained in accordance with the provisions in this subsection.

## 1. Ownership and Maintenance Responsibility

- a. The **applicant** shall designate what specific entity or entities will own and be responsible for operation and **maintenance** of drainage **easements** and required stormwater management facilities. Specific entities may include, but are not limited to, the **Town**, the **developer** or a homeowners' or property owners' association or regime.
- b. For systems conveying runoff from a public **street** right-of-way, the **applicant** shall dedicate permanent drainage **easements** to the **Town**.
- c. Any stormwater management facility serving a single-**lot** commercial or single-**lot** industrial **development** shall be privately owned and maintained.
- d. Private **maintenance** of drainage **easements** and stormwater management systems shall be provided for in restrictive covenants (e.g., through reference to the operation and **maintenance** agreement required in paragraph 2 below).
- e. Prior to the issuance of a Certificate of Compliance, all required drainage **easements** and restrictive covenants ensuring **maintenance** of drainage **easements** and stormwater management facilities shall be recorded with the Beaufort County Register of Deeds.

## 2. Operation and Maintenance Agreement

Where drainage **easements** and stormwater management facilities are to be privately operated and maintained, the **applicant** shall obtain **Town** approval of a DHEC Operation and Maintenance Agreement ensuring adequate and perpetual operation and **maintenance** of the **easements** and facilities by the **developer** or a homeowners' or property owners' association. In addition to meeting DHEC requirements, the operation and **maintenance** agreement shall:

- a. Require the parties responsible for operation and **maintenance** of stormwater management facilities to inspect the facilities on an annual basis and submit an annual facilities inspection report to the Town Engineer each December; and
- b. Authorize the **Town**, **State**, or other legal entity having authority to enforce stormwater management requirements to perform, or require the homeowners' or property owners' association or **landowner** to perform, actions necessary to:
  - i. Correct any lack of **maintenance** resulting in an adverse effect on drainage flow, or
  - ii. Alleviate flooding or other emergency drainage problems upstream or downstream of the **development** site.

## I. Erosion and Sedimentation Control

### 1. Applicability

Erosion, sedimentation, and pollution controls shall be required for all **land disturbing activities** subject to this section. The Town Engineer shall have the authority to require an erosion and sediment control plan for any other **land** disturbance activity that may impact **adjacent** drainageways.

### 2. General Standards

- a. The **applicant** for a **development** shall identify potential sources of erosion, sedimentation, and other forms of pollution that could be transported by stormwater runoff on the **construction** site, and shall prepare plans to prevent and minimize adverse effects.
- b. Erosion, sedimentation, and pollution control plans shall be submitted with **development** **applications** according to the provisions set forth by DHEC for **land disturbing activities**.

- c. All erosion, sedimentation, and pollution control plans shall conform to the standards of the most recent South Carolina NPDES General Permit for Stormwater Discharges from Construction Activities (SCR100000) and South Carolina Regulation 72-300, when applicable.
- d. All erosion, sedimentation, and pollution control BMPs shall be designed, installed, and maintained in accordance with the South Carolina DHEC's *Stormwater BMP Handbook*. All symbols and standard details on plans shall conform to those found within the *BMP Handbook*.

### **3. Stabilization of Disturbed Areas**

- a. Temporary stabilization measures shall be established on the site of any **land disturbing activity** that is inactive for more than 14 days, until activity recommences.
- b. Permanent stabilization measures shall be established on the **development** site prior to the issuance of final approval or a Certificate of Compliance for the **development**.

### **4. Construction Buffer Zones**

**Land disturbing activities adjacent** to regulated wetlands and waters of the **State** shall be subject to the applicable **wetland buffer** standards in Sec. 16-6-102, Wetland Protection, or NPDES buffer requirements.

(Ord. No. 2015-23, 11-3-2015)

## **Sec.16-6-104. Flood Zone Standards**

### **A. Applicability**

- 1. All **development** activity on Hilton Head Island shall conform to the standards governing **flood** zones that are referenced to the floodplain protection zones identified by the Federal Emergency Management Agency (FEMA), unless a variance from such standards is granted by the **Town** in accordance with Title 15 (Building and Building Codes) of the **Municipal Code**.
- 2. The location of the **flood** zones on Hilton Head Island are identified by the Town-adopted Flood Insurance Rate Maps (FIRMs).
- 3. The Island is covered by the following **flood** zones that range from most vulnerable to flooding and **flood** damage to least vulnerable:
  - a. VE Zone, or **coastal high hazard** area, subject to 100-year coastal flooding and storm surge;
  - b. Coastal A Zone, or the area landward of a V-zone and seaward of the Limit of Moderate Wave Action as shown on the FIRMs.
  - c. AE Zone, or 100-year **flood** plain area;
  - d. AO Zone, or areas of shallow flooding;
  - e. X(shaded) Zone, or 100 to 500-year **flood** plain area; and
  - f. X Zone, or areas of minimal flooding.

(Revised 3-16-2021 - Ordinance 2021-05)

### **B. Flood Zone Standards**

On all plats within "VE" or "AE" zones for which **lots, sites, or structures** are to be sold, the following statement shall be clearly affixed to the plat and shall be recorded:

Some or all areas on this plat are **flood** hazard areas and have been identified as having at least a one percent chance of being flooded in any given year by rising tidal waters associated with possible hurricanes. Local regulations require that certain **flood** hazard protective measures be incorporated in the design and **construction** of **structures** in these designated areas. Reference shall be made to the **development** covenants and restrictions of this **development** and requirements of the Town Building Official. In addition, federal law requires mandatory purchase of **flood** insurance as a prerequisite to federally insured mortgage financing in these designated **flood** hazard areas.

(Revised 3-16-2021 - Ordinance 2021-05)

### **C. Elevation of Sites**

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

(Ord. No. 2015-23, 11-3-2015)

## **Sec.16-6-10~~4~~6. Tree Protection**

### **B. Applicability**

#### **1. General**

- b. Consistent with the purposes of this section, all **persons** are required to make all reasonable efforts to maximize the preservation of the existing canopy and preserve and retain any existing stands of **trees**, individual **trees**, and other self-supporting plants, whether or not such plants are protected under this section, as well as such other flora that make up part of the understory, shrub layer, or herb layer.
  - i. No significant **tree** will be permitted to be removed until reviewed and approved by the **Official** and only after demonstration to the **Official** that the following criteria have been satisfied:
    01. It is difficult or impossible to reasonably use the property without the removal of the tree.
    02. Roads, parking areas, drive aisles, paths and other site features have been designed around the canopies of the protected trees to the greatest extent possible.
    03. The removal allows the preservation of other, healthier hardwood trees on the property.
    04. Adjustments to the site plan cannot be made to save the tree without losing lots or floor area.
    05. The tree is not located within a required setback or buffer area.
  - ii. If the **Official** determines that a **developer** has not met the preceding criteria, the removal shall require approval of the **Planning Commission** after consideration of the same criteria.
  - iii. Tree replanting shall be required by the **Official** in accordance with Sec. 16-6-106 I.
- c. Failure to comply with the standards of this section shall be a violation of this **Ordinance** and subject to the remedies and penalties specified in Chapter 16-~~8~~**10**: Enforcement.

## **2. Exemptions**

- b. No Natural Resources Permit is required where the proposed **tree** removal or alteration is reviewed and authorized in accordance with an approved [Minor Non-Residential Subdivision Plan](#), [Major Non-Residential Subdivision Plan](#), [Minor Residential Subdivision Plan](#), [Major Residential Subdivision Plan](#), [Minor Non-Residential Development Plan](#), [Major Non-Residential Development Plan](#), [Major Residential Development Plan](#), ~~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.

## **G. Minimum Tree Coverage Standard**

### **1. Applicability**

- a. All new **development** except for the **construction** of any public **street**, pathway, drainage project, ~~single family subdivision~~, athletic field, airport runway, golf course or minor utility and the redevelopment or alteration of existing **development** (see subparagraph b below) shall include at least 900 adjusted caliper inches (ACI) of **trees** per acre of **pervious** surface area. **Pervious** surface area equals the **gross acreage** less the maximum **impervious cover** required for the proposed **development**. In the case of **development** in the CR **zoning district**, the maximum **impervious coverage** solely for the purposes of this section shall be 80%.
- b. Redevelopment or alteration of existing **development** shall have the option of meeting the standard in subparagraph a above or meeting replacement requirements in Sec. 16-6-104~~6~~.I, Standards for Supplemental and Replacement Trees, based on **trees** removed by **tree** category.
- c. For the construction of any public **street**, pathway, drainage project, ~~single family subdivision~~, athletic field, airport runway, golf course or minor utility the applicant is required to demonstrate that they have made all reasonable efforts to [maximize the preservation of the existing canopy and save specimen and](#) significant trees, and stands of trees [in accordance with the following](#):  
~~Reasonable tree replanting shall be required by the Official for these uses.~~
  - i. [No significant \*\*tree\*\* will be permitted to be removed until reviewed and approved by the \*\*Official\*\* and only after demonstration to the \*\*Official\*\* that the following criteria have been satisfied:](#)
    - 01. [It is difficult or impossible to reasonably use the property without the removal of the tree.](#)
    - 02. [Roads, parking areas, drive aisles, paths and other site features have been designed around the canopies of the protected trees to the greatest extent possible.](#)
    - 03. [The removal allows the preservation of other, healthier hardwood trees on the property.](#)
    - 04. [Adjustments to the site plan cannot be made to save the tree without losing lots or floor area.](#)
    - 05. [The tree is not located within a required setback or buffer area.](#)
  - ii. [If the \*\*Official\*\* determines that a \*\*developer\*\* has not met the preceding criteria, the removal shall require approval of the \*\*Planning Commission\*\* after consideration of the same criteria.](#)
  - iii. [Tree replanting shall be required by the \*\*Official\*\* in accordance with Sec. 16-6-106 I.](#)

**Example: A 2-acre site in a PR, Parks and Recreation District, is permitted a maximum impervious surface coverage of 45 percent or 0.9 acres. This leaves 1.1 acres of pervious surface. Multiplied by 900 adjusted caliper inches (ACI), it gives a site standard of 990 adjusted caliper inches which must be met post-development.**

## I. Standards for Supplemental and Replacement Trees

Supplement and replacement **trees** provided in accordance with Sec. 16-6-104~~106~~106.G, Minimum Tree Coverage Standard, or Sec. 16-6-104~~46~~46.K, Tree Damage During Development, shall comply with the following standards.

### 3. Replacement Rate, Tree Category, Planting Size

- b. Supplemental and replacement **trees** shall be within the same or lower-numbered **tree** category (see Sec. 16-6-104~~46~~46.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~~46~~46.I.3 for the category of the **tree**.
- d. Category I and II trees exceeding the minimum required trunk diameter may receive additional replacement credit toward the above requirements to provide greater immediate environmental, aesthetic, and community benefits than the minimum required replacement tree. Additional replacement credit is calculated as follows:
  - i. The first four (4) inches of caliper for each replacement tree shall receive replacement credit at a one-to-one (1:1) ratio. Each additional whole inch of trunk width above four (4) inches shall receive a replacement credit at a one-to-one-and-a-half (1:1.5) ratio.
  - ii. Replacement credit for oversized trees is as follows: four (4) inches + (1.5 x the excess trunk diameter in inches)  
Example: 120 tree inches are removed. At a replacement rate of one (1) four-inch (4") tree for every 10 tree inches removed, 12 replacement trees are required (48 replacement credit inches). Using six-inch replacement trees, each tree receives seven replacement credit inches. Therefore, seven replacement six-inch trees (7 x 7 = 49 replacement credit inches) satisfy the same replacement requirement.

**TABLE 16-6-104~~46~~46.I.3: MINIMUM PLANTING SIZE FOR SUPPLEMENTAL AND REPLACEMENT TREES**

| TREE CATEGORY | MINIMUM HEIGHT (FEET) | MINIMUM TRUNK DIAMETER (INCHES)<br>(USING ANSI STANDARDS) |
|---------------|-----------------------|-----------------------------------------------------------|
| Category I    | 12                    | 4                                                         |
| Category II   | 12                    | 4                                                         |
| Category III  | 8                     | 2                                                         |
| Category IV   | 8                     | 2                                                         |

## **L. Tree Mitigation Fee and Tree Replacement Fund**

### **1. General**

The **tree** mitigation fee and tree replacement fund ~~is~~were established to allow the future planting of replacement **trees** removed for **development** in limited cases where this section's requirements for preservation of **specimen trees** (see Sec. 16-6-1046.F) or for retention of existing **tree** coverage (see Sec. 16-6-1046.G) cannot be reasonably achieved, and to allow the future planting of off-site replacement trees for priority areas, projects, and efforts in accordance with 16-6-106.L.5.c following a disaster. Funds shall be used exclusively for the acquisition, planting, and maintenance of **trees** on public property or other locations approved by the Town that advance the intent of this subsection. The availability of a **tree** mitigation fee payment shall not be considered an automatic right, and it may only occur when the **Official** determines that on-site replacement is not reasonable or practical and that off-site replacement would better advance the purposes of this Chapter.

### **3. Amount of Fee**

- a. The **tree** mitigation fee shall be ~~calculated by the Official~~ based on the cost of the required replacement **trees** and the cost of planting. ~~Such costs shall be determined based on a~~ The developer shall provide the Official with a cost estimate received from a local landscaping firm or through pricing information available through a project completed no more than one year earlier. ~~The cost estimate shall incorporate the quantity and size of replacement trees required for compliant on-site mitigation as a basis to determine the tree mitigation fee to be deposited into the tree replacement fund.~~ The **Official's** determination of the amount shall consider the required minimum trunk diameter (inches, using ANSI standards), priority tree categories, replacement credits, and all other applicable mitigation requirements calculated as though the replacement trees were to be installed on the development site.
- b. To maximize long-term environmental benefits and maintain and improve the Town's forest canopy, cost estimates shall utilize priority **tree** species in each category from Table 16-6-106.L.3 unless the **Official** approves an alternative species.

| TABLE 16-6-106.L.3: PRIORITY REPLACEMENT TREES FOR TREE MITIGATION FEE DETERMINATION |                                                      |
|--------------------------------------------------------------------------------------|------------------------------------------------------|
| TREE CATEGORY                                                                        | PRIORITY SPECIES                                     |
| Category I                                                                           | Live Oak, Bald Cypress, Laurel Oak                   |
| Category II                                                                          | Redbay, Red Maple, Yaupon Holly                      |
| Category III                                                                         | Loblolly Pine, Longleaf Pine, Southern Red Cedar     |
| Category IV                                                                          | Dahoon Holly, Carolina Laurel Cherry, Eastern Redbud |

### **5. Tree Replacement Fund**

- c. Monies from the **tree** replacement fund shall only be spent on planting of **trees** on the following publicly owned and maintained property:
- i. General planting/mitigation on Town property;
  - ii. Canopy restoration;
  - iii. Arbor Day/community plantings;
  - iv. Post-disaster recovery; and
  - v. Other similar public canopy projects.
- d. Qualifying debits include the cost of the **trees**, cost of installation of the **trees**, and cost of one year of **maintenance** for the **trees**.



# **TOWN OF HILTON HEAD ISLAND**

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## *Attachment 2.a*

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### **EXECUTIVE SUMMARY**

Proposed LMO Priority 1 Amendments

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

##### **Jonesville Road Zoning District - RSF 4**

The proposed Residential Single-Family-4 (RSF-4) District is a new zoning district intended to accommodate traditional single-family residential neighborhoods at densities of up to four dwelling units per acre. The district is designed to preserve the quiet residential character of these neighborhoods while allowing a limited range of compatible civic, agricultural, utility, and institutional uses. Permitted residential uses include single-family dwellings, family compounds, and family subdivisions, with additional allowances for public parks, government uses, religious institutions, agricultural uses, cemeteries, utilities, telecommunications facilities, and boat ramps and marinas.

The district establishes a maximum residential density of four dwelling units per acre and a maximum building height of 35 feet. Non-residential development is limited to 6,000 square feet of gross floor area per acre, while non-single-family development is limited to 35% impervious lot coverage. Major Residential Subdivision Plans and Major Residential Development Plans within the district must also provide a minimum of 16% common open space. Overall, the district is intended to provide opportunities for lower-density residential growth while maintaining neighborhood character and ensuring that supporting non-residential uses remain compatible with surrounding residential development.

##### **Bradley Circle Zoning District - RSF 8**

The proposed Residential Single-Family-8 (RSF-8) District is a new zoning district intended to accommodate single-family residential neighborhoods at densities of up to eight dwelling units per acre. The district is designed to support moderately higher-density single-family development while preserving neighborhood character and limiting uses that would be incompatible with a predominantly

residential environment. Permitted uses include single-family dwellings, family compounds, family subdivisions, government uses, public parks, religious institutions, agricultural uses, utilities, telecommunications facilities, and boat ramps and marinas.

The district establishes a maximum residential density of eight dwelling units per acre and a maximum building height of 45 feet. Non-residential development is limited to 6,000 square feet of gross floor area per acre, while non-single-family development is limited to 35% impervious lot coverage. Major Residential Subdivision Plans and Major Residential Development Plans must also provide a minimum of 16% common open space. Overall, the district provides opportunities for additional single-family housing while incorporating development standards that promote compatible neighborhood design, protect residential character, and ensure the inclusion of meaningful common open space in larger residential developments.

### **Chapter 16-4 Use Standards**

This chapter was updated to include the RSF-4 and RSF-8 District into the use table and link each use to the new zoning districts.

### **LMO Amendments Legend**

The attached LMO amendments are identified as follows:

1. Additions are identified in blue double-underline text; and
2. Deletions are identified in ~~red strikethrough~~ text.

Hilton Head Island, South Carolina, Land Management Ordinance  
Chapter 16-3: Zoning Districts

## Chapter 16-3: Zoning Districts

### Sec.16-3-102. Base Zoning Districts Established

#### A. General

Table 16-3-102.A, Base Zoning Districts Established, sets out the **base zoning districts** established by this **Ordinance**. **Base zoning districts** are grouped into Conservation and Recreation Districts, Residential Districts, and Mixed-Use and Business Districts.

| TABLE 16-3-102.A: BASE ZONING DISTRICTS ESTABLISHED  |                       |
|------------------------------------------------------|-----------------------|
| DISTRICT NAME                                        | ABBREVIATION          |
| <b>CONSERVATION AND RECREATION DISTRICTS</b>         |                       |
| Conservation District                                | CON                   |
| Parks and Recreation District                        | PR                    |
| <b>RESIDENTIAL DISTRICTS</b>                         |                       |
| Residential Single-Family-3 District                 | RSF-3                 |
| <a href="#">Residential Single-Family-4 District</a> | <a href="#">RSF-4</a> |
| Residential Single-Family-5 District                 | RSF-5                 |
| Residential Single-Family-6 District                 | RSF-6                 |
| <a href="#">Residential Single-Family-8 District</a> | <a href="#">RSF-8</a> |
| Low to Moderate Density Residential District         | RM-4                  |
| Moderate Density Residential District                | RM-8                  |
| Moderate to High Density Residential District        | RM-12                 |
| <b>MIXED-USE AND BUSINESS DISTRICTS</b>              |                       |
| Coligny Resort District                              | CR                    |
| Community Commercial District                        | CC                    |
| Light Commercial District                            | LC                    |
| Light Industrial District                            | IL                    |
| Main Street District                                 | MS                    |
| Marshfront District                                  | MF                    |
| Medical District                                     | MED                   |
| Mitchelville District                                | MV                    |
| Neighborhood Commercial District                     | NC                    |
| Planned Development Mixed Use District               | PD-1                  |
| Resort Development District                          | RD                    |
| Sea Pines Circle District                            | SPC                   |
| Stoney District                                      | S                     |
| Waterfront Mixed-Use District                        | WMU                   |

## Sec.16-3-104. Residential Base Zoning Districts

### A. General Purposes

| RESIDENTIAL ZONING DISTRICTS                         |                       |
|------------------------------------------------------|-----------------------|
| DISTRICT NAME                                        | ABBREVIATION          |
| Residential Single-Family District-3                 | RSF-3                 |
| <a href="#">Residential Single-Family District-4</a> | <a href="#">RSF-4</a> |
| Residential Single-Family District-5                 | RSF-5                 |
| Residential Single-Family District-6                 | RSF-6                 |
| <a href="#">Residential Single-Family District-8</a> | <a href="#">RSF-8</a> |
| Low to Moderate Density Residential District         | RM-4                  |
| Moderate Density Residential District                | RM-8                  |
| Moderate to High Density Residential District        | RM-12                 |

### C. Residential Single-Family-4 (RSF-4) District

| RSF-4<br>Residential Single-Family-4 District                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                    |                                     |                                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------------------------------------|-----------------------------------------------------------------------------------------------|
| 1. Purpose                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                    |                                     |                                                                                               |
| The purpose of the Residential Single-Family-4 (RSF-4) District is to primarily accommodate <i>neighborhoods of single-family dwellings</i> at <i>densities</i> ranging up to four units per acre. It is intended to discourage any <i>use</i> that would substantially interfere with the <i>development</i> of <i>single-family dwellings</i> or would be detrimental to the quiet residential nature of <i>single-family neighborhoods</i> . The district also accommodates agricultural <i>uses</i> and parks as permitted <i>uses</i> . |                    |                                     |                                                                                               |
| 2. Allowable Principal Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                    |                                     |                                                                                               |
| USE CLASSIFICATION/TYPE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                    | USE-SPECIFIC CONDITIONS             | MINIMUM NUMBER OF OFF-STREET PARKING SPACES                                                   |
| <b>Residential Uses</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                    |                                     |                                                                                               |
| <a href="#">Family Compound</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <a href="#">PC</a> | <a href="#">Sec. 16-4-102.B.1.e</a> | <a href="#">2 per du</a>                                                                      |
| <a href="#">Family Subdivision</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <a href="#">PC</a> | <a href="#">Sec. 16-4-102.B.1.f</a> | <a href="#">2 per du</a>                                                                      |
| <a href="#">Single-Family</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <a href="#">P</a>  |                                     | <a href="#">2 per du + 1 per 1,250 GFA over 4,000 GFA</a>                                     |
| <b>Public, Civic, Institutional, and Educational Uses</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                    |                                     |                                                                                               |
| <a href="#">Cemeteries</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <a href="#">P</a>  |                                     | <a href="#">1 per 225 GFA of office area + 1 per 500 GFA of <i>maintenance</i> facilities</a> |
| <a href="#">Government Uses</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <a href="#">PC</a> | <a href="#">Sec. 16-4-102.B.2.d</a> | <a href="#">Fire Stations</a> <a href="#">4 per bay + 1 per 200 GFA of office area</a>        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                    |                                     | <a href="#">Other</a> <a href="#">1 per 200 GFA of office area</a>                            |
| <a href="#">Major Utilities</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <a href="#">SE</a> |                                     | <a href="#">1 per 1,500 GFA</a>                                                               |
| <a href="#">Minor Utilities</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <a href="#">P</a>  |                                     | <a href="#">n/a</a>                                                                           |
| <a href="#">Public Parks</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <a href="#">P</a>  |                                     | <a href="#">See Sec. 16-5-107.D.2</a>                                                         |
| <a href="#">Religious Institutions</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <a href="#">P</a>  |                                     | <a href="#">1 per 3 seats in main assembly area</a>                                           |
| <a href="#">Telecommunication Antenna, Collocated or Building Mounted</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <a href="#">PC</a> | <a href="#">Sec. 16-4-102.B.2.e</a> | <a href="#">n/a</a>                                                                           |
| <a href="#">Telecommunication Towers, Monopole</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <a href="#">PC</a> | <a href="#">Sec. 16-4-102.B.2.e</a> | <a href="#">1</a>                                                                             |

| Other Uses                                                                                                                                                                                                                                                                                                                               |                                  |                                             |                                                                                                                                                    |                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| <u><a href="#">Agriculture Uses</a></u>                                                                                                                                                                                                                                                                                                  | <u><a href="#">P</a></u>         |                                             | <u><a href="#">Stables or Riding Academies</a></u>                                                                                                 | <u><a href="#">1 per 5 stalls</a></u> |
|                                                                                                                                                                                                                                                                                                                                          |                                  |                                             | <u><a href="#">Other</a></u>                                                                                                                       | <u><a href="#">n/a</a></u>            |
| <u><a href="#">Boat Ramps, Docking Facilities, and Marinas</a></u>                                                                                                                                                                                                                                                                       | <u><a href="#">PC</a></u>        | <u><a href="#">Sec. 16-4-102.B.10.a</a></u> | <u><a href="#">1 per 200 GFA of enclosed floor space not used for storage + 1 per 3 wet slips + 1 per 5 dry storage slips</a></u>                  |                                       |
| 3. Development Form Standards                                                                                                                                                                                                                                                                                                            |                                  |                                             |                                                                                                                                                    |                                       |
| <u><a href="#">MAX. DENSITY (PER NET ACRE)<sup>2</sup></a></u>                                                                                                                                                                                                                                                                           |                                  |                                             | <u><a href="#">LOT COVERAGE</a></u>                                                                                                                |                                       |
| <u><a href="#">Residential<sup>2</sup></a></u>                                                                                                                                                                                                                                                                                           | <u><a href="#">4 du</a></u>      |                                             | <u><a href="#">Max. <b>Impervious Cover</b> for All <b>Development</b> Except <b>Single-Family</b><sup>1</sup></a></u>                             | <u><a href="#">35%</a></u>            |
| <u><a href="#">Nonresidential</a></u>                                                                                                                                                                                                                                                                                                    | <u><a href="#">6,000 GFA</a></u> |                                             | <u><a href="#">Min. <b>Common Open Space</b> for Major Residential <b>Subdivision</b> Plans and Major Residential <b>Development</b> Plans</a></u> | <u><a href="#">16%</a></u>            |
| <u><a href="#">MAX. BUILDING HEIGHT</a></u>                                                                                                                                                                                                                                                                                              |                                  |                                             |                                                                                                                                                    |                                       |
| <u><a href="#">All <b>Development</b></a></u>                                                                                                                                                                                                                                                                                            | <u><a href="#">35 ft</a></u>     |                                             |                                                                                                                                                    |                                       |
| <u><a href="#">USE AND OTHER DEVELOPMENT STANDARDS</a></u>                                                                                                                                                                                                                                                                               |                                  |                                             |                                                                                                                                                    |                                       |
| <u><a href="#">See Chapter 16-4: Use Standards, Chapter 16-5: General Development and Design Standards, Chapter 16-6: Natural Resource Protection, Chapter 16-7 Non-Residential and Vertical Mixed-Use Development Design Regulations, and Chapter 16-8: Residential Subdivision and Residential Development Design Regulations.</a></u> |                                  |                                             |                                                                                                                                                    |                                       |
| <u><a href="#">TABLE NOTES:</a></u>                                                                                                                                                                                                                                                                                                      |                                  |                                             |                                                                                                                                                    |                                       |
| <u><a href="#">P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = <b>dwelling units</b>; sf = square feet; GFA = <b>gross floor area</b> in square feet; ft = feet; n/a = not applicable</a></u>                                                                       |                                  |                                             |                                                                                                                                                    |                                       |
| <u><a href="#">1. Each adjacent parcel abutting the Town right-of-way acquired under the Town's Dirt Road Paving Program shall be permitted to develop to its full density potential based on the size of the parcel prior to the establishment of the Town right-of-way. See Section 16-5-105.D for additional details.</a></u>         |                                  |                                             |                                                                                                                                                    |                                       |

## [F. Residential Single-Family-8 \(RSF-8\) District](#)

| <b>RSF-8</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                           |                                                |                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|------------------------------------------------|--------------------------------------------------------------------|
| <b>Residential Single-Family-8 District</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                           |                                                |                                                                    |
| <b>1. Purpose</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                           |                                                |                                                                    |
| <u><a href="#">The purpose of the Residential Single-Family-8 (RSF-8) District is to primarily accommodate <b>single-family dwellings</b> at <b>densities</b> ranging up to eight units per acre. It is intended to discourage any <b>use</b> that would substantially interfere with the <b>development</b> of <b>single-family dwellings</b> or would be detrimental to the quiet residential nature of <b>single-family neighborhoods</b>. The district also accommodates agricultural <b>uses</b> and parks as permitted <b>uses</b>.</a></u> |                           |                                                |                                                                    |
| <b>2. Allowable Principal Uses</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                           |                                                |                                                                    |
| <u><a href="#">USE CLASSIFICATION/TYPE</a></u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                           | <u><a href="#">USE-SPECIFIC CONDITIONS</a></u> | <u><a href="#">MINIMUM NUMBER OF OFF-STREET PARKING SPACES</a></u> |
| <u><a href="#">Residential Uses</a></u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                           |                                                |                                                                    |
| <u><a href="#">Family Compound</a></u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <u><a href="#">PC</a></u> | <u><a href="#">Sec. 16-4-102.B.1.e</a></u>     | <u><a href="#">2 per du</a></u>                                    |
| <u><a href="#">Family Subdivision</a></u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <u><a href="#">PC</a></u> | <u><a href="#">Sec. 16-4-102.B.1.f</a></u>     | <u><a href="#">2 per du</a></u>                                    |
| <u><a href="#">Single-Family</a></u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <u><a href="#">P</a></u>  |                                                | <u><a href="#">2 per du + 1 per 1,250 GFA over 4,000 GFA</a></u>   |

| Public, Civic, Institutional, and Educational Uses                                                                                                                                                                                                                                                                       |                  |                             |                                                                                                                                    |                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
| <u>Government Uses</u>                                                                                                                                                                                                                                                                                                   | <u>PC</u>        | <u>Sec. 16-4-102.B.2.d</u>  | <u>Fire Stations</u>                                                                                                               | <u>4 per bay + 1 per 200 GFA of office area</u> |
|                                                                                                                                                                                                                                                                                                                          |                  |                             | <u>Other</u>                                                                                                                       | <u>1 per 200 GFA of office area</u>             |
| <u>Major Utilities</u>                                                                                                                                                                                                                                                                                                   | <u>SE</u>        |                             | <u>1 per 1,500 GFA</u>                                                                                                             |                                                 |
| <u>Minor Utilities</u>                                                                                                                                                                                                                                                                                                   | <u>P</u>         |                             | <u>n/a</u>                                                                                                                         |                                                 |
| <u>Public Parks</u>                                                                                                                                                                                                                                                                                                      | <u>P</u>         |                             | <u>See Sec. 16-5-107.D.2</u>                                                                                                       |                                                 |
| <u>Religious Institutions</u>                                                                                                                                                                                                                                                                                            | <u>P</u>         |                             | <u>1 per 3 seats in main assembly area</u>                                                                                         |                                                 |
| <u>Telecommunication Antenna, Collocated or Building Mounted</u>                                                                                                                                                                                                                                                         | <u>PC</u>        | <u>Sec. 16-4-102.B.2.e</u>  | <u>n/a</u>                                                                                                                         |                                                 |
| <u>Telecommunication Towers, Monopole</u>                                                                                                                                                                                                                                                                                | <u>PC</u>        | <u>Sec. 16-4-102.B.2.e</u>  | <u>1</u>                                                                                                                           |                                                 |
| Other Uses                                                                                                                                                                                                                                                                                                               |                  |                             |                                                                                                                                    |                                                 |
| <u>Agriculture Uses</u>                                                                                                                                                                                                                                                                                                  | <u>P</u>         |                             | <u>Stables or Riding Academies</u>                                                                                                 | <u>1 per 5 stalls</u>                           |
|                                                                                                                                                                                                                                                                                                                          |                  |                             | <u>Other</u>                                                                                                                       | <u>n/a</u>                                      |
| <u>Boat Ramps, Docking Facilities, and Marinas</u>                                                                                                                                                                                                                                                                       | <u>PC</u>        | <u>Sec. 16-4-102.B.10.a</u> | <u>1 per 200 GFA of enclosed floor space not used for storage + 1 per 3 wet slips + 1 per 5 dry storage slips</u>                  |                                                 |
| 3. Development Form Standards                                                                                                                                                                                                                                                                                            |                  |                             |                                                                                                                                    |                                                 |
| <u>MAX. DENSITY (PER NET ACRE)<sup>2</sup></u>                                                                                                                                                                                                                                                                           |                  |                             | <u>LOT COVERAGE</u>                                                                                                                |                                                 |
| <u>Residential</u>                                                                                                                                                                                                                                                                                                       | <u>8 du</u>      |                             | <u>Max. <b>Impervious Cover</b> for All <b>Development</b> Except <b>Single-Family</b><sup>1</sup></u>                             | <u>35%</u>                                      |
| <u>Nonresidential</u>                                                                                                                                                                                                                                                                                                    | <u>6,000 GFA</u> |                             |                                                                                                                                    |                                                 |
| <u>MAX. BUILDING HEIGHT</u>                                                                                                                                                                                                                                                                                              |                  |                             | <u>Min. <b>Common Open Space</b> for Major Residential <b>Subdivision</b> Plans and Major Residential <b>Development</b> Plans</u> | <u>16%</u>                                      |
| <u>All <b>Development</b></u>                                                                                                                                                                                                                                                                                            | <u>45 ft</u>     |                             |                                                                                                                                    |                                                 |
| <u>USE AND OTHER DEVELOPMENT STANDARDS</u>                                                                                                                                                                                                                                                                               |                  |                             |                                                                                                                                    |                                                 |
| <u>See Chapter 16-4: Use Standards, Chapter 16-5: General Development and Design Standards, Chapter 16-6: Natural Resource Protection, Chapter 16-7 Non-Residential and Vertical Mixed-Use Development Design Regulations, and Chapter 16-8: Residential Subdivision and Residential Development Design Regulations.</u> |                  |                             |                                                                                                                                    |                                                 |
| <u>TABLE NOTES:</u>                                                                                                                                                                                                                                                                                                      |                  |                             |                                                                                                                                    |                                                 |
| <u>P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = <b>dwelling units</b>; sf = square feet; GFA = <b>gross floor area</b> in square feet; ft = feet; n/a = not applicable</u>                                                                       |                  |                             |                                                                                                                                    |                                                 |
| <u>1. Each adjacent parcel abutting the Town right-of-way acquired under the Town's Dirt Road Paving Program shall be permitted to develop to its full density potential based on the size of the parcel prior to the establishment of the Town right-of-way. See Section 16-5-105.D for additional details.</u>         |                  |                             |                                                                                                                                    |                                                 |

## Chapter 16-4: Use Standards

### Sec.16-4-102. Principal Uses

#### A. Principal Use Table

#### 6. Principal Use Table

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

[illegible]

|                                                                                      |  |        |        |                |        |        |                |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |                                 |
|--------------------------------------------------------------------------------------|--|--------|--------|----------------|--------|--------|----------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------------------------------|
| Telecommuni-<br>cation<br>Towers,<br>Monopole                                        |  | P<br>C | P<br>C | <u>P<br/>C</u> | P<br>C | P<br>C | <u>P<br/>C</u> | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | Sec. 16-<br>4-<br>102.B.2.<br>e |
| <b>HEALTH SERVICES</b>                                                               |  |        |        |                |        |        |                |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |                                 |
| <i>Hospitals</i>                                                                     |  |        |        |                |        |        |                |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | P      |                                 |
| <i>Nursing<br/>Homes</i>                                                             |  |        |        |                |        |        |                |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | P      |                                 |
| <i>Other Health<br/>Services</i>                                                     |  |        |        |                |        |        |                |        |        |        |        | P      | P      | P      |        |        |        |        | P      | P      |        | P      |        |                                 |
| <b>RESORT ACCOMMODATIONS</b>                                                         |  |        |        |                |        |        |                |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |                                 |
| <i>Bed and<br/>Breakfasts</i>                                                        |  |        |        |                |        |        |                |        | P<br>C |        |        | P<br>C |        |        | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C |        |        | P<br>C |        | Sec. 16-<br>4-<br>102.B.4.<br>a |
| <i>Hotels</i>                                                                        |  |        |        |                |        |        |                |        |        |        | P<br>C |        |        | P      | P      | P<br>C |        | P      |        | P      | P      |        |        | Sec. 16-<br>4-<br>102.B.4.<br>b |
| <i>Interval<br/>Occupancy</i>                                                        |  |        |        |                |        |        |                |        |        |        | P      |        |        |        | P      |        |        | P      |        |        | P      |        |        |                                 |
| <b>COMMERCIAL RECREATION USES</b>                                                    |  |        |        |                |        |        |                |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |                                 |
| <i>Indoor<br/>Commercial<br/>Recreation<br/>Uses</i>                                 |  |        |        |                |        |        |                |        |        |        |        | P      | P      | P      | P      | P      | P<br>C | P      | P      | P      |        | P      | P      | Sec. 16-<br>4-<br>102.B.5.<br>a |
| <i>Outdoor<br/>Commercial<br/>Recreation<br/>Uses Other<br/>than Water<br/>Parks</i> |  |        |        |                |        |        |                |        |        |        | S<br>E |        |        |        | S<br>E |        |        | S<br>E |        | S<br>E | S<br>E |        |        | Sec. 16-<br>4-<br>102.B.5.<br>b |
| <i>Water Parks</i>                                                                   |  |        |        |                |        |        |                |        |        |        | P      |        |        |        | P      |        |        | P      |        |        | P      |        |        |                                 |
| <b>OFFICE USES</b>                                                                   |  |        |        |                |        |        |                |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |                                 |
| <i>Contractor's<br/>Office</i>                                                       |  |        |        |                |        |        |                |        |        |        |        | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C |        | P      | Sec. 16-<br>4-<br>102.B.6.<br>a |
| <i>Other Office<br/>Uses</i>                                                         |  |        |        |                |        |        |                |        |        |        |        | P      | P      | P      | P      | P      | P      | P      | P      | P      | P      | P      | P      |                                 |
| <b>TABLE 16-4-102.A.6: PRINCIPAL USE TABLE</b>                                       |  |        |        |                |        |        |                |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |                                 |

| P = Permitted by Right    PC = Permitted Subject to Use-Specific Conditions |                   |    |                       |       |       |       |       |      |      |       |    |                                  |    |    |     |    |    |    |    |    |    |     |    |                         |
|-----------------------------------------------------------------------------|-------------------|----|-----------------------|-------|-------|-------|-------|------|------|-------|----|----------------------------------|----|----|-----|----|----|----|----|----|----|-----|----|-------------------------|
| SE = Allowed as a Special Exception    Blank Cell = Prohibited              |                   |    |                       |       |       |       |       |      |      |       |    |                                  |    |    |     |    |    |    |    |    |    |     |    |                         |
| USE CLASSIFICATION /<br><br>USE TYPE                                        | SPECIAL DISTRICTS |    | RESIDENTIAL DISTRICTS |       |       |       |       |      |      |       |    | MIXED-USE AND BUSINESS DISTRICTS |    |    |     |    |    |    |    |    |    |     |    | USE-SPECIFIC CONDITIONS |
|                                                                             | CON               | PR | RSF-3                 | RSF-4 | RSF-5 | RSF-6 | RSF-8 | RM-4 | RM-8 | RM-12 | CR | SPC                              | CC | MS | WMU | S  | MF | MV | NC | LC | RD | MED | IL |                         |
| COMMERCIAL SERVICES                                                         |                   |    |                       |       |       |       |       |      |      |       |    |                                  |    |    |     |    |    |    |    |    |    |     |    |                         |
| Adult entertainment uses                                                    |                   |    |                       |       |       |       |       |      |      |       | SE |                                  |    |    |     |    |    |    |    |    |    |     |    | Sec. 16-4-102.B. 7.a    |
| Animal Services                                                             |                   |    |                       |       |       |       |       |      |      |       | PC | PC                               |    |    | PC  |    |    |    | PC |    |    | PC  |    | Sec. 16-4-102.B. 7.b    |
| Bicycle Shops                                                               |                   |    |                       |       |       |       |       |      |      | PC    | PC | PC                               | PC | PC | PC  | PC | PC |    | PC | PC |    |     |    | Sec. 16-4-102.B. 7.c    |
| Convenience Stores                                                          |                   |    |                       |       |       |       |       | PC   |      |       | PC | PC                               | PC |    | PC  | PC | PC | PC | PC | PC |    |     | PC | Sec. 16-4-102.B. 7.d    |
| Eating Establishments                                                       |                   |    |                       |       |       |       |       |      |      |       | PC | P                                | P  | PC | PC  | PC | PC | PC | PC | P  | PC |     | PC | Sec. 16-4-102.B. 7.e    |
| Grocery Stores                                                              |                   |    |                       |       |       |       |       |      |      |       | P  | P                                | P  | P  |     | P  |    |    |    | P  |    |     |    |                         |
| Landscape Businesses                                                        |                   |    |                       |       |       |       |       |      |      |       |    |                                  |    |    |     | PC |    |    |    | PC |    |     | P  | Sec. 16-4-102.B. 7.f    |
| Liquor Stores                                                               |                   |    |                       |       |       |       |       |      |      |       | SE | SE                               | SE | SE | SE  | SE | SE | SE | SE | SE | SE |     |    | Sec. 16-4-102.B. 7.g    |
| Nightclubs or Bars                                                          |                   |    |                       |       |       |       |       |      |      |       | PC | PC                               | PC |    | PC  | PC | PC | PC |    | PC | PC |     |    | Sec. 16-4-              |

[illegible]

[illegible]**TABLE 16-4-102.A.6: PRINCIPAL USE TABLE**

**P = Permitted by Right    PC = Permitted Subject to Use-Specific Conditions**

SE = Allowed as a Special Exception      Blank Cell = Prohibited

[illegible]



|                                                |        |        |        |                      |        |        |                      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |                   |
|------------------------------------------------|--------|--------|--------|----------------------|--------|--------|----------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------------------|
| radio antenna                                  |        |        |        |                      |        |        |                      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |                   |
| Automatic teller machine (ATM)                 |        |        |        |                      |        |        |                      |        |        |        | P      | P      | P      | P      | P      | P      |        |        | P      | P      | P      |        |        |                   |
| Crematory (as accessory to funeral homes)      |        |        |        |                      |        |        |                      |        |        |        |        |        | P      |        |        |        |        |        |        |        |        | P      |        |                   |
| Home Occupation                                |        |        | P<br>C | <u>P</u><br><u>C</u> | P<br>C | P<br>C | <u>P</u><br><u>C</u> | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C |        | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C |        |        |        | Sec. 16-4-103.E.3 |
| <b>Outdoor display and sale of merchandise</b> |        |        |        |                      |        |        |                      |        |        |        | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C |        |        | P<br>C | P<br>C |        |        |        | Sec. 16-4-103.E.4 |
| <b>Outdoor storage</b> (as an accessory use)   |        |        |        |                      |        |        |                      |        |        |        | P<br>C | P<br>C | P<br>C |        |        | P<br>C |        |        | P<br>C |        | P<br>C | P<br>C |        | Sec. 16-4-103.E.5 |
| <b>Satellite dish</b>                          | P<br>C | P<br>C | P<br>C | <u>P</u><br><u>C</u> | P<br>C | P<br>C | <u>P</u><br><u>C</u> | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | Sec. 16-4-103.E.6 |
| Small wind energy                              | P<br>C | P<br>C | P<br>C | <u>P</u><br><u>C</u> | P<br>C | P<br>C | <u>P</u><br><u>C</u> | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | P<br>C | Sec. 16-4-103.E.7 |





# **TOWN OF HILTON HEAD ISLAND**

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## *Attachment 3.a*

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### **EXECUTIVE SUMMARY**

Proposed LMO Priority 1 Amendments

#### **Chapter 16-2 Administration**

##### **Subdivision and Development Plan Review Processes**

The proposed amendments reorganize and expand the Town's subdivision and development review procedures by establishing distinct processes for residential and non-residential projects, as well as for minor and major developments. This restructuring provides a clearer and more predictable review framework for applicants, staff, and reviewing bodies by ensuring that review procedures are tailored to the scale and complexity of the proposed development.

##### **Subdivision Plans**

- Minor Non-Residential Subdivision Plan;
- Major Non-Residential Subdivision Plan;
- Minor Residential Subdivision Plan;
- Preliminary Major Residential Subdivision Plan; and
- Final Major Residential Subdivision Plan.

##### **Development Plans**

- Minor Non-Residential Development Plan;
- Major Non-Residential Development Plan;
- Preliminary Major Residential Development Plan; and
- Final Major Residential Development Plan.

The proposal also expands the scope of pre-application conferences by requiring discussion of the Environmental Site Analysis, Anti-Monotony Residential Design Standards, and Transportation Impact Analysis Plan (TIAP) requirements, when applicable. Addressing these issues early in the development process should improve project design, identify potential issues before formal application, and reduce delays during review.

A component of the proposal is the creation of a two-step review process for Major Residential Subdivisions and Major Residential Development Plans. Under this approach, applicants must first obtain approval of a preliminary plan before submitting a final plan for approval. The preliminary review focuses on overall site planning, neighborhood design, environmental preservation, circulation, open space, and architectural concepts. In contrast, the final review confirms that all building, engineering, infrastructure, and construction details are consistent with the approved preliminary plan. This approach allows major design decisions to be addressed earlier in the process before final engineering and design.

The proposal also introduces new requirements that apply specifically to major residential developments during preliminary review. First, all major residential plans must comply with the proposed Anti-Monotony Residential Design Standards, which establish architectural and building design requirements intended to promote greater visual variety and improve neighborhood character. Compliance with these standards must be reviewed and approved by the Design Review Board before the Planning Commission considers the preliminary plan.

Second, major residential subdivision and development plans must include an Environmental Site Analysis. This process evaluates existing site conditions, including natural resources and environmental constraints, to identify priority preservation areas and the most appropriate locations for development. Rather than designing a project around property boundaries alone, the Environmental Site Analysis encourages development patterns that respond to existing site conditions and preserve important environmental features. The Planning Commission will review and consider this analysis as part of its evaluation of the preliminary development plan.

To improve transparency and public participation, the amendments require public hearings for all major residential and major non-residential proposals that require Planning Commission review or approval. This ensures that members of the public have an opportunity to review and comment on larger development proposals before decisions are made.

Finally, the proposal addresses the cumulative impacts of successive minor developments by establishing aggregation provisions intended to prevent the incremental subdivision or development of property from avoiding the more comprehensive review required for larger projects. Divisions of land that cumulatively create six or more non-residential lots from the same original parcel, as well as residential developments that cumulatively enable six or more dwelling units, would be subject to Major Residential Subdivision or Major Residential Development review. The proposal also authorizes the Official to require consolidation of multiple Small Residential Development applications when successive applications across contiguous or adjacent properties collectively meet the threshold for major residential development within a rolling 36-month period.

## **Certificate of Compliance and Tree Survival Performance Guarantee**

Since newly planted trees and landscape materials are particularly vulnerable during the first year after planting, the proposed amendment establishes a formal performance guarantee process to ensure that required replacement trees, supplemental plantings, and other required landscape materials are not only installed but also survive and are healthy and successfully established one year after installation.

The proposed provisions require applicants to provide a performance guarantee following a satisfactory installation inspection and before issuance of a Certificate of Compliance. The guarantee is set at 125% of the cost of acquiring and installing the required trees and landscape materials, unless a higher amount is necessary to account for projected replacement costs. The additional security helps ensure that sufficient funds are available should replacement planting become necessary, including increases in material or installation costs.

The ordinance establishes a structured inspection and enforcement process. Between 12 and 14 months after installation, the site must be reinspected by the Official and an ISA Certified Arborist to evaluate the condition of the required trees and landscaping. If required plant materials have died, have been removed without authorization, are unhealthy, or are otherwise failing to thrive, the applicant must replace them with the same species or an approved equivalent. If the applicant fails to complete the required replacement within the prescribed timeframe, the Town may draw upon the performance guarantee to complete the work. The ordinance also authorizes the Town to use the proceeds to cover reasonable administrative, inspection, professional service, and replacement costs associated with completing the required mitigation.

The ordinance also requires the performance guarantee to be extended when replacement trees or landscaping are installed during the original guarantee period, ensuring that replacement materials are subject to the same survival standards as the original plantings. Finally, the proposal clarifies that release of the performance guarantee does not eliminate the property owner's ongoing responsibility to preserve and maintain required trees and landscaping in accordance with the approved development plans and the Land Management Ordinance.

## **Zoning Compliance Permit**

A dedicated Zoning Compliance Permit review process is proposed to ensure that construction, demolition, alterations, changes in use, and other regulated activities are reviewed for compliance with the Land Management Ordinance before work begins or additional permits are issued. The provisions establish clear applicability, review criteria, and permit expiration standards, providing greater consistency in administration while helping prevent unauthorized development and ensuring that approved projects remain consistent with applicable zoning requirements.

Applications must comply with all applicable provisions of the Land Management Ordinance as well as the requirements contained within the Applications Manual. In

addition, the ordinance clarifies the effect of permit approval by specifying that issuance of a Zoning Compliance Permit authorizes the applicant to begin the approved activity or proceed with obtaining any additional permits that may be required.

## **Chapter 16-5 General Development Design Regulations**

### **General**

Amendments to this chapter are organizational in nature to establish clear residential development and subdivision regulations found in chapters 16-6, 16-7, and 16-8. In that regard, the following changes were made:

- Stormwater Management and Erosion and Sedimentation Control Standards were moved to Section 16-6;
- Flood Zone Standards were moved to Section 16-6;
- Subdivision Standards were moved to section 16-7 and 16-8; and
- Retained in new Section 16-5-115. General Requirements for Subdivisions including:
  - Monuments and Markers;
  - Addressing and Lot Numbering; and
  - Lots with Septic Systems.

## **Chapter 16-7 Non-Residential and Vertical Mixed-Use Development Design Regulations**

The proposed organization of the Chapters have distinguished non-residential (this new Chapter) from the residential Chapter (16-8). Both residential and non-residential developments need to comply with the General Design standards described in Section 16-5. This new chapter includes a “Purpose and Intent” to explain that this applies to non-residential, commercial and institutional projects.

The focus of this short Chapter is on things that are applicable only to non-residential projects such as connectivity to the public streets and adjacent uses. Specific requirements deal with access to a transit stop or including a transit stop within the site, a walkway to connect a building to the public sidewalk or pathway, and separating a pedestrian walk from vehicles.

The new standards help ensure that site designs include a pedestrian-oriented focus, which should improve pedestrian and bicycle mobility and safety. The addition of Transit-Oriented standards for sites along a public transit route ensures more attention will be paid to those who choose to use transit as an option. Over time, use of these standards can help shift some travel from automobiles to walking, bicycling and transit.

## **Chapter 16-8: Residential Subdivision and Residential Development Design Regulations**

### **Zero Lot Line Subdivisions**

The proposed amendments revise the existing zero lot line subdivision provisions. The proposed provisions instead establish standards for fee-simple subdivision of attached dwelling units, such as townhouses, by allowing property lines to be located along the centerline of the common wall separating adjacent units. Under the revised approach, each attached dwelling unit may be placed on its own individually owned lot rather than requiring the entire building to remain under condominium ownership or on a single parcel. This provides greater flexibility in ownership while maintaining a clear framework for subdivision and long-term property management.

The proposed standards ensure that each lot contains only one complete dwelling unit and prohibit lot lines from dividing any portion of a dwelling or separating garages and accessory structures from the dwelling they serve. The standards also limit each dwelling unit to being attached to only one adjoining dwelling unit along each common side lot line, maintaining a traditional townhouse configuration.

Additionally, because the side lot lines coincide with the shared walls between units, side yard setbacks apply only to the exterior sides of the end units. Each dwelling unit must also have direct access to a public street, private street, or private driveway, ensuring adequate access for residents and emergency services.

Finally, all land and improvements not included within the individual townhouse lots, including private streets, open space, parking areas, stormwater facilities, and other shared improvements, must be designated as common area and conveyed to a property owners' association for ownership and maintenance.

### **Development Phasing**

Developments are often constructed in phases. This new language specifies that if a project is proposed to be constructed in phases, the sequence needs to be approved by the Town to ensure that each phase, or connection of built phases, can “stand on its own.” A Phase cannot depend on a future phase for elements such as required open space, amenities, utility or street extensions, stormwater, etc. Requirements for a Phasing Plan requires cul-de-sacs or other improvements, temporary or permanent, to ensure a project phase meets the Town’s standards in case future phases are delayed. It also allows administrative relief of minor changes but requires approval by the Planning Commission of major changes including increases in density, unit types, or changes to the open space. This will help prevent situations where the market or other conditions delay a project and leave important parts of a project unfinished.

### **Phased Grading and Clearing**

The proposed amendments establish phased clearing and grading requirements for Major Subdivision Plans and Major Residential Development Plans to minimize

unnecessary land disturbance and better preserve natural site features during development. These requirements promote environmentally responsible site development, reduce erosion and stormwater impacts, and encourage development that is more responsive to existing site conditions.

The initial clearing and grading process is proposed to be limited to rights-of-way and easements necessary for infrastructure installation, with subsequent clearing occurring only as development progresses. Clearing and grading on individual residential lots is prohibited until all required tree removal permits, where applicable, and building permits have been issued. Before additional phases may begin, completed areas must be stabilized to prevent erosion, and all required infrastructure for that phase must be installed.

### **Environmental Site Analysis**

Preserving or conserving important environmental features should be a critical part of development process, even more so on many of the remaining parcels. The goal of this section is to have developers and their designers inventory key natural features on a site and consider them as they develop their concepts. Discussion of these factors at the early stages of development will alert the developer to key environmental concerns, and help guide the process to a more acceptable outcome.

A series of examples are provided to explain how the key features should be illustrated such as water bodies, dunes, floodplains, woodlots and landmark trees, vistas or viewsheds, sight distance along the public roads, and potential non-motorized connections. A developer will need to identify which features can be preserved, which features will need enhancements, what mitigation may be needed, and which areas are the most developable. This amendment has been coordinated with amendments for wetland protection, tree protection and replacement, and individual site grading.

This process will require attention from the design team, and more involvement of environmental specialists, to help identify the areas best suited for development while avoiding areas for preservation. Concepts or alternatives that integrate key natural features into the design will take more up-front time

### **Residential Anti-Monotony Design Standards**

The community is characterized homes having varied architectural pattern. Some recent developments have been more monotonous in terms of architectural pattern. These styles lack the variety consistent with the existing neighborhood fabric and can make a new development look like they could be anywhere, not just Hilton Head Island.

The proposed amendments will apply to single-family to townhouse style homes, with a requirement that at least four differences be found to distinguish a home from those next door and across the street (as illustrated in a series of sketches in the code). Homes designs need to be varied based on design elements such as height, building form, garage door location, major building materials, porches, variation on porches or

entrances, etc. Compliance for the requirements will be determined by the Design Review Board, a body with expertise in architectural and also knowledgeable about the development process, to review the developers plan and program to ensure the diversity intent is achieved.

The overall affect will be more diverse designs that fit the character of the island.

### **Amenity Buildings**

There have been situations where amenities or an amenity building were proposed and approved, but were not built. or were built much later than anticipated. This amendment defines different types of amenities and amenity buildings. It requires that the timing of the amenity building be shown in a phasing plan or described, and that it be provided when 50% of the units within a particular phase have an approved building permit.

This should ensure that amenity buildings anticipated by the Town, and expected by the home buyers and Home Owners Association, are constructed at a certain point in the development process.

## **Appendix A- Advisory and Decision Making Bodies and Persons**

### **Power and Duties**

The proposed amendments update Appendix A, Advisory and Decision-Making Bodies and Persons, to reflect the revised review procedures and decision-making responsibilities proposed in Chapter 16-2, Administration. As Chapter 16-2 introduces new review processes, preliminary and final plan approvals, and additional review components for major residential developments, Appendix A has been revised to ensure that the responsibilities of the Official, Planning Commission, Design Review Board, and Board of Zoning Appeals accurately correspond to those procedures.

The revisions do not establish any new authorities beyond those proposed in Chapter 16-2. Instead, they update the existing summary of responsibilities to provide a clear and consistent reference for the role each advisory body and decision-maker serves in administering the Land Management

## **Appendix D- Application Submittal Requirements**

The proposed amendments to Appendix D – Application Submittal Requirements are to ensure that the process and regulatory changes are able to be enforced through the application submittal process by ensuring the minimum necessary information is provided.

## **LMO Amendments Legend**

The attached LMO amendments are identified as follows:

1. Additions are identified in blue double-underline text; and
2. Deletions are identified in ~~red strikethrough~~ text.

## Chapter 16-2: Administration

### Sec.16-2-101. Summary Table of Review Procedures

| Table 16-2-101: Summary Table of Development Review Procedures                                                                                                                  |                                                                |                                        |                     |                               |                                                            |              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|----------------------------------------|---------------------|-------------------------------|------------------------------------------------------------|--------------|
| V = <a href="#">Review</a> ; R = Recommendation; D = Decision; A = Appeal; < > = Hearing; < > * = Public Hearing; E = Encouraged; <a href="#">M</a> = <a href="#">Mandatory</a> |                                                                |                                        |                     |                               |                                                            |              |
| Procedure                                                                                                                                                                       | Pre-Application Conference                                     | Review and Decision-Making Authorities |                     |                               |                                                            |              |
|                                                                                                                                                                                 |                                                                | Official                               | Design Review Board | Planning Commission           | Board of Zoning Appeals                                    | Town Council |
| ORDINANCE AMENDMENTS                                                                                                                                                            |                                                                |                                        |                     |                               |                                                            |              |
| Text Amendment (Sec. 16-2-103.B)                                                                                                                                                |                                                                | R                                      |                     | <R>*                          |                                                            | D            |
| Zoning Map Amendment (Rezoning) (Sec. 16-2-103.C)                                                                                                                               | E                                                              | R                                      |                     | <R>*                          |                                                            | D            |
| PUD District (Sec. 16-2-103.D)                                                                                                                                                  | E                                                              | R                                      |                     | <R>*                          |                                                            | D            |
| DEVELOPMENT APPROVALS AND PERMITS                                                                                                                                               |                                                                |                                        |                     |                               |                                                            |              |
| Special Exception (Sec. 16-2-103.E)                                                                                                                                             |                                                                | R                                      |                     |                               | <D>*                                                       |              |
| <a href="#">Non-Residential Subdivision Review (Sec. 16-2-103.F)</a>                                                                                                            | <a href="#">Minor Non-Residential Subdivision Plan</a>         | <a href="#">E</a>                      | <a href="#">D</a>   |                               | <a href="#">&lt;A&gt;* </a>                                |              |
|                                                                                                                                                                                 | <a href="#">Major Non-Residential Subdivision Plan</a>         | <a href="#">M</a>                      | <a href="#">D</a>   |                               | <a href="#">&lt;V&gt;* </a><br><a href="#">&lt;A&gt;* </a> |              |
| <a href="#">Residential Subdivision Review (Sec. 16-2-103.F)</a>                                                                                                                | <a href="#">Minor Residential Subdivision Plan</a>             | <a href="#">E</a>                      | <a href="#">D</a>   |                               | <a href="#">&lt;A&gt;* </a>                                |              |
|                                                                                                                                                                                 | <a href="#">Preliminary Major Residential Subdivision Plan</a> | <a href="#">M</a>                      | <a href="#">R</a>   | <a href="#">D<sup>1</sup></a> | <a href="#">&lt;D&gt;* </a>                                |              |
|                                                                                                                                                                                 | <a href="#">Final Major Residential Subdivision Plan</a>       | <a href="#">M</a>                      | <a href="#">D</a>   |                               | <a href="#">&lt;V&gt;* </a><br><a href="#">&lt;A&gt;* </a> |              |
| <a href="#">Minor Development Plan Review (Sec. 16-2-103.G)</a>                                                                                                                 | <a href="#">E</a>                                              | <a href="#">D</a>                      |                     | <a href="#">&lt;A&gt;* </a>   |                                                            |              |

|                                                                                 |                                                                |                   |                   |                               |                                                          |                           |  |
|---------------------------------------------------------------------------------|----------------------------------------------------------------|-------------------|-------------------|-------------------------------|----------------------------------------------------------|---------------------------|--|
| <a href="#">Major Non-Residential Development Plan Review (Sec. 16-2-103.G)</a> |                                                                | <a href="#">M</a> | <a href="#">D</a> |                               | <a href="#">&lt;V&gt;*</a><br><a href="#">&lt;A&gt;*</a> |                           |  |
| <a href="#">Major Residential Development Plan Review (Sec. 16-2-103.G)</a>     | <a href="#">Preliminary Major Residential Development Plan</a> | <a href="#">M</a> | <a href="#">R</a> | <a href="#">D<sup>1</sup></a> | <a href="#">&lt;D&gt;*</a>                               |                           |  |
|                                                                                 | <a href="#">Final Major Residential Development Plan</a>       | <a href="#">M</a> | <a href="#">D</a> |                               | <a href="#">&lt;V&gt;*</a><br><a href="#">&lt;A&gt;*</a> |                           |  |
| Small Residential Development Review (Sec. 16-2-103.H)                          |                                                                | <a href="#">E</a> | D                 |                               | <A>                                                      |                           |  |
| Corridor Review (Sec. 16-2-103.I)                                               | Minor                                                          |                   | D                 | <A>                           |                                                          |                           |  |
|                                                                                 | Major                                                          |                   | R                 | <D>                           |                                                          |                           |  |
| <a href="#">Transportation Impact Analysis Plan Review (Sec. 16-2-103.J)</a>    | Without Mitigation                                             |                   | D                 |                               | <A>                                                      |                           |  |
|                                                                                 | With Mitigation                                                |                   | R                 |                               | <D>                                                      |                           |  |
| Natural Resources Permit (Sec. 16-2-103.K)                                      |                                                                |                   | D                 |                               |                                                          | <A>                       |  |
| Wetlands Alteration Permit (Sec. 16-2-103.L)                                    |                                                                |                   | D                 |                               |                                                          | <A>                       |  |
| Sign Permit (Sec. 16-5- <del>114</del> <a href="#">112</a> .E)                  | Administrative Review                                          |                   | D                 | <A>                           |                                                          |                           |  |
|                                                                                 | DRB Review                                                     |                   |                   | <D>                           |                                                          |                           |  |
| Development Project Name Review (Sec. 16-2-103.N)                               |                                                                |                   | D                 |                               | <A>                                                      |                           |  |
| Street/Vehicular Access Easement Name Review (Sec. 16-2-103.O)                  | New name                                                       |                   | R                 |                               | <D>                                                      |                           |  |
|                                                                                 | Modified name                                                  |                   | R                 |                               | <D>*                                                     |                           |  |
| Certificate of Compliance (Sec. 16-2-103.P)                                     |                                                                |                   | D                 |                               |                                                          | <A>                       |  |
| Public Project Review (Sec. 16-2-103.Q)                                         |                                                                | E                 | R                 |                               | <D>*                                                     |                           |  |
| Utility Project (Sec. 16-2-103.W)                                               |                                                                |                   | D                 |                               | <A>                                                      |                           |  |
| Family Compound (Sec. 16-2-103.X)                                               |                                                                | E                 | D                 |                               | <A>                                                      |                           |  |
| Family Subdivision (Sec. 16-2-103.Y)                                            |                                                                | E                 | D                 |                               | <A>                                                      |                           |  |
| <a href="#">Zoning Compliance Permit (Sec. 16-2-103.Z)</a>                      |                                                                |                   | <a href="#">D</a> |                               |                                                          | <a href="#">&lt;A&gt;</a> |  |
| <b>RELIEF PROCEDURES</b>                                                        |                                                                |                   |                   |                               |                                                          |                           |  |
| Written Interpretation (Sec. 16-2-103.R)                                        |                                                                |                   | D                 |                               |                                                          | <A>                       |  |
| Variance (Sec. 16-2-103.S)                                                      |                                                                |                   | R                 |                               |                                                          | <D>*                      |  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |  |     |     |     |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|-----|-----|-----|--|
| Appeal of Administrative Decisions and Written Interpretations to <b>Board of Zoning Appeals</b> (Sec. 16-2-103.T)                                                                                                                                                                                                                                                                                                                                                        |  |  |     |     | <D> |  |
| Appeal of <b>Official's</b> Decision to <b>Planning Commission</b> (Sec. 16-2-103.U)                                                                                                                                                                                                                                                                                                                                                                                      |  |  |     | <D> |     |  |
| Appeal of <b>Official's</b> Decision to <b>Design Review Board</b> (Sec. 16-2-103.V)                                                                                                                                                                                                                                                                                                                                                                                      |  |  | <D> |     |     |  |
| <p><a href="#">Note 1: DRB decision relates only to compliance with anti-monotony requirements. See Sec. 16-8-102.F.1 Anti-Monotony Design Standards.</a></p> <p><a href="#">General Note:</a> All meetings of the <b>Town Council</b>, <b>Planning Commission</b>, <b>Board of Zoning Appeals</b> and <b>Design Review Board</b> are public meetings, and any "Hearing" or "Public Hearing" designated above takes place at a public meeting. See Sec. 16-2-102.E.1.</p> |  |  |     |     |     |  |

## Sec.16-2-102. Standard Review Procedures

### B. Pre-Application Conference

#### 2. Applicability

[If a pre-application conference for a particular \*\*application\*\* type is noted as mandatory in Sec. 16-2-101, Summary Table of Review Procedures, it shall occur in accordance with this subsection. Otherwise, A](#) pre-application conference is encouraged, but not required, ~~before submittal of particular **application** types as identified in Sec. 16-2-101, Summary Table of Review Procedures~~ [for all other \*\*application\*\* types.](#)

#### 3. Procedure

##### b. Information Submitted For Conference

Before a pre-application conference is held, the **applicant** shall submit to the **Official** a narrative describing the scope of the proposed **development**, a conceptual **site plan**, and any other information reasonably requested by the **Official**. [Additionally, for Preliminary Major Residential Subdivision Plans and Preliminary Major Residential Development Plans, an \*\*applicant\*\* shall submit a site analysis in accordance with Section 16-8-102.b and concept-level building elevations indicating initial strategies to comply with Anti-Monotony Design Standards in accordance with Sec. 16-8-102.F.1.](#)

##### c. Conference Actions

**Town** staff shall review the materials submitted by the **applicant** prior to the conference, and at the conference ask the **applicant** questions about the proposed **application**, as appropriate, and identify any concerns or other factors the **applicant** should consider about the **application**. [If the \*\*development\*\* requires a Transportation Impact Analysis Plan \(TIAP\) in accordance with Section 16-5-106, the pre-application conference will address the type of TIAP, study area, data required, and modal split, as required.](#)

### C. Zoning Map Amendment (Rezoning)

#### 3. Zoning Map Amendment (Rezoning) Review Standards

- b. If the proposed Zoning Map Amendment is for reclassification of **land** to the Redevelopment Overlay (R-O) District, whether and the extent to which:

- vii. The proposed plan for **development** demonstrates that the design and layout of the site complies with the dimensional, **development** and design, and natural resource protection standards in Chapter 16-5: [General Development and Design Standards](#), and Chapter 16-6; Natural Resource Protection, or modifications to such standards approved in accordance with Sec. 16-3-106.K, Redevelopment Overlay (R-O) District; and

## F. Subdivision [Plan Review](#) ~~(Minor or Major)~~

### 1. Purpose

The purpose of this section is to state the procedure for seeking ~~a Major or Minor~~ Subdivision [Plan Review](#) Approval.

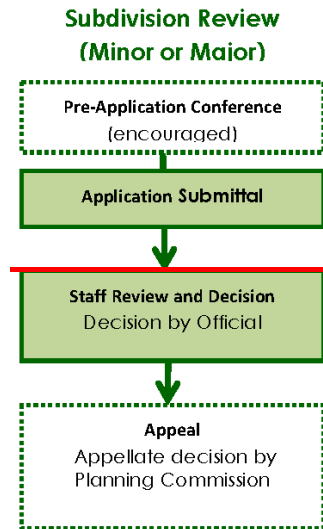
The purpose of this subsection is to provide a uniform method for the review and approval of **subdivision of land** and to ensure, in conjunction with ~~Sec. 16-5-115~~ [Chapter 16-5 General Development Design Regulations](#), [Chapter 16-6 Natural Resource Protection](#), [Chapter 16-7 Non-Residential and Vertical Mixed-Use Development Design Regulations](#), [Chapter 16-8 Residential Subdivision and Residential Development Design Regulations](#), and all other requirements, as [applicable](#), that **subdivisions** 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. Ensuring there is adequate **open space** and recreation facilities; and
- f. Ensuring there is proper recordation of **land** ownership.

### 2. Applicability

#### a. General

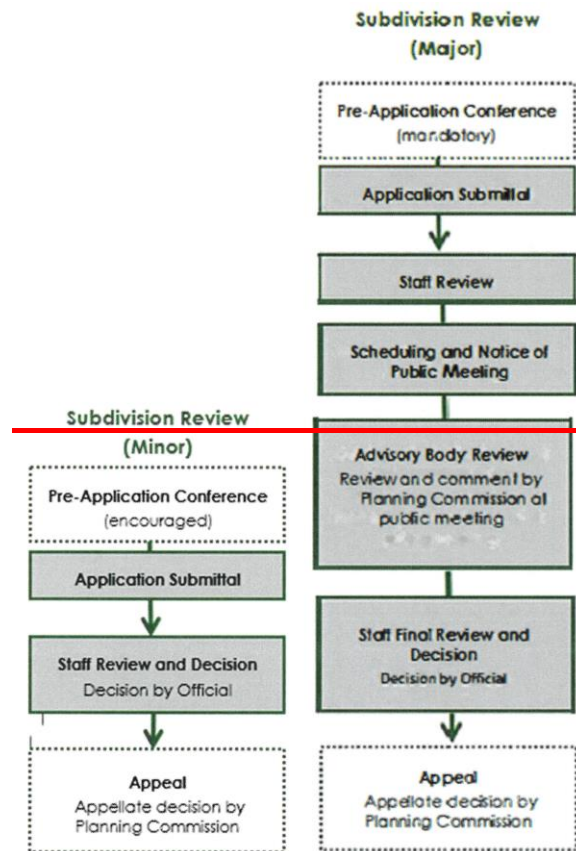
Approval of ~~either a Minor Subdivision or a Major~~ a Subdivision [Plan](#) in accordance with the procedures and standards of this subsection is required before any plat of a ~~Major or Minor~~ Subdivision [Plan](#) may be recorded in the Office of the Register of Deeds for Beaufort County, South Carolina. No **land** in any proposed ~~Major or Minor~~ Subdivision [Plan](#) may be sold, transferred, or offered for sale until a final plat for the ~~Major or Minor~~ Subdivision [Plan](#) has been approved in accordance with this **Ordinance** and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina.



**b. Minor and Major Subdivision Plans**

- i. A Minor Non-Residential Subdivision Plan ~~Minor Subdivision~~ is a division of **land** into five or fewer non-residential lots.
- ii. A Minor Residential Subdivision Plan is a division of **land** into five or fewer residential **lots**.
- iii. A Major Non-Residential Subdivision is a:
  01. Division of **land** into six or more non-residential lots; or
  02. Division of any **lot** that previously resulted from a minor subdivision and results in six or more non-residential **lots** that were created from the original minor subdivision(s) and the proposed division of **land**.
- iv. A Major Residential Subdivision is a:
  01. ~~d~~Division of **land** into six or more residential lots; or-
  02. Division of any **lot** that previously resulted from a minor subdivision and results in six or more residential **lots** that were created from the original minor subdivision(s) and the proposed division of **land**.
  03. A division that creates lots intended or used for multi-unit residential buildings where the cumulative dwelling units enabled within the subdivision area would be six or more shall require Major Residential Development Plan review.

### 3. Subdivision Review ~~(Minor or Major)~~ Procedure



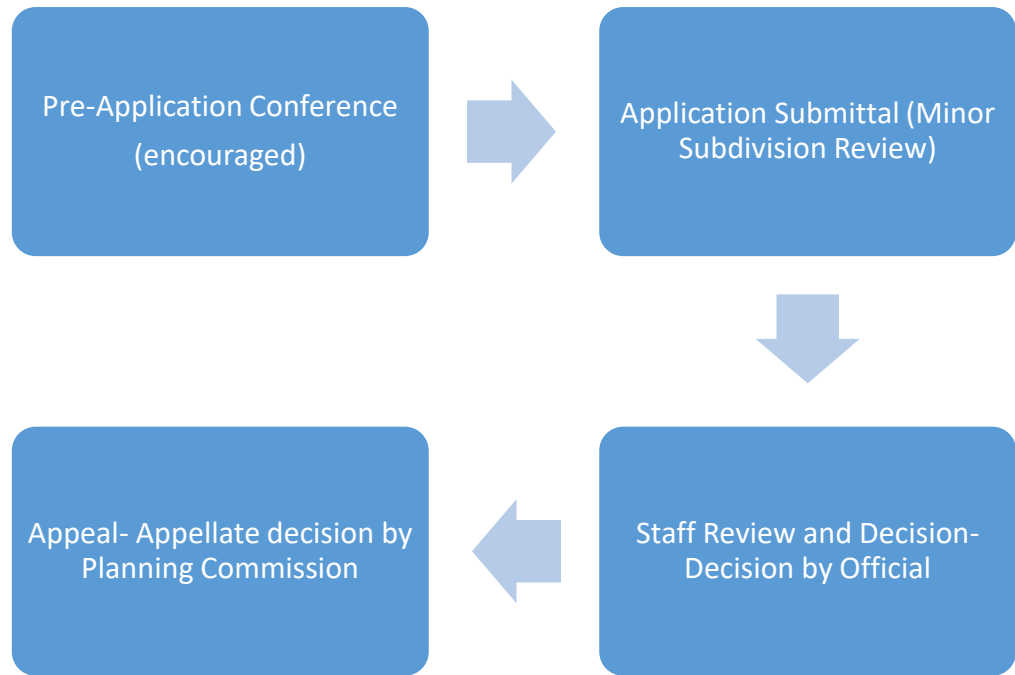
#### a. Pre-Application Conference

- i. Prospective **applicants** for [Minor Non-Residential Subdivision Plan Reviews and Minor Residential Subdivision Plan Reviews](#) ~~Minor Subdivision Reviews~~ are encouraged to request and hold a pre-application conference with Town staff in accordance with Sec. 16-2-102.B.
- ii. Prospective **applicants** for [Major Non-Residential Subdivision Plan Reviews, Preliminary Major Residential Subdivision Plan Reviews, and Final Major Residential Subdivision Plan Reviews](#) ~~Major Subdivision Reviews~~ are required to hold a pre-application conference with Town staff in accordance with Sec. 16-2-102.B.

#### c. Staff Review and Action — [Minor Non-Residential Subdivision Plan Review and Minor Residential Subdivision Review](#)

- i. On receiving an **application for a Minor Non-Residential Subdivision Plan Review or Minor Residential Subdivision Review**, 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. 16-2-103.F.4, Subdivision Review ~~(Minor or Major)~~ 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**.

- ii. The **Official** shall act on an **application**, [for a Minor Non-Residential Subdivision Plan Review or Minor Residential Subdivision Review](#), in accordance with Sec. 16-2-102.D, within 60 days after it is submitted, or such extended time agreed to by the **applicant**.
- iii. If the **Official** fails to take action on the **application** [for a Minor Non-Residential Subdivision Plan Review or Minor Residential Subdivision Review](#) within this time period, the **application** shall be deemed approved, and the Town shall issue the **applicant** a letter of approval and written notice to proceed based on the submitted **application**.



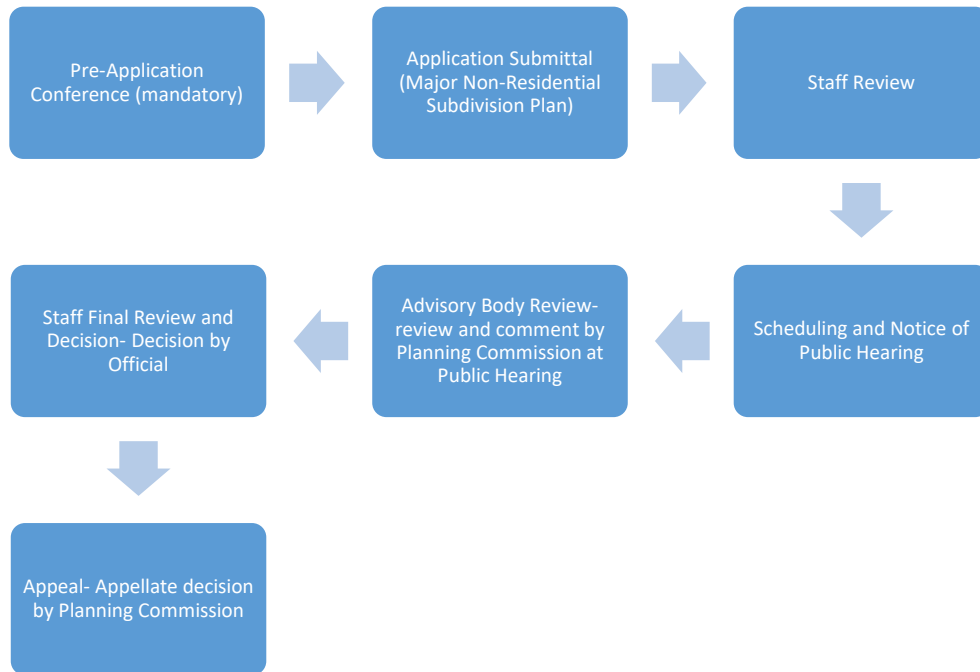
#### ~~d. Staff Review and Action – Major Subdivision~~

- ~~i. The **Official** shall forward the **application** to the **Planning Commission** for review, and the **Planning Commission** shall review the application, staff report, and any public comment at a hearing.~~
- ~~ii. Following review by the **Planning Commission**, the **Official** shall 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. 16-2-103.F.4, Subdivision Review (Minor or Major) 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**.~~

~~iii. The **Official** shall act on an **application**, in accordance with Sec. 16-2-102.D, within 60 days after it is submitted, or such extended time agreed to by the **applicant**. If the **Official** fails to take action on the **application** within this time period, the **application** shall be deemed approved, and the Town shall issue the **applicant** a letter of approval and written notice to proceed based on the submitted **application**.~~

d. Staff Review and Action – Major Non-Residential Subdivision Plan Review

- i. On receiving an **application** for a Major Non-Residential Subdivision Plan Review, the **Official** shall review the **application**, prepare a staff report on the **application**, and transmit the **application** and staff report to the **Planning Commission** in accordance with Sec. 16-2-102.D. The **Official's** staff report shall be based on the standards in Sec. 16-2-103.F.4, Subdivision Review Standards.
- iii. A public hearing on the **application** for a Major Non-Residential Subdivision Plan Review shall be scheduled before the **Planning Commission**, and all required notices shall be provided in accordance with Sec. 16-2-102.E.
- iv. The **Planning Commission** shall review the **application** for a Major Non-Residential Subdivision Plan Review, staff report, and public comment at the hearing, and shall provide review comments on the **application**.
- v. Following review by the **Planning Commission**, the **Official** shall make a final decision on the **application** for a Major Non-Residential Subdivision Plan Review in accordance with Sec. 16-2-102.D. The **Official's** decision shall be based on the standards in Sec. 16-2-103.F.4, Subdivision 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**.
- vi. The **Official** shall act on an **application** for a Major Non-Residential Subdivision Plan Review, in accordance with Sec. 16-2-102.D, within 60 days after the **application** is submitted, or such extended time agreed to by the **applicant**.
- vii. If the **Official** fails to act on an **application** for a Major Non-Residential Subdivision Plan Review, in accordance with Sec. 16-2-102.D, within the time period in provision vi above, the **application** shall be deemed approved, and the Town shall issue the **applicant** a letter of approval and written notice to proceed based on the submitted **application**.



#### e. Planning Commission Review and Action – Preliminary Major Residential Subdivision Plan Review

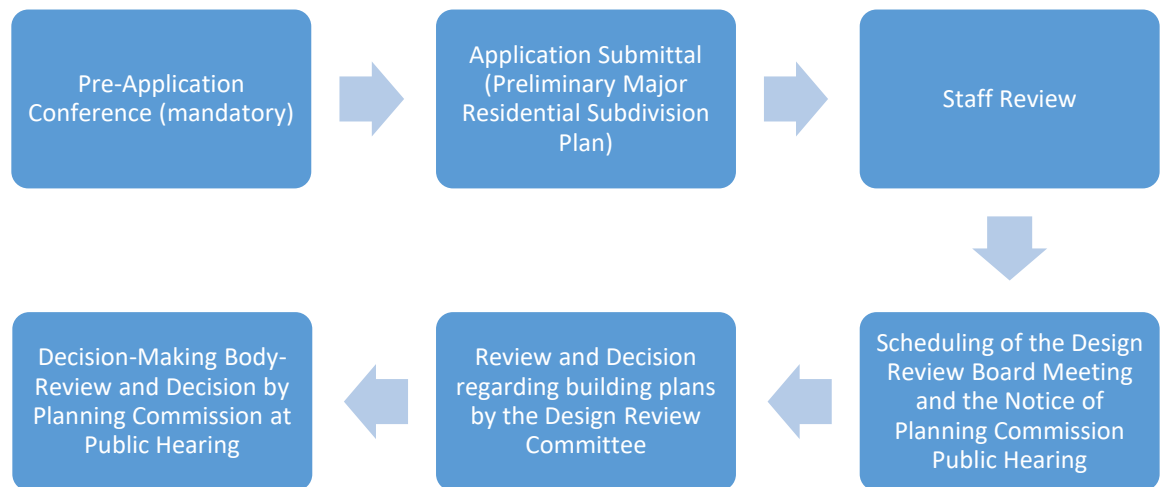
- i. On receiving an **application** for a preliminary Major Residential Subdivision Plan Review, the **Official** shall review the **application**, prepare a staff report with a recommendation for action on the **application**, and transmit the **application** and staff report to the **Design Review Board** and the **Planning Commission** in accordance with Sec. 16-2-102.D. The **Official's** recommendation shall be based on the standards in Sec. 16-2-103.F.4, Subdivision Review Standards.
- ii. A meeting with the **Design Review Board** shall be scheduled for consideration of compliance with Anti-Monotony Design Standards (Sec. 16-8-102.F.1), and a public hearing on the **application** for a Preliminary Major Residential Subdivision Plan Review shall be scheduled before the **Planning Commission**, and all required notices shall be provided in accordance with Sec. 16-2-102.E.
- iii. The **Design Review Board** shall review the proposed building plans, staff report, and the **Official's** recommendation, and make a final decision in accordance with Sec. 16-2-102.D. The **Design Review Board's** decision shall be based on compliance with Sec. 16-8-102.F.1 Anti-Monotony Design Standards, and shall be one of the following:
  01. Approve the **building** plans;
  02. Approve the **building** plans subject to conditions of approval; or
  03. Deny the **building** plans.
- iv. The **Planning Commission** shall review the **application** for a Preliminary Major Residential Subdivision Plan Review, staff report, public comment at the hearing, and the **Official's** recommendation, and make a final decision on the **application** in accordance with Sec. 16-2-102.D. The **Planning Commission's** decision shall be based on the standards in Sec. 16-2-103.F.4, Subdivision 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**.

v. The **Planning Commission** shall act on an **application** for a Preliminary Major Residential Subdivision Plan Review in accordance with Sec. 16-2-102.D, within 60 days after the **application** is submitted, or such extended time agreed to by the **applicant**. However, the **Planning Commission** shall not act on an **application** for a Preliminary Major Residential Subdivision Plan Review unless the **Design Review Board** has first approved the **building plans** associated with the **development** in accordance with Sec. 16-8-102.F.1 Anti-Monotony Design Standards.

vi. If the **Planning Commission** fails to act on an **application** for a Preliminary Major Residential Subdivision Plan Review, in accordance with Sec. 16-2-102.D, within the time period in provision v above, the **application** shall be deemed approved, and the Town shall issue the **applicant** a letter of approval and written notice to proceed based on the submitted **application**.

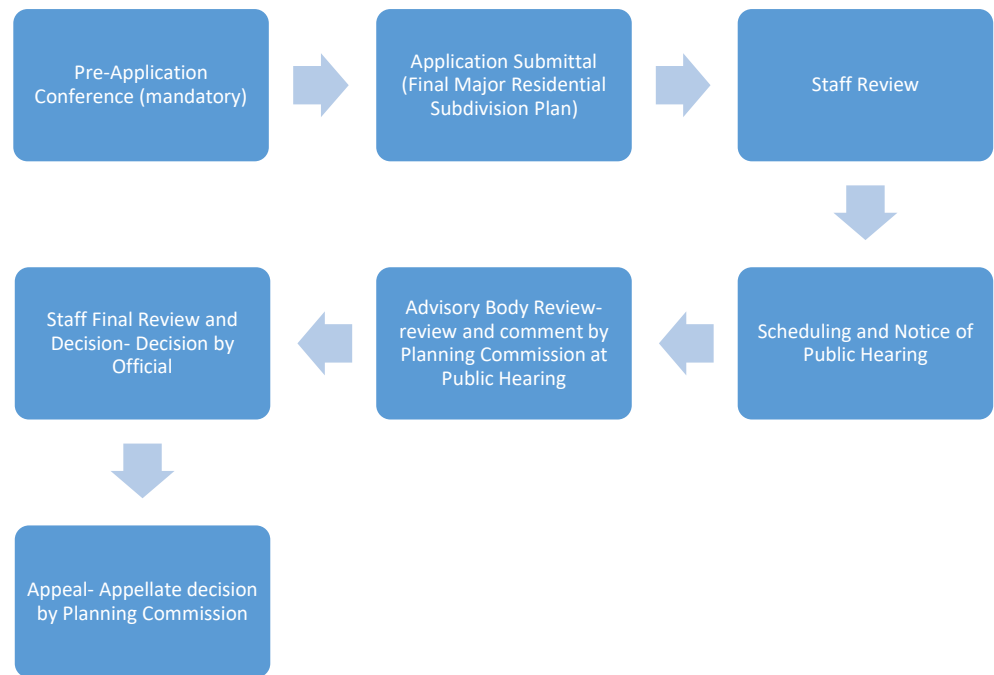


#### f. Staff Review and Action – Final Major Residential Subdivision Plan Review

i. On receiving an **application** for a Final Major Residential Subdivision Plan Review, the **Official** shall review the **application**, prepare a staff report on the **application**, and transmit the **application** and staff report to the **Planning Commission** in accordance with Sec. 16-2-102.D. The **Official's** staff report shall be based on the standards in Sec. 16-2-103.F.4, Subdivision Review Standards.

ii. A public hearing on the **application** for a Final Major Residential Subdivision Plan Review shall be scheduled before the **Planning Commission**, and all required notices shall be provided in accordance with Sec. 16-2-102.E.

- iii. The **Planning Commission** shall review the **application** for a Final Major Residential Subdivision Plan Review, staff report, and public comment at the hearing, and shall provide review comments on the **application**.
- iv. Following review by the **Planning Commission**, the **Official** shall make a final decision on the **application** for a Final Major Residential Subdivision Plan Review in accordance with Sec. 16-2-102.D. The **Official's** decision shall be based on the standards in Sec. 16-2-103.F.4, Subdivision 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**.
- v. The **Official** shall act on an **application** for a Final Major Residential Subdivision Plan Review, in accordance with Sec. 16-2-102.D, within 60 days after the **application** is submitted, or such extended time agreed to by the **applicant**.
- vi. If the **Official** fails to act on an **application** for a Final Major Residential Subdivision Plan Review, in accordance with Sec. 16-2-102.D, within the time period in provision vi above, the **application** shall be deemed approved, and the Town shall issue the **applicant** a letter of approval and written notice to proceed based on the submitted **application**.



eg. Post-Decision Actions and Limitations

#### **4. Subdivision Review ~~(Minor or Major)~~ Standards**

An **application** for Subdivision Review (Minor or Major) shall be approved if the **Official** finds the **applicant** demonstrates the proposed Major or Minor Subdivision complies with:

- a. Applicable standards in Sec. 16-5-115;
- b. All other applicable standards and requirements in this **Ordinance**; and

~~c. All other applicable requirements in the **Municipal Code**.~~

a. An **application** for Minor Non-Residential Subdivision Plan Review or Major Non-Residential Subdivision Plan Review shall be approved on a finding the **applicant** has demonstrated the **development** proposed in the Minor Non-Residential Subdivision Plan or Major Non-Residential Subdivision Plan complies with:

- i. The relevant standards and requirements in Chapter 16-3: Zoning Districts, Chapter 16-4: Use Standards, Chapter 16-5: General Development and Design Standards, Chapter 16-6: Natural Resource Protection, and Chapter 16-7 Non-Residential and Vertical Mixed-Use Development Design Regulations.
- ii. All other applicable standards of this **Ordinance**; and
- iii. All other applicable requirements in the **Municipal Code**.

b. An **application** for Minor Residential Subdivision Plan Review shall be approved on a finding the **applicant** has demonstrated the **development** proposed in the Minor Residential Subdivision Plan complies with:

- i. The relevant standards and requirements in Chapter 16-3: Zoning Districts, Chapter 16-4: Use Standards, Chapter 16-5: General Development and Design Standards, and Chapter 16-6: Natural Resource Protection.
- ii. All other applicable standards of this **Ordinance**; and
- iii. All other applicable requirements in the **Municipal Code**.

c. An **application** for Preliminary Major Residential Subdivision Plan Review or Final Major Residential Subdivision Plan Review shall be approved on a finding that the **applicant** has demonstrated the **development** proposed in the Preliminary Major Residential Subdivision Plan Review or Final Major Residential Subdivision Plan complies with:

- i. The relevant standards and requirements in Chapter 16-3: Zoning Districts, Chapter 16-4: Use Standards, Chapter 16-5: General Development and Design Standards, Chapter 16-6: Natural Resource Protection, and Chapter 16-8 Residential Subdivision and Residential Development Design Regulations;
- ii. All other applicable standards of this **Ordinance**; and
- iii. All other applicable requirements in the **Municipal Code**.

G. Minor Development Plan, Major Non-Residential Development Plan, Preliminary Major Residential Development Plan, and Final Major Residential Development Plan Review ~~(Minor and Major)~~

**2. Applicability**

b. Minor Development Plan, Major Non-Residential Development Plan, Preliminary Major Residential Development Plan, and Final Major Residential Development Plan ~~Minor and Major Development Plans~~

~~There are two types of~~ Development Plans include the following: ~~Minor and Major~~ Minor Development Plan, Major Non-Residential Development Plan, Preliminary Major Residential Development Plan, and Final Major Residential Development Plan.

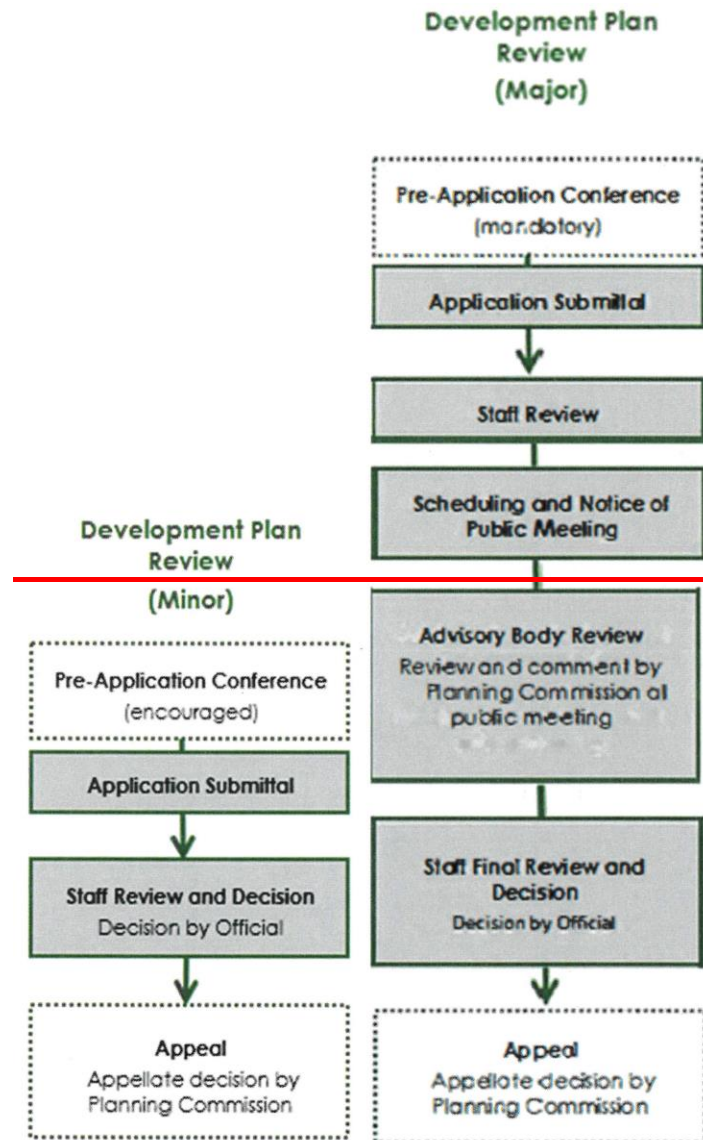
- ii. Approval of a Major Non-Residential Development Plan is required for all other **development** that does not qualify for Minor Development Plan Review ~~subject to Development Plan Review~~, including non-residential development and mixed-use development. However, any **development** qualifying as a Minor Development Plan that is adjacent to or across the street from a residential use shall be processed as a Major Non-Residential Development Plan.
- iii. Approval of a Preliminary and Final Major Residential Development Plan is required for all other residential development subject to Development Plan Review, including all non-subdivision residential development involving six or more dwelling units on a single lot, such as single-family dwellings, townhomes, and multifamily dwellings.

**3. Exemptions**

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

- d. All **structures** (including factory-built housing) built or placed on an individual **single-family** residential **lot** with no other **dwelling** on it although such structures shall comply with the provisions set forth below:
  - vii. Section 16-5-105.4, Access to Streets;
  - viii. Section 16-5-~~106~~107, Parking and Loading Standards;
  - ix. Section 16-5-~~111~~110, Fire Protection Water Supply;

4. *Minor Development Plan, Major Non-Residential Development Plan, Preliminary Major Residential Development Plan, and Final Major Residential Development Plan* Procedure  
*Development Plan Review (Minor or Major) Procedure*

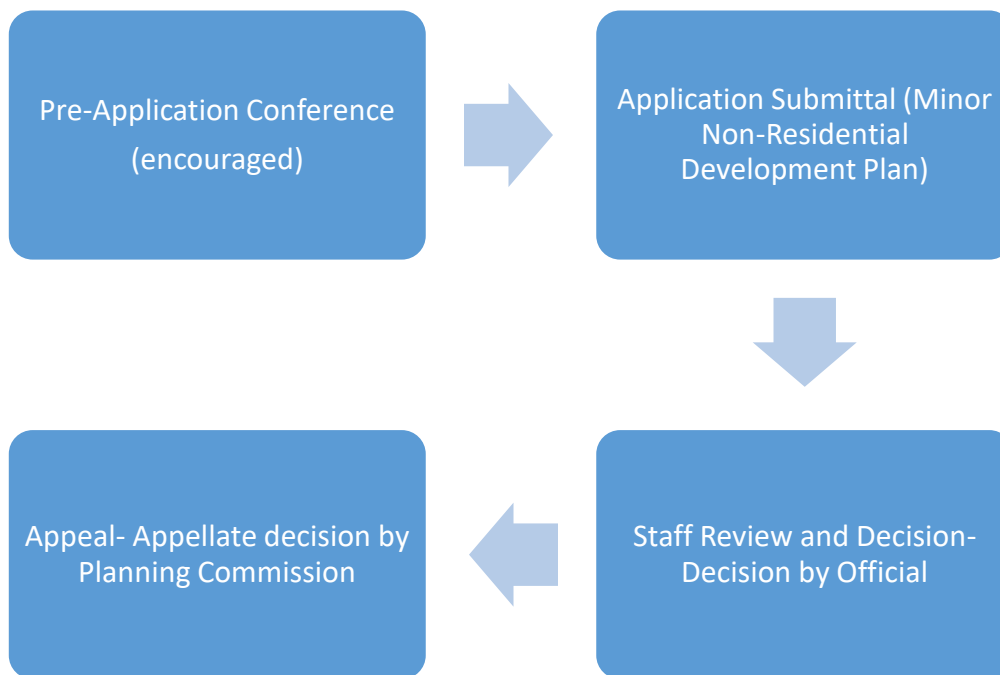


a. Pre-Application Conference

- i. Prospective **applicants** for Minor Development Plan Reviews are encouraged to request and hold a pre-application conference with Town staff in accordance with Sec. 16-2-102.B.
- ii. Prospective **applicants** for Major Non-Residential Development Plan, Preliminary Major Residential Development Plan, and Final Major Residential Development Plan ~~Major Development Plan~~ Reviews are required to hold a pre-application conference with Town staff in accordance with Sec. 16-2-102.B.

c. Staff Review and Action - Minor Development Plan Review

- i. On receiving an **application** for Minor Development Plan Review, 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. 16-2-103.G.5, Development Plan 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**.
- ii. The **Official** shall act on an **application** for Minor Development Plan Review, in accordance with Sec. 16-2-102.D, within ten business days after the **application** is submitted, or such extended time agreed to by the **applicant**.
- ~~iii. The **Official** shall act on an **application** for Major Development Plan Review, in accordance with Sec. 16-2-102.D, within 60 days after the **application** is submitted, or such extended time agreed to by the **applicant**.~~
- ~~iii~~iv. If the **Official** fails to act on an **application** for Minor Development Plan Review, in accordance with Sec. 16-2-102.D, within the time period in provision ii ~~or iii~~ above, the **application** shall be deemed approved, and the Town shall issue the **applicant** a letter of approval and written notice to proceed based on the submitted **application**.



d. Staff Review and Action - Major Non-Residential Development Plan ~~Major Development Plan~~  
Review

- i. ~~The **Official** shall forward the **application** to the **Planning Commission** for review, and the **Planning Commission** shall review the application, staff report, and any public comment at a hearing.~~ On receiving an **application** for a Major Non-Residential Development Plan

Review, the **Official** shall review the **application**, prepare a staff report on the **application**, and transmit the **application** and staff report to the **Planning Commission** in accordance with Sec. 16-2-102.D. The **Official's** staff report shall be based on the standards in Sec. 16-2-103.G.5, Development Plan Review Standards.

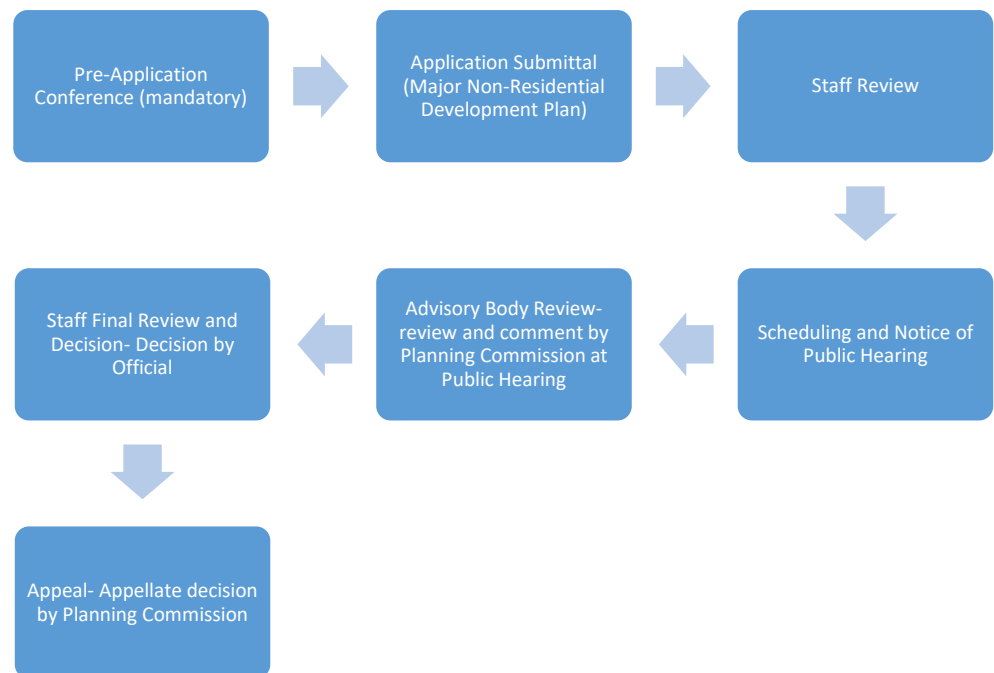
- ii. A public hearing on the **application** for a Major Non-Residential Development Plan Review shall be scheduled before the **Planning Commission**, and all required notices shall be provided in accordance with Sec. 16-2-102.E.
- iii. The **Planning Commission** shall review the **application** for a Major Non-Residential Development Plan Review, staff report, and public comment at the hearing, and shall provide review comments on the **application**.

- iv. Following review by the **Planning Commission**, the **Official** shall make a final decision on the **application** for a Major Non-Residential Development Plan Review in accordance with Sec. 16-2-102.D. The **Official's** decision shall be based on the standards in Sec. 16-2-103.G.5, Development Plan 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**.

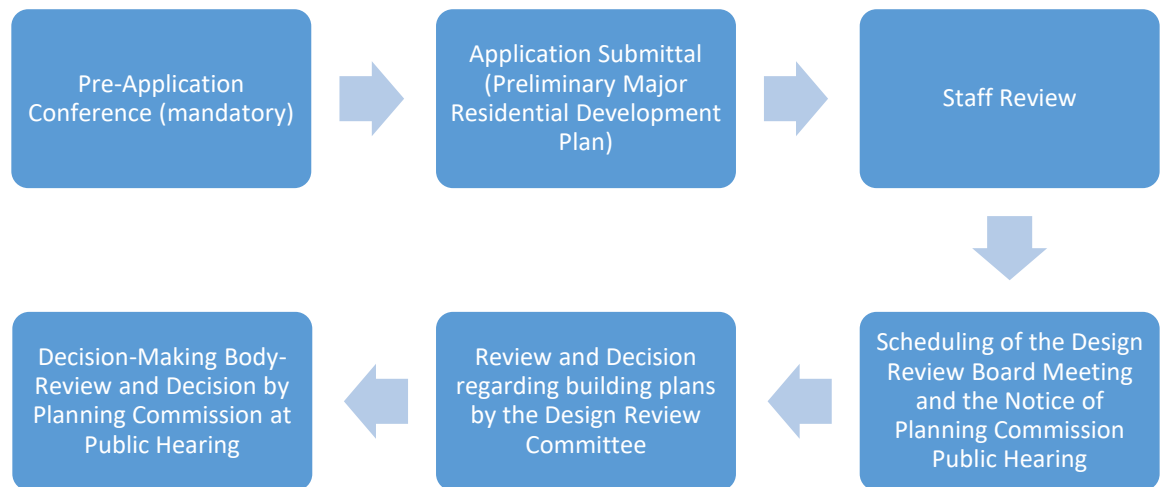
- iii.v. The **Official** shall act on an **application** for a Major Non-Residential Development Plan ~~Major Development Plan Review~~, in accordance with Sec. 16-2-102.D, within 60 days after the **application** is submitted, or such extended time agreed to by the **applicant**.

- iv.i. If the **Official** fails to act on an **application** for a Major Non-Residential Development Plan ~~Development Plan Review~~, in accordance with Sec. 16-2-102.D, within the time period in provision ~~iv.v~~ above, the **application** shall be deemed approved, and the Town shall issue the **applicant** a letter of approval and written notice to proceed based on the submitted **application**.



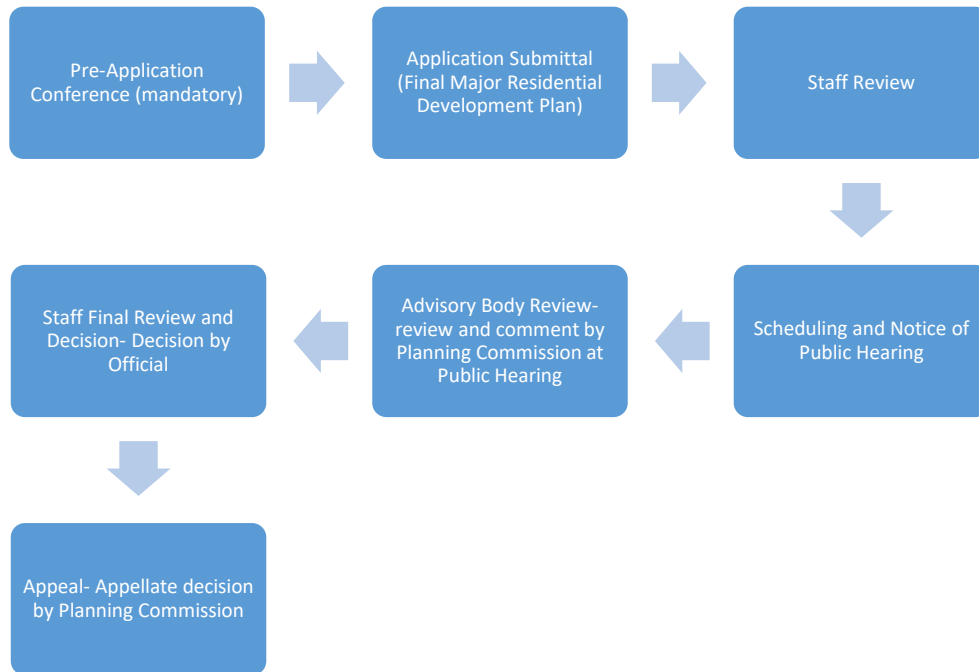
e. Planning Commission Review and Action – Preliminary Major Residential Development Plan Review

- i. On receiving an **application** for a Preliminary Major Residential Development Plan Review, the **Official** shall review the **application**, prepare a staff report with a recommendation for action on the **application**, and transmit the **application** and staff report to the **Design Review Board** and the **Planning Commission** in accordance with Sec. 16-2-102.D. The **Official's** recommendation shall be based on the standards in Sec. 16-2-103.G.5, Development Plan Review Standards.
- ii. A meeting with the **Design Review Board** shall be scheduled for consideration of compliance with Sec. 16-8-102.F.1 Anti-Monotony Design Standards, and a public hearing on the **application** for a Preliminary Major Residential Development Plan Review shall be scheduled before the **Planning Commission**, and all required notices shall be provided in accordance with Sec. 16-2-102.E.
- iii. The **Design Review Board** shall review the proposed building plans, staff report, and the **Official's** recommendation, and make a final decision in accordance with Sec. 16-2-102.D. The **Design Review Board's** decision shall be based on compliance with Sec. 16-8-102.F.1 Anti-Monotony Design Standards, and shall be one of the following:
  01. Approve the **building** plans;
  02. Approve the **building** plans subject to conditions of approval; or
  03. Deny the **building** plans.
- iv. The **Planning Commission** shall review the **application** for a Preliminary Major Residential Development Plan Review staff report, public comment at the hearing, and the **Official's** recommendation, and make a final decision on the **application** in accordance with Sec. 16-2-102.D. The **Planning Commission's** decision shall be based on the standards in Sec. 16-2-103.G.5, Development Plan 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**.
- v. The **Planning Commission** shall act on an **application** for a Preliminary Major Residential Development Plan Review in accordance with Sec. 16-2-102.D, within 60 days after the **application** is submitted, or such extended time agreed to by the **applicant**. However, the **Planning Commission** shall not act on an **application** for Preliminary Major Residential Development Plan Review unless the **Design Review Board** has first approved the **building** plans associated with the **development** in accordance with Sec. 16-8-102.F.1 Anti-Monotony Design Standards.
- vi. If the **Planning Commission** fails to act on an **application** for a Preliminary Major Residential Development Plan Review, in accordance with Sec. 16-2-102.D, within the time period in provision v above, the **application** shall be deemed approved, and the Town shall issue the **applicant** a letter of approval and written notice to proceed based on the submitted **application**.



#### f. Staff Review and Action – Final Major Residential Development Plan Review

- i. On receiving an **application** for a Final Major Residential Development Plan Review, the **Official** shall review the **application**, prepare a staff report on the **application**, and transmit the **application** and staff report to the **Planning Commission** in accordance with Sec. 16-2-102.D. The **Official's** staff report shall be based on the standards in Sec. 16-2-103.G.5, Development Plan Review Standards.
- ii. A public hearing on the **application** for a Final Major Residential Development Plan Review shall be scheduled before the **Planning Commission**, and all required notices shall be provided in accordance with Sec. 16-2-102.E.
- iv. The **Planning Commission** shall review the **application** for a Final Major Residential Development Plan, staff report, and public comment at the hearing, and shall provide review comments on the **application**.
- v. Following review by the **Planning Commission**, the **Official** shall make a final decision on the **application** for a Final Major Residential Development Plan Review in accordance with Sec. 16-2-102.D. The **Official's** decision shall be based on the standards in Sec. 16-2-103.G.5, Development Plan 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**.
- vi. The **Official** shall act on an **application** for a Final Major Residential Development Plan Review, in accordance with Sec. 16-2-102.D, within 60 days after the **application** is submitted, or such extended time agreed to by the **applicant**.
- vii. If the **Official** fails to act on an **application** for a Final Major Residential Development Plan Review, in accordance with Sec. 16-2-102.D, within the time period in provision vi above, the **application** shall be deemed approved, and the Town shall issue the **applicant** a letter of approval and written notice to proceed based on the submitted **application**.



eg. Post-Decision Actions and Limitations

## **5. Development Plan Review Standards**

a. An **application** for Minor Development Plan Review or Major Non-Residential Development Plan Review ~~Development Plan Review (Minor or Major)~~ shall be approved on a finding the **applicant** has demonstrated the **development** proposed in the Development Plan complies with:

- i. The relevant standards and requirements in Chapter 16-3: Zoning Districts, Chapter 16-4: Use Standards, Chapter 16-5: General Development and Design Standards, ~~and~~ Chapter 16-6: Natural Resource Protection, and Chapter 16-7 Non-Residential and Vertical Mixed-Use Development Design Regulations;
- ~~b.ii.~~ All other applicable standards of this **Ordinance**; and
- ~~c.iii.~~ All other applicable requirements in the **Municipal Code**.

b. An **application** for Preliminary Major Residential Development Plan Review or Final Major Residential Development Plan Review shall be approved on a finding the **applicant** has demonstrated the **development** proposed in the Development Plan complies with:

- i. The relevant standards and requirements in Chapter 16-3: Zoning Districts, Chapter 16-4: Use Standards, Chapter 16-5: General Development and Design Standards, Chapter 16-6: Natural Resource Protection, and Chapter 16-8 Residential Subdivision and Residential Development Design Regulations;
- ii. All other applicable standards of this **Ordinance**; and
- iii. All other applicable requirements in the **Municipal Code**.

## **6. Effect of Approval**

Approval of a [Minor Development Plan, Major Non-Residential Development Plan, Preliminary Major Residential Development Plan, and Final Major Residential Development Plan](#) ~~Development Plan (Minor or Major)~~ authorizes the submittal of any other subsequent **development applications** that may be required before **construction** or other **development** authorized by this **Ordinance**.

## **7. Expiration**

Approval of a [Minor Development Plan, Major Non-Residential Development Plan, Preliminary Major Residential Development Plan, and Final Major Residential Development Plan](#) ~~Development Plan (Minor or Major)~~ establishes a **vested right** in accordance with Sec. 16-2-102.J.1, Vested Rights for Approvals of Site Specific Development Plans.

## **8. Amendment**

An approved [Minor Development Plan, Major Non-Residential Development Plan, Preliminary Major Residential Development Plan, and Final Major Residential Development Plan](#) ~~Development Plan (Minor or Major)~~ may be modified or amended only in accordance with the procedures and standards established for its original approval.

## **H. Small Residential Development Review**

### **2. Applicability**

Approval of a Small Residential Development in accordance with this subsection is required for any **development** of two to five **dwelling units** on a single **lot**. [The Official may deny a Small Residential Development application or require consolidation into a Major Residential Development Plan where multiple Small Residential Development applications cumulatively meet or exceed six dwelling units within a rolling 36-month period across contiguous or adjacent lots.](#) Approval of a Small Residential Development is required before issuance of a **Building Permit** for **development** subject to Small Residential Development Review.

## **P. Certificate of Compliance**

### **3. Certificate of Compliance Procedure**

#### **b. Staff Review and Action**

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

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

#### **05. Release of Guarantee.**

- (D) **Additional Landscaping Performance Guarantee.** [If the landscaping is accepted by the \*\*Official\*\* and an ISA Certified Arborist following an inspection, the performance guarantee shall be adjusted to comply with Sec. 16-2-103.P.6 Performance Guarantee for Tree Replacement and Supplemental Planting Survival.](#)

## **6. Performance Guarantee for Tree Replacement and Supplemental Planting Survival**

- a. An **applicant** required to replace **trees**, plant supplemental **trees**, or install additional landscaping on a **development** site shall provide a performance guarantee in a form acceptable to the **Official** in accordance with Sec. 16-2-103.P.3.b.iv.01 to ensure the maintenance and survival of the newly planted materials.
- b. The performance guarantee shall be provided after a satisfactory inspection of the required planting by the **Official** and an ISA Certified Arborist and prior to the issuance of a Certificate of Compliance.
- c. The amount of the performance guarantee shall equal 125% of the cost of acquiring and installing all required **trees**, unless the **Official** determines that a higher amount is required to cover the projected cost of acquisition and installation in 18 months from the **Official's** acceptance of the performance guarantee.
- d. The performance guarantee shall remain in effect for not less than 18 months following the satisfactory inspection and the acceptance of the performance guarantee.
- e. The performance guarantee shall be recorded with the Beaufort County Register of Deeds within one month of acceptance to ensure it remains legally associated with the subject **lot**.
- f. At a time within 12 to 14 months following the satisfactory inspection and the acceptance of the performance guarantee, the site and required landscaping and **trees** shall be reinspected by the **Official** along with an ISA Certified Arborist. If the **Official** and ISA Certified Arborist determine that any of the required **trees** or landscaping materials have died, have been removed without authorization, are not in good condition, are unhealthy, or are failing to thrive during this period, the **applicant** shall be issued a written order to replace the **trees** or landscaping materials with the same species or an approved equivalent, size, and quality.
- g. If the **applicant** fails to replace the **trees** in accordance with the **Official's** written order within 16 months of the satisfactory inspection and the acceptance of the performance guarantee, the **Town** shall draw upon the performance guarantee to complete the replacement work. The **Town** may use the proceeds to cover all reasonable costs associated with replacement **trees** and landscape materials, including administration, inspection, professional services, and contingencies. If the **Official** and ISA Certified Arborist determine that all required replacement **trees** and landscape materials are present, alive, in good condition, healthy, and thriving during the reinspection, the full performance guarantee will be released.
- h. The **Official** shall require the extension of the performance guarantee if replacement **trees** and landscape materials are required during the initial guarantee period. In such cases, provisions a-g will apply to the replacement **trees** and landscape materials.
- i. After the release of a performance guarantee, the **owner** of the property shall remain responsible for the long-term preservation and survival of all required **trees** and landscape materials in accordance with the original **development** permit approval.

## **7. Zoning Compliance Permit**

### **1. Purpose**

This section is intended to ensure that no construction, reconstruction, alteration, demolition, change in the use of or occupancy of any land, building, or other structure occurs without first obtaining the permit approval and that no permit is issued or approved by the Town unless compliance with the requirements of this LMO has been met.

## **2. Applicability**

This Section applies to an activity involving construction, reconstruction, alteration, demolition, and change in the use of or occupancy of any land, building, or other structure.

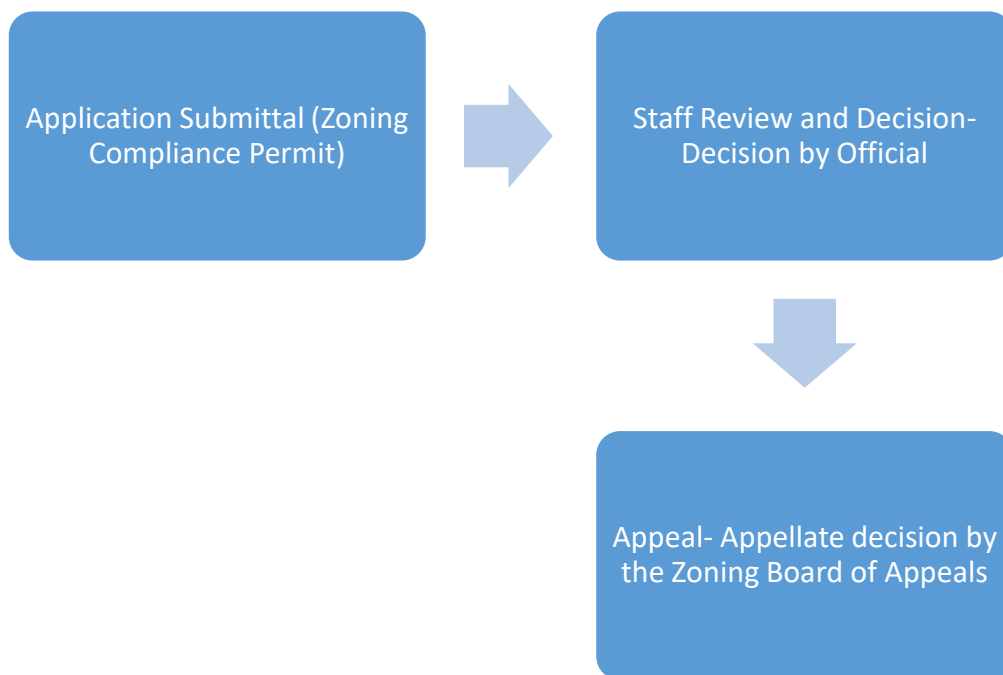
## **3. Application Review Criteria**

The Official shall consider the following criteria in assessing an application for Zoning Compliance Permit:

- a. The application must comply with the applicable requirements of this LMO; and.
- b. The application must comply with applicable requirements in the Applications Manual.

## **4. Effect and Expiration of Approvals**

- a. Approval. Issuance of a permit shall authorize the Applicant to either begin the activity specified by the permit or apply for any additional permits, if applicable.
- b. Expiration. Approval of a Zoning Permit shall expire one year from the date of its issue unless an appreciable amount of the approved activity commences and proceeds to completion in a timely and customary manner in accordance with the Zoning Compliance Permit.



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

### ~~Sec.16-5-109. Stormwater Management and Erosion and Sedimentation Control Standards~~

#### A. Purpose

The purpose of the standards in this section is to ensure that developments incorporate ~~best management practices~~ to minimize and manage stormwater runoff so as to control flooding, protect the quality of the ground and surface waters within and surrounding the ~~Town~~, and minimize erosion and sedimentation. Specifically, this section is intended to supplement the ~~State's~~ stormwater management program and standards with additional standards that ensure control of the volume and flow of stormwater runoff, limit pollutants in stormwater runoff, provide opportunities for the filtering and settling of pollutants from runoff before it enters the ~~ground water~~ and surface waters, and minimize erosion and sedimentation from stormwater runoff.

#### B. Applicability

##### 1. General

This section applies to all land disturbing activity that disturbs ½ acre or greater of land and all development that is within ½ mile of ~~coastal receiving waters~~, regardless of disturbed area. Additionally, this section applies to any project or activity that is part of a ~~Larger Common Plan~~, regardless of size. Exceptions to these requirements are listed in subsection 2. below.

##### 2. Exceptions

The following activities are exempt from the standards in this section:

- a. ~~Development~~ exempt from Development Plan Review in accordance with Sec. 16-2-103.G.3, Exemptions, with the exception of public street or minor utility construction;
- b. The establishment of, or additions or modifications to, a ~~single family dwelling~~ or its ~~accessory structure~~, provided that such ~~development~~ shall be subject to all standards in Sec. 16-5-109.I, Erosion and Sedimentation Control, except the requirement to submit an erosion control plan (Such ~~development~~ is also subject to the ~~flood~~ damage control standards in Chapter 9 of Title 15 of the ~~Municipal Code~~, and must conform to the grading scheme and finished floor elevation established by the approved Development Plan.);
- c. ~~Maintenance~~ and ~~repair~~ of public ~~streets~~, pathways, storm drainage, or similar public infrastructure subject to government ~~maintenance~~;
- d. New or existing ~~agricultural activity~~ (as defined in Sec. 16-10-105, General Definitions) not involving the ~~filling~~ or drainage of ~~land~~; and
- e. Emergency work by agencies or ~~property owners~~ required to address flooding conditions, provided:
  - i. Such work is verbally approved by the ~~Official~~ or other duly appointed official in charge of emergency preparedness or emergency relief if practicable (~~property owners~~ performing emergency work will be responsible for any damage or injury to ~~persons~~ or property caused by their unauthorized actions);

- ii. ~~The **Official** or other duly appointed official who verbally approved the action delivers written notice of the action to the **landowner** and any affected agency at the earliest possible time; and~~
- iii. ~~**Property owners** performing emergency work restore the site of the emergency work within 60 days following the end of the emergency period.~~

(Revised 6-6-2017—Ordinance 2017-08)

## **C. General Standards for Stormwater Management**

### **1. Compliance with State and Federal Stormwater Management Standards**

All **development** shall comply with the stormwater management standards of the South Carolina Department of Health and Environment Control (DHEC) and any applicable federal stormwater standards and permits (e.g., NPDES permits), unless such standards are waived by the appropriate **State** or federal agency.

### **2. Compliance with Maximum Impervious Cover Standards**

All **development** shall comply with the maximum **impervious cover** standards applicable to the zoning district in which the **development** is located (see Chapter 16-3: Zoning Districts). (See definition of **impervious surface** in Sec. 16-10-105, General Definitions.)

### **3. Compliance with OCRM Critical Area Permitting Requirements**

For **development adjacent** to the OCRM Critical Line, all stormwater management facilities located in the critical areas shall obtain a permit from the South Carolina Office of Ocean and Coastal Resource Management (OCRM) prior to installation.

### **4. No Increased Flood Potential**

**Development** shall not appreciably increase the **flood** potential within the **development**, on **adjacent** or surrounding **lands**, or on tidal or freshwater wetlands, as determined by the Town Engineer.

### **5. No High-Maintenance Facilities**

**Development** shall not incorporate **structures** and facilities that the Town Engineer determines will demand considerable **maintenance**.

### **6. Discharges onto Beaches and into Wetlands and Water Bodies**

- a. ~~No stormwater discharge shall be permitted onto **beaches**.~~
- b. ~~No direct stormwater discharge shall be permitted into tidal or freshwater wetlands unless approved by the Town Engineer.~~
- c. ~~Discharging stormwater runoff directly into water bodies from impervious areas shall not be allowed unless methods are provided to filter the runoff to the **maximum extent practicable**. Such methods include filtering runoff through sheet flow, grass swales, drywells, infiltration ditches, gravel, sand, or other filter mediums before the runoff leaves the site or enters any natural or shared-in-common manmade water body.~~

## 7. Alteration of Water Bodies

Dredging, clearing, deepening, widening, straightening, stabilizing, or otherwise altering water bodies may be permitted by the Town Engineer only when a positive benefit can be demonstrated. Such approval does not obviate the need for other applicable ~~Town, State~~, or federal agency approvals.

## 8. Water Surface Elevation Alteration and Adjustment

- a. No ~~development~~ shall construct, establish, maintain, or permanently alter the surface water elevation of any water body or wetland so as to adversely affect the natural drainage from any upstream areas, or to any downstream areas, of the ~~drainage basin~~.
- b. The water surface elevations proposed for lagoons or water bodies are subject to approval by the Town Engineer as part of the ~~development~~ review process. The ~~applicant~~ shall submit sufficient ~~ground water~~, topographic elevation data, and hydrologic data on or around the proposed water body site to assist in establishing the water surface elevation.

## 9. Reference Guides

The standards and design guidelines as set forth in the latest editions of the *Beaufort County Manual for Storm Water Best Management and Design Practices*, the South Carolina DHEC's *Stormwater Management BMP Handbook*, and the *Georgia Coastal Stormwater Supplement* shall serve as guides to technical specifications for the design and ~~construction~~ of various types of stormwater management facilities (including, but not limited to, structural and nonstructural stormwater ~~best management practices~~ (BMPs) and ~~maintenance~~ standards).

## 10. Pre-Design Conference

A pre-design conference with the Town Engineer or his or her designee is suggested for small projects not affecting major drainage ways or environmentally sensitive areas, and is required for all Subdivision Review and Development Plan Review ~~applications~~.

## 11. Professional Engineer or Surveyor

All surveys, plans, specifications, and reports shall be prepared and certified by the appropriate professional engineer or professional surveyor registered in South Carolina, in accordance with the current South Carolina Code of Laws, Title 40 Professions and Occupations, Chapter 22, Engineers and Surveyors.

## D. Drainage Design Standards

### 1. General

#### a. Design Methodology

- i. The two accepted hydrological methodologies for computing surface runoff are the rational method and the USDA NRCS TR-55 method. Other methods approved by the Town Engineer are allowable.
- ii. The rational method may be used only for sizing individual culverts or storm drains that are not part of a pipe network or system and have a contributing drainage area of 20 acres or less.
- iii. The USDA NRCS TR-55 method or other approved methodology may be used for ~~sites~~ of any size.

- iv. — Proposed ~~development~~ design shall consider the hydrological features within the total watershed, including the ~~development~~ site, upstream and downstream areas.

#### b. Site Area

The site area incorporated in stormwater management design shall be the total area of proposed ~~development~~, including any noncontiguous ~~lands~~ that are part of a Planned Development, which is owned in fee simple by the ~~landowner/developer~~ of the Planned Development, or is included in perpetual cross ~~easements~~ for drainage purposes.

#### c. Design Storm

The design storm, to be used in the design of all drainage systems and permanent stormwater management facilities, is the 25-year frequency/24-hour/8.4-Inch rainfall and Antecedent Moisture Condition II (AMC II).

#### d. Engineering Checklist

Detailed design standards for all stormwater management systems required by this section can be found in the Engineering Checklist maintained by the Town Engineer.

### 2. Pre-Development Peak Discharge Rates

- a. — All ~~development~~ shall incorporate stormwater management facilities sufficient to ensure that for the design storm and Type III rainfall distribution, the post ~~development~~ peak discharge rate across ~~adjacent~~ property lines will not exceed the pre-development peak discharge rate. In the case of redevelopment, the pre-development condition shall be defined as the existing state at the time of ~~development application~~.
- b. — Stormwater ~~best management practices~~ (BMPs) shall be used to retain and detain the increased and accelerated runoff that the ~~development~~ generates.
- c. — The peak discharge requirement is not required upon the Town Engineer determining that the ~~applicant~~ has demonstrated that:
  - i. — A suitable means of flow into a downstream tidal discharge point is accessible by means of recorded permanent storm drainage easements, through drainage infrastructure that will adequately convey the peak discharge from the 100-year storm without any adverse impacts on downstream properties; or
  - ii. — The ~~development~~ includes a drainage system with adequate capacity to carry site flows to an ultimate downstream tidal discharge point.

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

### 3. On-Site Retention of First Inch of Runoff

- a. — All ~~development~~ shall provide for ~~on-site~~ retention (dry or wet) or percolation of a minimum of one inch of runoff from ~~on-site impervious surfaces~~. Major drainage canals may not be used for retention where doing so may adversely impact the storm hydrology upstream or downstream.
- b. — The one inch of runoff from all such ~~impervious surfaces~~ shall be dissipated by percolation into the soil, evaporation, or other methods of treatment or handling acceptable to the Town Engineer.
- c. — Where ~~on-site~~ retention of runoff is also required by OCRM standards, evidence of OCRM approval of the ~~on-site~~ retention shall be submitted to the Town Engineer.

#### 4. On-Site Detention or Percolation of Runoff

- a. All ~~development~~ shall provide for ~~on-site detention~~ (dry or wet) or percolation of stormwater runoff that is sufficient to maintain the same peak discharge rate as occurred pre-development. Major drainage canals may not be used for ~~detention~~ where doing so may adversely impact the storm hydrology upstream or downstream.
- b. ~~Off-site detention~~ (dry or wet) or percolation areas may be used, provided:
  - i. The Town Engineer determines that such ~~improvements~~ are in the common good and are of satisfactory design to cause no hardship to others utilizing the same drainageway, whether ~~on-site~~ or upstream or downstream;
  - ii. A recorded, permanent drainage ~~easement~~ is provided that complies with this section and Sec. 16-5-109.G, Drainage Easements, and benefits the ~~land~~ described in the ~~application~~ for ~~development~~ permit;
  - iii. Adequate ~~maintenance~~ of the areas is provided for in accordance with Sec. 16-5-109.H.1, Ownership and Maintenance Responsibility; and
  - iv. The ~~developer~~ bears the total cost of the areas and their ~~detention~~ or percolation facilities.

#### 5. Design of Detention and Retention Facilities

- a. ~~Detention~~ and retention facilities shall be designed to provide at least one-half foot of freeboard or vertical ~~detention~~ storage volume for runoff above the design storm peak elevation.
- b. ~~Detention~~ and retention facilities shall be designed for ten-year sediment loads before the one-half foot storage volume required in subparagraph a above is included. Sediment storage may be accommodated below the dry weather water level design, as long as an adequate permanent pool depth is maintained.
- c. ~~Detention~~ and retention facilities shall be designed with relatively flat side slopes (maximum horizontal to vertical ratio of 3:1) along the shoreline.
- d. Where possible, ~~detention~~ and retention facilities shall be designed with meandering shorelines to increase the length of shoreline, thus offering more space for the growth of littoral vegetation for pollution control purposes.
- e. Where cleared site conditions exist around ~~detention~~ or retention areas, the banks shall be sloped to the proposed dry weather water surface elevation and planted for stabilization purposes. Where slopes are not practical or desired, other methods of bank stabilization will be used and noted on plans submitted for approval.

#### 6. Adequate Outfall

A ~~developer~~ shall provide adequate outfall ditches, pipes, and ~~easements~~ downstream from a proposed discharge if public or private facilities adequate to carry the proposed discharge do not exist or are not available for use by the ~~developer~~.

#### 7. Use of Wetlands

- a. The use of wetlands for stormwater retention is allowable with approval by the Town Engineer. ~~Adjacent~~ BMPs that benefit from retention of normal wetland water table elevations are acceptable.
- b. Regulated wetlands shall not be disturbed by the ~~construction~~ of BMPs in them or sufficiently near to deprive them of required runoff or to lower their normal water table elevations.

- c. If a BMP is proposed to be located near a regulated wetland or in a required ~~wetland buffer~~ (see Sec. 16-6-102, Wetland Protection), the ~~applicant~~ will provide data showing that impacts will not be detrimental to the wetland or ~~wetland buffer~~, and the BMPs shall include flow-dissipation devices ensuring that discharge to wetlands occurs at non-erosive velocities.

## **8. Incorporation of Stormwater Management into Landscape Design**

Final landscape designs and plantings shall not adversely affect stormwater conveyance or ~~maintenance~~ of stormwater management facilities, but rather should further opportunities for percolation, retention, ~~detention~~, filtration, and plant absorption of site-generated stormwater runoff (e.g., using low impact ~~development~~ (LID) measures—see guides in Sec. 16-5-109.C.9, Reference Guides).

## **E. Inspection and Certification of Construction**

The ~~application~~ for a Certificate of Compliance for a ~~development~~, or approved phase thereof, shall include certification by a professional engineer registered in South Carolina that the ~~development~~ site work was constructed in accordance with approved plans and the requirements of this ~~Ordinance~~. Prior to approval of such ~~application~~, the Town Engineer or his or her designee shall conduct an inspection of constructed stormwater management facilities. Any deficiencies identified by the inspection shall be corrected before a Certificate of Compliance is issued.

## **F. As-Built Survey**

1. Before issuance of a Certificate of Compliance, the ~~applicant~~ shall submit to the Town Engineer an ~~as-built survey~~ prepared and certified by a South Carolina professional ~~land~~ surveyor that accurately identifies and depicts the horizontal location of all property corners, ~~easements~~, and the horizontal and vertical locations of all ~~on-site improvements~~. The ~~as-built survey~~ shall show:
  - a. Closed polygons of all impervious areas (~~buildings~~, sidewalks, parking facilities, paved areas), utilities, storm drainage ~~structures~~, pipes, channels, and ~~detention~~/retention areas;
  - b. The diameter and type of material for all new storm drainage pipes;
  - c. All storm drainage ~~structures~~, grate/rim, and invert elevations, along with ~~finish grades~~ on pavements and curbing as per the design plans (with design elevations to be struck through and the actual as-built elevations to be underlined and shown directly above or below the design elevation).
2. The ~~as-built survey~~ shall be clearly labeled and based on NAD 83, NAD 83 State Plane South Carolina Feet Intl, and NAVD 88 datums.
3. The ~~as-built survey~~ shall be submitted in the form of two sets of hard copy, sealed prints at a legible scale, and the digital file in AutoCAD 2007 format or newer.

## **G. Drainage Easements**

### **1. General**

~~Developments~~ shall provide adequate ~~access~~ for ~~maintenance~~ and ~~improvement~~ of the drainage easement and required stormwater management facilities.

### **2. Closed Pipe Easements**

Generally, the minimum width of a drainage easement with underground storm drain pipes shall be at least 15 feet. The Town Engineer may require additional width as necessary to allow for ~~access~~ by

service equipment and storage of removed fill to one side of the pipes, or to accommodate larger or more deeply buried pipes.

### **3. Open Channel Easements**

Drainage ~~easements~~ for open drainage channels shall have a minimum width equal to the maximum top width of the channel plus an additional 15 feet. The Town Engineer may require additional width as necessary to allow for ~~access~~ by service equipment to one side of the channel.

### **4. Shared Easements**

Drainage ~~easements~~ may be shared with other ~~easements~~ with the written approval of the Town Engineer and with consent of the easement holders. Nothing herein shall be construed as prohibiting the use of drainage ~~easements~~ for ~~access~~ to various properties or other compatible ~~uses~~ with the consent of the ~~landowners~~ and easement holders.

## **H. Maintenance of Stormwater Management Facilities and Easements**

All required drainage ~~easements~~ and stormwater management facilities shall be maintained in accordance with the provisions in this subsection.

### **1. Ownership and Maintenance Responsibility**

- a. The ~~applicant~~ shall designate what specific entity or entities will own and be responsible for operation and ~~maintenance~~ of drainage ~~easements~~ and required stormwater management facilities. Specific entities may include, but are not limited to, the ~~Town~~, the ~~developer~~ or a homeowners' or property owners' association or regime.
- b. For systems conveying runoff from a public ~~street~~ right-of-way, the ~~applicant~~ shall dedicate permanent drainage ~~easements~~ to the ~~Town~~.
- c. Any stormwater management facility serving a single ~~lot~~ commercial or single ~~lot~~ industrial ~~development~~ shall be privately owned and maintained.
- d. Private ~~maintenance~~ of drainage ~~easements~~ and stormwater management systems shall be provided for in restrictive covenants (e.g., through reference to the operation and ~~maintenance~~ agreement required in paragraph 2 below).
- e. Prior to the issuance of a Certificate of Compliance, all required drainage ~~easements~~ and restrictive covenants ensuring ~~maintenance~~ of drainage ~~easements~~ and stormwater management facilities shall be recorded with the Beaufort County Register of Deeds.

### **2. Operation and Maintenance Agreement**

Where drainage ~~easements~~ and stormwater management facilities are to be privately operated and maintained, the ~~applicant~~ shall obtain ~~Town~~ approval of a DHEC Operation and Maintenance Agreement ensuring adequate and perpetual operation and ~~maintenance~~ of the ~~easements~~ and facilities by the ~~developer~~ or a homeowners' or property owners' association. In addition to meeting DHEC requirements, the operation and ~~maintenance~~ agreement shall:

- a. Require the parties responsible for operation and ~~maintenance~~ of stormwater management facilities to inspect the facilities on an annual basis and submit an annual facilities inspection report to the Town Engineer each December; and
- b. Authorize the ~~Town~~, ~~State~~, or other legal entity having authority to enforce stormwater management requirements to perform, or require the homeowners' or property owners' association or ~~landowner~~ to perform, actions necessary to:

- i. ~~Correct any lack of **maintenance** resulting in an adverse effect on drainage flow, or~~
- ii. ~~Alleviate flooding or other emergency drainage problems upstream or downstream of the **development** site.~~

## **I. Erosion and Sedimentation Control**

### **1. Applicability**

Erosion, sedimentation, and pollution controls shall be required for all ~~**land disturbing activities**~~ subject to this section. The Town Engineer shall have the authority to require an erosion and sediment control plan for any other ~~**land**~~ disturbance activity that may impact ~~**adjacent**~~ drainageways.

### **2. General Standards**

- a. ~~The **applicant** for a **development** shall identify potential sources of erosion, sedimentation, and other forms of pollution that could be transported by stormwater runoff on the **construction** site, and shall prepare plans to prevent and minimize adverse effects.~~
- b. ~~Erosion, sedimentation, and pollution control plans shall be submitted with **development applications** according to the provisions set forth by DHEC for **land disturbing activities**.~~
- c. ~~All erosion, sedimentation, and pollution control plans shall conform to the standards of the most recent South Carolina NPDES General Permit for Stormwater Discharges from Construction Activities (SCR100000) and South Carolina Regulation 72-300, when applicable.~~
- d. ~~All erosion, sedimentation, and pollution control BMPs shall be designed, installed, and maintained in accordance with the South Carolina DHEC's *Stormwater BMP Handbook*. All symbols and standard details on plans shall conform to those found within the *BMP Handbook*.~~

### **3. Stabilization of Disturbed Areas**

- a. ~~Temporary stabilization measures shall be established on the site of any **land disturbing activity** that is inactive for more than 14 days, until activity recommences.~~
- b. ~~Permanent stabilization measures shall be established on the **development** site prior to the issuance of final approval or a Certificate of Compliance for the **development**.~~

### **4. Construction Buffer Zones**

~~**Land disturbing activities adjacent** to regulated wetlands and waters of the **State** shall be subject to the applicable **wetland buffer** standards in Sec. 16-6-102, Wetland Protection, or NPDES buffer requirements.~~

(Ord. No. 2015-23, 11-3-2015)

## **Sec.16-5-112. Flood Zone Standards**

### **A. Applicability**

1. ~~All **development** activity on Hilton Head Island shall conform to the standards governing **flood** zones that are referenced to the floodplain protection zones identified by the Federal Emergency Management Agency (FEMA), unless a variance from such standards is granted by the **Town** in accordance with Title 15 (Building and Building Codes) of the **Municipal Code**.~~
2. ~~The location of the **flood** zones on Hilton Head Island are identified by the Town-adopted Flood Insurance Rate Maps (FIRMs).~~

3. ~~The Island is covered by the following **flood** zones that range from most vulnerable to flooding and **flood** damage to least vulnerable:~~
- a. ~~VE Zone, or **coastal high hazard** area, subject to 100-year coastal flooding and storm surge;~~
  - b. ~~Coastal A Zone, or the area landward of a V-zone and seaward of the Limit of Moderate Wave Action as shown on the FIRMs.~~
  - c. ~~AE Zone, or 100-year **flood** plain area;~~
  - d. ~~AO Zone, or areas of shallow flooding;~~
  - e. ~~X(shaded) Zone, or 100 to 500-year **flood** plain area; and~~
  - f. ~~X Zone, or areas of minimal flooding.~~

~~(Revised 3-16-2021—Ordinance 2021-05)~~

### **B. Flood Zone Standards**

On all plats within "VE" or "AE" zones for which ~~lots, sites, or structures~~ are to be sold, the following statement shall be clearly affixed to the plat and shall be recorded:

Some or all areas on this plat are **flood** hazard areas and have been identified as having at least a one percent chance of being flooded in any given year by rising tidal waters associated with possible hurricanes. Local regulations require that certain **flood** hazard protective measures be incorporated in the design and ~~construction of structures~~ in these designated areas. Reference shall be made to the ~~development~~ covenants and restrictions of this ~~development~~ and requirements of the Town Building Official. In addition, federal law requires mandatory purchase of **flood** insurance as a prerequisite to federally insured mortgage financing in these designated **flood** hazard areas.

~~(Revised 3-16-2021—Ordinance 2021-05)~~

### **C. Elevation of Sites**

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

~~(Ord. No. 2015-23, 11-3-2015)~~

## **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;
- f. — Ensuring there is adequate ~~common open space~~ and recreation facilities; and
- g. — Ensuring there is proper recordation of ~~land~~ ownership.

(Ordinance 2025-13, § 1(Exh. A), 8-19-2025; revised 8-19-2025—Ordinance 2025-16)

## **B. Applicability**

~~Subdivisions~~ shall comply with all applicable design and performance standards of this section and this ~~Ordinance~~, including the adjacent setback and buffer standards in Sec. 16-5-102 and 16-5-103.

## **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 ~~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 ~~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. — ~~Common open space~~ and recreational areas shall be planned in accordance with Sec. 16-5-104, Common Open Space Standards.

(Revised 8-19-2025—Ordinance 2025-16)

- 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.

(Revised 8-19-2025—Ordinance 2025-16)

## **D. Layout of Lots and Blocks**

- 1. — Subdivisions may be laid out in conventional, cluster, ~~zero lot line~~, or a combination of block/lot designs.

(Revised 7-21-2020—Ordinance 2020-16)

- 2. — The ~~lot~~ configuration and shape shall provide appropriate ~~sites~~ for ~~buildings~~, and be properly related to topography, natural elements, existing significant trees and stands of trees, ~~access~~, drainage and utilities, and conform to all requirements of this ~~Ordinance~~.

(Revised 1-7-2020—Ordinance 2020-02)

- 3. — The dimensions of ~~corner lots~~ shall permit the required minimum setbacks from ~~streets~~ (see Sec. 16-5-102, Setback Standards) and required ~~site~~ triangles (see Sec. 16-5-105.H.4, Sight Triangles).

4. The number of **lots** within a block shall be as appropriate for the location and the type of **development** contemplated, as practical. Visual monotony created by excessive blocks of **lots** which are not interrupted by intersections, **common open space**, buffers, trees or features shall be avoided.

~~(Revised 1-7-2020 Ordinance 2020-02; revised 8-19-2025 Ordinance 2025-16)~~

5. **Pathway** Connectivity:

- a. **Pathways** are required throughout **subdivisions**. The provisions of this subsection shall not apply to **Minor Subdivisions** and **Family Subdivisions**.
- b. **Pathways** shall provide direct connectivity between all **lots** and the **subdivision's** community amenities, including usable **common open space**, mailbox facilities, community **buildings**, and recreational areas. For the purpose of this requirement, a residential **lot** located across a **street** from a **pathway** within the same **subdivision** or adjacent to a **common open space** having a pathway is considered to be served by and connected to that **pathway**.
- c. **Pathways** shall be designed to provide connectivity from within the **subdivision** to:
  - i. An existing **pathway** system located along an abutting **right-of-way or easement, an existing pathway within an easement on the property, or a pathway on abutting Town-owned property; and**
  - ii. Any **pathway** system planned within an adopted Town **pathway** plan or the Capital Improvement Program (CIP) located along an abutting **right-of-way or easement, an existing pathway easement on the property, or an abutting Town-owned property.**
- d. If the land proposed for a **subdivision** serves as a priority connection between existing **pathways** and is included in an adopted Town **pathway** plan, the **pathway** system shall be designed to connect the existing **pathways** through the **subdivision** or along abutting **street right-of-way**. This requirement shall not be construed as requiring off-site improvements other than within an abutting **street right-of-way**.
- e. As an alternative to **pathway** construction, a **sidewalk** may be approved by the **Official** if the proposed **subdivision** abuts a **street** with an existing **sidewalk** network or if the character or design of the proposed **subdivision** would clearly benefit from incorporating **sidewalks** instead of **pathways**. The incorporation of **sidewalks** shall meet all other requirements of this section. The **Official** may determine that a **sidewalk** is preferable over a **pathway** if:
  - i. Spacing is not sufficient for a pathway based on existing natural features, infrastructure, utilities, **easements**, or built features;
  - ii. It would connect seamlessly to existing infrastructure;
  - iii. It would be more consistent with the design characteristics of the proposed **subdivision** and abutting **development**;
  - iv. The travel distance of the proposed route is significantly shorter than areas typically suitable for **pathways**; or
  - v. It would encourage slower travel speeds in areas of higher congestion.
- f. **Pathways** or **sidewalks** shall be designed and constructed in accordance with the fifth edition of the AASHTO Guide for the Development of Bicycle Facilities and meet the accessibility guidelines promulgated under the Americans with Disabilities Act (ADA).

~~(Revised 8-19-2025 Ordinance 2025-16)~~

## E. Zero Lot Line Residential Subdivisions

1. ~~Zero lot line residential subdivisions~~ are permitted in the following zoning districts: RM-4, RM-8, RM-12, SPC, MS, WMU, S, MF, MV, NC, LC and RD.
2. All ~~lots~~ created in a ~~zero lot line residential subdivision~~ shall be buildable lots (the appropriate size to construct a home) and shall be a minimum of .05 acres in size with a minimum ~~lot~~ width of 20 feet.
3. All lots in a ~~zero lot line residential subdivision~~ shall have a 50% maximum impervious coverage.
4. ~~All zero lot line residential subdivisions~~ shall provide 16% minimum common open space.

~~(Revised 8-19-2025 – Ordinance 2025-16)~~

5. ~~No structure shall be located closer than ten feet from adjacent property lines, with the exception of structures that have a wall that rests on a common property line.~~
6. ~~Where a proposed zero lot line residential subdivision is adjacent to an existing single family detached residential neighborhood or use, a setback of 20 feet is required along the perimeter of the proposed subdivision.~~
7. ~~Where a proposed zero lot line residential subdivision is adjacent to an existing single family detached residential neighborhood or use, a Type A buffer, Option 1, is required along the perimeter of the proposed subdivision.~~
8. ~~A zero lot line residential subdivision is not permitted on existing lots of record that were not previously platted as a zero lot line residential subdivision, unless the entire previously platted subdivision is combined and re-platted to be a zero lot line residential subdivision.~~

~~(Revised 7-21-2020 – Ordinance 2020-16)~~

## F. Street Access

1. All Major Subdivisions shall have direct vehicular ~~access~~ to a public ~~street~~ that meets the standards of Sec. 16-5-105.C, General Street Design Standards.
2. Minor Subdivisions shall be permitted to provide vehicular ~~access~~ to ~~lots~~ via a minimum 20-foot wide unobstructed ~~access~~ easement, provided the ~~access~~ easement complies with the following standards:
  - a. ~~Access easements~~ shall contain an ~~all-weather driving surface~~ approved by the Fire Chief for the Town of Hilton Head Island.
  - b. ~~Dead-end easements~~ shall have a turn-around as required by the latest edition of the International Fire Code as adopted by ~~Town Council~~.
  - c. No ~~access~~ easement shall be permitted to exceed a maximum traffic volume of 50 ADT due to the further ~~subdivision~~ of ~~lots~~ without upgrading the accessway to meet the design standards of Sec. 16-5-105.C, General Street Design Standards.
  - d. ~~Access easements~~ are not allowed in any ~~wetland buffer~~ required by Sec. 16-6-102.D, Wetland Buffer Standards, except for approximately perpendicular crossings as approved by the ~~Official~~.
  - e. A bridge may be permitted within an ~~access~~ easement as long as the driving surface is at least 20 feet wide and is approved by the Fire Chief of the Town of Hilton Head Island.

~~(Revised 7-21-2020 – Ordinance 2020-16)~~

## G. Miscellaneous Standards

### 1. Monuments and Markers

- a. Horizontal control monuments shall be placed in the pavement of ~~subdivision streets~~ so that no ~~lot~~ is more than 2,000 feet from a control monument. Alternatively, control monuments may be placed in ~~common open space~~ areas, park areas, and the like. The control monument shall be placed in a manner satisfactory to the Town Engineer.

~~(Revised 8-19-2025—Ordinance 2025-16)~~

- b. Corner monuments or markers shall be installed at all ~~lot~~ corners.
- c. All corner monuments or markers shall consist of a concrete marker with metal cap marking the exact corner and bearing the name of the surveying company or the ~~land~~ surveyor in responsible charge of the survey. If the corner location falls on pavement, concrete, or other material where it cannot be marked with a cap, a shaft of ferrous metal (iron pipe or bar), spikes, or scribes may be installed in or on the surface. These methods shall be used unless exceptional circumstances warrant the use of other materials.
- d. If a corner cannot be monumented or marked, one or more witness monuments shall be placed on the boundary line and described by bearings or distances so that the inaccessible point may be located accurately on the ground. A witness monument shall adhere to the same standards applicable to a corner monument.

### 2. Addressing and Lot Numbering

The ~~Official~~ shall determine a method of ~~street~~ addressing/~~lot~~ numbering. ~~Applicants~~ should consult with the ~~Town~~ for ~~site~~ specific review.

### 3. Lots with Septic Systems

~~Subdivisions~~ creating ~~lots~~ to which public sanitary sewer is unavailable shall demonstrate that all such ~~lots~~ are sized to accommodate septic systems. Such systems shall be set back from property lines, approved by SCDHEC, and located within septic ~~easements~~ recorded with the ~~subdivision~~ plat.

~~(Revised 7-20-2020—Ordinance 2020-16)~~

## Sec.16-5-115. General Requirements for Subdivisions

## AG. Miscellaneous Standards

### 1. Monuments and Markers

- a. Horizontal control monuments shall be placed in the pavement of subdivision streets so that no lot is more than 2,000 feet from a control monument. Alternatively, control monuments may be placed in common open space areas, park areas, and the like. The control monument shall be placed in a manner satisfactory to the Town Engineer.

(Revised 8-19-2025 - Ordinance 2025-16)

- b. Corner monuments or markers shall be installed at all lot corners.
- c. All corner monuments or markers shall consist of a concrete marker with metal cap marking the exact corner and bearing the name of the surveying company or the land surveyor in responsible charge of the survey. If the corner location falls on pavement, concrete, or other material where

it cannot be marked with a cap, a shaft of ferrous metal (iron pipe or bar), spikes, or scribes may be installed in or on the surface. These methods shall be used unless exceptional circumstances warrant the use of other materials.

- d. If a corner cannot be monumented or marked, one or more witness monuments shall be placed on the boundary line and described by bearings or distances so that the inaccessible point may be located accurately on the ground. A witness monument shall adhere to the same standards applicable to a corner monument.

## **B2. Addressing and Lot Numbering**

The **Official** shall determine a method of **street** addressing/**lot** numbering. **Applicants** should consult with the **Town** for **site**-specific review.

## **C3. Lots with Septic Systems**

**Subdivisions** creating **lots** to which public sanitary sewer is unavailable shall demonstrate that all such **lots** are sized to accommodate septic systems. Such systems shall be set back from property lines, approved by SCDHEC, and located within septic **easements** recorded with the **subdivision** plat.

(Revised 7-20-2020 - Ordinance 2020-16)

## **Chapter 16-7:** **Non-Residential and Vertical Mixed Use Development Design** **Regulations**

### **16-7-101. General Provisions**

#### **A. Purpose and Intent**

The purpose of this chapter is to establish development and design standards for non-residential and vertical mixed-use development that promote safe, functional, and well-connected sites. These standards are intended to enhance pedestrian access and mobility, improve connections between buildings and the public realm, support multimodal transportation, and ensure that development contributes to a cohesive, accessible, and attractive built environment while remaining compatible with the Town's character and unique barrier island setting.

#### **B. Applicability**

The development and design standards of this chapter are applicable to all Minor Non-Residential Development Plans and Major Non-Residential Development Plans.

#### **C. Review Processes**

All Minor Non-Residential Development Plans and Major Non-Residential Development Plans subject to this chapter shall be processed and reviewed in accordance with Sec. 16-2-103 G as Minor Non-Residential Development Plans or Major Non-Residential Development Plans.

#### **D. Other Applicable Requirements**

In addition to these requirements, all Minor Non-Residential Development Plans and Major Non-Residential Development Plans shall be subject to Chapter 16-3: Zoning Districts, Chapter 16-4: Use Standards, Chapter 16-5: General Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

### **16-7-102. Pedestrian Access Standards**

#### **A. Applicability**

1. When a project proposes the construction of a new street, access drive, alley, or pathway, whether public or private, streets and pathway standards apply.
2. Existing streets, access drives, alleys, and pathways may remain serving existing development in their current configuration, but are required to meet the standards of this Article if extended or substantially rebuilt, as determined by the Official.

#### **B. Transit Access Standards**

1. If a site is located on a current or future identified public transit route, the Official is authorized to require a 6' x 12' concrete pad at the location determined to be the safest and most practical location for a transit stop, and pedestrian access to the nearest street.
2. Transit stops must comply with the most up-to-date accessibility guidelines as outlined by SCDOT.

3. The transit provider may install and maintain necessary transit stop items, including signage, lighting, benches, and shelters.
4. Access to the transit stop must be allowed in perpetuity.

### **C. Pedestrian Access Standards**

1. At least 1 pedestrian walkway is required for each building and must connect a sidewalk or multi-purpose pathway to the building entry.
2. The walkway must be at least 5 feet wide.
3. The finished surface must be stable, firm, and slip resistant and meet the accessibility guidelines of the Americans with Disabilities Act (ADA).
4. The walkway must be physically separated from and uninterrupted by motor vehicle use areas except where required to cross a drive-aisle. When crossing a drive-aisle, the walkway must meet the following standards:
  - a. The walkway must be distinguishable from vehicular traffic lanes they cross by painted markings, a change in pavement material or color, raised paving height, decorative bollards, or flashing caution signals.
  - b. Drive aisle crossings must be the shortest practical distance.
5. Where a retaining wall, open drainage, or similar obstacle interrupts a required walkway, the connection must be designed to facilitate passage through or over the obstacle. If the connection is not ADA compliant, a separate, compliant walkway must be provided.

## **Chapter 16-8:** **Residential Subdivision and Residential Development Design** **Regulations**

### **Sec.16-8-101. General Provisions**

#### **A. Purpose and Intent**

The purpose of this chapter is to establish development and design standards for Major Residential Subdivisions and Major Residential Developments that promote thoughtful neighborhood design, environmental stewardship, and high-quality residential communities. These standards are intended to guide site planning, preserve natural resources, provide functional and interconnected streets and pedestrian facilities, encourage well-designed lots, blocks, and open spaces, minimize unnecessary land disturbance through appropriate clearing, grading, and phasing practices, and ensure that buildings, infrastructure, and site improvements are integrated into a cohesive and sustainable development pattern consistent with the Town's character and barrier island setting.

#### **B. Applicability**

The development and design standards of this chapter are applicable to all Major Residential Subdivision Plans and Major Residential Development Plans.

#### **C. Review Processes**

All Major Residential Subdivision Plans and Major Residential Development Plans subject to this chapter shall be processed and reviewed in accordance with Sec. 16-2-103 F for Major Residential Subdivision Plans and Sec. 16-2-103 G for Major Residential Development Plans.

#### **D. Other Applicable Requirements**

In addition to these requirements, all Major Residential Subdivision Plans and Major Residential Development Plans shall be subject to Chapter 16-3: Zoning Districts, Chapter 16-4: Use Standards, Chapter 16-5: General Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

#### **E. Phasing**

Site improvements as part of Major Subdivision Plans or Residential Major Development Plans may be constructed in phases. If phasing is proposed, a Phasing Plan shall be submitted for approval at the time of application for a Preliminary Major Subdivision Plan or Residential Preliminary Major Development Plan, and made a condition of that approval. Each phase or combination of constructed phases shall stand on its own and meet the regulations of the Town and any other required permitting agency.

If an applicant desires to change the sequence of the approved Phasing or propose changes to the type of building, road layout, amenities, open space or other features, a revised Phasing Plan shall be submitted. The Official can approve minor changes that meet the Town Standards, such as adjustment of a lot line, slight realignment of road or non-motorized layout, relocation of the open space or amenities, or changes to stormwater facilities Any increase in the density, types of units, changes or reduction to the Open Space, or other revisions categorized as "Major" by the Official, shall require review by the Planning Commission.

#### **F. Zero Lot Line Residential Subdivisions**

Individual **lots** may be created for **multifamily buildings** in which **dwelling units** are attached, side-by-side, by means of a common wall. In these cases, a property line shall be established along the centerline of a common wall or walls to separate two or more attached **dwelling units** onto their respective separate **lots**. **Zero Lot Line Residential Subdivisions** shall comply with the following requirements:

1. Each **lot** shall contain no more than one complete **dwelling unit**.
2. Property lines shall not divide any interior portion of a **dwelling unit** or separate an attached garage, detached garage, accessory **building** or accessory **structure** from the **dwelling unit** it serves.
3. A **dwelling unit** shall not be attached to more than one **dwelling unit** at any one common side lot line.
4. Side **setbacks** are only applicable to the exterior side of each end **dwelling unit**.
5. Each **dwelling unit** shall abut and have direct access to a public street, private street, or private driveway.
6. All areas other than individual **lots** for **dwelling units** shall be designated as common area, which shall be conveyed by the **developer** to a property owners' association.

## **Sec.16-8-102. Layout and Design**

### **a. General Requirements**

The General Requirements for layout and design are as follows:

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 **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 **trees** and individual **trees** of significant size, with **development** reserved for environmentally stable areas.

### **b. Environmental Site Analysis**

All Preliminary Major Subdivision Plans and Residential Preliminary Major Development Plans shall include an environmental site analysis in accordance with this section, including a site analysis, delineation of priority preservation areas, a conceptual site plan, and supporting information.

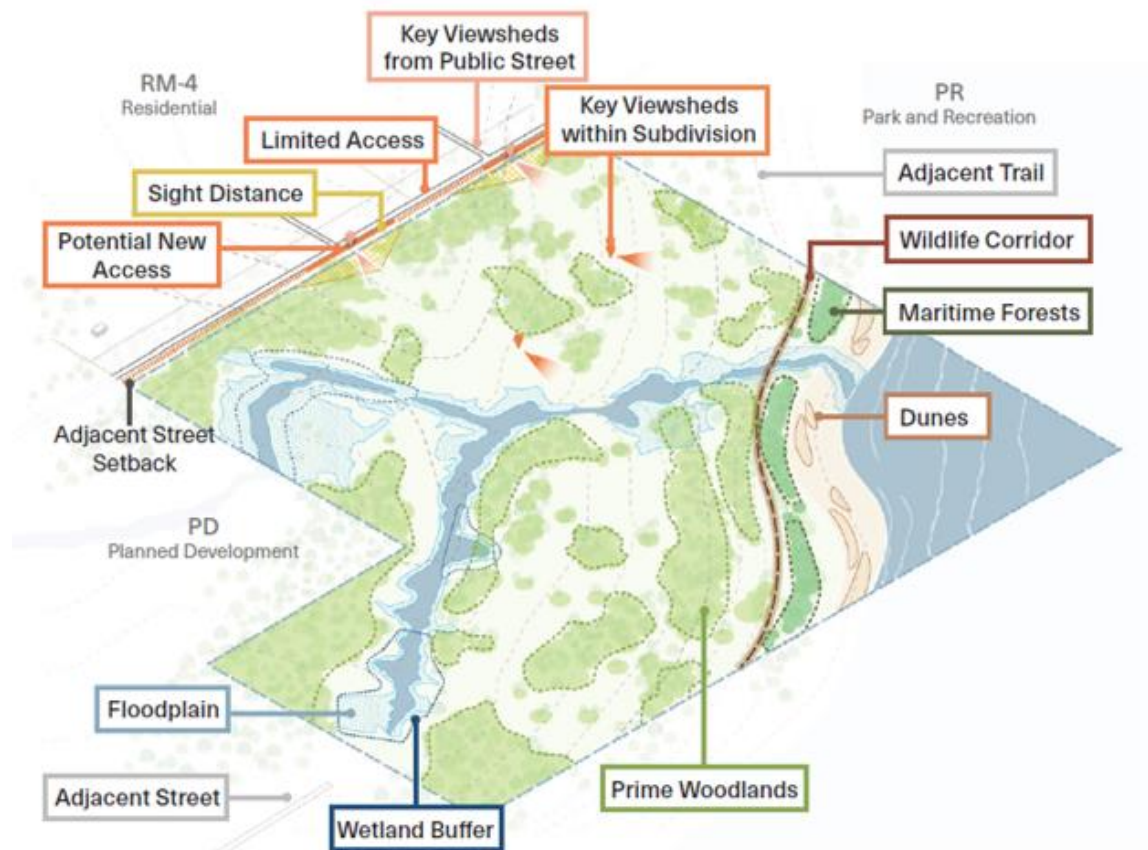
#### **1. Site Analysis**

An overview plan merging the information shown below. The submittal plan shall be prepared at the same scale as the site development plans and may include a series of more detailed plans or attachments for each factor, along with the source of the information. A supporting written analysis shall be submitted that addresses the required information and explains the sources utilized.

- a. Wetlands and wetland buffers delineation per Sec. 16-6-102 D.2, with a note of whether they are regulated federally or by the Town. This should include a separate map and report on the findings.
- b. Tree survey identifying all trees on the site including Town Regulated Trees per Section 16-6-106

- c. Forests serving as shoreline estuaries or coastal forests with salt tolerant trees and shrubs influenced by strong winds, salt spray, and periodic flooding, supporting diverse wildlife, also sometimes referred to as maritime forest.
- d. A topographic analysis with contour intervals of one foot or less.
- e. Existing ponds, creeks, and drainage patterns on the site and connections to adjacent sites and roads.
- f. A delineation of soil types, identification of selected soil characteristics, and assessment of suitability for development.
- g. Wildlife habitat, whether in fields, wetlands, dune systems, beach areas, or woodlands. Predominant species of known birds, mammals, amphibians, and reptiles shall be identified. The presence of rare or endangered species of plants should be noted, along with the boundaries of natural areas and critical species habitat sites.
- h. Historic or cultural features, including earthworks, ruins, fortifications, shell rings, tabby-built structures, grave sites, or other remnants of historic resources.
- i. Existing buildings and structures, and the location of land uses and buildings abutting the property and across the street
- j. Scenic vistas, both into the site from adjacent roads, trails, and waterways and outward from the site. This can be supplemented with photographs or imagery.
- k. Future planned public infrastructure that may impact the layout of the site, such as streets, sidewalks, pathways, and public buildings or facilities.
- l. Sight distance measurements along the public street frontage, noting where curves, slopes, structures, or landscaping may limit sight distance for proposed streets or driveways along public roads. Any access to US-278 shall meet the requirements of the South Carolina Department of Transportation.

**Figure XX. Example Overview Plan**



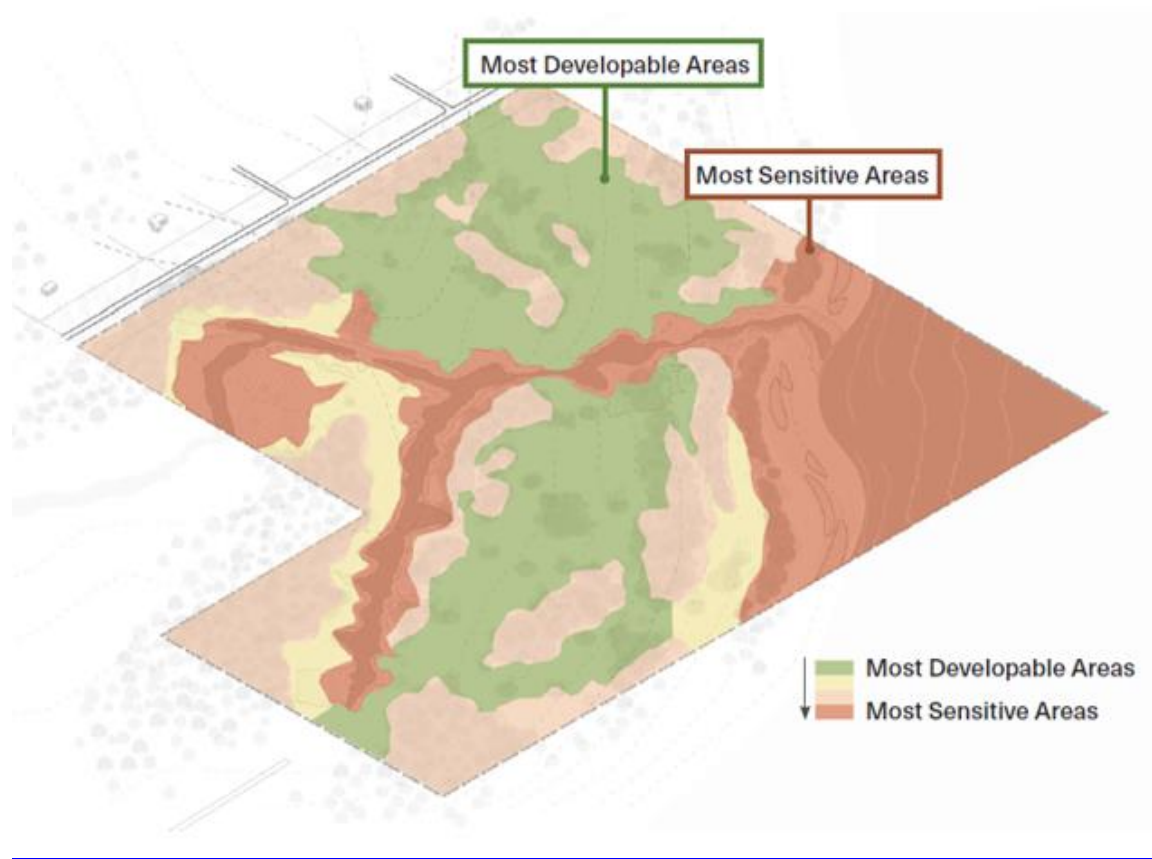
## **2. Delineation of Preservation or Conservation Areas, and Developable Lands.**

A Plan shall be provided that illustrates areas to be preserved or conserved from among the environmental features listed above. The areas without those features, that are considered most suitable for development, shall also be illustrated on the Plan. This Plan shall highlight and label the following features that may shape the layout of the roads, lots, buildings, open space, stormwater design, and infrastructure, including:

- a. Regulated Natural Resources such as wetlands (Section 16-6 102), floodplains (Section 16-6 103), watercourses, shorelands, beaches and dune systems (Section 16-6 105), and other environmentally constrained lands protected by federal, state, or Town regulations.
- b. Other non-regulated lands being conserved to protect surface water, riparian watersheds, groundwater, watersheds, open space features, and views.
- c. Protected trees and woodlands to be preserved during grading and construction (Section 16-6 106).
- d. Wildlife movement corridors or areas for habitat preservation.

- e. Historic buildings, earthworks, ruins, shell rings, archaeological resources, tabby-built structures, grave sites, monuments, and cultural features that will be preserved or incorporated into the design.
- f. Scenic views and viewsheds that will be maintained or improved by landscaping design into the site from public roads, pathways and adjacent land uses to enhances the visual character.
- g. Lands and features that will be preserved for passive or active open space including trails, overlooks, parks and similar features. Calculations shall be provided for "Useable Open Space" per Section 16-5, 104.
- h. Greenway and Pathway Systems connections to adjacent Town parks, trail or pathway systems, conservation lands, other protected greenways or open spaces.
- i. Buffer areas that will preserve or provide visual screening, transitions between development and natural areas, or separation from adjacent development.
- j. Areas most suitable for development in consideration of the site analysis, features listed above, accessibility, and size.

**Figure XX. Example Preservation and Development Areas Plan**

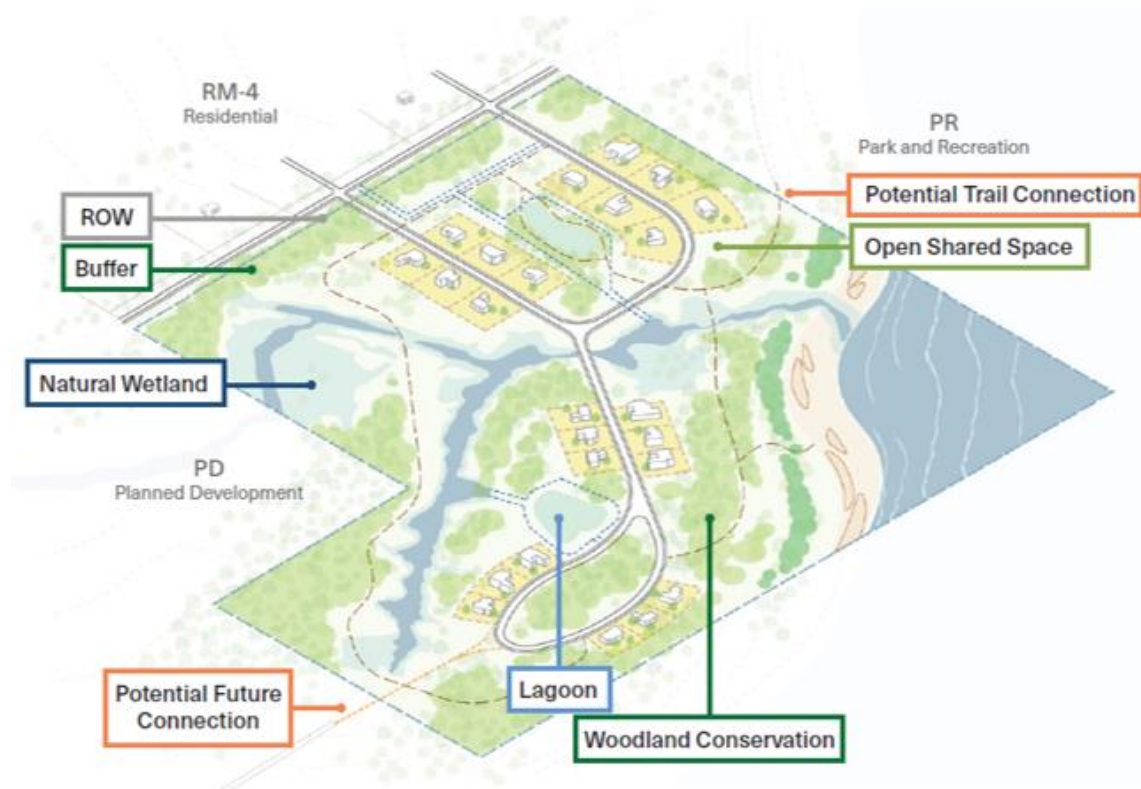


### 3. Conceptual Site Plan

After completion of the site analysis, and delineation preservation and developable areas, a conceptual site plan shall be prepared. This Plan shall form the basis of a Preliminary Major Subdivision Plan or Residential Preliminary Major Development Plan. This plan shall illustrate the spatial relationship between the preserved and developable areas, including:

- a. General location and alignment of proposed streets, including the length of any proposed cul-de-sacs, and access points to public roads.
- b. Lots and buildings to blend naturally into the landscape, avoiding forced or artificial placement that is inconsistent with the features of the site.
- c. Screening or landscape treatments to improve visibility from sensitive viewpoints while preserving significant key scenic views and open space.
- d. Areas where buffering or visual screening should be preserved or supplemented through a landscape design.
- e. Approximate placement and configuration of open space and amenity buildings or courts.
- f. Location of non-motorized networks including pathways, sidewalks, trails, and overlooks providing internal connectivity between residential units, preservation areas, amenities, open space, and any adjacent public network. Non-motorized or road connections to adjacent lands should be considered to improve overall connectivity and reduce unnecessary vehicular travel.
- g. Conceptual design of stormwater management and utilities.
- h. Areas to be graded for roads, utilities and stormwater per Section 16-8, D, Grading and Clearing.

**Figure XX. Example of Conceptual Site Plan Aligned with Preservation and Development Areas**



**Figure XX. Example of Conceptual Plan NOT Aligned with Preservation and Development Areas**



#### **4. Alternatives**

The applicant may provide separate development plan options that show different configurations of streets, open space, lots, densities, building types or other features to obtain feedback from the Town staff or Planning Commission.

#### **5. Review and Coordination Process**

The review and coordination process is as follows:

- a. The applicant and LMO Official shall review the site analysis, delineation of priority preservation areas, and the conceptual site layout plan at the required Pre-Application Meeting.
- b. The LMO Official may request revisions to the site analysis, delineation of priority preservation areas, or the conceptual site layout plan when it is determined that the submittal and proposed design do not adequately:
  - i. Identify the features and elements required as part of the site analysis;
  - ii. Delineate first- and second-priority preservation areas;
  - iii. Integrate development with first- and second-priority preservation areas and ensure their protection;
  - iv. Reflect the intent of this section; or
  - v. Comply with applicable regulatory requirements.

#### **c. Common Open Space Standards**

Common open space and recreational areas shall be planned in accordance with Sec. 16-5-104, Common Open Space Standards.

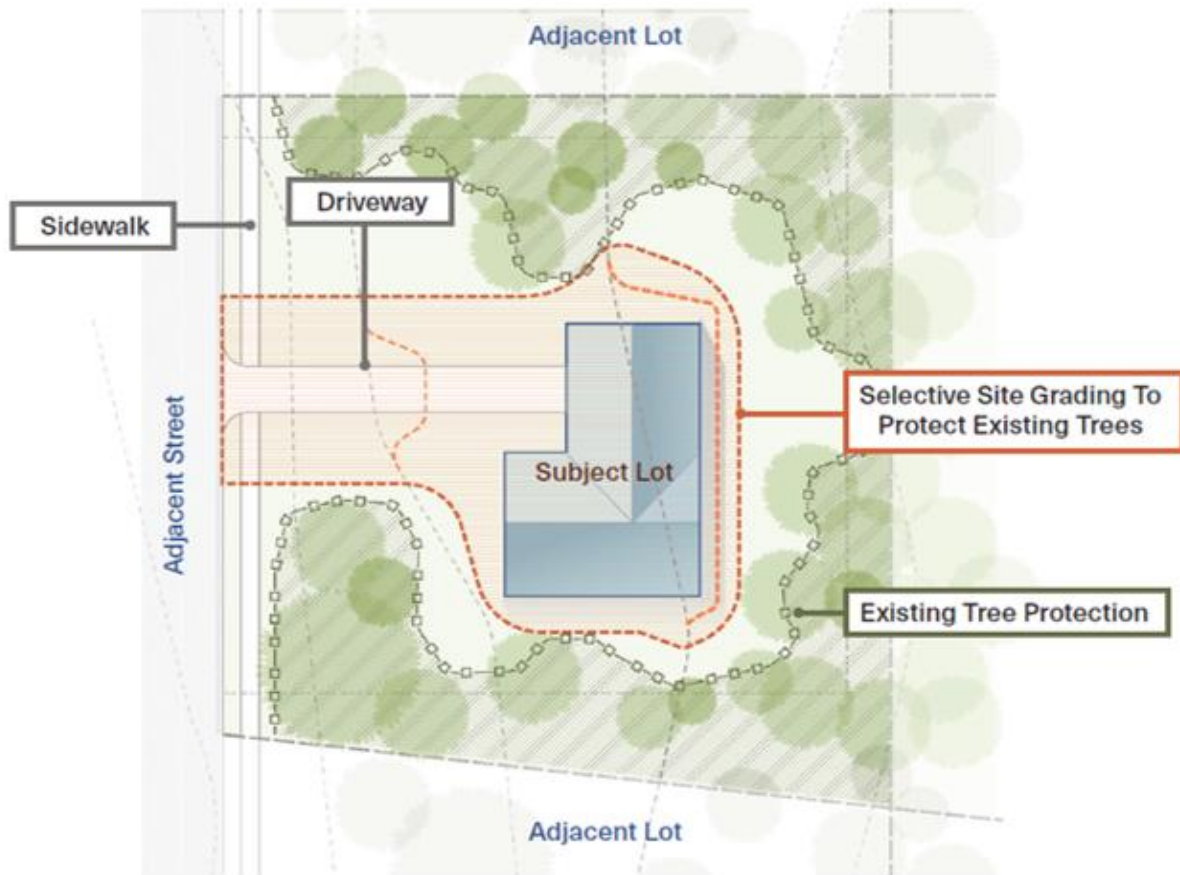
#### **D. Grading and Clearing**

1. To promote land development practices that minimize disturbance to vegetation and soils, limit alteration of natural topography, reduce surface water and groundwater runoff and diversion, minimize the need for additional storm drainage facilities, reduce sedimentation in surrounding waters, and encourage site planning that is responsive to the Town's scenic character , the initial clearing and grading for all Major Subdivision Plans and Residential Major Development Plans, or phases thereof, shall be limited to dedicated rights-of-way and easements necessary for the installation of streets, utilities, and other infrastructure necessary to comply with local, state, and federal regulations.
  - a. All clearing and grading shall be completed in accordance with all applicable federal, state, and local laws, rules, and regulations, including those pertaining to air and water pollution and noise control.
  - b. Clearing and grading for infrastructure improvements, including streets, sidewalks, multiuse pathways, curbs, gutters, water, sewer, utilities, and stormwater facilities, may be completed in phases in accordance with approved phasing plan the approved Final Major Subdivision Plan or Residential Final Major Development Plan.
  - c. Before proceeding to the next phase of clearing and grading, the developer shall:
    1. Stabilize the completed phase with adequate ground cover sufficient to prevent erosion; and
    2. Complete installation of all required infrastructure for that phase.
  - d. Clearing and grading of individual lots or residential building sites shall not begin until a tree removal permit, where required, and a building permit have been obtained.

**Figure XX. Clearing and Grading**



**Figure XX. Selective Site Grading to Protect Existing Trees**



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### **E. Lots and Blocks**

1. Subdivisions may be laid out in conventional, cluster, **zero lot line**, or a combination of block/ lot designs.
2. The **lot** configuration and shape shall provide appropriate **sites** for **buildings**, and be properly related to topography, natural elements, existing significant trees and stands of trees, **access**, drainage and utilities, and conform to all requirements of this **Ordinance**.
3. The dimensions of **corner lots** shall permit the required minimum setbacks from streets (see Sec. 16-5-102, Setback Standards) and required **site** triangles (see Sec. 16-5-105.H.4, Sight Triangles).
4. The number of **lots** within a block shall be as appropriate for the location and the type of **development** contemplated, as practical. Visual monotony created by excessive blocks of **lots** which are not interrupted by intersections, **common open space**, buffers, trees or features shall be avoided.

### **F. Building and Design Placement**

#### **1. Anti-Monotony Residential Design Standards**

##### **a. Intent**

This Section promotes architectural variety, visual interest, vernacular design, and neighborhood character within residential developments. These standards are intended to prevent repetitive building designs and

ensure varied architecture within residential developments consistent with the character of Hilton Head Island. These standards are intended to require varied designs to complement the character of the environment and surroundings.

#### b. Applicability

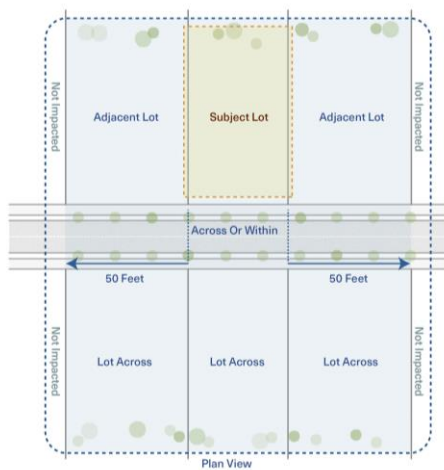
The standards of this Section apply to any residential development with single-family detached homes and attached dwellings, including townhouses, and multifamily development, including but limited to duplexes, three-plexes and four-plexes, where each dwelling unit has its own private entrance and each unit extends vertically from the foundation to the roof. These standards are not applicable to stacked units whereby a separate dwelling is located above another dwelling unit.

Standards in this Section are not intended to regulate the quality, workmanship and requirements for materials relative to strength, durability, hurricane endurance, maintenance, performance, load capacity, or fire resistance characteristics.

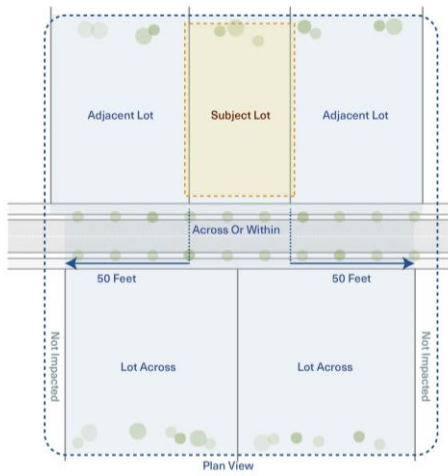
#### c. General Standards

- i. There shall be a street alignment that provides curves, medians, pedestrian crossing islands, narrowing, street and front yard trees, or other design features that varies the views of the homes along any given block.
- ii. No front elevation (or building façade) may be repeated within a series of three (3) adjacent homes on the same side of the street, lots directly across the street or part of any lot within 50 feet of the subject lot's frontage. (see "Façade Design Study Area" Figures XX for examples of application of this standard).

**Figure XX. Façade Design Study Area – Aligned Lot Pattern**



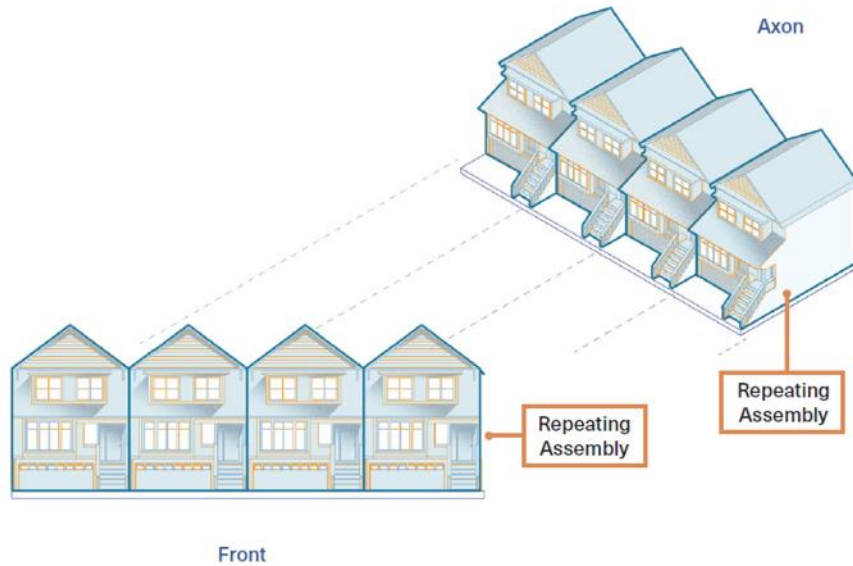
**Figure XX. Façade Design Study Area – Offset Lot Pattern**



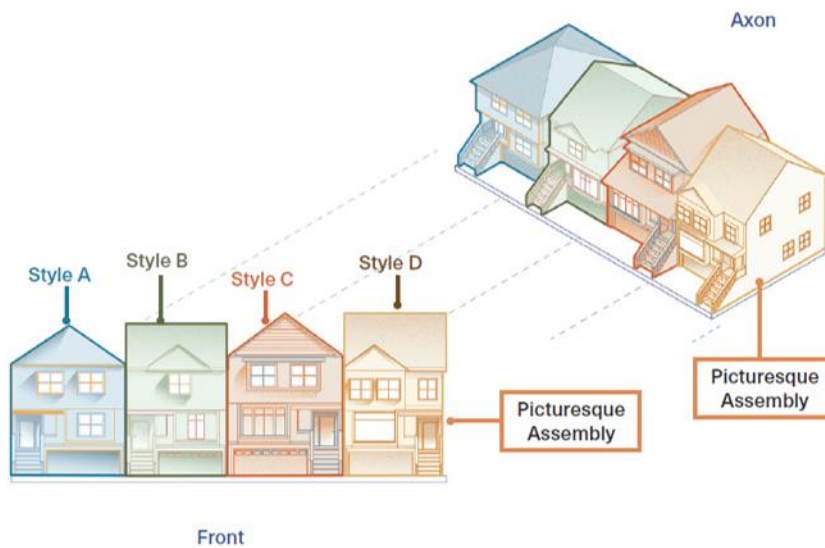
**Figure XX. Façade Design Study Area – Corner Lots**



**Figure XX. Façade Design Study Area - Repeating Assembly**



**Figure XX. Façade Design Study Area - Picturesque Assembly**



#### **d. Building Facades**

Building Facades must include architectural variation sufficient to avoid repetitive or monotonous appearances along streets and within neighborhoods and shall vary from the adjacent lots to the side and lots across the street described in Section 16-8-102-F-1A above. Architectural variation may be achieved through the implementation of the following design modifications:

- i. Architectural Style. Architectural style shall be consistent with the Island's established character. Building design must provide notable variation in stylistic elements that contribute to that overall architectural character, as determined by the Design Review Board. Acceptable methods include notable variation in:
  - a. Fenestration arrangement, size, and pattern;
  - b. Support systems such as columns, pillars, posts, and arches;
  - c. Porch, dormer, or balcony style;
  - d. Other stylistic elements as approved by the Design Review Board.
- ii. Building Form and Massing. A building must incorporate noticeable changes in its three-dimensional form or massing to add visual interest. Acceptable methods include variation in and use of:
  - a. Variation in roof form and pitch;
  - b. Use of offset facades, vertical or horizontal massing breaks, or other massing projections or recesses; and/or
  - c. Bay window projections of at least two feet that alter building massing.
- iii. Facade Configuration and Composition. A building must incorporate features that introduce variation in facade arrangement or surface composition. Acceptable methods include notable variation in:
  - a. Entry location;
  - b. Porch, dormer or balcony placement;
  - c. Variation in window configuration or treatments; and/or
  - d. Architectural patterns or textures that highlight or align with vertical or horizontal plane changes, including seams, batons, and special masonry courses.
- iv. Primary Building Materials. A building must incorporate variation in primary building materials when consistent with Hilton Head Island's character, quality, and durability. Material variation shall be used to prevent repetitive building appearances.
- v. Secondary Building Materials. A building must incorporate secondary building materials as accents to provide contrast in texture or pattern and support overall architectural variety.
- vi. Garage Orientation and Location. Garage design must contribute to reducing monotony within the streetscape. Compliance may be achieved through:
  - a. Variation in garage orientation, including front-loaded, side-loaded, rear-loaded, or angled configurations;
  - b. Placement of garages so they do not dominate the principal facade, including recessed, set-back, or detached configurations; and/or
  - c. Integration of garage massing with the building form, and use of different, but coordinated materials, to avoid repetitive patterns.

Mirror images of the same building façade using different materials or ornamentation changes do not meet the standards of this Section. e. Determination of Compliance

Front façade elevations must be evaluated and approved by the Design Review Board confirming that the design, when considered in its entirety, clearly achieves the intent of preventing monotony. The Design Review Board may require additional variation when necessary to meet the purpose of this section.

**f. Submittal Materials to Demonstrate Compliance with these Standards**

A Preliminary Major Subdivision or Residential Major Development Plan shall submit drawings or materials to illustrate compliance with these standards of this Section. This information shall be reviewed by the Official and submitted to the Design Review Board for its approval.

**g. Revisions**

The Town recognizes the selection of styles and design may need to be adjusted. The developer or property owner shall alert the Official of changes including drawings and descriptions of how changes to the building design will be consistent with the anti-monotony intent and relate to the buildings in the surrounding area. Major changes, such as adding or removing a home design option, shall be resubmitted to the Design Review Board for its approval. Minor changes, such as refinements to materials or accent features, can be approved administratively by the Official. Changes to a façade or materials after construction are not regulated by this Section.

**2. Amenity Buildings and Outdoor Recreation**

- a. Amenities shall be shown on the development plan including details of the features. Amenities may include a clubhouse, gathering space, shared workspace, pool, fitness center, athletic courts, putting green, outdoor fitness equipment, playgrounds, overlooks, electric vehicle charging stations, bike racks, mobility hubs, bus shelters, gazebos, picnic tables, outdoor living and grill or firepits, or similar features.
- b. If amenities are shown on the approved plan, details shall be included showing the location, building or structure elevations and materials, any associated parking, non-motorized connections to the amenities, landscaping, associated signs, lighting and other features. The developer shall post and maintain a sign illustrating the location of any amenity structure and post stakes to generally outline its location. The developers plan shall indicate a schedule and describe the responsibility for construction of the amenity buildings and structures.
- c. Unless a separate schedule has been approved by the Official as part of development approval, construction of amenity buildings and structures is required when 50% of the units within a particular phase have an approved building permit. The Official shall require a Performance Guarantee to ensure the amenities are constructed.

## Appendix A: Advisory and Decision Making Bodies and Persons

### A-1. Official

The **Official** is the LMO Official who is designated by the Town Manager as the **person** who administers and enforces this **Ordinance**. The **Official** shall have the following powers and duties under this **Ordinance**:

#### A. Powers and Duties

1. Review and make decisions on:
  - a. Subdivision Reviews ~~Reviews (Minor and Major) (Sec. 16-2-103.F);~~
    - i. Minor Non-Residential Subdivision Plan Reviews;
    - ii. Major Non-Residential Subdivision Plan Reviews;
    - iii. Minor Residential Subdivision Plan Reviews; and
    - iv. Final Major Residential Subdivision Plan Reviews.
  - b. Development Plan Reviews ~~Reviews (Minor and Major) (Sec. 16-2-103.G);~~
    - i. Minor Non-Residential Development Plan Reviews;
    - ii. Major Non-Residential Development Plan Reviews; and
    - iii. Final Major Residential Development Plan Reviews.
  - g. Certain Sign Permits (Sec. 16-5-~~114~~112.E);
  - j. Minor Deviations to PUD Master Plans (Sec. 16-2-103.D.8); ~~and~~.
  - k. Zoning Compliance Permits (Sec. 16-2-103.Z).
2. Review and prepare a staff report with a recommendation on:
  - e. Preliminary Major Residential Subdivision Plan Reviews (Sec. 16-2-103.F);
  - f. Preliminary Major Residential Development Plan Reviews (Sec. 16-2-103.G);
  - eg. Major Corridor Reviews (Sec. 16-2-103.I);
  - fh. Certain Sign Permits (Sec. 16-5-~~114~~112.E);
  - gi. Street/Vehicular Access Easement Name Reviews (Sec. 16-2-103.O);
  - hj. Public Project Reviews (Sec. 16-2-103.Q); and
  - ik. Variances (Sec. 16-2-103.S).
4. Enforce the provisions of this **Ordinance** (Sec. 16-~~8~~10-105)

### A-2. Planning Commission

#### A. Powers and Duties

3. Review and provide comments to the Official on:

- a. Subdivision Reviews (Sec. 16-2-103.F);
  - i. Major Non-Residential Subdivision Plan Reviews; and
  - ii. Final Major Residential Subdivision Plan Reviews.
- b. Development Plans;
  - i. Major Non-Residential Development Plan Reviews (Sec. 16-2-103.G); and
  - ii. Final Major Residential Development Plan Reviews (Sec. 16-2-103.G).
- 4. Review and make decisions on **applications** for:
  - a. Preliminary Major Residential Subdivision Plan Reviews (Sec. 16-2-103.F);
  - b. Preliminary Major Residential Development Plan Reviews (Sec. 16-2-103.G);
  - c. Street/Vehicular Access Easement Name Reviews (Sec. 16-2-103.O);
  - ~~b~~d. Public Project Reviews (Sec. 16-2-103.Q); and-
  - ~~c~~e. Traffic Impact Analysis Plans (Sec. 16-2-103.J.5.b.ii).
- ~~4~~5. Review and make recommendations to the **Town Council** on:
- ~~5~~6. Review and decide appeals (see Sec. 16-2-103.U) on:
  - ~~a. Subdivision Reviews -Reviews (Minor and Major)-(Sec. 16-2-103.F);~~
    - i. Minor Non-Residential Subdivision Plan Reviews;
    - ii. Major Non-Residential Subdivision Plan Reviews;
    - iii. Minor Residential Subdivision Plan Reviews; and
    - iv. Final Major Residential Subdivision Plan Reviews.
  - ~~b. Development Plan Reviews n-Reviews (Minor and Major) (Sec. 16-2-103.G);~~
    - i. Minor Non-Residential Development Plan Reviews;
    - ii. Major Non-Residential Development Plan Reviews; and
    - iii. Final Major Residential Development Plan Reviews.
- ~~6~~7. Carry out any other powers and duties delegated to it by the **Town Council**, consistent with the S.C. Code of Laws Section 6-29-310, et seq.

### A-3. Board of Zoning Appeals

#### A. Powers and Duties

- 2. To hear and decide appeals (see Sec. 16-2-103.T) on:
  - d. Certificates of Compliance; ~~and~~
  - e. Zoning Compliance Permits; and
  - ~~e~~f. Written Interpretations of the **Official** on zoning regulations where it is alleged there is error in an order, requirement, decision or determination made by an administrative official in the enforcement of the zoning **ordinance**.

## A-4. Design Review Board

### A. Powers and Duties

2. To review and decide *applications* for:
  - a. [Anti-Monotony Compliance \(16-8-102.F.1\) for Preliminary Major Residential Subdivision Plan Reviews \(Sec. 16-2-103.F\);](#)
  - b. [Anti-Monotony Compliance \(16-8-102.F.1\) for Preliminary Major Residential Subdivision Plan Reviews \(Sec. 16-2-103.G\);](#)~~Certain Sign Permits (Sec. 16-5-114.E);~~; and
  - ~~b.c.~~ Major Corridor Development Reviews (Sec. 16-2-103.I); ~~and~~;
  - d. [Certain Sign Permits \(Sec. 16-5-114.E\);](#) ~~and~~

## Appendix D: Application Submittal Requirements

### D-4. ~~Subdivision~~Subdivision Review, Major (All Application Types)

All *applications* for *subdivision* approval shall contain the following:

#### **B. Subdivision Plat**

One black line print of a *subdivision* plat at a scale of 1"=50' or other scale acceptable to the *Official*, showing:

20. Location of Preservation Areas, where applicable, as required by Sec. 16-8-102.B, including an easement or covenant recorded on the property that permanently restricts the Preservation Area from any development, construction, land-disturbing activity, or use other than those expressly authorized for preservation, open space, restoration, habitat management or other approved purposes.

#### **H. Subdivision in Phases**

1. Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future or abutting land is in the same ownership, a sketch plan for the entire tract shall be submitted with the plat.
2. Additionally, for Major Residential Subdivisions, the applicant shall provide a Phasing Plan per Sec. 16-8-101.E. The Phasing Plan shall illustrate and identify the sequence of development anticipated, such as Phase 1, Phase 2, Phase 3. This shall include an estimated schedule for the development of each phase. Additionally, the Phasing Plan shall include:
  - a. The initial grading plan per Sec. 16-8-102.D, showing future street rights-of-way or private roads, utility easements, stormwater basins and other common design elements. This plan must demonstrate that initial grading will be limited to those areas, with limited grading area along the edges for proper drainage and safety as approved by the Town. Grading on individual lots will be approved by the Town on a lot-by-lot basis or building-by-building basis.
  - b. Areas where wetlands or woodlands are being preserved through limits on grading. Fences or other demarcations and signs shall identify those preserved areas to builders, contractors, and others.
  - c. The number of lots or dwelling units along each road or cul-de-sac shall be identified, consistent with Section 16-5, 105 Mobility, Street, and Pathway Standards.
  - d. Locations where a street, road, or non-motorized pathway, and utilities will be extended in the future, within the development or adjacent properties. If temporary turnarounds or other features are proposed, public access to each lot or building, details shall be provided for approval by the Zoning Administrator and Fire Department. A general grading plan to demonstrate those connections can be accomplished in the future, consistent with the Town's standards.
  - e. The location of any construction access points and staging areas, including an engineering review that demonstrates adequate sight distance is provided along public streets.
  - f. Planned amenities per Sec.16-8-102.F.2.

## **I. Other Items**

Any applicable items as identified in D-6b, Development Plan Review, Non-Residential Major and Final Residential Major~~Development Plan Review, Major~~.

### **D-5. Subdivision Review, Minor**

#### **D-6a. Development Plan Review, Preliminary Major Residential**

A Preliminary Major Residential Development Plan *Application* shall be considered complete when the following items have been submitted:

##### **A. Application Form and Fee**

An *application* form as published by the *Official* and appropriate fee as required by Sec. 16-2-102.C.2, Application Fees.

##### **B. Affidavit of Ownership**

Notarized certification, written and signed by the *development site* owner of record, that such owner formally consents to the proposed *development*.

##### **C. Property deed**

Copy of property deed to the *lot of record* or portions thereof which constitute the proposed *development site*.

##### **D. Boundary survey plat**

One copy of the boundary survey plat of the *lot of record* or portions thereof which constitute the proposed *development site* at a minimum scale of 1"=50' or other appropriate scale acceptable to the *Official*. Upon such plat shall appear:

1. Location of primary control points used in the survey, with ties to such control points to which all dimensions, angles, bearings, distances, block numbers and similar data shall be referred.
2. Computed acreage of the surveyed *tract*. Where only a portion of any *tract* is proposed for *development*, there shall appear on the plat the acreage to be developed (except in the case of *subdivisions*, where precise acreages shall be shown) in addition to the overall *tract* acreage.
3. Seal and signature of a South Carolina registered *land* surveyor.
4. Date of survey and date of any revisions.
5. Notation of specific reference plats, if applicable.
6. Graphic scale and reference meridian.
7. Beaufort County Tax Map and Parcel Number.

##### **E. Written Narrative**

A written narrative outlining:

1. The nature and details of the proposed *development*.
2. If the proposed *development* plan is a phase of a previously approved multi-phase plan or PUD Master Plan, a description of how such phase relates to such plan, in whole or in part.

3. The specifically contemplated form of ownership of the **development** (e.g. fee simple, horizontal property regime, property owners' association, etc.) and detailed provisions for **maintenance** responsibility for all **improvements**, including, but not limited to, **streets**, parking areas, bikeways, pedestrian ways, storm drainage facilities, water and sewer systems, **common open space** areas, and the like.
4. Any proposed dedication of **improvements** to any public agency, specifying such **improvements** and the affected agencies.
5. Any other information deemed necessary by the **applicant** to further clarify the proposed **development**.

## **F. Schematic Site Development Plan**

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

1. Name of **development**.
2. Graphic scale and reference meridian.
3. Beaufort County Tax Map and Parcel Number.
4. Date of drawing and date of any revisions.
5. Vicinity sketch showing the general **site** location and depicting vehicular **access** routes accurately referenced to the nearest public road.
6. Topographic survey at 1-foot contour intervals, or other topographic information acceptable to the Town Engineer, unless waived by the Town Engineer.
7. An Environmental Site Analysis as required by Sec. 16-8-102.B.
8. All permanent **structures** and facilities within approximately 50 feet of the proposed **development tract**.
9. Proposed **site development**, including **land uses**, any **building** or other **structure** locations, **street**, **driveway**, bike and pedestrian way, and parking area layouts, and interconnections with **off-site** facilities, if applicable. The plan view of **buildings** shall show limits of roofed areas, and indicate the exterior wall line dimensioned to property lines.
10. Location of proposed drainage system, including **off-site** areas of interconnection.
11. Description of proposed methods and general layout of stormwater drainage.
10. Statement by the Applicant confirming that the site can be supplied with adequate utilities.
12. General location parking and off-**street** loading areas, where applicable.
14. Location of **impervious cover** as required in Chapter 16-3: Zoning Districts.
15. Location of proposed **common open space** areas as required by Sec. 16-8-104, Common Open Space Standards.
16. Location of proposed buffer areas as required by Sec. 16-6-103.
17. Tables indicating calculations for **common open space**, **impervious cover**, and required parking.
18. Delineation of any zoning district boundary which traverses or is **contiguous** to the **development site**, including overlay zones.
19. Where applicable, surveyed delineation of any **wetland** area and required buffers or other delineation of a natural feature on the **site** which is protected or defined under provisions of this Title.

20. Notation as to FEMA/FIRM **flood** zones covering the **site**, and proposed first floor elevation of all **buildings**.
21. Where applicable, surveyed delineation of any known archaeological or historical resource feature, as defined by this Title, located on or **contiguous** with the proposed **development tract**.
22. Fire hydrants and fire lanes in conformance with Sec. 16-5-110, Utility Standards.
23. Location of screened outside trash receptacles and/or enclosures for use by the **building** occupants.
24. Location of proposed setback areas as required by Sec. 16-5-102.

## G. Street, Vehicular Access Easement and Development Names

Appropriate approvals for all **street** and **development** names as listed in Sec. 16-2-103.O, Street/Vehicular Access Easement Name Review.

## H. Schematic Landscape Plan

A schematic landscape plan to demonstrate ability to achieve conformance to the intent of all applicable sections of this **Ordinance**. Landscape plans shall be submitted at a scale of 1"=30' or other appropriate scale acceptable to the **Official**, and shall include:

1. A general planting plan showing location, quantity, and type of proposed plantings including existing **trees** to remain and new **trees** as required by Sec. 16-6-104, Tree Protection.
2. All horizontal landscape **construction** such as drives, decks, terraces, and other features shall be shown and labeled.
3. All vertical landscape **construction** such as walls, fences, raised decks, shelters, **signs**, flagpoles, trellises, seats, mailboxes, etc. shall be shown and labeled.
4. A plan note indicating the use of irrigation and its location.
5. In an effort to conserve water, landscape plans which utilize existing vegetation, native plants, drought-tolerant ornamental plants, and limited lawn areas are encouraged.

## I. Site Lighting Plan

Narrative or plan notes describing the proposed exterior site and building lighting for the development.

## J. Exterior Elevations

1. For non-residential developments, final **building** and other **structure** exterior elevations accurately showing the **height**, width and length of all proposed **structures**, as applicable.
2. For residential developments, for each phase, the developer shall submit:
  - a. A Plan that demonstrates how the anti-monotony design standards of this Section 16-8-102.F.1 will be applied.
  - b. Materials that demonstrate the various building styles, elevations, floor plans, materials and other features that are expected to be constructed or offered to future purchasers.
  - c. A commitment from the developer, that applies to future builders and owners, that describes how the Town will be informed of the proposed building façade designs and any changes, on a building-by-building basis.

## K. Development Phasing Plan

A plan indicating the contemplated phasing of the proposed **development**. Such plan shall contain:

1. A schedule map, at a minimum scale of 1"=100' or other appropriate scale acceptable to the **Official** (preferably at **site development** plan scale), graphically showing the proposed phasing areas.
2. A schedule report, listing by each proposed phase (as applicable) the number of residential units by type, amount of gross **building** square footage for all nonresidential **uses** by type, expected type of **common open space improvements**, and public **improvements** by the **applicant** for dedication to any governmental or other public agency.
3. The applicant shall provide a Phasing Plan per Sec. 16-8-101, E. The Phasing Plan shall illustrate and identify the sequence of development anticipated, such as Phase 1, Phase 2, Phase 3. This shall include an estimated schedule for the development of each phase. Additionally, the Phasing Plan shall include:
  - a. The initial grading plan per Sec.16-8-102.D, showing future street rights-of-way or private roads, utility easements, stormwater basins and other common improvement elements. This plan must demonstrate that initial grading will be limited to those areas, with limited grading area along the edges for proper drainage and safety as approved by the Town. Grading on individual lots will be approved by the Town on a lot-by-lot basis or building-by-building basis.
  - b. Areas where wetlands or woodlands are being preserved through limits on grading. Fences or other demarcations and signs shall identify those preserved areas to builders, contractors, and others.
  - c. The number of lots or dwelling units along each road or cul-de-sac shall be identified, consistent with Sec. 16-5-105.
  - d. Locations where a street, road, or non-motorized pathway, and utilities will be extended in the future, within the development or adjacent properties. If temporary turnarounds or other features are proposed, public access to each lot or building, details shall be provided for approval by the Zoning Administrator and Fire Department. A general grading plan to demonstrate those connections can be accomplished in the future, consistent with the Town's standards.
  - e. The location of any construction access points and staging areas, including an engineering review that demonstrates adequate sight distance is provided along public streets.
  - f. Planned amenities per Sec. 16-8-102, F. 2.

#### **L. Natural Resources Permit Application**

Natural Resources Permit **application** as required in D-12, Natural Resources Permit.

#### **M. Wetlands Alteration Permit Application**

Wetlands Alteration Permit **application** as required in D-13, Wetlands Alteration Permit

#### **N. Stormwater Management**

1. Acknowledgement of compliance with in Sec. 16-5-109, Stormwater Management and Erosion and Sedimentation Control Standards.
2. Description of proposed methods to manage stormwater, including soil types and permeability characteristics.
3. Proposed methods to remove pollutants.

#### **O. Other Requirements**

Any other items specifically required of a **development** plan **application** by any other provisions of this Title.

## **D-6b. Development Plan Review, Non-Residential Major and Final Residential Major**

A Development Plan **Application** shall be considered complete when the following items have been submitted:

### **J. Exterior Elevations**

1. For non-residential developments, final **building** and other **structure** exterior elevations accurately showing the **height**, width and length of all proposed **structures**, as applicable.

### **K. Development Phasing Plan**

For non-residential developments, A plan indicating the contemplated phasing of the proposed **development**. Such plan shall contain:

2. A schedule report, listing by each proposed phase (as applicable) the ~~number of residential units by type,~~ number of **hotel** rooms, amount of gross **building** square footage for all nonresidential **uses** by type, ~~expected type of common open space improvements,~~ and public **improvements** by the **applicant** for dedication to any governmental or other public agency.

## **D-28. Zoning Compliance Permit**

### **A. General Requirements**

The **applicant** shall submit the following applicable documents to the **Official** for review and approval:

1. Recorded deed and plat showing proof of property ownership.
2. Digital files of proposed plans.
3. Narrative describing reason for application and compliance with applicable LMO standards.
4. An Application Review Fee.
5. For Major Residential Developments, on a building-by-building basis, each request for a Zoning Compliance Permit shall include the following:
  - a. A façade design study area map that demonstrates the implementation of this Section is provided from existing buildings or restrictions on the designs allowed on the adjacent lots and the three lots or buildings across the street(s).
  - b. An updated plan and listing or index of floor plans and styles selected for each lot. This plan shall be provided to each lot purchaser to understand any limitations on the selection for a particular lot.
  - c. A lot plan that shows the lot, lot dimensions, setbacks, lots adjacent and across the street, the building footprint, driveway, sidewalk or pathway, preserved or planted front yard trees, and other notable features.
  - d. Facade architectural drawings consisting of front elevation views drawn to an architect's scale, showing front façade features and the materials. Each material shall be cross referenced to an approved or submitted the sample board. All mechanical and utility locations and screening shall be indicated on the facade drawings.



# **TOWN OF HILTON HEAD ISLAND**

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## *Attachment 4.a*

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### **EXECUTIVE SUMMARY**

Proposed LMO Priority 1 Amendments

#### **Chapter 16-1 General Provisions**

Amendments are limited to changes in cross references. These amendments will be processed as part of the Planning Commission and Town Council review. No action is required by the LMO Task Force and therefore this Chapter is not provided for review.

#### **Chapter 16-9 Nonconformities**

Amendments are limited to changes in cross references. These amendments will be processed as part of the Planning Commission and Town Council review. No action is required by the LMO Task Force and therefore this Chapter is not provided for review.

#### **Chapter 16-10 Enforcement**

Amendments are limited to changes in cross references. These amendments will be processed as part of the Planning Commission and Town Council review. No action is required by the LMO Task Force and therefore this Chapter is not provided for review.

#### **Chapter 16-11 Disaster Recovery**

Amendments are limited to changes in cross references. These amendments will be processed as part of the Planning Commission and Town Council review. No action is required by the LMO Task Force and therefore this Chapter is not provided for review.

#### **Chapter 16-12 Definitions, Interpretation, and Measurement**

Amendments are limited to changes in cross references. These amendments will be processed as part of the Planning Commission and Town Council review. No action is required by the LMO Task Force and therefore this Chapter is not provided for review.

## **Appendix B- Maps and Tables**

No changes.

## **Appendix C- Recommended Native Plants**

No changes.