



Town of Hilton Head Island

Planning Commission Meeting

Wednesday, January 15, 2025, 2:00 PM

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

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

- 1. Call to Order**
- 2. Pledge to the Flag**
- 3. Adoption of the Agenda**
- 4. Approval of the Minutes**
 - a. Regular Meeting Minutes of December 18, 2024
- 5. Unfinished Business**
 - a. SUB-001136-2024: Public Hearing on an Application for a Deviation from a previously approved Major Subdivision, from Brandon Walton, for a project to reconfigure and subdivide lots addressed as 11 Sea Front Lane and 13 Sea Front Lane, also identified as Parcel Number 60 and Parcel Number 59, respectively, on Beaufort County Tax Map 12.
- 6. New Business**
 - a. Public Hearing Request from Chris Breen of Blue Hour Housing for a text amendment to Title 16 of the Municipal Code of the Town of Hilton Head Island, the Land Management Ordinance, to amend Chapter 16-4, Use Standards, to add a new Adaptive Re-Use Hotel/Motel Conversion Program as 16-4-106.
 - b. Introduction to Land Management Ordinance Priority Amendments to include Workforce Housing Density Bonus, Single-Family Home and Commercial Mass & Scale, Subdivision Regulations, Adaptive Re-Use of Existing Hotels & Motels, Major Subdivision & Development Plan Review Process, Transportation Impact Analysis Plan, Common Open Space, Tree Protection, Sign Regulations, and Construction Management Standards.

7. Public Comment - Non Agenda Items

8. Commission Business

- a. Special Election

9. Chairman's Report

10. Staff Reports

- a. Land Management Ordinance and Districts Project Updates

11. 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 PLANNING COMMISSION MEETING Wednesday, December 18, 2024, 2:00 PM Minutes

1. Call to Order

Chairman Siebold called the meeting to order at 2:00 p.m. In attendance were Chairman Siebold, Commissioners Campbell, Henz, Cordes, Lobaugh and Mealer. Vice Chairman O'Neil and Commissioners Whaley and DuBois were excused.

2. Pledge to the Flag

3. Adoption of the Agenda

Commissioner Henz moved to approve the Agenda as presented. Commissioner Mealer seconded. The meeting Agenda was unanimously approved.

4. Approval of the Minutes

a. Regular Meeting Minutes of November 20, 2024

Commissioner Lobaugh moved to approve the Meeting minutes of November 20, 2024. Commissioner Campbell seconded. The Meeting minutes of November 20, 2024 were unanimously approved.

5. Unfinished Business

6. New Business

- a. SUB-001136-2024 - Public Hearing on an Application for a Deviation from a previously approved Major Subdivision, from Brandon Walton, for a project to reconfigure and subdivide lots addressed as 11 Sea Front Lane and 13 Sea Front Lane, also identified as Parcel Number 60 and Parcel Number 59, respectively, on Beaufort County Tax Map 12.

Brandon Walton, the applicant, approached the dais to formally request a postponement of his application to the January 15, 2025 meeting. Commissioner Cordes moved to approve the request, which was seconded by Commissioner Henz. The motion passed unanimously.

- b. SUB-001354-2024 - Public Hearing on an Application for a Deviation from a previously approved Major Subdivision, from Judd Carstens, with Witmer, Jones, Keefer, Ltd., for a project to subdivide 19 Ibis Street, also identified as Parcel Number 111 on Beaufort County Tax Map 15A.

After discussion and input from staff, Commissioner Lobaugh moved to postpone this item to the January 15, 2025, meeting, which was seconded by Commissioner Henz. The motion passed unanimously.

7. Public Comment - Non Agenda Items

8. Commission Business

a. Approval of Proposed 2025 Meeting Dates

Commissioner Lobaugh moved to approve the proposed 2025 meeting dates as presented. Commissioner Campbell seconded. The 2025 meeting dates were unanimously approved.

9. Chairman's Report

10. Staff Reports

a. Land Management Ordinance and Districts Project Updates

Shea Farrar, Principal Planner, provided an update to the Commission on the Districts Project. She confirmed that a tentative schedule for public meetings is set between January and February. The Planning Commission will collaborate with staff to facilitate these meetings in each district. The specific dates and times will be shared with the Commission to ensure they can reserve time on their calendars. Additionally, coordination will take place regarding the Commission's participation and that of other Boards as we engage with the public to gather input on the district planning progress.

Progress on the LMO project is also ongoing. The Priority Amendments are scheduled for introduction and initial review by the Commission in January, with a Public Hearing slated for February. The comprehensive overhaul of the full code is continuing, with recommendations from the Districts Project being integrated into the process for necessary changes.

11. Adjournment

With no further business, the meeting was adjourned at 2:35 p.m.

APPROVED: _____

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



TOWN OF HILTON HEAD ISLAND COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court

Hilton Head Island, SC 29928

843-341-4757

FAX 843-842-8908

STAFF REPORT DEVIATIONS FROM PREVIOUSLY APPROVED MAJOR SUBDIVISIONS

Case #	Name of Project	Public Hearing Date
SUB-001136-2024	Sea Front Lane	January 15, 2025

Parcel Data	Applicant
13 Sea Front Lane (R510 012 000 0059 0000) & 11 Sea Front Lane (R510 012 000 0060 0000)	Krest, LLC. Brandon and Alice Walton

Application Summary:

SUB-001136-2024 – Application for a Deviation from a Previously Approved Major Subdivision, from Brandon Walton, for a project to reconfigure and subdivide lots addressed as 11 Sea Front Lane and 13 Sea Front Lane, also identified as Parcel Number 60 and Parcel Number 59, respectively, on Beaufort County Tax Map 12.

Staff Recommendation:

Staff recommends that the Planning Commission find that the proposed change is detrimental to the reasonable, investment backed expectations of owners of lots in the subdivision arising from the criteria of (LMO Section 16-2-103.F.7)

Staff recommends that the Planning Commission deny the application.

Background:

Applicant's Grounds for the deviations from the previously approved major subdivision:

We have been landowners and permanent residents of Hilton Head Island since 1970. My brother and I were born and raised here, attended the local schools, and our parents were educators and community volunteers. My mother remains an active member of the community. We will eventually retire to live on the Island and use one of the lots as an additional home. Our goal is not to become a major developer, we simply would like to allow others to have the opportunity to experience what our family has enjoyed for more than 50 years. Hopefully, by selling and building one more single-family home than is currently allowed, we can provide another family the opportunity to experience this great community. We want to share our reverence for this special place with others. We believe that the proposed change to the previously platted Lots U (R510-012-000-0059-0000) & Lot T (R510-012-000-

0060-0000) is not detrimental to the reasonable, invested backed expectations of owners of lots in the subdivision arising for the following reasons.

I- There is no offsite parking in the community – the homes will have garages/driveways for parking.

II. The community does not have any common amenities.

III. Currently no forecasts of overcrowding as there are no common parking lots; all vehicles will utilize garages/driveways.

IV. If the homes will be primary/secondary and not rentals, there should be no concern with increased noise or traffic, as there will only be primary/secondary residents and not nightly/weekly rentals with multiple renters and vehicles.

V. There is no common space in Burkes Beach POA therefore there is little to no risk of decreased utility of open space, amenities, parking lots, etc.

To the best of our knowledge, the information given in regards to the following areas of concern have been true, factual and complete. The explanations above address the concerns of any negative impacts this approval request may pose to the neighborhood.

Summary of Facts and Conclusions:

Findings of Fact:

- The application was submitted on August 12, 2024, as set forth in LMO Section 16-2-103.F and Appendix D-4.
- Per LMO Section 16-2-102.E.1, when an application is subject to a hearing, the LMO Official shall ensure that the hearing on the application is scheduled for a regularly scheduled meeting of the body conducting the hearing.
- The LMO Official scheduled the public hearing on the application for the January 15, 2025, Planning Commission meeting.
- Per LMO Section 16-2-102.E.2, the LMO Official shall publish a notice of the public hearing in a newspaper of general circulation in the Town no less than 15 calendar days before the hearing date.
- Notice of the January 15, 2025, public hearing was published in the Island Packet on December 31, 2024.
- Per LMO Section 16-2-102.E.2, Mail notice of the hearing to all owners of record of properties located within the subdivision no less than 15 calendar days before the hearing date.
- The applicant mailed notices of the January 15, 2025, public hearing by first-class mail on December 30, 2024.
- Per LMO Section 16-2-102.E.2, the LMO Official shall post conspicuous notice of the public hearing on or adjacent to the land subject to the application no less than 15 days before the hearing date, with at least one such notice being visible from each public thoroughfare that abuts the subject land.
- The LMO Official posted on December 27, 2024, conspicuous notice of the public hearing on public and private streets in the areas affected by the application.

Conclusions of Law:

- The application was submitted in compliance with LMO Section 16-2-103.F and Appendix D-4.

- Notice of the public hearing was published, mailed and posted, in compliance with LMO Section 16-2-102.E.2.

As set forth in LMO Section 16-2-103.F.7, deviations from previously approved major subdivisions, the Commission shall consider and make findings on the following matters regarding the proposed amendment.

Summary of Facts and Conclusions:

*Criteria 1: A decision to approve a proposed change to a previously platted **subdivision** shall be based on a finding that the proposed change is not detrimental to the reasonable, investment backed expectations of owners of **lots** in the **subdivision** arising from:*

- i. Increased burdens on utility of roadways caused by off-site parking; (LMO Section 16-2-103.F.7.i):*

Finding:

- There is no off-site parking area associated with the previously platted subdivision.

Summary of Facts and Conclusions:

*Criteria 2: A decision to approve a proposed change to a previously platted **subdivision** shall be based on a finding that the proposed change is not detrimental to the reasonable, investment backed expectations of owners of **lots** in the **subdivision** arising from:*

- ii. Increased burdens on amenities in the subdivision caused by increased numbers of dwelling units; (LMO Section 16-2-103.F.7.ii):*

Finding:

- There are no amenities in the previously platted subdivision.

Summary of Facts and Conclusions:

*Criteria 3: A decision to approve a proposed change to a previously platted **subdivision** shall be based on a finding that the proposed change is not detrimental to the reasonable, investment backed expectations of owners of **lots** in the **subdivision** arising from:*

- iii. Overcrowding in the subdivision; (LMO Section 16-2-103.F.7.iii):*

Finding:

- The lot reconfiguration proposed for Lot T that is associated with the proposed subdivision will result in the frontage of two lots being reduced to a width that is less than all others in the subdivision.

Summary of Facts and Conclusions:

*Criteria 4: A decision to approve a proposed change to a previously platted **subdivision** shall be based on a finding that the proposed change is not detrimental to the reasonable, investment backed expectations of owners of **lots** in the **subdivision** arising from:*

- iv. Increased noise and traffic in the subdivision; and (LMO Section 16-2-103.F.7.iv):*

Finding:

- The addition of one lot to the subdivision will result in additional vehicle trips.

Summary of Facts and Conclusion:

*Criteria 5: A decision to approve a proposed change to a previously platted **subdivision** shall be based on a finding that the proposed change is not detrimental to the reasonable, investment backed expectations of owners of **lots** in the **subdivision** arising from:*

- v. Decreased utility of amenities and other property such as open space, rights-of-way, amenities and parking or any **lot** combinations or subdivisions. (LMO Section 16-2-103.F.7.v):*

Finding:

- The increase of one lot will result in decreased utility of the community's rights-of-way.

PREPARED & REVIEWED BY:

TL

Trey Lowe,
Development Services Manager

12-04-24

DATE

REVIEWED BY:

SF

Shea Farrar,
*Principal Planner & Planning Commission
Coordinator*

12-04-24

DATE

ATTACHMENTS:

1. Application Narrative
2. Approved Plat
3. Proposed Amendment

Hilton Head Town Planning Commission

We have been landowners and permanent residents of Hilton Head Island since 1970. My brother and I were born and raised here, attended the local schools, and our parents were educators and community volunteers. My mother remains an active member of the community. We will eventually retire to live on the Island and use one of the lots as an additional home. Our goal is not to become a major developer, we simply would like to allow others to have the opportunity to experience what our family has enjoyed for more than 50 years. Hopefully, by selling and building one more single-family home than is currently allowed, we can provide another family the opportunity to experience this great community. We want to share our reverence for this special place with others.

We believe that the proposed change to the previously platted Lots U (R510-012-000-0059-0000)& Lot T (R510-012-000-0060-0000) is not detrimental to the reasonable, invested backed expectations of owners of lots in the subdivision arising for the following reasons.

I- There is no offsite parking in the community – the homes will have garages/driveways for parking.

II. The community does not have any common amenities.

III. Currently no forecasts of overcrowding as there are no common parking lots; all vehicles will utilize garages/driveways

IV. If the homes will be primary/secondary and not rentals, there should be no concern with increased noise or traffic, as there will only be primary/secondary residents and not nightly/weekly rentals with multiple renters and vehicles.

V. There is no common space in Burkes Beach POA therefore there is little to no risk of decreased utility of open space, amenities, parking lots, etc.

To the best of our knowledge, the information given in regards to the following areas of concern have been true, factual and complete. The explanations above address the concerns of any negative impacts this approval request may pose to the neighborhood.

Krest, LLC

Brandon Walton

BURKES BEACH, POA
Board of Directors
Justin Lueken, Vinny Reddy, Debbie Fannin, Adam Lipson

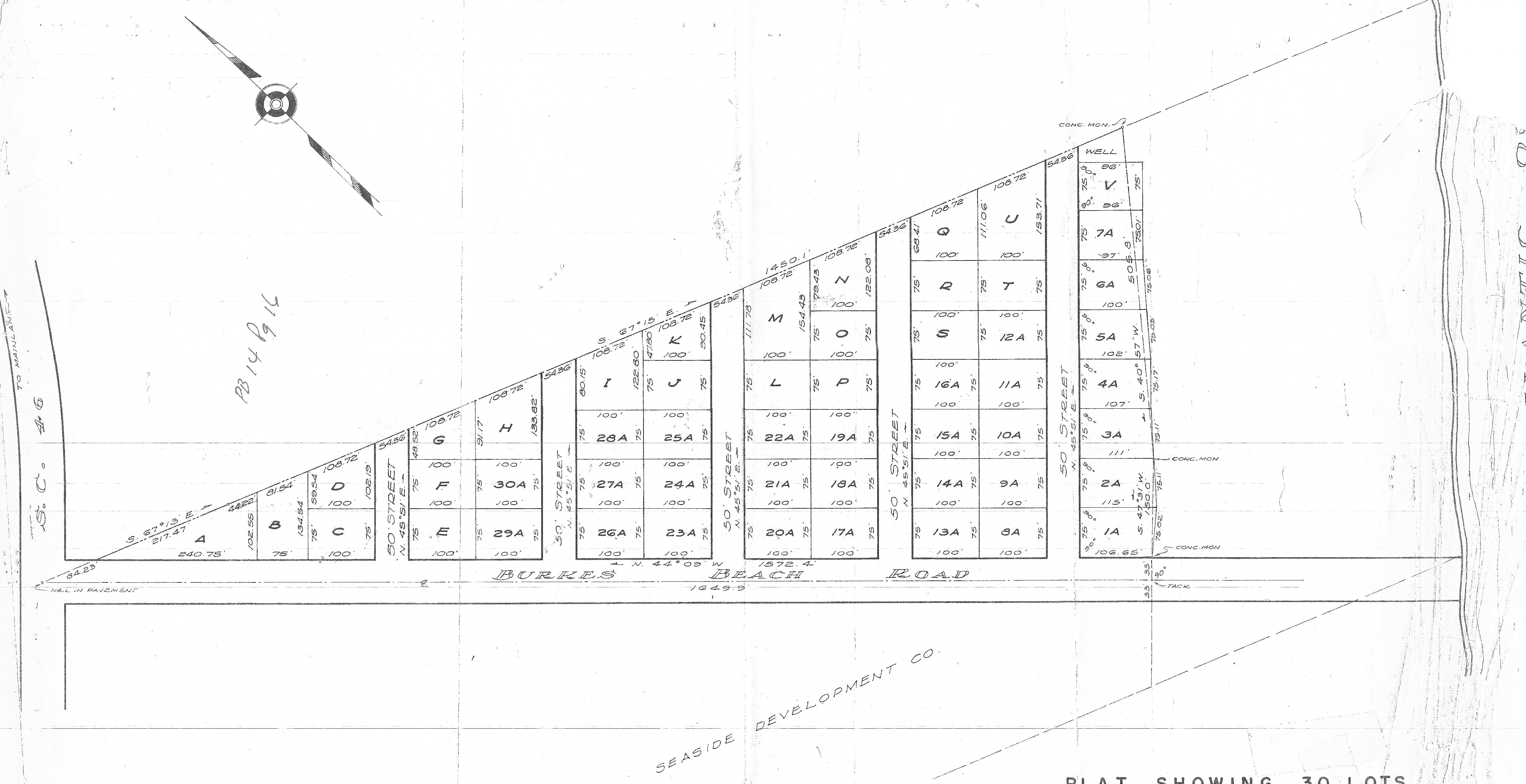
DATE: September 5, 2024
TO: Trey Lowe, Town of Hilton Head Island Senior Planner
FROM: The Burkes Beach, POA Board of Directors
RE: Subdivision of 11 and 13 Sea Front Lane

The Board of Directors is providing this correspondence in response to the request of Ms. Alice Walton, owner of 11 and 13 Sea Front Lane, Hilton Head Island, South Carolina.

The Board has unanimously approved and consents to Ms. Walton's proposed subdivision of the (2) properties into (3), as provided in the below plat map.

Should there be any questions or if you need further information, please contact our Association Manager Kathleen Smith at IMC Resort Services, Inc.: Kathleen@IMCHHI.com or 843-785-4775 x206.

Thank you.



filed
10/17/63
24.45
66.6

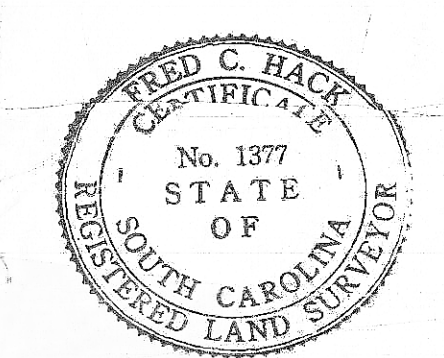
PLAT SHOWING 30 LOTS
IN
SEASIDE SUBDIVISION
HILTON HEAD ISLAND
SOUTH CAROLINA

SURVEYED FOR:
SEASIDE DEVELOPMENT COMPANY
AUGUST, 1960

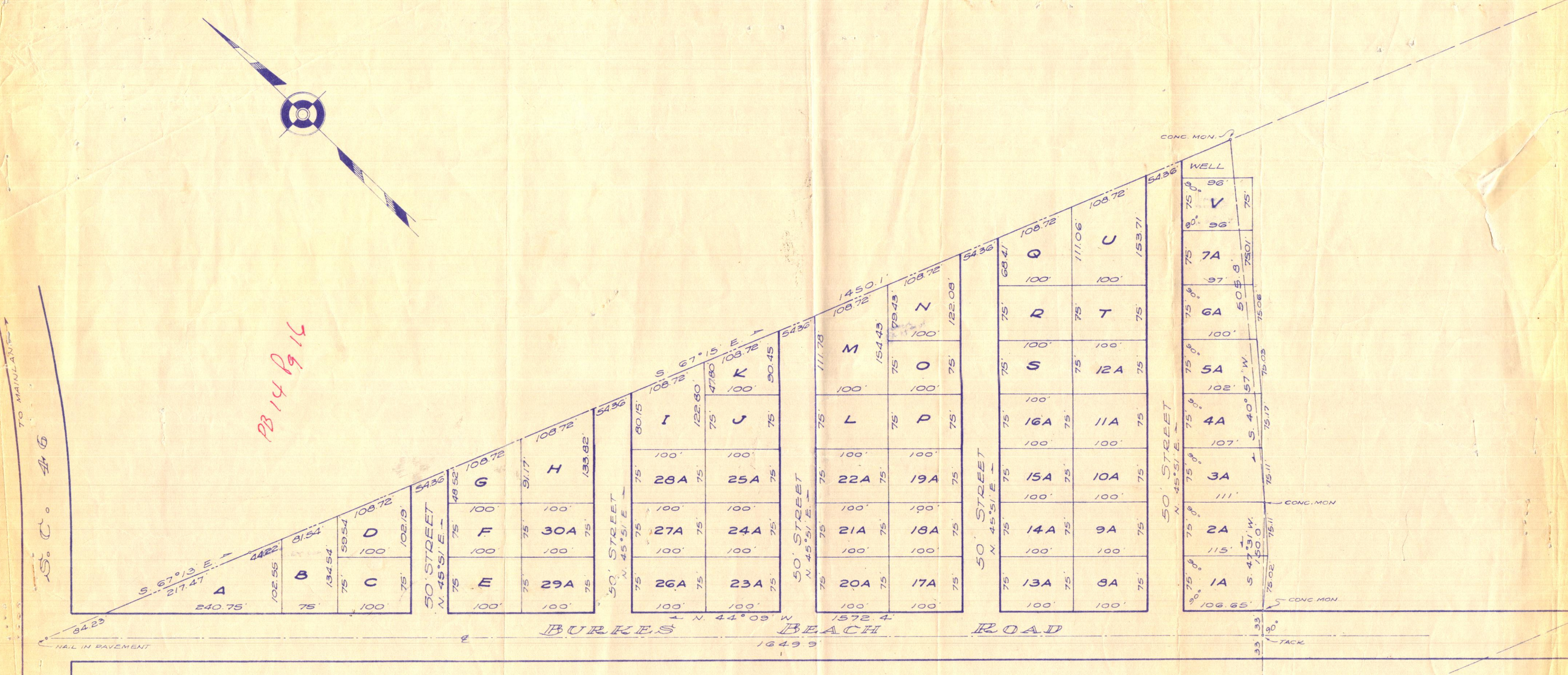
SCALE: 1"=100'
0 50 100 200 300 400 FE.

ORIGINAL DOCUMENT
POOR CONDITION OR CONTRAST

Fred C. Hack
LAND SURVEYOR



REVISED TO SHOW ALPHABETICAL LOTS
SEPTEMBER 17, 1963



TO MAINLAND
S. C. 46
PB 14 P 9 11

filed
10/7/60
J. C. Hack
S. C.

SEASIDE DEVELOPMENT CO.

PLAT SHOWING 30 LOTS
IN
SEASIDE SUBDIVISION
HILTON HEAD ISLAND
SOUTH CAROLINA

SURVEYED FOR:
SEASIDE DEVELOPMENT COMPANY
AUGUST, 1960

SCALE: 1"=100'
0 50 100 200 300 400 FEET

ORIGINAL DOCUMENT
POOR CONDITION OR CONTRAST

Fred C. Hack
LAND SURVEYOR

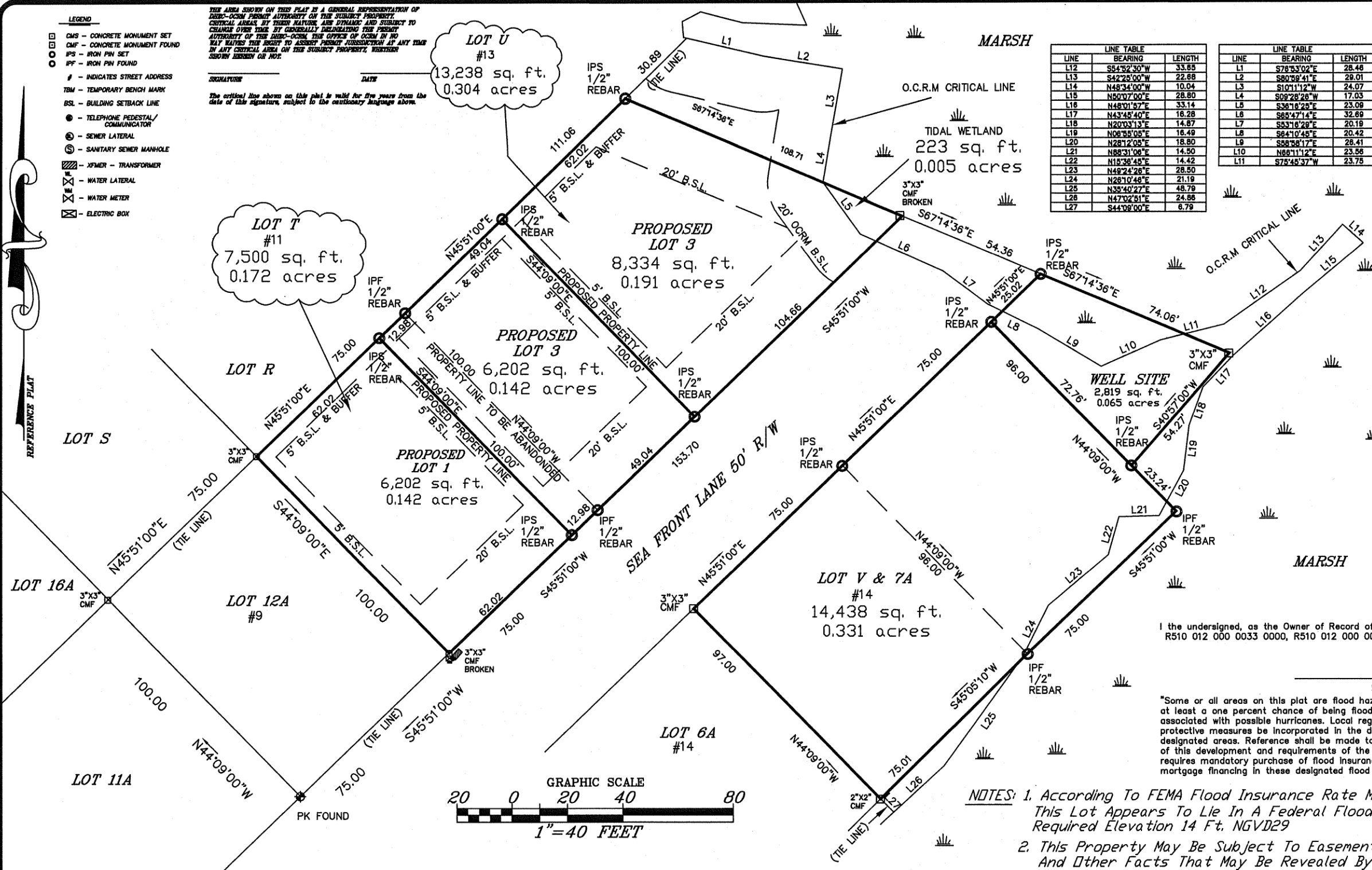


REVISED SEPTEMBER 17, 1963
TO SHOW ALPHABETICAL LOTS

- LEGEND**
- CMF - CONCRETE MONUMENT SET
 - IPF - IRON PIN FOUND
 - IPF - IRON PIN SET
 - IPF - IRON PIN FOUND
 - # - INDICATES STREET ADDRESS
 - TBM - TEMPORARY BENCH MARK
 - BSL - BUILDING SETBACK LINE
 - - TELEPHONE PEDESTAL/COMMUNICATOR
 - - SEWER LATERAL
 - - SANITARY SEWER MANHOLE
 - ⊠ - TRANSFORMER
 - ⊠ - WATER LATERAL
 - ⊠ - WATER METER
 - ⊠ - ELECTRIC BOX

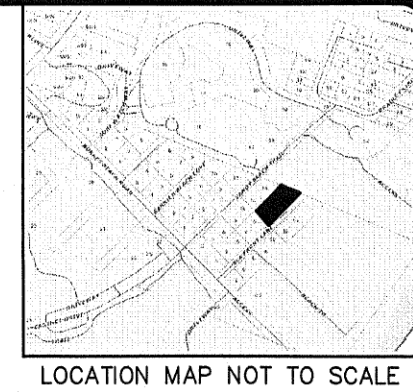
THE AREA SHOWN ON THIS PLAT IS A GENERAL REPRESENTATION OF THE SUBJECT PROPERTY. CRITICAL AREAS, BY THEIR NATURE, ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME BY GENERALLY DETERMINING THE PRESENT AUTHORITY OF THE DNR-OCRM, THE OFFICE OF OCRM IN NO WAY WAIVES THE RIGHT TO ASSUMPT JUDGMENT AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY, WHETHER SHOWN HEREON OR NOT.

SIGNATURE _____ DATE _____
The official line shown on this plat is valid for five years from the date of this signature, subject to the cautionary language above.



LINE	BEARING	LENGTH
L12	S64°52'30"W	33.85
L13	S42°25'00"W	22.88
L14	N48°34'00"W	10.04
L15	N50°07'00"E	28.80
L16	N48°01'57"E	33.14
L17	N43°48'40"E	16.28
L18	N20°03'13"E	14.87
L19	N06°55'05"E	16.49
L20	N28°12'08"E	18.80
L21	N88°31'06"E	14.50
L22	N15°38'48"E	14.42
L23	N48°24'28"E	28.50
L24	N28°10'48"E	21.19
L25	N35°40'27"E	48.79
L26	N47°02'51"E	24.88
L27	S44°09'00"E	8.79

LINE	BEARING	LENGTH
L1	S78°53'02"E	28.48
L2	S80°59'41"E	29.01
L3	S101°11'2"W	24.07
L4	S08°28'28"W	17.03
L5	S38°18'25"E	23.08
L6	S85°47'14"E	32.69
L7	S53°16'28"E	20.19
L8	S64°10'48"E	20.42
L9	S58°58'17"E	28.41
L10	N88°11'12"E	23.56
L11	S75°45'37"W	23.75



TOWN OF HHI STAMP AREA

I the undersigned, as the Owner of Record of parcels(s) R510 012 000 0057 0000, R510 012 000 0033 0000, R510 012 000 0060 0000 & R510 012 000 0059 0000 agree to the recording of this plat.

KREST, LLC & ALICE WALTON
"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 floor 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."

- NOTES:**
1. According To FEMA Flood Insurance Rate Map #450250 0014 D This Lot Appears To Lie In A Federal Flood Plain Zone A7, Minimum Required Elevation 14 Ft. NGVD29
 2. This Property May Be Subject To Easements, Protective Covenants And Other Facts That May Be Revealed By A Complete Title Search.
 3. All Building Setback Requirements Should Be Verified With The Proper Authorities Prior To Design And Construction.

DIST. 510, MAP 12, PARCELS 57, 33, 60 & 59

REFERENCE PLAT(S):
PLAT BOOK 14 AT PAGE 16

THE ABOVE PLAT PREPARED BY ME AT THE REQUEST OF

KREST, LLC & ALICE WALTON

A BOUNDARY SURVEY OF LOTS T, U, V, 7-A & WELL SITE & A PROPOSED DIVISION OF LOTS T & U ON SEA FRONT LANE, A PORTION OF SEASIDE SUBDIVISION, TOWN OF HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA.

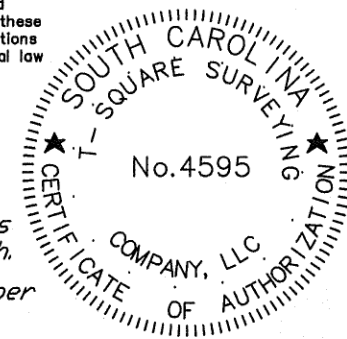
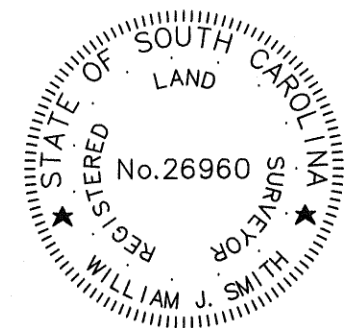
JOB # 16-114SD7

REVISED 4/5/2016 TO SHOW PROPOSED DIVISION OF LOTS T & U.

DATE: MARCH 17, 2016

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION & BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN.
ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS AFFECTING THE PROPERTY OTHER THAN THOSE INDICATED.

WILLIAM J. SMITH, PLS # 26960



SQUARE SURVEYING
PROFESSIONAL LAND SURVEYORS
P.O. Drawer 330
139 Burnt Church Road
Bluffton, S.C. 29910
Phone 843-757-2650 Fax 843-757-5758



TOWN OF HILTON HEAD ISLAND

Planning Commission

TO: Planning Commission
FROM: Trey Lowe, Development Services Program Manager
VIA: Shawn Leininger, Assistant Town Manager
VIA: Missy Luick, Director of Planning
CC: Marc Orlando, Town Manager
DATE: January 15, 2025
SUBJECT: Consideration of an Ordinance to Amend Title 16 of the Municipal Code of the Town of Hilton Head Island, the Land Management Ordinance, to amend Chapter 16-4, Use Standards, to add a new Adaptive Re-Use Hotel/Motel Conversion Program to the following section: 16-4-106.

RECOMMENDATION:

That the Planning Commission hold a public hearing to review and consider an Ordinance to amend Land Management Ordinance Title 16 of the Municipal Code of the Town of Hilton Head Island, the Land Management Ordinance, to add a new use, Adaptive Re-Use Hotel/Motel Conversion Program, and forward a recommendation to Town Council.

BACKGROUND:

On December 11, 2024, applicant Chris Breen, with Blue Hour Housing, submitted proposed text amendment to the Land Management Ordinance (LMO) Sections 16-4, Use Standards, and 16-10, Rules of Measurement, to allow for a new use to be established called Adaptive Re-Use Hotel/Motel Conversion, and to establish minimum unit sizes for the use. (Refer to Attachment 1 Applicant Narrative and Attachment 2 Text Amendment.)

The proposed amendment would create a new use called Adaptive Re-Use Hotel/Motel Conversion Program that is permitted on properties located within the Low to Moderate Density Residential (RM-4) District, Moderate Density Residential (RM-8) District, Moderate to High Density Residential (RM-12) District, Community Commercial (CC) District, Light Commercial (LC) District, Main Street (MS) District, Sea Pines Circle (SPC) District, Medical (MED) District, Mitchelville (MV) District, Planned Development Mixed Use (PD-1) District, Waterfront Mixed-Use (WMU) District, and Stoney (S) District.

The proposal includes:

1. Creation of a new use called “Adaptive Re-Use Hotel/Motel Conversion Program” that would permit the conversion of existing hotels and motels to a Multifamily Residential Use at a 1 guest room to 1 dwelling unit density conversion ratio if the following requirements are met:
 - a. Existing guest rooms are not permitted to be reduced or increased in size in order to increase the number of units; however, it is permitted to combine multiple dwelling units into a singular dwelling unit
 - b. 6% maximum required building square footage dedicated as interior communal space requirements. Elevators, hallways, stairwells, and other areas used exclusively for ingress and egress cannot be counted towards the square footage for this requirement.
 - c. Maximum required open space shall be provided at a rate of 10% of the building square footage.
 - d. No less than twenty-five (25%) percent of the dwelling units in the development shall be occupied by at least one person that is a full-time employee of a lawfully licensed business located within the Town of Hilton Head.
2. Adaptive Re-Use Properties shall not be used as a short-term rental property.
3. Adaptive Re-Use Properties shall meet standard development standards and building codes.
4. If an Adaptive Re-Use Property is a nonconforming structure, the applicant shall make reasonable efforts to eliminate nonconformities and lessen the extent of nonconformities to the extent reasonably practical.
5. An Adaptive Re-Use Property shall require a minimum of 1 off-street parking space for each guest room
6. Minimum unit sizes are as follows:
 - a. Micro Efficiency – 210 square feet
 - b. Studio – 300 square feet
 - c. 1-bedroom – 420 square feet
 - d. 2-bedroom – 562 square feet
 - e. 3-bedroom – 698 square feet

STAFF ANALYSIS:

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

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

- a. Is in accordance with the Comprehensive Plan;
- b. Is required by changed conditions;
- c. Addresses a demonstrated community need;

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

The Planning Commission should consider the above criteria when considering this text amendment.

Staff analyzed and evaluated the proposed amendment.

The use is proposed in the following 12 districts:

- Low to Moderate Density Residential (RM-4) District
- Moderate Density Residential (RM-8) District
- Moderate to High Density Residential (RM-12) District
- Community Commercial (CC) District
- Light Commercial (LC) District
- Main Street (MS) District
- Medical (MED) District
- Mitchelville (MV) District
- Planned Development Mixed Use (PD-1) District
- Sea Pines Circle (SPC) District
- Stoney (S) District
- Waterfront Mixed-Use (WMU) District, and

All of the above districts currently allow multifamily development, some with conditions, with the exception of the PD-1 District. As this is a Hotel/Motel conversion program, it is worth noting that hotels are currently not permitted uses in 7 of the proposed 12 districts proposed for this adaptive reuse program. Hotels are not permitted uses in the RM-4, RM-8, RM-12, CC, MED, PD-1 and SPC Districts.

The Adaptive Re-Use Hotel/Motel Conversion Program proposes a 1 guest room to 1 dwelling unit density conversion ratio with conditions. Hotel density is 35 rooms per net acre. Existing residential density varies within the 12 districts proposed for this Adaptive Re-Use Program and ranges from 4 to 16 dwelling units per net acre. An Adaptive Re-Use property will likely result in residential densities that exceed the existing residential density allowances per district.

The proposal calls for a minimum off-street parking requirement of 1 off-street parking space for each guest room. The LMO requires multifamily off-street parking as follows: 1.4 spaces for a 1-bedroom dwelling unit; 1.7 spaces for a 2-bedroom dwelling unit and 2 spaces for 3-or more bedroom dwelling units.

Adaptive Re-Use Hotel/Motel Conversion Program is proposed to require a maximum of 6% of the building square footage to be dedicated as interior communal space, which excludes elevators, hallways, stairwells, and other areas used exclusively for ingress and egress from being counted towards the square footage for this requirement. Also proposed is a maximum open space requirement calculated at a rate of 10% of the building square footage. Both the proposals communal space and open space requirements could be amended to require their respective percentages to be minimums, and lobbies and laundry facilities could be added to the list of exclusions for calculating communal space to ensure that future residents have meaningful and useful communal space and open space.

Finally, the intent of the new use, as communicated by the applicant, is that the use would be created to provide housing for the Island's workforce. As drafted, 25% of the dwelling units in the development shall be occupied by at least one person that is a full-time employee of a lawfully licensed business located within the Town of Hilton Head, however, these conversions are not tied to workforce housing, fair-market rent, rent cap or other affordability component.

The Town has been working on developing a Hotel/Motel Adaptive Re-Use Program text amendment as part of the LMO Priority Amendments which is also being considered for introduction at the January 15, 2025 Planning Commission meeting. The Town Council held a workshop on September 16, 2024, to review priority amendment concepts and provide review. Town Council provided direction regarding adaptive reuse amendment such as concerns that the Town's priority is not being met with this kind of conversion; concern there is no benefit to the overall community; concerns regarding parking; request for clarification regarding communal space and the need for an example of such; a request for an area map of where these types of hotels/motels currently exist; and the need for examples.

SUMMARY:

On December 11, 2024, applicant Chris Breen, with Blue Hour Housing, submitted proposed text amendment to LMO Sections 16-4, Use Standards, and 16-10, Rules of Measurement, to allow for a new use to be established called Adaptive Re-Use Hotel/Motel Conversion, and to establish minimum unit sizes for the use.

ATTACHMENTS:

1. Applicant Narrative
2. Proposed Ordinance
3. Proposed Applicant Text Amendment

Adaptive Re-Use Hotel/Motel Conversion Program

Text Amendment To The Hilton Head Island Land Management Ordinance (LMO)

Hilton Head Island, SC
December 2024

Prepared By:
Blue Hour Housing
Richardson LaBruce (Finger, Melnick, Brooks & LaBruce, P.A.)

Overview

Hilton Head Island's Housing Challenges: Hilton Head's workforce faces several challenges including long commute times, poor living conditions, and overcrowding, which have led to staffing shortages for businesses on the Island. Rent prices have forced the workforce to live in areas far from work, such as Bluffton and Okatie, which leads to long commute times, increased transportation costs for employers, and traffic congestion. On Island, many workers are forced to live in overcrowded and substandard conditions so they can afford rent in areas close to where they work. These workers are critical to sustaining Hilton Head's businesses and driving future growth. Without them, businesses may be forced to limit operating hours or even shutdown.

Changes to Current Zoning: The existing Hilton Head Workforce Housing (WFH) Program has not adequately addressed these housing challenges. Many of the program's restrictions like minimum room sizes, specific unit mix requirements, and limitations on which members of the workforce can live in the converted properties have contributed to the lack of utilization for this program. A text amendment to the LMO that enables conversions of hotels to workforce housing will allow all members of Hilton Head's workforce to live affordably on Island, with high livability standards, without the need for Town funding.

Hotel Conversion Opportunity: Many hotels have struggled to perform in recent years due to the growth of hotel supply on the Island, rising expenses, and declining room rates. This has led to several select service hotels being under-capitalized over the years. While a lack of investment in these hotels could pose a problem for the Island, it also creates a unique opportunity for adaptive reuse into multifamily housing.

These hotels make ideal candidates for conversion to housing through their efficient layouts, central locations, and reduced costs compared to new construction. First, utilization of more efficient studio and 1-BR units will reduce overcrowding in large units (3-BR+ apartments, condos, or homes) on the Island and free up those units for families who need larger spaces. Second, these hotels are well positioned on the Island in central locations, often close to bike paths and the trolley route, which will make it easier for future tenants to commute to their jobs on Island. Finally, adaptive reuse of hotels enables developers to deliver housing without any Town subsidies, allowing Town dollars to flow towards other initiatives including partnering on new development.

By converting these hotels to residential use through addition of kitchens in each room and upgrades to residential building code, Hilton Head Island can ensure livability standards while solving one of the largest challenges the island faces – lack of obtainable housing. These conversions have proven to be effective across the country, including in many resort communities such as Vail, CO, Breckenridge, CO, Miami, FL, Cape Cod, MA, and Las Vegas, NV, among others.

Key Outcomes: Studio and 1-BR units focused on the Island's workforce will allow both domestic and international workers to live affordably on the Island, which is an opportunity that is increasingly unavailable. Increased housing availability will reduce commute times, improve living conditions, and increase satisfaction for the Island's workforce, ultimately reducing worker shortages and turnover, allowing Hilton Head businesses and community to thrive into the future.

Ordinance Text Amendment Review Standards

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

a. Is in accordance with the Comprehensive Plan

Housing is a core component of the Comprehensive Plan. The word “housing” is mentioned 234 times in Hilton Head’s Comprehensive Plan and the need for additional supply of housing is well-documented. This text amendment will fulfill the Comprehensive Plan’s goals of creating Additional Housing Supply (Obtainable efficiency units) through Commercial Redevelopment (Hotel conversions) using Zoning Incentives (Increased density) without the need for Town funding. Key statements from the Comprehensive Plan that address each underlined area are included below:

Additional Housing Supply

- “The Town is actively seeking opportunities to foster an increase in housing to accommodate the needs of existing and future populations.” (Pg. 61) and this text amendment will enable this goal.
- The Workforce Housing Strategic Plan suggests the Island should set a goal to facilitate constructing 200 total net new, obtainable housing units yearly. (Pg. 61)
- Availability / Affordability was the top mention of impediments to housing on the Island. (Pg 65)
- Many young professionals and families are also settling or working in Bluffton, Hardeeville, Savannah, and other communities in between. Recently, the Island has seen a decrease in its available workforce and many service jobs go unfilled. (Pg 139)
- Encourage a variety of housing types to meet the needs of the population. (Pg 144)
- Identify methods to support construction of new workforce housing by 2024. (Pg 146)
- Work toward regional solutions to workforce housing issues that result in the construction of quality workforce housing. (Pg 185)

Commercial Redevelopment

- Through the workforce housing initiative, Town planners have been looking at ways to make the redevelopment of commercial properties more accessible to allow for housing and other commercial opportunities. (Pg 74)
- Monitor areas that have high concentrations of aging structures to target for potential redevelopment. (Pg 144)
- Research opportunities to encourage property owners of dilapidated structures to rehabilitate and convert the buildings to workforce housing as a means to provide both redevelopment and additional housing. (Pg 144)
- Continue to encourage re-purposing or revitalization of existing commercial spaces/structures or buildings through flexibility or incentives for redevelopment. (Pg 144)
- Monitor trends in housing development to provide housing options that meet market demands. (Pg 144)

Zoning Incentives

- Opportunities for the economy “leverage ways to attract young professionals and families so more people live and work on the Island”
- Evaluate opportunities for diversity in housing costs and transportation modes by establishing incentives for redevelopment of abandoned and underutilized spaces. (Pg 159)
- Create incentives and/or public/private partnerships for redevelopment with goals of diversity in housing types and cost, and types of transportation modes. (Pg 172)
- Encourage employer assisted housing programs to entice more employees of various professions (teachers, police officers, fire fighters, etc) to live within Town limits. (Pg 159)
- The Town should continue to assess development standards and building codes to foster private sector development of needed and diverse, obtainable housing options. (Pg 196)

As shown in the numerous references above, creating pathways to redevelop properties through adaptation of the zoning code is critical to alleviate the housing shortage on Hilton Head Island. This amendment takes properties with a current use that has many shared characteristics with residential properties and adapts these properties to be fully suitable for long-term use. Further, these conversions do not require capital investment from the Town, which allows capital to be allocated towards furthering other parts of the Comprehensive Plan.

b. Is required by changed conditions

Over time, hotels have struggled to perform financially due to the growth of select service hotel keys on the island, rising expenses, and declining room rates. For example, when the Home2 Suites and SpringHill Suites were developed along William Hilton Pkwy, the neighboring hotel properties (Days Inn and Red Roof Inn) suffered significant declines in profitability and value. This has occurred across the Island and has led to several hotels being under-capitalized over the years. While a lack of investment in these hotels poses a current problem for the Island, it also creates a unique opportunity to convert these properties into housing and through adaptive reuse. The other changed condition is the lack of obtainable housing options on the Island that has been an issue for over 5 years now with no other solution in sight. This issue will only get worse if not addressed and the best way to solve it is to increase housing supply. Given the lack of developable land, adaptive reuse is an attractive solution.

c. Addresses a demonstrated community need

The word “housing” is mentioned 234 times in Hilton Head’s Comprehensive Plan and the need for additional supply of housing is a well-documented community need. As stated in the Comprehensive Plan, “14,500 commute onto the Island for work. The demands of the tourism economy and service industry requiring a large workforce is evident; however, with little obtainable housing, higher cost of living, or by choice, many people employed on the Island live elsewhere.” (Pg 76) Further the Comprehensive Plan looks to “improve transit and housing to meet workforce needs” (Pg 141) These conversions will increase obtainable housing on-Island and reduce commuter traffic.

d. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the Town

Similar to the Workforce Housing Program, which was approved for higher density housing, the proposed districts where this amendment applies are Low to Moderate Density Residential (RM-4) District, Moderate

Density Residential (RM-8) District, Moderate to High Density Residential (RM-12) District, Community Commercial (CC) District, Light Commercial (LC) District, Main Street (MS) District, Sea Pines Circle (SPC) District, Medical (MED) District, Mitchelville (MV) District, Planned Development Mixed Use (PD-1) District, Waterfront Mixed-Use (WMU) District, Stoney (S) District. These districts would all benefit from an increase in housing supply, specifically to ensure that businesses are able to sustain within and around them.

e. Would result in a logical and orderly development pattern

The proposed text amendment only pertains to currently developed sites that are set up for accommodations. This text amendment only pertains to the redevelopment of hotels that are underperforming due to newer product in the market, through reuse to solve one of the Town's most pressing needs, housing. Therefore, this would not result in a disorderly development pattern on the Island as it will not be of interest to most other hotel owners. This text amendment enables the conversion of underperforming hotels into multifamily, preventing these properties from falling into further disrepair. Through multifamily conversion with large capital improvements, the Town can ensure the longevity and safety of these properties, while guaranteeing that they meet community standards.

f. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment

This text amendment does not propose to change the existing topography for any properties, other than minor site modifications that may be required for accessibility/ADA compliance and additional open space for tenants. Environmental resources and hazards should not be affected. It should be noted that many of these hotel sites have functioned well for 25+ years.

FAQ

Why are there no income restrictions?

We believe that these units are naturally occurring obtainable housing given the room sizes. Income restrictions would restrict many essential Island workers from the opportunity to rent these units due to income that is too high or too low. We do not want any of the units to sit vacant and limiting the units to a small subset of workers / wages could create an issue. Instead, this text amendment focuses on maximizing usability and protecting units for individuals or families whose primary residence is on Hilton Head Island and are working on the Island. We have found that municipalities that have focused more on prioritizing local workforce housing vs prioritizing income restrictions have had more success in addressing their housing needs.

Will this cost the Town anything financially?

These conversions do not require any capital or subsidy from the Town. This will allow for the town to allocate capital to other projects, while still supporting the goal of increasing housing supply on Island for all members of the Hilton Head Community.

Can units be used for short-term rentals?

No, units are not permitted to be used as short-term rentals. As is, units are already being used for short-term rentals so this would eliminate those temporary uses.

How will this text amendment ensure additional housing for Island workforce?

A minimum of 25% percent of the dwelling units in a conversion shall be occupied by at least one person that is employed by a lawfully licensed business located within the Town of Hilton Head. Paired with the length of stay requirement, we expect these properties to be filled almost entirely with people who are working on the Island.

Why is there a 1:1 conversion?

A 1:1 conversion is key to maintaining obtainable pricing. When units are combined, that rent is shared across all the remaining units at the property, driving up rental rates for the other tenants. Additionally, combining units creates increased costs. 1:1 density will allow developers to minimize renovation costs due to room layout changes, which will maximize the ability to provide rents affordably.

Why is there a reduction in minimum room size compared to the Workforce Housing Conversion Program?

Similar to the 1:1 conversion reasoning above, the minimum unit sizes ensure rooms do not have to be combined to meet unit size requirements. More units and less construction keeps rents obtainable. Often when units are combined, they don't reduce the number of people living in those rooms, rather it forces residents to share fewer cooking facilities. We believe the current minimum room size has prohibited most developers from utilizing this program due to the heavy cost burden of reconfiguring room layouts.

Why is this not a part of the Workforce Housing (WFH) Program?

The Workforce Housing Program was designed for new development and conversion of commercial properties but was not written with specific consideration for hotels. This program has put limitations on size of units and income limits which restrict who is able to live in the units, leading to a lack of program utilization. The goal of this conversion program is to create a simple, efficient process by which hotels on the Island can convert to

long-term housing, with an opportunity to increase Hilton Head's housing capacity. Creating a simplified, easier to administer process, with appropriate language to ensure the intent of the text amendment is met, will reduce the Town of Hilton Head's nearly impossible burden of managing and monitoring properties and their tenants.

Who will be living in the units?

We expect both domestic and international workforce, which are key to Hilton Head Island's businesses to live at the property. These tenants will be individuals throughout all stages of their life, specifically providing an opportunity for individuals out of college to live, work, and establish roots on the Island. Rooms are expected to have either 1 or 2 individuals living in them. These units will be for long-term tenants. We expect converted properties to contain a mix of furnished and unfurnished units based on tenant needs.

Why is there only one parking spot required per room?

These units will be focused on housing 1 or 2 people, who are domestic or international workers. For the rooms rented to international workforce (H-2B), there will not be a need for cars. Given this, we expect most tenants to not have a car and therefore will not need a parking space. These properties are located near bike paths and trolley stops which encourage tenants to utilize bikes and public transportation to get around the Island. Traffic congestion should be alleviated with more people living on the Island and using intra-island forms of transportation rather than needing to drive onto the Island each day.

What will be included in the units?

All units will be required to include personal kitchens, which will be equipped with a stove / stovetop, refrigerator, sink, and microwave. Each unit will also have its own private / attached bathroom and closet. While not required, we expect conversion renovations to include new paint, flooring, hardware, bathroom finishes, among other items.

What will the building code requirements be for a conversion?

The change of use to residential will require the building to have fire and life safety systems that are up to code. This includes sprinklers, emergency exit, and fire alarm systems. In addition, buildings will address ADA needs, and any other building code requirements need for a change of use.

How fast can these units be converted?

Unlike new construction, a hotel property can be converted into housing in less than 6 months. This is vastly faster than the time needed for new construction projects, which can take years. A program like this can quickly reduce the housing shortages Hilton Head Island currently faces.

What amenities will be provided to ensure livability?

The proposed amendment requires 6% of building square footage is dedicated as interior communal space. In addition, 10% of the property shall be dedicated as open space. Examples of amenities that may be provided may include a gym, bike storage areas, excess storage facilities, shared laundry facilities, indoor lounge area, outdoor picnic tables, pools, and other gathering spaces.

Prospective Property Map

Although there are multiple properties that could be converted using this text amendment, many will likely not be converted as there are several factors such as whether the property is up for sale, the purchase price, the capex required for conversion, and the location, among others that will limit the feasibility. As shown below, this amendment is effectively limited to five hotels, The Days Inn, Simple Rewards, Hampton Inn, S.R. Hotel, and the Red Roof Inn. As properties phase out over their lifetime and new supply is added, other properties may become feasible candidates for conversion.



AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND TO AMEND CHAPTER 16 OF THE MUNICIPAL CODE, THE LAND MANAGEMENT ORDINANCE, TO ADD SECTION 16-4-106 TO ESTABLISH AN ADAPTIVE RE-USE HOTEL/MOTEL CONVERSION PROGRAM FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

WHEREAS, the Town Council seeks to amend the Land Management Ordinance to expand the Town’s commercial conversion programs to expand opportunities for hotels/motels to convert into multifamily residential units; and,

WHEREAS, on January 15, 2025, the Planning Commission held a Public Hearing to consider the proposed amendments related to the conversion of hotels/motels to multifamily residential, and the public had an opportunity to comment on the proposed amendments, and the Planning Commission voted ____ to recommend adoption of the amendments to the Town Council; and,

WHEREAS, after due consideration of said LMO amendment, the Town Council, upon further review, finds it is in the public interest to approve the proposed LMO Amendments.

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

Section 1. Amendment. That the Land Management Ordinance is amended as shown on Exhibit “A” to this Ordinance. Newly added language is illustrated with double underline and deleted language is illustrated with ~~strikethrough~~.

Section 2. Severability. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall

not affect the validity of the remaining portions thereof.

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

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE
TOWN OF HILTON HEAD ISLAND ON THIS ____ DAY OF _____, 2025.**

THE TOWN OF HILTON HEAD
ISLAND, SOUTH CAROLINA

Alan R. Perry, Mayor

ATTEST:

Kimberly Gammon, Town Clerk

First Reading:

Second Reading:

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

Chapter 16-4: Use Standards

Sec.16-4-106. Adaptive Re-Use Hotel/Motel Conversion Program

A. Adaptive Re-Use Hotel/Motel Conversion Program Purpose

The purpose of the Adaptive Re-Use Hotel/Motel Conversion Program is to conditionally permit the redevelopment of older hotels and motels into useable, safe and efficient multifamily housing, thereby advancing efforts to address attainable housing shortages through the rehabilitation of existing facilities while limiting the environmental impact of new construction.

B. Adaptive Re-Use Hotel/Motel Conversion Program Specific Conditions.

A property owner may elect to convert existing hotel or motel uses to multifamily use according to the standards in this Section 16-4-106 of the **Ordinance** provided that the applicant complies with the conditions stated herein.

- i. Applicable only to existing hotels and motels in place at the time of the adoption of this Ordinance.
- ii. Approved applications under the Adaptive Re-Use program shall not be used as a **Short-Term Rental Property** as defined in the Municipal Code Section 10-2-20(6).
- iii. The Adaptive Re-Use Hotel/Motel Conversion Program is permitted on properties located within the Low to Moderate Density Residential (RM-4) District, Moderate Density Residential (RM-8) District, Moderate to High Density Residential (RM-12) District, Community Commercial (CC) District, Light Commercial (LC) District, Main Street (MS) District, Sea Pines Circle (SPC) District, Medical (MED) District, Mitchelville (MV) District, Planned Development Mixed Use (PD-1) District, Waterfront Mixed-Use (WMU) District, and Stoney (S) District.
- iv. **Development** under the Adaptive Re-Use Hotel/Motel Conversion Program shall comply with the Commercial Conversion Standards of Sec. 16-10-102.B.1, and there are no limitations on the number of units that can be Micro-Efficiency and/or Studio units.
- v. *Site Design Review and Specifications.* **Development** under the Adaptive Re-Use Hotel/Motel Conversion Program shall, at a minimum, be in compliance with the following development standards:
 - a. For all projects subject to the requirements for Adaptive Re-Use Hotel/Motel Conversion Program, all properties shall be subject to the health and safety regulations as stated by the Building Official, the Fire Marshal and the Floodplain Manager.
 - b. The State of South Carolina Existing Building Code (IEBC) and other applicable codes and regulations.
 - c. Except as otherwise provided in this Section, a **change in use** of a **structure** pursuant to the Adaptive Re-Use Hotel/Motel Conversion Program shall be required to comply with Chapter 16-5 of the **Ordinance** to the extent reasonably practical. In such circumstances where an existing **structure** is or, upon conversion under the Program will be, a **nonconforming structure**, the

Applicant shall make reasonable efforts to eliminate the nonconformities and lessen the extent of any such nonconformities to the extent reasonably practical. Examples of existing nonconformities that may not be reasonably practical to eliminate include, but are not limited to the following: setbacks, buffers, and lot coverage.

- d. A hotel or motel converted to a multi-family residential development under the Adaptive Re-Use Hotel/Motel Conversion Program shall be entitled to a density conversion ratio of up to 1 **guest room** to 1 **dwelling unit** if the following requirements are met:
 - i. Existing guest rooms are not permitted to be reduced or increased in size in order to increase the number of units; however, it is permitted to combine multiple dwelling units into a singular dwelling unit.
 - ii. 6% maximum required building square footage dedicated as interior communal space requirements. Elevators, hallways, stairwells, and other areas used exclusively for ingress and egress cannot be counted towards the square footage for this requirement.
 - iii. Maximum required **open space** shall be provided at a rate of 10% of the building square footage.
 - iv. No less than twenty-five (25%) percent of the **dwelling units** in the **development** shall be occupied by at least one person that is a full-time employee of a lawfully licensed business located within the Town of Hilton Head.
- e. Notwithstanding anything to the contrary in Table 16-5-107.D.1 of this Ordinance, a **change in use** pursuant to the Adaptive Re-Use Hotel/Motel Conversion Program shall require a minimum of 1 off-street parking space for each **guest room** in the **development** prior to conversion (1 per guest room).

Chapter 16-10: Rules of Measurement

Sec.16-10-102. Rules of Measurement

B. Density

1. Commercial Conversion

For conversion of non-residential square footage (commercial conversion) to residential or mixed-use development, density shall be based on the existing gross floor area and the minimum unit sizes established below:

Minimum Unit Sizes

Unit Type	Market-Rate Conversion Minimum Unit Size	Workforce Housing Conversion Minimum Unit Size	Adaptive Re-Use Hotel/Motel Conversion Program Minimum Unit Size
Micro Efficiency	NA	280 square feet	210 square feet
Studio	NA	400 square feet	300 square feet
1-bedroom	800 square feet	560 square feet	420 square feet
2-bedroom	1,075 square feet	750 square feet	562 square feet
3-bedroom	1,330 square feet	930 square feet	698 square feet

2. Density

A measurement of intensity of the **development** of a **parcel** of **land**, calculated by dividing total number of **dwelling units** by the **net acreage** of the **parcel** for residential **development**; by dividing the total number of guest rooms by the net acreage of the **parcel** for **hotel development**; and by dividing the total number of square feet of **gross floor area** by the **net acreage** of the parcel for other nonresidential **development**. In **mixed-use** developments, acreage allocated to residential **use** shall not be used to calculate nonresidential **density**, and acreage allocated for nonresidential **uses** shall not be used to calculate residential **density**; and acreage allocated to **hotel use** shall not be used to calculate other nonresidential **density**, and acreage used for other nonresidential **uses** shall not be used to calculate **hotel density**. Where residential and nonresidential **uses** are combined in a single **building**, the **density** of each **use** within the **building** shall be calculated separately. When computation of the **density** results in a fraction, the result shall not be rounded up to the nearest whole number.

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

3. Gross Floor Area

The area within the inside perimeter of the exterior walls of a **building** or other **structure** with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of areas open and unobstructed to the sky. Unless expressly provided otherwise, **gross floor area** is measured in square feet.

4. Net Acre

A measurement of the area of a **parcel** of **land**. A **net acre** includes all **land** and fresh water **wetlands** lying within the perimeter boundary of the **parcel**.

(Revised 11-4-2020 - Ordinance 2020-26)



TOWN OF HILTON HEAD ISLAND

Planning Commission

TO: Planning Commission
FROM: Trey Lowe, Development Services Program Manager
VIA: Shawn Leininger, Assistant Town Manager
VIA: Missy Luick, Director of Planning
CC: Marc Orlando, Town Manager
DATE: January 15, 2025
SUBJECT: Introduction of 10 Priority Amendments to Amend Title 16, the Land Management Ordinance, of the Municipal Code of the Town of Hilton Head Island.

PURPOSE:

Staff will introduce 10 Land Management Ordinance Priority Amendments and provide an overview to the Planning Commission for review, questions, and suggestions, in preparation for the public hearing at the February 19, 2025, Planning Commission meeting. This review does not require that the Planning Commission make a recommendation or decision regarding the LMO Priority Amendments.

BACKGROUND:

The Town of Hilton Head Island has committed to implementing its Strategic Action Plan of which a Land Management Ordinance (LMO) amendments project has been identified as part of the Growth Management Strategy. The Town conducted a critical analysis of the Land Management Ordinance and created an LMO Amendments Plan to incorporate policy changes to bring the LMO into alignment with the comprehensive plan, Our Plan, and to incorporate the future District Plans recommendations.

The effort has been divided into two separate steps, the full LMO Overhaul and the LMO Priority Amendments. The LMO Priority Amendments include incremental changes that seek to address important and urgent issues that cannot wait for the full LMO Overhaul. The LMO Priority Amendments aim to address these pressing community development issues with the best short-term solution while minimizing unintended outcomes. Issues that require additional analysis and research or are more complex are recommended to be further explored during the full LMO Overhaul.

On March 7, 2023, Phase 1 of the Priority Amendments were adopted and included amendments to:

- Remove staff waivers from the LMO in order to limit LMO Official's ability to grant exceptions and instead require a variance to be submitted to the Board of Zoning Appeals
- Allow outdoor screened bike storage in Light Commercial District and Community Commercial District
- Clarify the manufacturing use classification related to size of a brewery
- Require July traffic counts rather than June for Traffic Impact Analysis Plans
- Change when/how plantings are required as part of subdivision compliance
- Amend the definition of changeable copy to allow for signs to be changed electronically with limitations
- Amend the measurement for height calculation
- Add owner's consent for minor subdivisions
- Require a public hearing for subdivision amendments

Phase 2 was adopted on March 21, 2023, and approved standards for deviations from previously platted subdivisions.

Phase 3 was adopted on May 2, 2023, and changed Single-family, multi-family and divisible dwelling unit definitions.

On May 7, 2024, amendments were adopted to the Forest Beach Neighborhood Character Overlay District Floor Area Ratio requirements.

At Town Council Workshops on September 16, 2024, and September 24, 2024, Town Council provided additional direction to the amendments that are subject to this review, which include the following:

1. Workforce Housing Density Bonus
2. Single-Family Home and Commercial Mass & Scale
3. Subdivision Regulations
4. Adaptive Re-Use of Existing Hotels & Motels
5. Major Subdivision & Development Plan Review Process
6. Transportation Impact Analysis Plan
7. Common Open Space
8. Tree Protection
9. Sign Regulations
10. Construction Management Standards

TEXT AMENDMENT REVIEW STANDARDS:

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

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

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

The Planning Commission may consider the above criteria when considering this text amendment.

TEXT AMENDMENT SUMMARIES:

1. Workforce Housing Density Bonus

OVERVIEW:

The Town has proposed a collaborative, workforce housing development on 11 acres of Town-owned property strategically located on William Hilton Parkway near the Cross Island Parkway interchange and near key community amenities, including Hilton Head Island schools, the Island Recreation Center, and the Boys and Girls Club. This project is envisioned as an energy-efficient, sustainable neighborhood that embodies high-quality architecture and construction. The development will feature 150 to 170 rental units, offering a mix of one-, two-, and three-bedroom apartments.

Workforce affordability is central to the project's mission and aims to cater to households earning between 60% and 150% of the Area Median Income (AMI), with at least half of the units reserved for those earning below 80% AMI. Affordability covenants will be implemented to preserve long-term access to workforce housing.

The proposed development requires an adjustment to the workforce housing density bonus program to fully realize this vision. The property will be considered for re-zoning within the Moderate to High-Density Residential District (RM-12), and amendments to workforce housing standards are necessary to accommodate the project's scope.

SUMMARY OF PROPOSED CHANGES:

The proposed priority amendments include the following:

1. Amendment to workforce housing program to add "workforce housing" as an allowable use in RM-12.
2. Includes a five-acre minimum project size.
3. Restricts group living uses.
4. Includes a minimum separation from Hilton Head Airport.
5. Requires the property to be located on a major arterial road.
6. Prohibits the option in single-family residential subdivisions and as part of non-single-family development.
7. Enables a 25% density bonus, allowing up to 15 dwelling units per acre if at least 50% of all units qualify as workforce housing units.
8. Increases allowable impervious cover from 35% to 45% if at least 50% of all units qualify as workforce housing units.

2. Single-Family Home & Commercial Mass & Scale

OVERVIEW:

As a part of this project, the Town is addressing critical challenges related to the mass and scale of residential and commercial structures. The mass and scale of recent developments has been of concern for both residential and commercial developments. New buildings are often larger and out of character with the existing surroundings. This Priority Amendment will improve the way that height is measured and reduce the allowable setback encroachments.

Current regulations require that building heights be measured relative to flood zone elevations, which effectively increases the allowable height of the building. This amendment would change this to measure height from the pre-development grade elevation. This will provide a more accurate representation of the building's scale relative to the surrounding landscape by adjusting the building height measurement. Current regulations also permit significant projections/encroachments into setback areas. This will ensure adequate separation between buildings. Both of these changes will help to reduce the overall mass and scale of development.

SUMMARY OF PROPOSED CHANGES:

The proposed priority amendments include the following:

1. Changes the method of measuring building height to start from pre-development grade rather than 11 or 13 feet above base flood elevation.
2. Restricts any encroachment within 10 feet from a lot line.

3. Subdivision Regulations

OVERVIEW:

Updates to the Town's subdivision requirements are driven by concerns arising from recent developments that do not fully align with the desired community standards. Issues such as excessive tree clearing, overly linear street layouts, architectural monotony, and inadequate open space and connectivity within and beyond subdivisions have led to concern that the current subdivision regulations are not providing desired outcomes. Currently, subdivision regulations are scattered across multiple sections of the LMO, creating a complex and interconnected framework. The challenge of regulating subdivisions lies in balancing the needs and interests of developers, local communities, and the natural environment.

Due to the intricate nature of these regulations, changes to subdivision requirements are best addressed as part of a comprehensive overhaul of the full LMO. As a result, the Priority Amendment for subdivision regulations focuses on targeted improvements—specifically, enhancing pedestrian and cyclist connectivity in new subdivisions. At present, the LMO does not mandate sidewalks, pathways, or connections to existing transportation networks outside of subdivisions. This amendment seeks to rectify these gaps, ensuring safer and more accessible connections for pedestrians and cyclists in new developments.

SUMMARY OF PROPOSED CHANGES:

The proposed priority amendments include the following:

1. Requires pathway and/or sidewalk connections to open space, amenities, and Town pathway systems.
2. Requires pathways and/or sidewalks on one or both sides of streets depending on neighborhood context and character.
3. Sets design standards for pathways and sidewalks.

4. Adaptive Re-Use of Existing Hotels & Motels

OVERVIEW:

As the community continues to evolve, there has been a growing need to address the adaptive reuse of hotel properties, especially in light of changing market conditions and housing demands and increased interest in repurposing underutilized or outdated hotel properties for residential use. While workforce housing commercial conversion is currently an allowed use with conditions within the LMO, it has not been utilized to date for any hotel conversions.

To address this issue, the Town is proposing changes to the LMO to establish a clear and consistent process for converting hotels into residential units. These changes aim to ensure that such conversions align with the Town's broader goals for sustainable growth, community character, quality of life, and development that meets a demonstrated community need. By introducing specific requirements for hotel/motel conversions, the Town can better manage the impact on infrastructure, ensure the compatibility of new residential uses with surrounding neighborhoods, and preserve the aesthetic appeal of Hilton Head Island. These revisions will provide clarity and certainty for property owners and developers, while helping to meet the community's growing demand for diverse housing options that meet the needs of our workforce.

The Hotel/Motel Adaptive Re-Use amendment is focused on ensuring high-quality standards for conversions, including the inclusion of functional kitchen facilities in all units, adherence to the International Property Maintenance Code for ongoing upkeep, and the development of communal spaces that foster interaction, serve practical purposes, and enhance the property's utility. These measures are intended to align adaptive re-use projects with community priorities and maintain livability.

This priority LMO update seeks to address this gap by establishing standards for hotel/motel adaptive re-use projects, ensuring they meet community priorities, and providing high-quality living environments.

SUMMARY OF PROPOSED CHANGES:

The proposed priority amendments include the following:

1. Creates an adaptive re-use program to allow hotel/motel conversions into multi-family housing units applicable only to hotels/motels in existence at the effective date of the ordinance amendment.
2. Establishes minimum requirements:
 - a. Cannot be established as short-term rentals.
 - b. Must qualify as workforce housing.
 - c. Minimum dwelling sizes must be met.
 - d. Minimum standards for habitable dwelling units must be met (kitchen, bath, living, and storage facilities).
 - e. Minimum parking standards must be met.

3. Requires that legal documentation establishing the units as workforce housing be executed.
4. Allows a 1:1 hotel/ motel room to multi-family dwelling unit density conversion if the following criteria are met, otherwise, the zoning district density shall apply:
 - a. 6% of the building's interior is communal space; and
 - b. 10% exterior common open space.
5. Establishes minimum unit sizes for micro-efficiencies, studios, and one-, two-, and three-bedroom dwellings.

5. Major Subdivision & Development Plan Review Process

OVERVIEW:

Changes to the major subdivision and major development plan review processes are proposed as part of the priority amendments. These changes aim to improve transparency, enhance community involvement, and ensure that the public is better informed about potential developments in their neighborhoods. The updated process includes provisions designed to increase public notice and provide more opportunities for community engagement.

First, the amendments will require a Planning Commission public hearing for the review of Major Subdivisions and Major Development Plans, followed by a Planning Commission recommendation to the LMO Official. This will ensure that these larger developments are reviewed publicly and that the community has a platform to learn about the project and ask questions. Additionally, the changes will require advanced public notice to all property owners and homeowner associations (POAs) within 500 feet of the site, through first-class mail, offering residents more time and opportunities to engage with proposed developments.

To further improve transparency, the amendments will mandate pre-application meetings with Town staff for Major Subdivisions and Major Development Plans. These meetings will allow developers and residents to address questions and concerns before formal applications are submitted. Finally, the changes will allow the LMO Official to refer Minor Development Plan applications to the Planning Commission for a public hearing if the property is adjacent to or across the street from residential uses. This ensures that even smaller developments that may impact residential areas undergo public review and consideration.

SUMMARY OF PROPOSED CHANGES:

The proposed priority amendments include the following:

1. Requires a Planning Commission public hearing for Major Subdivision and Major Development Plan review with Planning Commission Recommendation to LMO Official.

2. Requires first-class mailed advanced public notice for Major Subdivision and Major Development Plan review to all owners and POAs within 500 feet of the site.
3. Require pre-application meetings for Major Subdivision and Major Development Plan review with Town staff.
4. Allows the LMO Official to advance Minor Development Plan applications to the Planning Commission for public hearing when the subject property is adjacent to or across the street from a residential use.

6. Transportation Impact Analysis Plan

OVERVIEW:

Improving the effectiveness of the current Traffic Impact Analysis Plan (TIAP) requirements will ensure that new developments have a meaningful and positive impact on the community. While TIAPs are designed to assess how new projects affect traffic, there are concerns about whether the current process truly addresses the needs of residents. The proposed amendment provides for a more comprehensive approach that better reflects the transportation needs of everyone, including pedestrians, cyclists, and transit users, while also being mindful of unnecessary costs.

Another key issue is the need for more flexible and effective options to address traffic impacts. The updates will expand mitigation options to better suit the specific needs of each project, ensuring that solutions are both practical and impactful. The Town also seeks to streamline the approval process by having the Town Engineer review TIAPs, instead of the LMO Official, for greater efficiency and clarity.

These proposed changes will make the TIAP process more responsive to the community's needs and more aligned with the Town's vision for a well-rounded transportation system. These changes are part of an ongoing effort to update the Town's regulations, with further revisions expected during the full LMO update.

SUMMARY OF PROPOSED CHANGES:

The proposed priority amendments include the following:

1. Changes name from Traffic Impact Analysis to Transportation Impact Analysis Plan to account for multimodal approach.
2. Reduces the threshold a developer needs to meet to trigger a mandatory TIAP from 100 peak hour trips to 50 peak hour trips.
3. Includes multimodal infrastructure (such as bike paths, sidewalks, and transit) in the analysis.
4. Includes more impact mitigation options.
5. Clarifies subject matter approval by Town Engineer instead of LMO Official as best practice.
6. Adds an unsignalized intersection level of service standard, includes mitigation requirements, and removes the discounting of impacts due to "background traffic."

7. Common Open Space

OVERVIEW:

Updates to the residential subdivision requirements and common open space regulations are proposed to better preserve the Island's character and ensure new developments align with community expectations.

Current regulations often allow open spaces that are poorly planned or underutilized, such as lagoons, wetlands, and small, fragmented areas that do not serve residents' needs. In newer subdivisions, open spaces tend to be isolated, difficult to access, or disconnected from other key features like pathways or recreational areas. These limitations highlight the need for more thoughtful planning that ensures open spaces are both usable and well-integrated into the overall design of the neighborhood.

The proposed amendments focus on ensuring that common open spaces are well-planned, functional, and contribute positively to the overall development. These changes aim to balance the need for regulatory compliance with the creation of spaces that are accessible, connected, and environmentally sustainable, all while preserving the unique character of Hilton Head Island. Because the improvements to common open space are more isolated in scope, similar to the previously proposed changes to connectivity requirements, these updates are part of the priority amendments designed to address specific, urgent concerns while providing a foundation for future, broader LMO revisions.

SUMMARY OF PROPOSED CHANGES:

The proposed priority amendments include the following:

1. Updates the term “open space” to “common open space.”
2. Removes detention facilities and natural water bodies from the definition and adds docks and boardwalks to the definition.
3. Removes calculation of remnant open space that provides no value.
4. Removes adjacent street and use buffer credit from open space calculations.
5. Requires common open space to be accessible and connected with pathways or sidewalks.
6. Includes design requirements, such as minimum width, connection to existing open space, and wildlife corridors.
7. Requires open space to be available for all residents of the development, and does not require it to be dedicated for general public use.

8. Tree Protection

OVERVIEW:

Priority updates are proposed to strengthen tree protection during development and ensure that new projects align with the community's environmental values. These changes are aimed at improving the preservation of trees, enhancing ecological outcomes, and promoting sustainable development. During discussions, residents expressed concerns about the accuracy and relevance of the current mitigation tree list, as well as the need for ongoing inspections to verify compliance with mitigation efforts. Other suggestions included requiring developers to retain a minimum number of trees on-site, addressing the relationship between clear-cutting and subdivision regulations, and focusing on protecting high-quality trees.

Key issues highlighted include the removal of trees that should be preserved and the need to update the mitigation requirements to allow for more flexibility in selecting appropriate trees and shrubs. These proposed amendments represent a balanced approach to tree protection, ensuring that development needs are met while preserving the Island's natural beauty. Given their straightforward nature and the significant value they provide, these updates are part of the priority amendments, addressing immediate concerns before more comprehensive changes are made during the full LMO update.

SUMMARY OF PROPOSED CHANGES:

The proposed priority amendments include the following:

1. Increases requirements for Live oak and Laurel oak tree preservation by reducing the diameter breast height (DBH).
2. Updates mitigation requirements by increasing the plant back tree size requirements.
3. Updates the list of native plants.
4. Removes the exception of specimen trees on single-family lots (outside of PD-1) to reduce unnecessary removal of specimen trees.

9. Sign Regulations

OVERVIEW:

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

The updates are designed to align with these evolving legal standards and create fairer, more defensible sign regulations. In addition, the amendments include minor clarifications and housekeeping changes to streamline the process and make the regulations easier to navigate. Given their straightforward nature and the importance of ensuring legal compliance, these changes are part of the priority amendments and will address immediate concerns. Further adjustments are expected during the full LMO update project.

SUMMARY OF PROPOSED CHANGES:

The proposed priority amendments include the following:

1. Clarifies intent and general purpose of regulations.
2. Deletes most content-based material.
3. Revises and adjusts several requirements for housekeeping purposes.
4. Creates a generalized "interior site signs" category and combines several types of exempt signs for simplicity.
5. Creates a generalized "temporary yard signs" category, combines several content-based sign types, and revises and clarifies allowances (area, number, timeframe, etc.).
6. Includes thresholds for "driveway access point signs" and "interior site signs" to qualify for sign permitting.
7. Prohibits threatening, explicit, or profane signs.

10. Construction Management Standards

OVERVIEW:

Construction projects often have impacts that extend beyond the immediate site, affecting both commercial and residential areas. These disruptions—such as noise, vibrations, dust, traffic congestion, parking challenges, and restricted access to properties—can significantly disrupt daily routines and operations. Residents have voiced frustration over these issues, highlighting the need for stronger management measures to minimize the negative impacts of construction activities.

At the same time, construction projects bring positive benefits, including job creation, economic stimulation, and improvements to infrastructure and public spaces that enhance the community. Balancing these positive outcomes with the need to manage the disruptions effectively is a critical challenge. In response, the Town has proposed updates to the LMO to address construction management concerns and better regulate these impacts.

Additionally, aligning construction hours with Property Owners Associations (POAs) and other best practices to create a more standardized schedule that minimizes disturbances to surrounding properties. These updates are part of the priority amendments, designed to address immediate concerns, with further changes expected in the full LMO update project.

SUMMARY OF PROPOSED CHANGES:

The proposed priority amendments include the following:

1. Requires site management plan that shows:
2. Sets construction hours from 7:00 a.m. to 7:00 pm, or dusk, whichever comes first, and sets days allowable for construction.
3. Requires plans for:
 - a. Refuse disposal.
 - b. Construction site parking.
 - c. Traffic control.
4. Requires the securing of sites during Tropical Cyclone Watches and Warnings.

ATTACHMENTS:

1. Text Amendments

Chapter 16-3: Zoning Districts

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

G. Moderate to High Density Residential District (RM-12) District

RM-12

Moderate to High Density Residential District

1. Purpose

The purpose of the Moderate to High Density Residential (RM-12) District is to allow higher **density** residential **uses** in locations which are served by adequate infrastructure, while maintaining the character of these areas and **neighborhoods** at **densities** up to twelve units per **net acre**. This district is used to encourage a variety of residential opportunities, including **multifamily** residential units, **single-family** residences, and **group living**. The regulations of this district are intended to discourage **development** that would substantially interfere with, or be detrimental to, moderate to high density residential character.

2. Allowable Principal Uses

USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses				
Family Compound	PC	Sec. 16-4-102.B.1.e	2 per du	
Family Subdivision	PC	Sec. 16-4-102.B.1.f	2 per du	
Group Living	P		1 per 3 rooms	
Multifamily	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
Recreational Vehicle	PC	16-4-102.B.1.c	1 per Recreational Vehicle	
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Workforce Housing	PC	Sec. 16-4-102.B.1.d	See Sec. 16-5-107.D.2	
Public, Civic, Institutional, and Educational Uses				
Community Service Uses	P		1 per 400 GFA	
Government Uses	PC	Sec. 16-4-102.B.2.d	Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-107.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Other Uses				

Agriculture Uses		P		Stables or Riding Academies	1 per 5 stalls
				Other	n/a
3. Development Form Standards					
MAX. DENSITY (PER NET ACRE) ^{1,2}			LOT COVERAGE		
Residential ²	12 du		Max. Impervious Cover for All Development Except Single-Family		35%
Nonresidential	6,000 GFA				
MAX. BUILDING HEIGHT			Min. Open Space for Major Residential Subdivisions		16%
All Development	45 ft				
USE AND OTHER DEVELOPMENT STANDARDS					
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.					
TABLE NOTES:					
P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = dwelling units ; sf = square feet; GFA = gross floor area in square feet; ft = feet; n/a = not applicable					
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.					
2. Density for development that includes Workforce Housing shall be determined based on Sec. 16-4-105.A.					

(Revised 9-17-2019 - Ordinance 2019-20; revised 11-18-2020 - Ordinance 2020-27; revised 7-20-2021 - Ordinance 2021-15; revised 3-7-2023 - Ordinance 2023-04)

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 CLASSIFI CATION/ USE TYPE	SPECI AL DISTR ICTS		RESIDENTIAL DISTRICTS						MIXED-USE AND BUSINESS DISTRICTS												USE- SPECI FIC COND ITION S
	CON	PR	RSF-3	RSF-5	RSF-6	RM-4	RM-8	RM-12	CR	SPC	CC	MS	WMU	S	MF	MV	NC	LC	RD	MED	
RESIDENTIAL USES																					
Family Compound						P C	P C	P C				P C	P C	P C	P C	P C	P C	P C	P C		Sec. 16-4- 102.B .1.e
Family Subdivision						P C	P C	P C				P C	P C	P C	P C	P C	P C	P C	P C		Sec. 16-4- 102.B .1.f
Group Living						P	P	P				P						P		P	
Mixed- Use									P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	Sec. 16-4- 102.B .1.a
Multifa mily						P	P	P	P C	P	P C	P	P	P	P	P	P	P	P	P	Sec. 16-4- 102.B .1.b

Recreational Vehicle						P C	P C	P C					P C	P C	P C	P C	P C				
Recreational Vehicle (RV) Parks																	P				Sec. 16-4-102.B .1.c
Single-Family			P	P	P	P	P	P					P	P	P	P	P	P			
Workforce Housing						P C		<u>P</u> <u>C</u>		P C	P C	P C	P C	P C		P C		P C			Sec. 16-4-102.B .1.d
Islander Mixed-Use										P C											Sec. 16-4-102.B .1.g
PUBLIC, CIVIC, INSTITUTIONAL, AND EDUCATIONAL USES																					
Aviation and Surface Transportation Uses																			P C		Sec. 16-4-102.B .2.a
Aviation Services Uses																			P C		Sec. 16-4-102.B .2.b
Cemeteries		P				P							P			P	P				
Community Service Uses		P				P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 16-4-102.B .2.c
Education Uses						P			P	P	P	P					P		P		
Government Uses		P C	P C	P C	P C	P C	P C	P C	P	P	P	P		P	P		P	P	P	P	Sec. 16-4-102.B .2.d
Major Utilities		S E	S E	S E	S E	S E	S E	S E	S E	S E	S E	S E	S E	S E	S E	S E	S E	S E	S E	P	
Minor Utilities		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

Public Parks		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Religious Institutions		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Telecommunication Antenna, Collocated or Building Mounted		P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	Sec. 16-4-102.B .2.e
Telecommunication Towers, Monopole		P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	Sec. 16-4-102.B .2.e
HEALTH SERVICES																						
Hospitals																				P		
Nursing Homes																				P		
Other Health Services										P	P	P					P	P		P		
RESORT ACCOMMODATIONS																						
Bed and Breakfasts						P C			P C			P C	P C	P C	P C	P C			P C			Sec. 16-4-102.B .4.a
Hotels									P C			P	P	P C		P		P	P			Sec. 16-4-102.B .4.b
Interval Occupancy									P				P			P			P			
COMMERCIAL RECREATION USES																						
Indoor Commercial Recreation Uses										P	P	P	P	P	P C	P	P		P	P		Sec. 16-4-102.B .5.a

Outdoor Commercial Recreation Uses Other than Water Parks									SE				SE			SE		SE	SE						Sec. 16-4-102.B .5.b
Water Parks									P				P			P			P						
OFFICE USES																									
Contractor's Office									PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC		P				Sec. 16-4-102.B .6.a
Other Office Uses									P	P	P	P	P	P	P	P	P	P	P	P	P				

TABLE 16-4-102.A.6: PRINCIPAL USE TABLE																							
P = Permitted by Right PC = Permitted Subject to Use-Specific Conditions																							
SE = Allowed as a Special Exception Blank Cell = Prohibited																							
USE CLASSIFICATION/ USE TYPE	SPECIAL DISTRICTS		RESIDENTIAL DISTRICTS						MIXED-USE AND BUSINESS DISTRICTS														USE-SPECIFIC CONDITIONS
	CON	PR	RSF-3	RSF-5	RSF-6	RM-4	RM-8	RM-12	CR	SPC	CC	MS	WMU	S	MF	MV	NC	LC	RD	MED	IL		
COMMERCIAL SERVICES																							
Adult entertainment uses										SE													Sec. 16-4-102.B. 7.a
Animal Services										P C	P C			P C				P C			P C		Sec. 16-4-102.B. 7.b
Bicycle Shops									P C	P C	P C	P C	P C	P C	P C	P C		P C	P C				Sec. 16-4-

Auto Repairs										P C							P C			P C	Sec. 16-4- 102.B. 8.b
Auto Sales										P							P			P	
Car Washes									P	P			P C	P			P			P	Sec. 16-4- 102.B. 8.c
Commercial Parking Lot									P C	P C	P C		P C					P C			Sec. 16-4- 102.B. 8.d
Gas Sales									P C	P C	P C			P C	P C		P C	P C		P C	Sec. 16-4- 102.B. 8.d
Taxicab Services											P			P				P		P	
Towing Services or Truck or Trailer Rentals																				P	

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

INDUSTRIAL USES																				
Grinding																			SE	Sec. 16-4-102.B. 9.a
Light Industrial, Manufacturing, and Warehouse Uses																	PC		P	Sec. 16-4-102.B. 9.a
Seafood Processing Facilities												PC	PC		PC					Sec. 16-4-102.B. 9.b
Self-Service Storage										PC							PC		PC	Sec. 16-4-102.B. 9.c
Waste-Related Services Other than Waste Treatment Plants																			P	
Waste Treatment Plants																	SE			
Wholesale Sales																	P		P	
OTHER USES																				
Agriculture Uses		P	P	P	P	P	P	P					P	P	P	P	P			
Boat Ramps,	PC	P	PC	PC		PC	PC					P			P					Sec. 16-4-

[illegible]

(Revised 5-17-2016 - Ordinance 2016-07; revised 4-18-2017 - Ordinance 2017-05; revised 9-17-2019 - Ordinance 2019-20; revised 8-18-2020 - Ordinance 2020-19; revised 11-4-2020 - Ordinance 2020-26; revised 2-16-2021 - Ordinance 2021-02; revised 7-20-2021 - Ordinance 2021-15; revised 10-3-2023 - Ordinance 2023-12)

B. Use-Specific Conditions for Principal Uses

1. Residential Uses

d. Workforce Housing

- i. Any development that includes workforce housing shall comply with the Workforce Housing Program as outlined in Sec. 16-4-105.
- ii. Workforce housing may be permitted in the PD-1 District through a Zoning Map Amendment in accordance with Sec. 16-2-103.C.
- iii. In the MS District, properties developed for WFH shall not be permitted on properties currently utilized as a school or fire station.
- iv. In the S District, properties developed for WFH shall not have vehicular access to U.S. Route 278 (William Hilton Parkway).
- v. In the WMU District, properties developed for WFH shall not have vehicular access to Marshland Road.
- vi. In the LC District, properties developed for WFH shall not have vehicular access to U.S. Route 278 (William Hilton Parkway) between Wexford Drive and Singleton Beach Road.
- vii. In the RM-4 and RM-12 Districts, properties developed for Group Living use are not ~~be~~ eligible to participate in the WFH Program.
- viii. In the RM-4 District, existing mobile home parks, located on property that is a minimum of 3 acres, shall be eligible to participate in the WFH Program.
- ix. Except for paragraph viii above, workforce housing use in the RM-4 District shall comply with the following conditions:
 - a. The property shall be a single parcel that is a minimum of 3 acres.
 - b. The property shall not have frontage on Jarvis Creek, Broad Creek, or Old House Creek.
 - c. The site of the WFH use shall not be located within 750 linear feet of the Hilton Head Island Airport property. This distance shall be measured as the length of an imaginary straight line between the two closest points of the perimeter boundary of the property on which any WFH use is located, and the perimeter boundary of the Hilton Head Island Airport.
 - d. The site of the WFH use shall be located within 3,500 linear feet of a minor arterial in accordance with Sec. 16-5-105.B, Street Hierarchy. This distance shall be measured from the centerline of the closest vehicular access on the property where the WFH is located, and shall be measured along the centerline

of the travel lane of the street providing the shortest route to the minor arterial.

- e. Lots within an existing legally platted and developed single family subdivision, including open space are not eligible to participate in the WFH Program.
- f. Properties developed with a non-single family residential use that is permanent in nature are not eligible to participate in the WFH Program.

x. Workforce housing use in the RM-12 District shall comply with the following conditions:

- a. The property shall be a single parcel that is a minimum of 5 acres.
- b. The property shall not be developed for Group Living use.
- c. The property shall not be located within 750 linear feet of the Hilton Head Island Airport property. This distance shall be measured as the length of an imaginary straight line between the two closest points of the perimeter boundary of the property on which any workforce housing development is located, and the perimeter boundary of the Hilton Head Island Airport.
- d. The property shall be located on a major arterial in accordance with Sec. 16-5-105.B, Street Hierarchy.
- e. Lots within an existing legally platted and developed single family subdivision, including open space are not eligible to participate in the WFH Program.
- f. Properties developed with a non-single family residential use that is permanent in nature are not eligible to participate in the WFH Program.

(Revised 11-4-2020 - Ordinance 2020-26; revised 2-16-2021 - Ordinance 2021-02)

Sec. 16-4-105. Workforce Housing (WFH) Program

A. Workforce Housing Density

All Units:

1. Commercial conversion projects that include at least 20% workforce housing units will be eligible for incentives as described in Sec. 16-10-102B.1, including:
 - a. A reduction in minimum unit sizes by 30% and;
 - b. Up to 50% of the units in the development may be micro-efficiency and/or studio units.
2. In the RM-4 District:
 - a. A density bonus up to 100% above the base residential density standards is permitted if 50% of all units within the development are workforce housing units.
 - b. A density bonus up to 50% above the base residential density standards is permitted if 25% of all units within the development are workforce housing units.
 - c. The maximum density permitted in any workforce housing development is 12 units per acre.
3. In the RM-12 District:
 - a. A density bonus up to 25% above the base residential density standards is permitted if at least 50% of all units within the development are workforce housing units.
 - b. A maximum impervious coverage of 45% is permitted if at least 50% of all units within the development are workforce housing units.

(Revised 2-16-2021 - Ordinance 2021-02)

B. Standards for Workforce Housing Units

All Units:

1. For development that contains both market-rate and workforce housing units, the workforce units shall be mixed with, and not clustered together or segregated in any way from, market-rate units. If the development contains a phasing plan, the phasing plan shall provide for the development of workforce units concurrently with the market-rate units.
2. The workforce housing units shall include a range of unit sizes, based on the number of bedrooms, which are comparable to units in the overall development.
3. The exterior appearance of workforce housing units must be compatible and comparable with the rest of the units in the development by providing similar architectural style and similar exterior building materials, finishes, and quality of construction.
4. Prior to the issuance of a building permit for any units in a workforce housing development, the applicant shall execute any and all documents required by the Town, including, without limitation, restrictive covenants, deed restrictions, and related instruments to ensure affordability of workforce housing units in accordance with this Section.

Owner-occupied Units:

1. Developers shall enter into a Workforce Housing Agreement, or similar agreement approved by Town Council, with the Town of Hilton Head Island, or its designee. Following execution of the agreement by all parties, the completed Workforce Housing Agreement, or memorandum thereof, shall be recorded and the conditions therefrom filed and recorded on the parcel or parcels designated for the construction of workforce housing units. The Workforce Housing Agreement shall be binding to all future owners and successors in interest. The agreement shall be in a form reviewed and approved by the Administrator.
 - a. The agreement, at a minimum, shall establish the number of workforce housing units including their square footage, number of bedrooms, and location within the development. The agreement will also include terms and conditions of affordability, resale provisions, and other standards as set forth in Sec. 16-4-105.
 - b. Owner-occupied workforce housing units that are provided under Sec. 16-4-105 are subject to a Workforce Housing Agreement and shall remain as workforce housing for a minimum of 30 years from the date of initial certificate of occupancy.
 - c. A certificate of occupancy will not be issued until complete certified and recorded copies of the Workforce Housing Agreement have been provided to the Town.
2. Restrictive covenants for workforce housing units subject to the provisions of Sec. 16-4-105 shall be filed that require compliance with the following, at a minimum:
 - a. Owner-occupied workforce housing units shall only be sold to households earning 80 to 100% of the most recently published HUD area median income (AMI) for Beaufort County.
 - b. Owner-occupied workforce housing units shall remain in the WFH Program for a minimum of 30 years from the date of the initial certificate of occupancy.
 - c. Prior to the sale of an owner-occupied workforce housing unit, the Town, or its designee, shall be notified of the owner's intent to place the unit for sale and a Certificate of Eligibility (COE) shall be submitted by the potential buyer.

- d. The workforce housing unit may be subject to a homeowners association (HOA). HOA dues for workforce housing units shall be a maximum of 75% of the HOA dues owed by market-rate unit owners.

Rental Units:

1. The Town will not issue a certificate of occupancy for any building that contains both market-rate and workforce housing rental units unless the development has complied with the workforce housing provisions as outlined in this Section.
2. The designation of a rental workforce housing unit is not required to stay with the same unit over the 30 year affordability period so long as the minimum number and type of workforce units are provided within the development.
3. Developers shall enter into a Workforce Housing Agreement, or similar agreement approved by Town Council with the Town of Hilton Head Island, or its designee. Following execution of the agreement by all parties, the completed Workforce Housing Agreement, or memorandum thereof, shall be recorded and the conditions therefrom filed and recorded on the parcel or parcels designated for the construction of workforce housing units. The Workforce Housing Agreement shall be binding to all future owners and successors in interest. The agreement shall be in a form reviewed and approved by the Administrator.
 - a. The agreement, at a minimum, shall establish the number of workforce housing units including their square footage, number of bedrooms, and location within the development. The agreement will also include terms and conditions of affordability, rental rate provisions, and other standards as set forth in Sec. 16-4-105.
 - b. The agreement shall include a provision requiring the owner(s) of rental workforce housing units to submit annually a sworn affidavit to the Town, or its designee, certifying that the rental rate(s) meets the requirements of Sec. 16-4-105.F.
 - c. Rental workforce housing units that are provided under Sec. 16-4-105 are subject to a Workforce Housing Agreement and shall remain as workforce housing for a minimum of 30 years from the date of initial certificate of occupancy.
 - d. A certificate of occupancy will not be issued until complete certified and recorded copies of the Workforce Housing Agreement have been provided to the Town.
4. Restrictive covenants for workforce housing units subject to the provisions of Sec. 16-4-105 shall be filed that require compliance with the following:
 - a. Rental workforce housing units shall only be rented to households earning 60 to 80% of the most recently published HUD AMI for Beaufort County.
 - b. Rental workforce housing units shall remain in the WFH Program for a minimum of 30 years from the date of the initial certificate of occupancy.
 - c. Rental workforce housing units shall not be occupied for a period less than 90 days.

C. Workforce Housing Income and Employment Regulations

All Units

1. Eligible households shall meet the income requirements of this Section and have at least one person who is employed by a lawfully licensed business located within the Town of Hilton Head Island.

Owner-occupied Units:

1. The eligibility of a household for a potential owner-occupied workforce housing unit shall be determined upon submittal of a Certificate of Eligibility (COE) to the Town, or its designee, verifying that the applicable income and employment regulations of this Section are met.

2. Per Sec. 16-8-102, failure to submit the required documentation prior to change in ownership shall constitute a violation of the restrictive covenants, the conditions of the certificate of occupancy, and this Section, and is subject to code enforcement action by the Town per Sec. 16-8-106.
3. Failure to submit the required documentation prior to change in ownership shall be considered a breach of the restrictive covenants, conditions, and restrictions set forth in the Section and the Town shall be entitled to seek such remedies as may be available by law.

Rental Units:

1. The property owner, or their designee, of a workforce housing unit shall upon lease renewal, but not less than annually, submit a COE to the Town, or its designee, verifying that the applicable income and employment regulations of this Section are met by all households occupying said workforce housing unit(s).
2. Upon lease renewal, eligible households shall include at least one person that is employed ten out of twelve months each year by a lawfully licensed business located within the Town of Hilton Head Island.
3. Per Sec. 16-8-102, failure to submit the required verification shall constitute a violation of the restrictive covenants, the conditions of the certificate of occupancy, and this Section, and is subject to code enforcement action by the Town per Sec. 16-8-106.
4. Failure to submit the required verification shall be considered a breach of the restrictive covenants, conditions, and restrictions set forth in the Section and the Town shall be entitled to seek such remedies as may be available by law.

D. Occupancy and Eligibility Requirements

Owner-occupied Units:

1. The household must own and shall occupy the workforce housing unit as their sole residence.
 - a. If at any time the household no longer occupies the unit as their sole residence, the unit shall be sold.
2. Eligible households shall have an annual household income between 80 and 100% of the most recently published HUD AMI for Beaufort County.
3. Households must be eligible to purchase workforce housing units and obtain the appropriate COE from the Town, or its designee. A sales contract may not be executed before the household receives the COE.

Rental Units:

1. The household shall occupy the workforce housing unit as their sole residence.
2. Eligible households shall have an annual household income between 60 and 80% of the most recently published HUD AMI for Beaufort County.
3. Households must be eligible to rent workforce housing units and obtain the appropriate COE from the Town, or its designee. A rental agreement may not be executed before the household receives the COE.
 - a. A COE must be renewed prior to the anniversary of a lease renewal. A lease shall not be renewed unless the entire development meets the eligibility requirements outlined in this Section.
 - b. The owner of the rental unit(s) shall be required to submit a sworn affidavit on an annual basis to the Town or its designee, certifying that the workforce housing unit rental rate(s) meets the requirements of Sec. 16-4-105.F.1.
 - c. Per Sec. 16-8-102, occupancy of a rental unit not consistent with this Section shall constitute a violation and is subject to code enforcement action by the Town per Sec. 16-8-106.

- d. Occupancy of a rental unit not consistent with this Section shall be considered a breach of the restrictive covenants, conditions, and restrictions set forth in the Section and the Town shall be entitled to seek such remedies as may be available by law.

E. Workforce Housing Sale & Resale Price

Owner-occupied Units:

1. The initial sale price of a workforce housing unit shall be determined by the most recently published HUD annual household income limits.
2. The resale price of a workforce housing unit shall not exceed the initial purchase price paid by the owner of the unit with the following exceptions:
 - a. Customary closing costs and costs of sale;
 - b. Costs of real estate commissions paid by the seller if a licensed real estate salesperson is employed;
 - c. Consideration of permanent capital improvements installed by the seller; and
 - d. An inflation factor, based on Consumer Product Index, to be applied to the initial sale price of the unit.
3. All restrictions affecting the workforce housing unit shall be recorded in the deed at the time of initial sale or conveyance and in any future sales or conveyances of the unit.
4. Resale of workforce housing units shall be limited by deed restriction to a purchaser who meets the requirements of 16-4-105.D during the affordability period of the unit.

F. Workforce Housing Rental Rates

Rental Units:

1. Maximum monthly rental rates for workforce housing shall be calculated using 80% of the most recently published HUD AMI for Beaufort County, multiplying by 30% and dividing by 12.
2. Rental rates shall remain consistent throughout the term of the lease.

(Added 11-4-2020 - Ordinance 2020-26)

Chapter 16-10: Definitions, Interpretation, and Measurement

Sec.16-10-105. General Definitions

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

Density Bonus

An increase in the number of units permitted on the site in order to provide an incentive for the construction of workforce housing in Sec. 16-5-104.

Chapter 16-5: Development and Design Standards

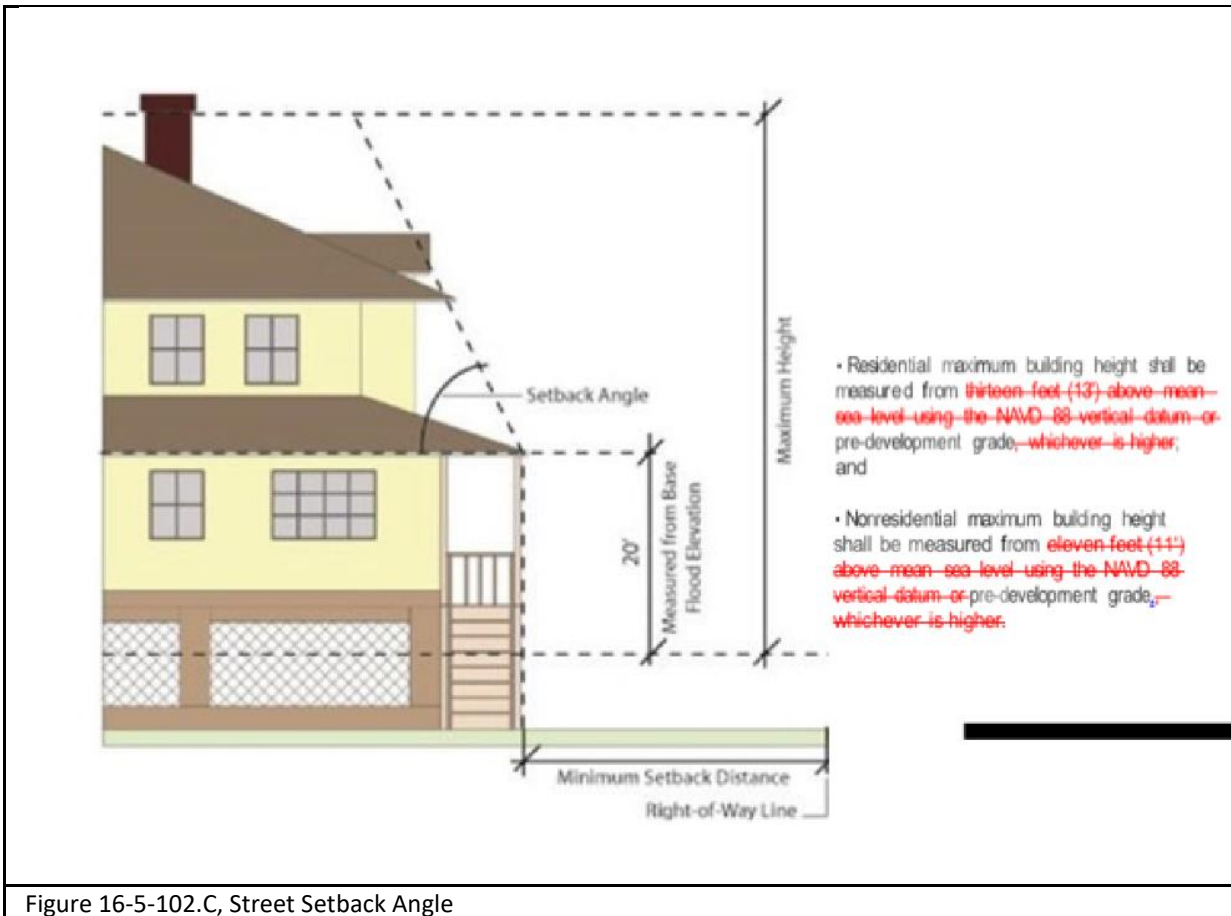
Sec.16-5-102. Setback Standards

C. Adjacent Street Setback Requirements

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

TABLE 16-5-102.C: ADJACENT STREET SETBACK REQUIREMENTS

PROPOSED USE		MINIMUM SETBACK DISTANCE ¹ / MAXIMUM SETBACK ANGLE ²		
		ADJACENT STREET (BY CLASSIFICATION)		
		MAJOR ARTERIAL	MINOR ARTERIAL	ALL OTHER STREETS
Single-Family	Structure > 24 in high	50 ft ⁴ / 75°	40 ft ⁴ / 70°	20 ft ⁴ / 60°
	Structure ≤ 24 in high	50 ft ⁴ / n/a	30 ft ⁴ / n/a	10 ft ⁴ / n/a
All Other Uses		50 ft ⁴ / 75°	40 ft ⁴ / 70°	20 ft ⁴ / 60°
NOTES: in = inches ft = feet ° = degrees 1. Measured from the adjacent street right-of-way or easement line to the closest portion of a structure. A 5' setback is required from an access easement for Family Compounds and Family Subdivisions. A street setback from an easement line is not required for non-single-family properties. 2. Measured within the upper inward quadrant of the intersection of a horizontal plane at a height of 20 feet above 13 feet above Mean Sea Level for residential use or 11 feet above Mean Sea Level for nonresidential use, or pre-development grade, whichever is higher, and a vertical plane extending upward at the minimum setback distance (see Figure 16-5-102.C, Street Setback Angle). 3. The adjacent street setback shall be a minimum of five (5) feet on any parcel abutting a Town right-of-way acquired under the Town's Dirt Road Paving Program. See Section 16-5-105.D for additional details. 4. For corner lots, reduced to 10 feet from the right-of-way of the street with the lowest average daily vehicle traffic count (ADT). If both streets have equal ADT, the lot owner may choose which street shall be subject to the reduced setback distance. 5. For Family Compounds and Family Subdivisions, the minimum setback from a minor arterial shall be 25' and the minimum setback from all other streets shall be 10'. 6. Any further reductions to the adjacent street setbacks for Family Compounds and Family Subdivisions will require a variance from the BZA.				



(Revised 12-5-2017 - Ordinance 2017-19; revised 8-18-2020 - Ordinance 2020-19; revised 11-18-2020 - Ordinance 2020-27; revised 7-20-2021 - Ordinance 2021-15; revised 3-7-2023 - Ordinance 2023-04)

D. Adjacent Use Setback Requirements

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

TABLE 16-5-102.D: ADJACENT USE SETBACK REQUIREMENTS¹				
PROPOSED USE³	MINIMUM SETBACK DISTANCE¹/MAXIMUM SETBACK ANGLE²			
	USE OF ADJACENT DEVELOPMENT PROPERTY³			
	SINGLE-FAMILY DWELLING	ALL OTHER RESIDENTIAL USES; COMMERCIAL RECREATION	PUBLIC, CIVIC, INSTITUTIONAL, AND EDUCATION; RESORT ACCOMMODATION; OFFICES; COMMERCIAL SERVICES; VEHICLE SALES AND SERVICES; BOAT RAMPS, DOCKING FACILITIES, AND MARINAS	INDUSTRIAL USES
	ZONING OF ADJACENT VACANT PROPERTY			
	CON, PR, RSF-3, RSF-5, RSF-6, RM-4	RM-8, RM-12	CR, CC, WMU, S, RD, SPC, LC, MF, MV, MS, NC, MED	IL
Single-Family⁶	20 ft ^{4,5} /75°	20 ft ^{4,5} /75°	30 ft ^{4,5} /60°	40 ft ^{4,5} /45°
- Any Other Residential Uses - Commercial Recreation	20 ft/75°	20 ft/75°	25 ft/75°	30 ft/60°
- Public, Civic, Institutional, and Education - Resort Accommodation - Offices - Commercial Services - Vehicle Sales and Services Boat Ramps, Docking Facilities, or Marinas	30 ft/60°	25 ft/75°	20 ft/75°	20 ft/75°
Industrial Uses	40 ft ^{4,5} /45°	30 ft/60°	20 ft/75°	20 ft/75°
1. Measured from the common property line to the closest portion of a structure. 2. Measured within the upper inward quadrant of the intersection of a horizontal plane at a height of 20 feet above 13 feet above Mean Sea Level for residential use or 11 feet above Mean Sea Level for nonresidential use, or pre-development grade, whichever is higher, and a vertical plane extending upward at the minimum setback distance (see Figure 16-5-102.D, Use Setback Angle). 3. See Sec. 16-10-103 for a description or definition of the listed use classification and types. 4. Single family subdivision exterior boundary only. 5. For all Minor Subdivisions and Small Residential Developments, the entire single family exterior boundary setback may be reduced by 50% in area. The setback area shall not be reduced to less than 5 feet wide at any point; it may be reduced to 5 feet where adjoining another single-family dwelling lot in the same subdivision; may be reduced to less than 5 feet if it, when combined with the platted setback distance for the adjoining lot, is at least 10 feet. 6. For Family Compounds and Family Subdivisions, the minimum setback from an adjacent property shall be reduced by 10' from what is required in Table 16-5-102.D except that an adjacent use setback of 5' shall be required between single-family uses.				

7. Any further reductions to the adjacent use setbacks for Family Compounds and Family Subdivisions will require a **variance** from the BZA.

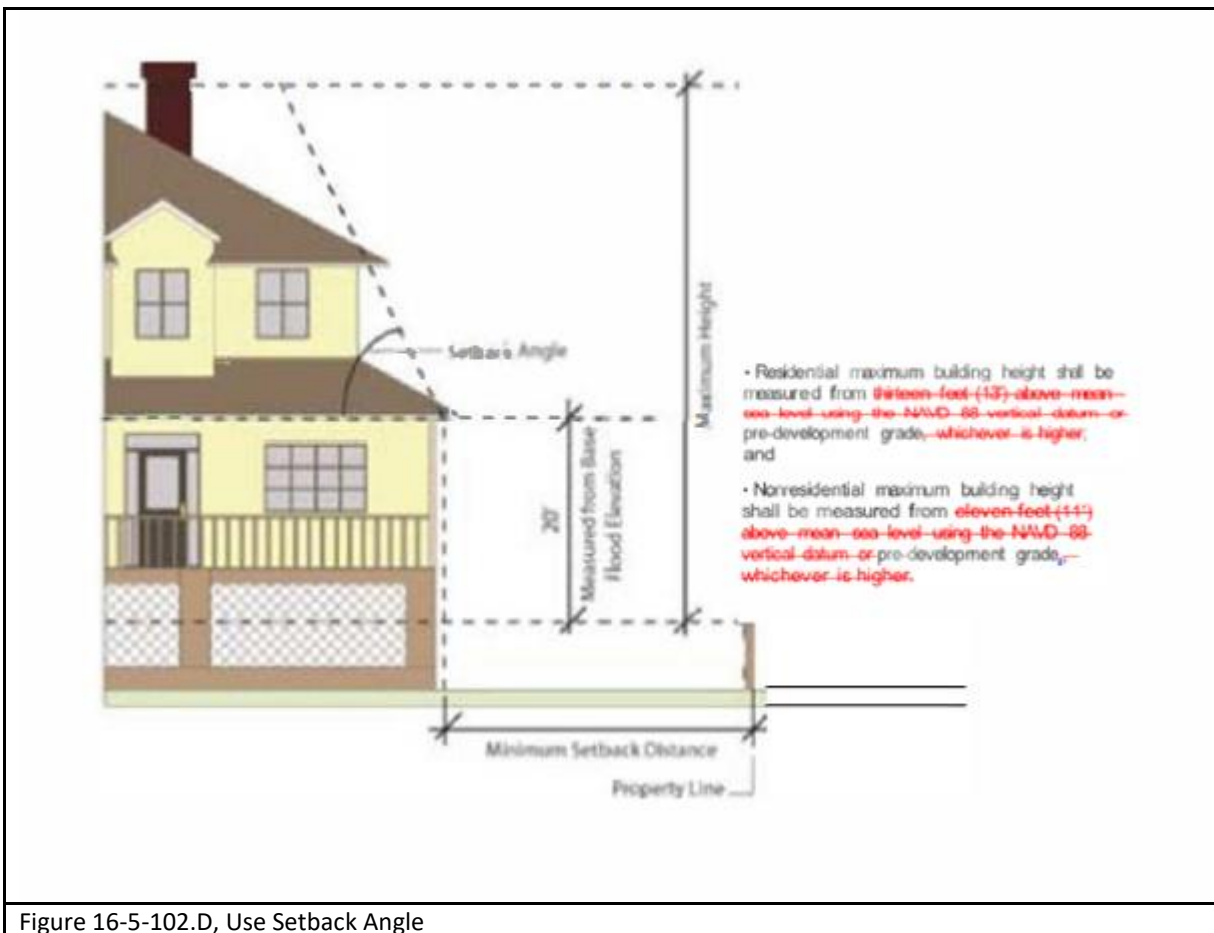


Figure 16-5-102.D, Use Setback Angle

2. Where the **adjacent** property includes **uses** from more than one listed **use** classification/**use** type (including **mixed-use** developments), the adjacent **use** setback required shall be that for the **use** classification/**use** type to which the greatest percentage of the **development's gross floor area** is devoted.
3. The adjacent use setback distance applicable to **lots** along the perimeter of **development** subject to Small Residential Development Review may be reduced by up to 50 percent, down to no less than five feet. The **Official** may allow further reduction as necessary to ensure that the total area within such perimeter setbacks does not exceed 20 percent of the total area of the site of the Small Residential Development.
4. There is no adjacent use setback requirement for non-single-family properties when the proposed **development** and the **adjacent development** function as a single **development** due to having either shared parking, connecting vehicular access or shared stormwater facilities. The recording of a cross access easement agreement between the two properties is required.

(Revised 12-5-2017 - Ordinance 2017-19; revised 7-20-2021 - Ordinance 2021-15; revised 3-7-2023 - Ordinance 2023-04)

E. Allowable Setback Encroachments

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

TABLE 16-5-102.E: ALLOWABLE SETBACK ENCROACHMENTS ¹	
FEATURE	EXTENT AND LIMITATIONS
Fences or walls	- Allowed in adjacent use setbacks if located along common property lines and no more than 7 feet high - Allowed in adjacent street setbacks if less than 4 feet high
Open balconies, fire escapes, or exterior stairways	May extend up to 5 feet into any setback
Chimneys or fireplaces	May extend up to 3 feet into any setback if no more than 5 feet higher than the highest point of building to which it is attached
Roof eaves and overhangs	May extend up to 3 feet into any setback
Awnings	May extend up to 5 feet into any setback
Bay windows	May extend up to 3 feet into any setback if no more than 9 feet wide
Sills or entablatures	May extend up to 1 foot into any setback
Uncovered porches, stoops, decks, patios or terraces	May extend up to 5 feet into any setback
Lighting fixtures	May be located in any setback if no more than 20 feet high
Roof dormers	May extend up to 5 feet beyond the setback angle plane (horizontally or vertically)
Spires, cupolas, domes, skylights, and similar rooftop architectural features	May extend up above the setback angle plane if they occupy no more than 25% of the roof area of the structure to which they are attached and extend no more than 25% more than the height limit defined by the setback angle plane at the point(s) of penetration
Solar collection devices	See Sec. 16-4-103.E.8
Television or radio antennas	May extend up to 10 feet above the setback angle plane if they are attached to a side or rear elevation of a structure
Small wind energy conversion systems	See Sec. 16-4-103.E.7
Amateur radio antenna	See Sec. 16-4-103.E.1
Bike racks, bollards and other site furnishings (such as tables and chairs)	Allowed in adjacent use and adjacent street setbacks
Other architectural features not listed above (parts of a structure that provide visual interest to the structure and are nonhabitable and decorative in nature)	May be allowed to penetrate the plane of the setback angle if the Official makes the following determinations: - The required setback angle cannot be met for the architectural elements using alternate site layouts without major modifications to an otherwise acceptable application; - The excepted architectural elements will not be major or dominant features of the structure; - The excepted architectural elements will not penetrate the vertical plane of the minimum required setback distance; - The exception is the minimum reasonably required to achieve the architectural goal; and - If applicable, the placement of the structure provides protection of prominent natural features on the site, such as trees, wetlands, or historic sites.

Flagpoles/Flags	Unless they constitute a "sign" and thus subject to Sec. 16-5-114.E, Flagpoles no more than 20 feet high and flags no greater than 20 square feet in area may be located in setbacks
Signs	See Sec. 16-5-114.E
<u>1. In no case shall an allowable encroachment for a listed feature be less than 10 feet from a lot line.</u>	

(Ord. No. 2015-23, 11-3-2015; revised 5-17-2016 - Ordinance 2016-07; revised 12-5-2017 - Ordinance 2017-19)

Chapter 16-10: Definitions, Interpretation, and Measurement

Sec.16-10-102. Rules of Measurement

C. Height

1. Calculation of Height

- a. Maximum **structure height** for **development** in each zoning district shall be calculated as follows:
 - i. Residential maximum building height shall be measured from ~~thirteen feet (13') above mean sea level using the NAVD 88 vertical datum or~~ **pre-development grade**, ~~whichever is higher; and~~
 - ii. Nonresidential maximum building height shall be measured from ~~eleven feet (11') above mean sea level using the NAVD 88 vertical datum or~~ **pre-development grade**, ~~whichever is higher.~~
- b. The measurement of the **height** of a **structure** shall be the distance from the height as determined by 16-10-102.C.a immediately **adjacent** to the **structure** to a point level with the highest point of the **structure**.
- c. Equipment such as **satellite dishes** and heating and air conditioning equipment installed on top of **buildings** are excluded from the measurement of **height** provided they are screened from view.
- d. The **height** of fences shall be measured from ~~preconstruction grade~~ **pre-development grade**.

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

Chapter 16-5: Development and Design Standards

Sec.16-5-115. Subdivision Standards

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, **open space**, buffers, trees or features shall be avoided.
(Revised 1-7-2020 - Ordinance 2020-02)
5. Pathways and/or sidewalks are ~~encouraged~~ required throughout the **subdivision** to enhance connectivity to the development's amenities, common open space, and mailbox facilities. Subdivisions with lots on both sides of the street(s), internal to the subdivision, will be required to provide pathways and/or sidewalks on one or both sides of the street(s) depending on the context and character of the neighborhood. Pathways and/or sidewalks ~~may~~ will be required by the **Official** to connect to the Town's Multi-use Pathway system, if such connectivity is available on-site or located within reasonable proximity to the development, to provide circulation or access to schools, playgrounds, shopping, or other community facilities. Pathways and sidewalks shall be designed and provided in accordance with the latest edition of the AASHTO Guide for the Development of Bicycle Facilities and S.C. Code Ann. § 56-5-3425 and meet the accessibility guidelines promulgated under the Americans with Disabilities Act (ADA). The provisions of this section shall not apply to Minor Subdivisions and Family Subdivisions. ~~Interconnection with other pathways and sidewalks is also desirable.~~

Chapter 16-4: Use Standards

Sec.16-4-106. Adaptive Re-Use Hotel/Motel Workforce Housing Conversion Program

A. Adaptive Re-Use Hotel/Motel Workforce Housing Conversion Program Purpose

The purpose of the Adaptive Re-Use Hotel/Motel Workforce Housing Conversion Program is to allow for the re-use of vacant structures and buildings for the purpose of converting the hotels and motels into useable, safe, and efficient housing.

B. Adaptive Re-Use Hotel/Motel Workforce Housing Conversion Program Specific Conditions

- i. The provisions of this section are only applicable to hotels and motels that exist on the effective date of this ordinance amendment.
- ii. **Dwelling units** approved through the Adaptive Re-Use Hotel/Motel Workforce Housing Conversion Program shall comply with the following requirements:
 - a. **Dwelling units** shall not be established as **short-term rental** units as defined in the Municipal Code Section 10-2-20(6).
 - b. **Dwelling units** must qualify as workforce housing units in accordance with Sec. 16-4-105.
 - c. The minimum **dwelling unit** size shall comply with Sec. 16-10-102.B.1.
 - d. The number of **dwelling units** shall not exceed the existing number of hotel, motel, and timeshare units in the building or buildings.
 - e. Multiple hotel, motel, and timeshare units/rooms may be combined into a singular **dwelling unit**.
 - f. Each unit shall meet the standards for decent, safe, and sanitary **dwelling units**, as defined in the State of South Carolina **Building Code** and other applicable codes and regulations, and shall include, but is not limited to:
 - i. A kitchen, including, at a minimum, a sink, cooking appliance, refrigerator, and a clear working space of not less than 30 inches in front of each of these elements.
 - ii. A separate bathroom, including, at a minimum, a sink, toilet, and a shower or bathtub.
 - iii. A separate closet space.
 - iv. A living room of not less than 190 square feet of floor area.
 - g. Site parking data shall be provided to meet the requirements of Sec. 16-5-107.D.2 with consideration of:
 - i. Proximity to public transit or private shuttle;
 - ii. Proximity to Town pathway network;
 - iii. Additional bicycle parking can offset required vehicular parking per Sec.16-5-108.H.7.f
 - h. **Dwelling units** approved through the Adaptive Re-Use Hotel/Motel Workforce Housing Conversion Program may be established as micro efficiency, studio, 1-bedroom, 2-bedroom, or 3-bedroom arrangements with no minimum or maximum number of any type of arrangement.
- iii. Prior to the issuance of a building permit or change of use permit for any units in an Adaptive Re-Use Hotel/Motel Workforce Housing Conversion Program development, the applicant shall execute any and all documents required by the Town, including, without limitation, restrictive covenants, deed restrictions, and related instruments to ensure that all **dwelling units** are established as workforce

housing units in accordance with LMO Section 16-4-105 for the lifetime of the residential use of the building or buildings.

- iv. All Adaptive Re-Use Hotel/Motel Workforce Housing Conversion Program facilities shall be subject to the health and safety regulations as stated by the Building Official, the Fire Marshal, and the Floodplain Manager.
- v. A 1:1 room density conversion ratio may be approved by the **Official** if the following additional qualification standards are met. If the qualification standards are not met, a 1:1 room density conversion ratio will not be permitted, and the density standards of the zoning district in which the parcel lies will apply.
 - a. At a minimum, 6% of the building's square footage is dedicated as interior communal space. Interior communal space shall meet the following requirements:
 - i. Individual qualifying interior communal spaces shall be no less than 200 square feet.
 - ii. Lobbies, elevators, laundry facilities, and areas used for ingress and egress shall not be counted towards the minimum square footage for this requirement.
 - b. At minimum, **common open space** shall be provided at a rate of 10% of the building square footage. **Common open space** shall meet the requirements of Section 16-5-104.

Chapter 16-10: Rules of Measurement

Sec.16-10-102. Rules of Measurement

B. Density

1. Commercial Conversion

For conversion of non-residential square footage (commercial conversion) to residential or mixed-use development, density shall be based on the existing gross floor area and the minimum unit sizes established below:

Minimum Unit Sizes

Unit Type	Market-Rate Conversion Minimum Unit Size	Workforce Housing Conversion Minimum Unit Size	<u>Adaptive Re-Use Hotel/Motel Workforce Housing Conversion Program Minimum Unit Size</u>
Micro Efficiency	NA	280 square feet	<u>210 square feet</u>
Studio	NA	400 square feet	<u>300 square feet</u>
1-bedroom	800 square feet	560 square feet	<u>420 square feet</u>
2-bedroom	1,075 square feet	750 square feet	<u>562 square feet</u>
3-bedroom	1,330 square feet	930 square feet	<u>698 square feet</u>

(Revised 11-4-2020 - Ordinance 2020-26)

Chapter 16-2: Administration

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

Table 16-2-101, Summary Table of Development Review Procedures, identifies the **Town** boards and staff responsible for making recommendations or decisions on **applications** reviewed under this **Ordinance**, as well as the role each plays in the **Town's** review of **applications**. It also identifies those **applications** that require a hearing. A textual summary of the **development** review responsibilities of the **Town's** boards established in accordance with **State** law by this **Ordinance** (**Planning Commission**, **Board of Zoning Appeals**, and **Design Review Board**), as well as staff responsibilities (the **Official**), is set down in Appendix A: Advisory and Decision Making Bodies and Persons, which is incorporated herein by reference. The specific rules that govern the **Town's boards with review responsibilities are also included in Appendix A**.

Table 16-2-101: Summary Table of Development Review Procedures							
R = Recommendation D = Decision A = Appeal < > = Hearing and/or Public Hearing <>* = Public Hearing E = Encouraged M = Mandatory O = Optional at the discretion of the Official							
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>*	
Subdivision Review (Sec. 16-2-103.F)	Minor	E	D		<A>		
	Major	E M	D		<A> <A,R>		
Development Plan Review (Sec. 16-2-103.G)	Minor	E, O	D		<A>		
	Major	E M	D		<A> <A,R>		
Small Residential Development Review (Sec. 16-2-103.H)			D		<A>		
Corridor Review (Sec. 16-2-103.I)	Minor		D	<A>			
	Major		R	<D>			
Traffic Impact Analysis Plan Review (Sec. 16-2-103.J)	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. 16-5-114.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>		
RELIEF PROCEDURES							
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 Board of Zoning Appeals (Sec. 16-2-103.T)						<D>	
Appeal of Official's Decision to Planning Commission (Sec. 16-2-103.U)					<D>		
Appeal of Official's Decision to Design Review Board (Sec. 16-2-103.V)				<D>			
Notes: All meetings of the Town Council, Planning Commission, Board of Zoning Appeals and Design Review Board are public meetings, and any "Hearing" or "Public Hearing" designated above takes place at a public meeting. See Sec. 16-2-102.E.1.							

(Revised 6-6-2017 - Ordinance 2017-08; revised 7-20-2021 - Ordinance 2021-15)

Sec.16-2-102. Standard Review Procedures

E. Hearing Scheduling and Notice

2. Hearing Notice

a. General Notice Requirements

- i. Notice of a hearing on an **application** shall be as required by the South Carolina Code of Laws and as shown in Table 16-2-102.E.2, Hearing Notice Requirements. In computing the required time periods, the day the notice is published or postmarked shall be excluded and the day of the hearing shall be included.
- ii. A copy of the hearing notice provided in accordance with this paragraph shall be maintained in the office of the **Official**.

Table 16-2-102.E.2: HEARING NOTICE REQUIREMENTS			
APPLICATION OR APPROVAL	NOTICE REQUIREMENT		
	PUBLISHED NOTICE	MAIL NOTICE	POSTED NOTICE
Text Amendment	Publish notice of the hearing no less than 30 calendar days before the hearing date	None	None
Zoning Map Amendment PUD District	Publish notice of the hearing no less than 15 calendar days before the hearing date	Mail notice of the hearing to the owner(s) of land subject to the application (if not the applicant), and owners of record of properties within 350 feet of the subject land ^{1,2} , no less than 15 calendar days before the hearing date	Post conspicuous notice of the hearing on or adjacent to the land subject to the application no less than 15 days before the hearing date, with at least one such notice being visible from each public thoroughfare that abuts the subject land
Special Exception Variance	Publish notice of the hearing no less than 15 calendar days before the hearing date	Mail notice of the hearing to the owner(s) of land subject to the application (if not the applicant), and owners of record of properties within 350 feet of the subject land ^{1,2} , no less than 15 calendar days before the hearing date	Post conspicuous notice of the hearing on or adjacent to the land subject to the application no less than 15 days before the hearing date, with at least one such notice being visible from each public thoroughfare that abuts the subject land
<u>Major Subdivision/Major Development Plan</u>	<u>Publish notice of the hearing no less than 15 calendar days before the hearing date</u>	<u>Mail notice with return receipt of the hearing to the owner(s) of land subject to the application (if not the applicant), and owners of record of properties within 500 feet of the subject land^{1,2}, no less than 15 calendar days before the hearing date</u>	<u>Post conspicuous notice of the hearing on or adjacent to the land subject to the application no less than 15 days before the hearing date, with at least one such notice being visible from each public thoroughfare that abuts the subject land</u>

Modification of Street/Vehicular Access Easement Name	Publish notice of the hearing no less than 15 calendar days before the hearing date	Mail notice of the hearing to all owner(s) of land that fronts on the street or vehicular access easement proposed for a modified name ¹ no less than 15 calendar days before the hearing date	Post conspicuous notice of the hearing on or adjacent to the street or vehicular access easement proposed for a modified name no less than 15 days before the hearing date
Appeal of Administrative Decisions and Written Interpretations to Board of Zoning Appeals	Publish notice of the hearing no less than 15 calendar days before the hearing date	Mail notice of the hearing to the appellant and the applicant for the decision being appealed (if different from the appellant) no less than 15 calendar days before the hearing date	None
Public Project Review	Publish notice of the hearing no less than 15 calendar days before the hearing date	Mail notice of the hearing to all owner(s) of land directly contiguous to the proposed development ¹ no less than 15 calendar days before the hearing date	None
Appeal of Official's Decision to Design Review Board	Publish notice of the hearing no less than 15 calendar days before the hearing date	Mail notice of the hearing to the appellant and the applicant for the decision being appealed (if different from the appellant) no less than 15 calendar days before the hearing date	None
Appeal of Official's Decision to Planning Commission	Publish notice of the hearing no less than 15 calendar days before the hearing date	Mail notice of the hearing to the appellant and the applicant for the decision being appealed (if different from the appellant) no less than 15 calendar	None

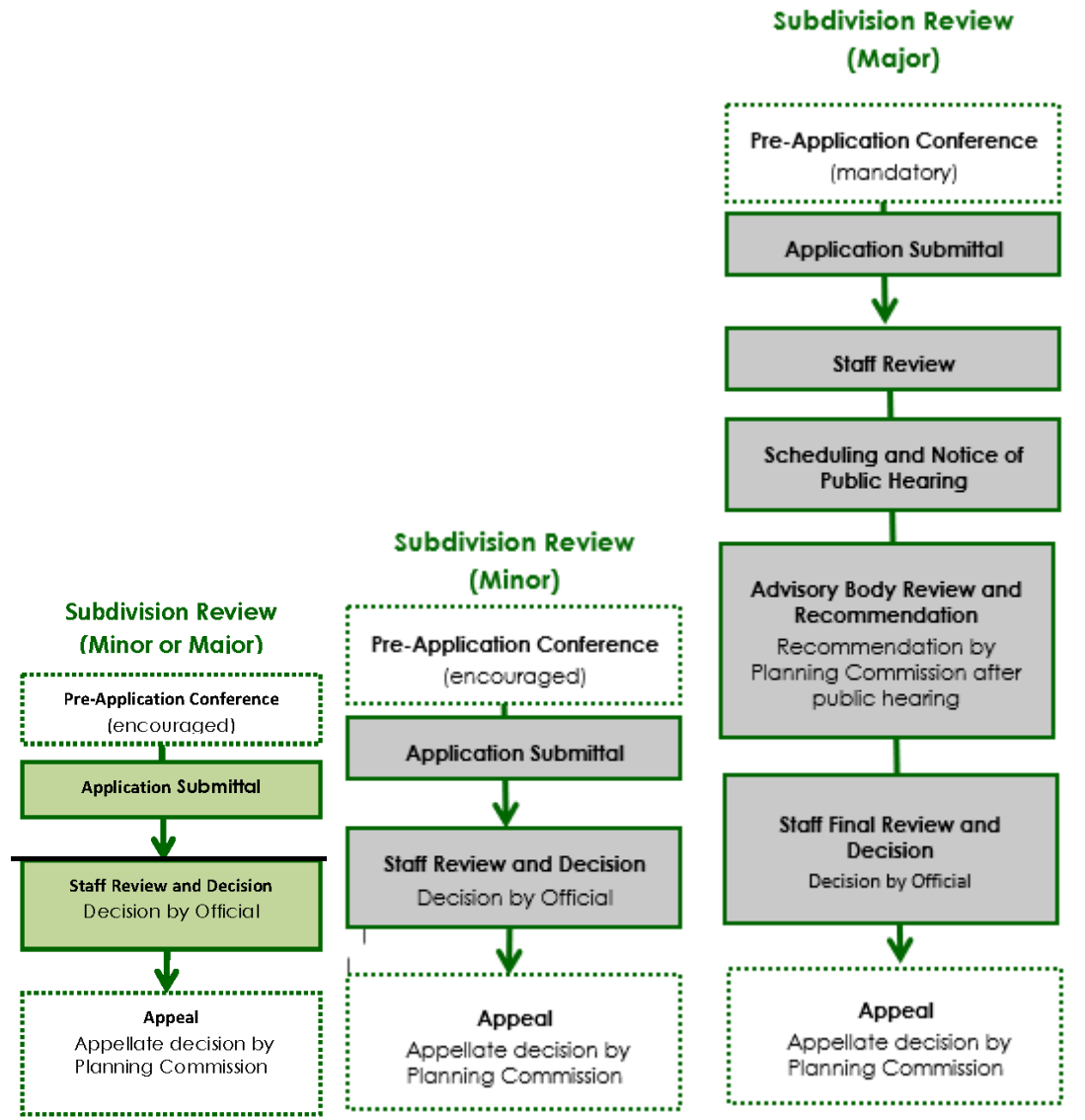
		days before the hearing date	
Subdivision Amendment	Publish notice of the hearing no less than 15 calendar days before the hearing date	Mail notice of the hearing to all owners of record of properties located within the subdivision no less than 15 calendar days before the hearing date	Post conspicuous notice of the hearing at the entrance of the subdivision no less than 15 days before the hearing date
NOTES: 1. As identified in the latest Beaufort County ad valorem tax record. 2. Where properties within 350 <u>or 500</u> feet, <u>as applicable</u>, of the subject land are part of a townhouse, condominium, or timeshare development, the notice shall also be mailed to the president or manager of the property owners' association for the development.			

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

Sec.16-2-103. Application Specific Review Procedures

F. Subdivision Review (Minor or Major)

3. Subdivision Review (Minor or Major) Procedure



a. Pre-Application Conference

i. Prospective **applicants** for Minor Subdivision Reviews (Minor or Major) 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 Subdivision Reviews are required to hold a pre-application conference with Town staff in accordance with Sec. 16-2-102.B.

b. Application Submittal

An **application** for Subdivision Review may be submitted by **persons** identified in Sec. 16-2-102.C.1, and shall be submitted in accordance with Sec. 16-2-102.C- and requirements established in Appendix D-4 or D-5.

c. Staff Review and Action – Minor Subdivision

- i. On receiving an **application**, 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**, 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 Subdivision

- i. On receiving an **application**, the **Official** shall forward the **application** to the **Planning Commission** for review and recommendation to the **Official**. The **Planning Commission** shall review the application and staff report at a public meeting, make a decision on the application and request such additional information or materials as may be required for review of the application. The Planning Commission's decision and requests shall be based on the following criteria:
 01. The proposed development must be in compliance with the standards in Sec. 16-2-103.F.4. Subdivision Review (Minor or Major) Standards,
 02. There exists adequate infrastructure (transportation and utilities) to support the plan as proposed,
 03. The proposed plan conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site,
 04. The phasing plan, if applicable, is logical and is designed in a manner that allows each phase to fully function independently regarding services, utilities, circulation, facilities, and open space irrespective of the completion of other proposed phases.
- ii. The Planning Commission's recommendation 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. Following review and recommendation 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**.
- iv. 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.e. Post-Decision Actions and Limitations

i. Notice of Decision

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

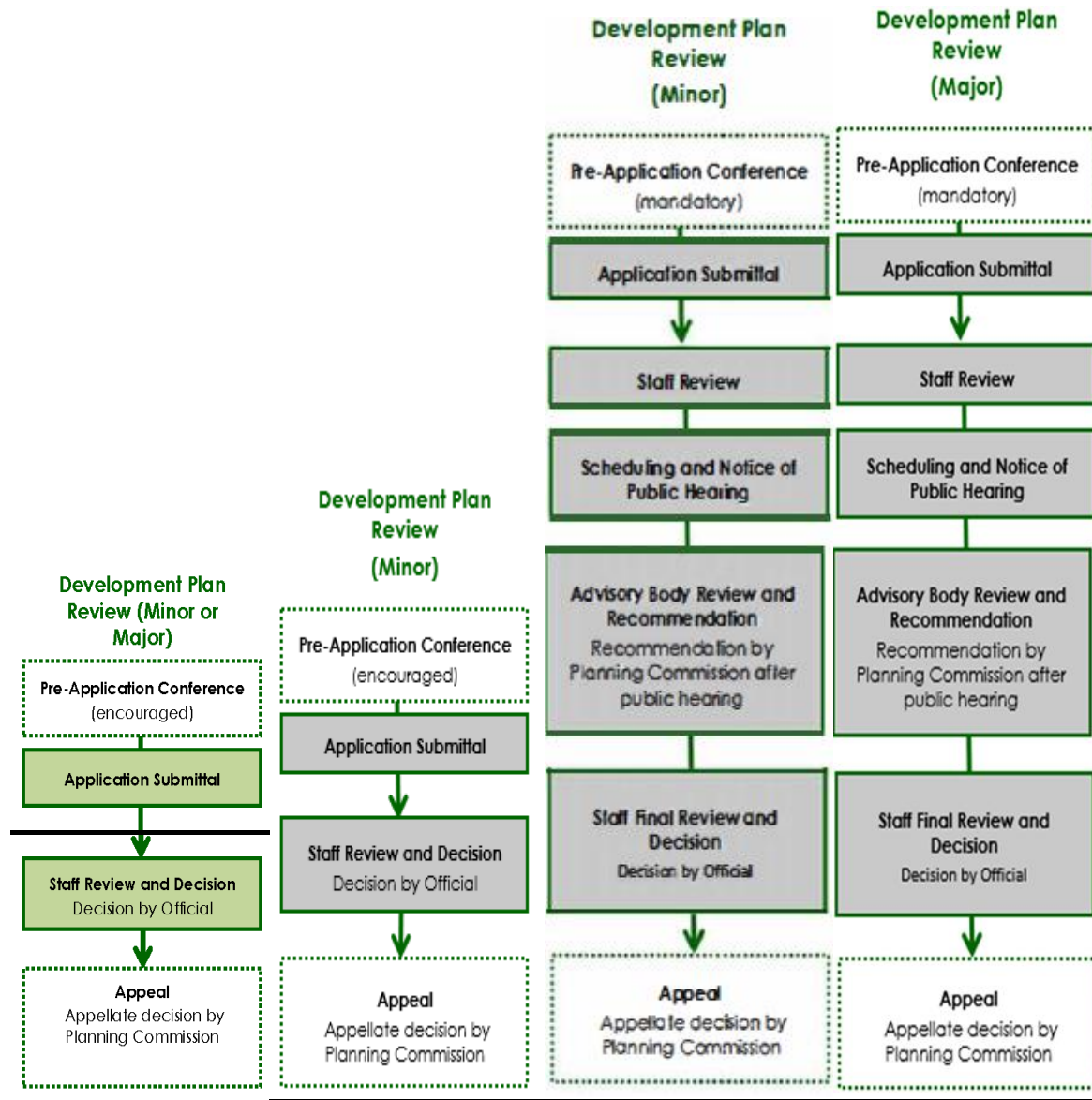
ii. Appeal

Appeals from the final decision of the **Official** on an **application** for Subdivision Review (Minor or Major) are governed by Sec. 16-2-103.U, Appeal of Official's Decision to Planning Commission, and S.C. Code Ann. § 6-29-1150.

(Revised 3-21-2023 - Ordinance 2023-05)

G. Development Plan Review (Minor and Major)

4. Development Plan Review (Minor or Major) Procedure



*At their discretion, the Official may process a minor development plan review in the same manner as a major development plan review when the subject property is adjacent to or across the street from a residential use.

a. Pre-Application Conference

- i. Prospective **applicants** for Minor Development Plan Reviews ~~(Minor or Major)~~ 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 Development Plan Reviews are required to hold a pre-application conference with Town staff in accordance with Sec. 16-2-102.B.

b. Application Submittal

An **application** for Development Plan Review may be submitted by **persons** identified in Sec. 16-2-102.C.1, and shall be submitted in accordance with Sec. 16-2-102.C: and requirements established in Appendix D-6 or D-7

c. Staff Review and Action – Minor Development Plan Review

- i. On receiving an **application**, 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**, at their discretion, has the ability to process a Minor Development Plan Review in the same manner as a Major Development Plan Review when the subject property is adjacent to or across the street from a residential use.
- iii. 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**.~~
- iv. If the **Official** fails to act on an **application** for 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 Development Plan Review

- i. On receiving an **application**, the **Official** shall forward the **application** to the **Planning Commission** for review and recommendation to the **Official**. The **Planning Commission** shall review the application and staff report at a public meeting, make a decision on the application and request such additional information or materials as may be required for review of the application. The Commission's decision and requests shall be based on the following criteria:
 - 01. The proposed development must be in compliance with the standards in Sec. 16-2-103.G.5. Development Plan Review Standards.

02. There exists adequate infrastructure (transportation and utilities) to support the plan as proposed.

03. The proposed plan conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site.

04. The phasing plan, if applicable, is logical and is designed in a manner that allows each phase to fully function independently regarding services, utilities, circulation, facilities, and open space irrespective of the completion of other proposed phases.

ii. The Planning Commission's recommendation 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. Following review and recommendation 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**.

iv. 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**.

v. If the **Official** fails to act on an **application** for Development Plan Review, in accordance with Sec. 16-2-102.D, within the time period in provision iv 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.e. Post-Decision Actions and Limitations

i. **Notice of Decision**

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

ii. **Appeal**

Appeals from the final decision of the **Official** on an **application for Development Plan Review (Minor or Major)** are governed by Sec. 16-2-103.U, Appeal of Official's Decision to Planning Commission, and S.C. Code Ann. § 6-29-1150.

Chapter 16-2: Administration

Sec.16-2-103. Application Specific Review Procedures

J. Traffic Transportation Impact Analysis Plan Review

1. Purpose

The purpose of this subsection is to establish procedures and standards for the review and decision on Traffic Transportation Impact Analysis Plans, to ensure new **development** does not create **street** congestion beyond an amount established as acceptable by the Town.

2. Applicability

- a. ~~The A Traffic Transportation Impact Analysis Plan~~, monitoring and mitigation requirements, and procedures set forth in this section are applicable to all **development** as defined in this Title that would generate 50 or more **peak hour** trips, except for that as specifically exempted in paragraph 4 below of this subsection.
- b. Development Plan approval, with or without conditions or modifications, shall not be granted for any development without the ~~applicant~~ for Development Plan approval first obtaining approval of a Traffic Transportation Impact Analysis Plan approval in accordance with this section, unless the **development** is specifically exempt.
- c. A ~~Bbuilding Permit~~ may ~~shall~~ not be issued for any **development** undertaken in accordance with a previously issued final **development** permit until the **applicant**, as part of the Development Plan approval process, first obtains approval of a Traffic Transportation Impact Analysis Plan approval, unless the **development** is specifically exempt.

3. Trip Generation Rates

Trip generation rates shall be taken from the most current edition of the Institute of Transportation Engineers' Trip Generation Manual (ITE Manual), except that an **applicant** may elect to perform, at the **applicant's** expense, a trip generation study which ~~may~~ shall be submitted to the **Official Town Engineer** in determining an exemption. The trip generation study shall be undertaken by a qualified traffic transportation engineering firm selected in accordance with Appendix D, and is subject to review and approval by the ~~Official Town Engineer~~. For proposed **uses** not specifically listed in the ITE Manual, the **Official Town Engineer** shall determine the most appropriate trip generation rate. The **Official Town Engineer** may consider input from the **applicant** in making this decision. Trip rates that shall be described as Multi-Modal Trips, with calculations and rationale noted for trip reductions, are for pass-by trips, internal trips, and trips by any mode other than a personal vehicle. Trip rate reductions must be supported by the ITE handbooks or, if local data is used, approved by the **Town Engineer** or their designee.

4. Exemptions

Provided, at the discretion of the Town Engineer, there are no readily apparent improvements necessary to the adjacent roadways or intersections or potential transportation safety hazards created

by the development The following types of **development** ~~shall~~ may be exempt from the ~~Traffic Transportation~~ Impact Analysis Plan and mitigation requirements of this section:

- a. Activities and **uses** not constituting **development** (see Sec. 16-1-104.B, Development Activities Constituting Development), or exempt from Development Plan approval (see Sec. 16-2-103.G.3, Exemptions).
- b. Development that would generate fewer than ~~100~~ 50 **peak hour** trips on ~~the any~~ adjacent street.
 - i. If the proposed **development** will be replacing a vacant or occupied **structure** on the same site, then for the purpose of determining exemptions, the number of **peak hour** trips generated by the proposed **land use** shall be reduced by the number of **peak hour** trips generated by the most recent legally established **land use**.
 - ii. Proof of the most recent principal **land use** of a site shall be the responsibility of the **applicant** and shall be submitted to the ~~Official~~ Town Engineer for approval. Absent such proof, the **peak hour** trip rate will be based on the lowest trip generation of all the **uses** permitted **by right** in the site's zoning district.
- c. A residential **development** generating less than 200 **peak hour** trips in which at least 20 percent of the units will qualify and be maintained as affordable housing in accordance with this **Ordinance**.

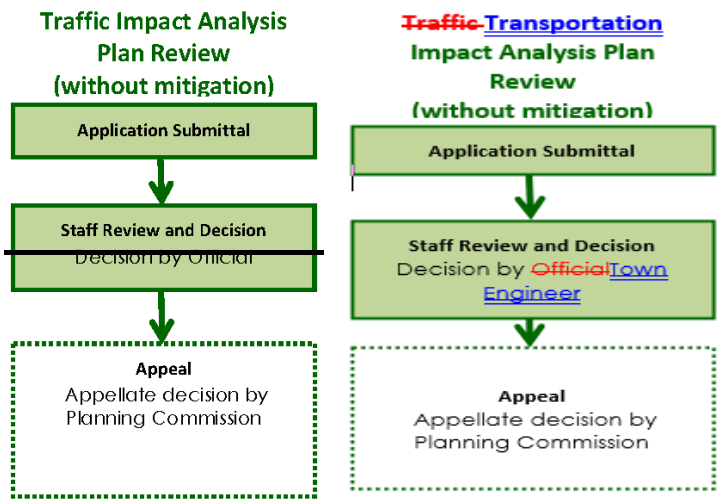
5. ~~Traffic Transportation~~ Impact Analysis Plan Review Procedure

a. Application Submittal

An **application** for ~~Traffic Transportation~~ Impact Analysis Plan Review may be submitted by **persons** identified in Sec. 16-2-102.C.1, and shall be submitted in accordance with Sec. 16-2-102.C.

b. Staff Review and Action

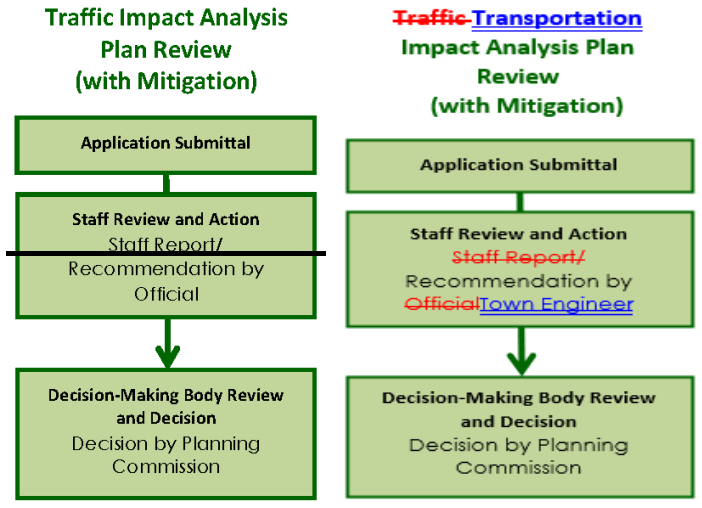
i. No Mitigation Required



For any proposed **development** that does not require any mitigation or for which mitigation is limited to adjustments to signal timing, signal phasing, ~~or intersection restriping, or non-motorized improvements,~~ the ~~Official~~ Town Engineer shall review and make a final decision on the **application** in accordance with Sec. 16-2-102.D. The ~~Official's~~ Town Engineer's decision shall be based on the standards in Sec. 16-2-103.J.6, ~~Traffic Transportation~~ Impact Analysis Plan Standards, and shall be one of the following:

01. Approve the **application** as submitted;
02. Approve the **application** subject to conditions of approval or modifications; or
03. Deny the **application**.

ii. Mitigation Required



Where the proposed **development** requires mitigation beyond just adjustments to signal timing, signal phasing, or intersection re-striping, or non-motorized improvements, the **Official Town Engineer** shall review the **application** and prepare a staff report with a recommendation for action in accordance with Sec. 16-2-102.D. The **Official's recommendation shall be based on the standards in Sec. 16-2-103.J.6, Traffic-Transportation Impact Analysis Plan Standards**. Any mitigation improvements must comply with the latest edition of SCDOT's Access and Roadside Management Standards (ARMS) manual and SCDOT Roadway Design Manual.

c. Decision-Making Body Review and Decision

- i. For any proposed **development** that requires mitigation beyond just adjustments to signal timing, signal phasing, or intersection re-striping, the **Planning Commission** shall review the **application** and staff report at a public meeting and make a final decision on the **application** in accordance with Sec. 16-2-102.G. The Commission's decision shall be based on the standards in Sec. 16-2-103.J.6, **Traffic-Transportation Impact Analysis Plan Standards**, and shall be one of the following:
 01. Approve the **Traffic-Transportation Impact Analysis Plan** as submitted;
 02. Approve the **Traffic-Transportation Impact Analysis Plan** subject to conditions of approval or modifications; or
 03. Deny the **Traffic-Transportation Impact Analysis Plan**.
- ii. **Traffic-Transportation Impact Analysis Plans** containing mitigation other than that allowed in Appendix D (specifically D-11.B.8) will not be accepted.

d. Post-Decision Actions and Limitations

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

01. Appeals from the final decision of the ~~Official Town Engineer~~ on an **application** for ~~Traffic Transportation~~ Impact Analysis Plan Review are governed by Sec. 16-2-103.U, Appeal of ~~Official's Town Engineer's~~ Decision to **Planning Commission**, and S.C. Code Ann. § 6-29-1150.

02. Appeals from the decision of the **Planning Commission** on an **application** for ~~Traffic Transportation~~ Impact Analysis Plan Review are governed by S.C. Code Ann. § 6-29-1150.

6. Traffic Transportation Impact Analysis Plan Standards

The proposed ~~Traffic Transportation~~ Impact Analysis Plan shall not be approved unless it is demonstrated the Town's **street** system can operate and comply with the Town's **adopted traffic transportation service level standards**, and the plan complies with Sec. 16-5-106, ~~Traffic Transportation~~ Analysis Standards.

7. Expiration of Approval

A ~~Traffic Transportation~~ Impact Analysis Plan approval shall expire ~~after one (1) year from the date of approval~~ unless the **applicant** submits a complete Development Plan review **application**.

8. Amendment

A ~~Traffic Transportation~~ Impact Analysis Plan may be amended only in accordance with the procedures and standards for its original approval.

9. Traffic Transportation Mitigation Program Implementation

a. Timing of Implementation

If a ~~traffic transportation~~ mitigation program is part of an approved ~~Traffic Transportation~~ Impact Analysis Plan, all approved ~~traffic transportation~~ mitigation **improvements** must be implemented prior to issuance of a Certificate of Compliance unless otherwise provided for as part of the approved ~~Traffic Transportation~~ Impact Analysis Plan.

b. Responsibility for Costs of Improvement; Reimbursement

- i. Except as provided for in provisions ii through iv below, the costs of implementation of an approved mitigation program shall be the responsibility of the **applicant**.
- ii. If an **applicant** is required to provide an **improvement** that would otherwise be funded by transportation impact fees, a transportation impact fee credit shall be available as provided in accordance with Sec. 16-5-116.K, Offsets to Impact Fees.
- iii. If an **applicant** is required to provide an **improvement** which is eligible for a transportation impact fee credit as provided for in accordance with Sec. 16-5-116.K, Offsets to Impact Fees, and the cost of the **improvement** exceeds the amount of the transportation impact fee otherwise calculated to be due in accordance with that section, the **applicant** may submit a plan for reimbursement to the **Town Council** for action. Such reimbursement plan shall be consistent with the **Town's** contractual obligations with respect to other planned **street improvements** and consistent with the **Town's** adopted **Capital Improvements Program** (CIP).
- iv. If an **applicant** is required to provide an **improvement**, other than a site-related ~~traffic transportation~~ **improvement** that is eligible for funding with transportation impact fees, or if an **applicant** proposes a change in priorities in the adopted CIP, the **applicant** may

submit a proposal to the **Town Council** requesting consideration for inclusion of such **improvement** in the CIP or for a shifting of priorities within the CIP, together with a proposed reimbursement plan which is consistent with the requirements of this section.

10. Traffic Transportation Monitoring and Evaluation Report

a. Report

Annually, following the preparation of the ~~June-July~~ intersection turning movement counts, the **Official Engineer** shall prepare a Traffic Transportation Monitoring and Evaluation Report, which shall include each of the following:

- i. **Peak hour** traffic turning movement counts for an average ~~June-July~~ weekday for all signalized intersections as measured by the **Town Engineer**;
- ii. Twenty-four hour traffic volumes on William Hilton Parkway, Palmetto Bay Road, Pope Avenue, and the Cross Island Parkway as measured by the **Town Engineer**;
- iii. Historical trends over the past five years if available for items in paragraph ii above;
- iv. Description of the operating conditions, relative to the **adopted traffic transportation service level standards**, for each signalized intersection and how the operating conditions have changed since the last reporting period;
- v. Morning, midday, and afternoon **peak hour** volumes for Sea Pines Circle in reports for years evenly divisible by ~~five~~ **two**; and
- vi. Recommendations for mitigation **improvements** to intersections that fail to meet the traffic transportation standards outlined in Sec. 16-5-106, Traffic Transportation Analysis Standards.

b. Certification of Traffic Transportation Data

Based on the Traffic Transportation Monitoring and Evaluation Report, Traffic Transportation Impact Analysis Plans, and such other information as deemed appropriate, the **Official Town Engineer** shall certify the traffic transportation data to be used by all **applicants**, traffic transportation engineers, **Town** staff and consultants, in performing and reviewing Traffic Transportation Impact Analysis Plans. The **Official Town Engineer** will certify the traffic volume data on an annual basis or more frequently as deemed appropriate.

c. Planning Commission Action

- i. The Traffic Transportation Monitoring and Evaluation Report prepared by the **Official Town Engineer** as described above shall be forwarded to the **Planning Commission** and simultaneously conveyed to the **Town Council**. Upon receipt of the Report and recommendations from the **Official Town Engineer**, the **Planning Commission** shall give notice and hold a public meeting for the purpose of discussing the Report and recommendations and eliciting public comments.
- ii. Following its review, the **Planning Commission** shall forward the Traffic Transportation Monitoring and Evaluation Report and recommendations, and may forward its own supplemental report and recommendations, to the **Town Council**.

11. Vehicular Access Analysis

- a. All **development** shall have an **access** analysis undertaken by the **Official Town Engineer**. This analysis shall be undertaken to ensure that vehicular **access** to all proposed developments and **subdivisions** is accomplished in a safe manner.

- b. This analysis will identify any vehicular **access improvements** the **applicant** must install at the **applicant's** expense, such as deceleration lanes, and shall identify the location of any curb cuts based on, but not limited to sight distances, existing **roadway** infrastructure, opposing **driveways** locations, and shared vehicular **access**. This analysis will address requirements for adequate **driveway** design including, but not limited to turning radius and stacking distance. The standards in the South Carolina Department of Transportation's Access and Roadside Management Standards Manual shall serve as a guide for this review.
- c. The vehicular **access** requirements approved by the **Official Town Engineer** shall be incorporated on **development** or **subdivision** plans prior to their approval. If an **applicant** is required to provide site-related traffic **improvements**, the cost of implementing such **improvements** shall be borne by the **applicant** and no such costs shall be eligible for a credit or offset from any transportation impact fees required in accordance with Sec. 16-5-116.K, Offsets to Impact Fees.

Chapter 16-5: Development and Design Standards

Sec.16-5-106. Traffic Transportation Analysis Standards

A. Purpose

The purpose of this section is to guide **development** in accordance with the existing and future needs of the **Town** in order to protect, promote and improve the public health, safety, ~~moral~~, convenience, order, ~~appearance~~, prosperity and general welfare of the citizens of the **Town**, by ensuring new **development** does not overburden and overly congest nearby streets, bike paths, sidewalks, and other transportation systems in the **Town's** streets.

B. Intent

The regulations of this section are designed and intended:

1. To ensure that the **Town's adopted ~~traffic-transportation service level standards~~** are met within the **Town** and to provide safety from fire, panic and other dangers, to promote the public health and general welfare, to prevent the overcrowding of **land**, to avoid undue concentration of population, and to facilitate safe and the adequate provision of **street** and non-motorized facilities.
2. To enable the **Town Engineer or their designee** to conduct an appropriate review and evaluation of the ~~traffic-multimodal transportation impacts~~ of proposed **development**, to provide for the imposition of conditions in order to assure that new **development** does not impair safety and the **Town's** ability and obligation to provide adequate adequacy of impacted **street** and transportation facilities to all its used by the **Town's** citizens, and to prescribe necessary project-specific mitigation measures or to otherwise changes to the site design or operations, and agree on implementation timing and funding, as part of the condition ~~traffic impact analysis~~ to plan approval.
3. To ensure that no ~~traffic-transportation~~ impact analysis plan approvals are granted that would cause a reduction in the service level of any **street** facility that is currently operating in a manner that fails to satisfy the **Town's adopted ~~traffic-transportation service level standards~~**.

4. To ensure that no traffic-transportation impact analysis plan approvals are granted unless **street** facilities with adequate capacity to accommodate the traffic generated by the proposed **development** are available concurrently with the scheduled opening of the **development**.
5. To establish uniform procedures for the review of **applications** for traffic-transportation impact analysis plan approval subject to the traffic-transportation impact analysis plan requirements set forth herein.
6. To better coordinate the short-term growth potential of the **Town** with the immediately available **street** system capacity, taking into account exempt **development** and approved **development** that has not been built, to the extent to which these ~~may~~ shall be eligible for **development** plan approval without being subject to the traffic-transportation impact analysis plan requirements of this section.
7. To better coordinate the long-term growth potential of the **Town** with an realistic assessment of street capacity which is currently and which ~~may~~ shall in the future become available, recognizing the limitations on the **Town's** financial resources, the constraints presented by the geography of the Island, and the need to preserve the Island's sensitive natural, historic, and environmental resources.
8. ~~To better coordinate the type, location, amount, timing, and rate of **development** of proposed **land uses** in accordance with the **Comprehensive Plan**, zoning district regulations, and **Official Zoning Map** with the present and projected future availability of **street** system capacity.~~
- 9.8. ~~To establish and maintain a traffic monitoring system to regularly determine the volume of traffic on the **Town's street** system and the degree to which capacity limits ("thresholds") are being approached or exceeded. To require that transportation impact analysis plans are prepared by a licensed professional engineer, and that the plan contents and modeling are consistent with national guidelines and practices published by the **Institute of Transportation Engineers (ITE)**, the **Transportation Research Board (TRB)**, the **Federal Highway Association (FHWA)**, the **American Association of State Highway and Transportation Officials (ASHTO)**, the **National Association of City Transportation Officials**, and other organizations.~~
- 10.9. ~~It is not the intent of this section to deny to any **person** a reasonable opportunity to develop **land** in a beneficial manner, but rather to coordinate the type, location, amount, timing, and rate of **development** with the **Town's** reasonable ability to provide adequate public **street** facilities consistent with the **Town's adopted traffic service level standards**. To ensure that in addition to measuring the impact on the roadway system, the transportation impact analysis plan measures the multimodal impacts, and mitigation measures, for non-motorized travel and transit.~~
10. To establish and maintain a traffic monitoring system to regularly determine the volume of traffic of the **Town's** street system and the degree to which capacity limits ("thresholds") are being approached or exceeded.
11. It is not the intent of this section to deny to any person a reasonable opportunity to develop land in a beneficial manner, but rather to coordinate the type, location, amount, timing, and rate of development with the Town's reasonable ability to provide safe and adequate public street facilities consistent with the Town's adopted transportation service level standards.

C. Traffic Transportation Impact Analysis Plan Standards

All required traffic-transportation impact analysis plans shall, at a minimum, indicate compliance or non-compliance with the standards of this section.

1. The average total delay in seconds per vehicle for each signalized intersection does not exceed 55.0 seconds during the **peak hour** for an average July weekday; and
2. The volume-to-capacity (V/C) ratio for each signalized intersection does not exceed 0.90 during the **peak hour** for an average July weekday; and

3. The average total delay on any approach to ~~a traffic circle or roundabout~~ the Sea Pines Circle does not exceed 150 seconds per vehicle during the **peak hour** for an average July weekday; and the average total delay on any approach to any other traffic circle or roundabout does not exceed 55.0 seconds per vehicle during the **peak hour** for an average July weekday; and
4. If Level of Service (LOS) for any movement is increased by more than one level per the requirements of the Highway Capacity Manual (HCM) or existing Level of Service of "E" or above; and
5. If the **development** causes safety issues or delays shall be mitigated per the requirements of the **Town Engineer**.

Appendix D: Application Submittal Requirements

D-11. Traffic Transportation Impact Analysis Plan Review

A. Plan Preparation

1. Selection of ~~Traffic Transportation~~ Engineering Firm

The ~~Traffic Transportation~~ Impact Analysis Plan shall be prepared for the **applicant** by a qualified ~~traffic Transportation engineer/engineering firm, selected from a list of traffic engineering firms maintained by the Town. The list shall be created through the solicitation by the Town of professional traffic engineers qualified to perform this service. The list shall contain the names of at least three traffic engineering firms, approved by the **Town Engineer** or their **designee**, and sealed by a licensed professional engineer registered in South Carolina.~~

2. Establishment of ~~Traffic Transportation~~ Impact Plan Parameters

- a. Prior to beginning the ~~Traffic Transportation~~ Impact Analysis Plan, the **applicant** shall supply the ~~Official~~ **Town Engineer** with the following:
 - i. A written narrative describing the proposed **land use(s)**, size and projected opening date of the project and any phases. The narrative must also identify the Beaufort County Tax Map and **parcel** numbers to be occupied by the proposed **development**;
 - ii. A site location map; and
 - iii. A proposed **site plan** showing the location of the proposed **development** on the site and vehicular **access** to public or private **streets** or any other **development**.
 - iv. A study area map or maps that illustrate the intersections to be evaluated in the study, along with the relevant pedestrian and non-motorized pathway systems. The non-motorized map shall generally depict expected walking and bicycling patterns (origin and destinations), where people will cross roadways, and improvements needed. Public transportation systems shall be included in this study area map as well.
 - v. For uses, as determined by the Town Engineer or their designee, a review of the transit or other mobility options, and how they can be accommodated on or near the site.
- b. Based on this information, along with the ITE Trip Generation Manual and available information on land **use**, travel patterns and traffic conditions, the ~~Official~~ **Town Engineer** will supply in

writing to the **applicant** or the **applicant's** selected engineering firm the parameters to be followed in the study, including the study area for all modes, directional split of **driveway** traffic, trip distribution, ~~background traffic growth rate~~, previously approved but not completed projects, and the intersections to be analyzed along with any associated turning movement counts which are available.

B. Submittal Requirements

An acceptable ~~traffic-transportation~~ impact analysis plan shall include an accurate representation of the following elements:

1. A current site plan or subdivision plat identifying access to and from existing or proposed streets and intersections. In addition, a vicinity map shall be provided.
2. Description of the proposed **development**, including the type of proposed **land use**, the number of residential units by type, the number of existing and proposed **lots**, the type of proposed non-residential **development** and the amount of such **development** measured by **gross floor area** or other appropriate unit of measure, the general size and type of accessory **development** or facilities, and, for non-residential **development**, adequate information to identify the appropriate **land use** category or categories for trip generation.
3. Traffic, pedestrian, and bicycle counts must be collected and analyzed if the existing data is more than two years old or if there have been **development** changes in the area. The existing conditions shall be compared to documented projections for the development. A scenario with background traffic may also be provided for a development that would occur beyond five (5) years from the date of the TIAP. Projected vehicular trips to and from the completed **development**, or any interim **development** phases, on the **adjacent street** during the a.m. and p.m. peak hours of the surrounding roadway network. In some cases the **Town Engineer** shall also require an analysis of a Saturday or the peak hours of the proposed use or future land-use. The percentage of ~~passerby~~ pass-by trips, if used in the plan, shall be included, as well as the source of this information. The trips shall be presented as "Multi-Modal Trips" with a listing of pass-by trips, internal trips (within the **development**), pedestrian, bicycle, transit, ride-hailing, or other trips.
4. A written narrative setting forth the assumptions upon which any projection, made in developing the ~~traffic-transportation~~ impact analysis plan required under this part, is based upon. If the assumptions are derived from the Institute of Transportation Engineers (ITE) manual, the ~~materials excerpts~~ shall be identified. If the assumptions are not from the ITE manual, ~~appropriate excerpts will be referenced~~ materials shall be included in the study and the reasoning underlying the assumptions shall be stated in the narrative. If the project predicts fewer auto trips due to various travel demand management measures, assurances that those measures will be applied and are enforceable will be determined by the **Town Engineer**.
5. The ~~traffic-transportation~~ impact analysis plan shall be based on intersection analysis procedures for signalized intersections and roundabouts or traffic circles as identified in the Transportation Research Board's (TRB) current Highway Capacity Manual Special Report 209 and utilize computer software which emulates these procedures and is acceptable to the ~~Official~~ **Town Engineer**. ~~Any analysis involving a traffic circle will utilize computer software which is designed to analyze traffic circles and is acceptable to the Official.~~ The results of any required computer analysis shall, at a minimum, indicate compliance or non-compliance with the ~~traffic-transportation~~ standards of Sec. 16-5-106, Traffic Transportation Analysis Standards.
6. Safety data in the study area, when required by the **Town Engineer**, shall include the types of crashes. The study should describe how safety will be influenced by the projects transportation impacts and evaluate potential solutions. Potential mitigation measures shall be consistent with the American Association of State Highway and Transportation Officials AASHTO Highway Safety Manual, Federal Highways Association (FHWA) guides on non-motorized crossings, and other national research.

7. The impact on non-motorized travel shall be based on the procedures and practices recommended by ITE, Transportation Research Board (TRB), AASHTO and FHWA. The applicant shall incorporate where possible any non-motorized recommendations included in **Town** and/or Regional long-term plans in the vicinity of the **site**. The study should identify potential changes such as:

- a. Improvements to pedestrian crossings;
- b. Additional pedestrian or bicycle crossings;
- c. Improvements to pedestrian signals, pedestrian intervals, signs, and pavement markings;
- d. Construction of additional sidewalks or non-motorized pathways;
- e. Changes to the site design and access to ease non-motorized travel and reduce conflicts with vehicles, from the public right-of-way to the building entrances or on-site activity; and
- f. Other similar changes.

6.8. The intersections which must be analyzed in the study are identified as:

- a. Any ~~signalized~~ intersection that serves as a **development's** point of **access** to a major arterial. This will include intersections of public and private roads with major arterials, and ~~driveways~~ offering direct ~~access~~ to a major arterial; and
- b. The first signalized intersection on either side of the **development's** primary point of **access** to a major arterial; and
- c. Other signalized intersections on major arterials if within 1 road mile of the **development's** primary point of **access** to a major arterial and when in the opinion of the **Official Town Engineer** there is a potential for a significant impact to the intersection's **level of service** from ~~site-related~~ site-related traffic; and
- d. Any traffic circle or roundabout, when in the opinion of the **Official Town Engineer**, there is a potential for a significant impact to the circle's **level of service** from ~~site-related~~ site-related traffic.

7.9. At a minimum, the plan must include the results of a computerized analysis projecting the operating conditions of ~~critical intersections relative to signalized intersections and roundabouts or traffic circles identified in 8. above.~~ The intersection shall meet the **Town's adopted traffic transportation service level standards**. ~~All other intersections must be acceptable to the Town Engineer.~~ The analysis shall reflect the projected condition of these intersections and movements based on the scheduled opening date of the **development** and, where applicable, on other significant phase-in dates of the **development** project.

8.10. If the initial computerized analysis indicates that the **Town's adopted traffic transportation service level standards** ~~will be not be~~ will not be met, a mitigation plan must be included in the plan based on at least one additional computer analysis. This mitigation plan must show how the **Town's adopted traffic transportation service level standards** will be satisfied. ~~Applicants will only~~ shall be responsible to mitigate the ~~traffic transportation impacts of their proposed development.~~ Acceptable **roadway** mitigation measures are limited to the following:

- a. ~~Traffic signal timing adjustments;~~ timing or phasing revisions, that not only mitigate traffic impacts generated by this development, but also result in safe and acceptable operations at the study intersection as demonstrated by a network traffic analysis;
- b. ~~Traffic signal phasing adjustments;~~ Addition of signs, signals, markings, or other measures to accommodate road crossings and improve safety for pedestrians and achieve ADA compliance;
- c. Pavement marking revisions;

- d. Adding additional intersection turn lanes not to exceed 4 lanes on minor arterial approaches and 5 lanes on major arterial approaches; ~~and~~
- e. Geometric **improvements** to ~~traffic circles or roundabouts~~, signalized or unsignalized intersections, including traffic circles or roundabouts to improve traffic operations, pedestrian and bicycle operations or to improve safety;
- f. Road widening;
- g. Adding a traffic signal at a location that is warranted per the Manual of Uniform Traffic Control (MUTCD), is approved by the road owner if privately owned, and is approved by **Town Council**;
- h. Replacing a traffic signal or uncontrolled intersection with a roundabout that meets road owner's requirements and the **Town's** operational and design standards;
- i. Changes to locations or design of median crossovers to reduce congestion and mitigate accidents;
- j. Removal of changes to the number and location, or design of access points to reduce congestion and mitigate accidents;
- k. Additional signage;
- l. Additional safety improvements as directed by the **Town Engineer**.
- m. Typically changes to signal timing to reduce the impacts of a particular project will not be considered as acceptable mitigation unless the **Town Engineer** agrees the changes will improve transportation operations and safety for the general area, and that there are provisions to implement those changes before the **use** opens.

Chapter 16-3: Zoning Districts

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

B. Residential Single-Family-3 (RSF-3) District

RSF-3 Residential Single-Family-3 District			
3. Development Form Standards			
MAX. DENSITY (PERNET ACRE)		LOT COVERAGE	
Residential	3 du	Max. <i>Impervious Cover</i> for All Development Except <i>Single-Family</i>	35%
Nonresidential	6,000 GFA		
MAX. BUILDING HEIGHT		Min. <i>Open Space</i> <i>common open space</i> for Major Residential <i>Subdivisions</i>	16%
All Development	35 ft		
USE AND OTHER DEVELOPMENT STANDARDS			
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.			
TABLE NOTES: P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = <i>dwelling units</i> ; sf = square feet; GFA = <i>gross floor area</i> in square feet; ft = feet; n/a = not applicable			

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

C. Residential Single-Family-5 (RSF-5) District

RSF-5 Residential Single-Family-5 District			
3. Development Form Standards			
MAX. DENSITY (pernet Acre)		LOT COVERAGE	
Residential	5 du	Max. <i>Impervious Cover</i> for All <i>Development</i> Except <i>Single-Family</i>	35%
Nonresidential	6,000 GFA		
MAX. BUILDING HEIGHT		Min. <i>Open Space</i> <i>common open space</i> for Major Residential <i>Subdivisions</i>	16%
All <i>Development</i>	35 ft		

USE AND OTHER DEVELOPMENT STANDARDS

See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = **dwelling units**; sf = square feet; GFA = **gross floor area** in square feet; ft = feet; n/a = not applicable

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

D. Residential Single-Family-6 (RSF-6) District

RSF-6

Residential Single-Family-6 District

3. Development Form Standards

MAX. DENSITY (per <i>NET ACRE</i>)		LOT COVERAGE	
Residential	6 du	Max. <i>Impervious Cover</i> for All <i>Development</i> Except <i>Single-Family</i>	35%
Nonresidential	6,000 GFA	Min. <i>Open Space</i> <i>common open space</i> for Major Residential <i>Subdivisions</i>	16%
MAX. BUILDING HEIGHT			

USE AND OTHER DEVELOPMENT STANDARDS

See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = **dwelling units**; sf = square feet; GFA = **gross floor area** in square feet; ft = feet; n/a = not applicable

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

E. Low to Moderate Density Residential (RM-4) District

RM-4

Low to Moderate Density Residential District

3. Development Form Standards

MAX. DENSITY (PER <i>NET ACRE</i>) ²		LOT COVERAGE	
Residential ²	4 du (6 du if lot area is at least 3 acres; 8 du if lot area is	Max. <i>Impervious Cover</i> for All <i>Development</i> Except <i>Single-Family</i> ¹	35%

	at least 5 acres)		
Bed and Breakfast	10 rooms		
Nonresidential	6,000 GFA		Min. Open Space <u>common open space</u> for Major Residential Subdivisions 16%
MAX. BUILDING HEIGHT			
All Development	35 ft		
USE AND OTHER DEVELOPMENT STANDARDS			
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.			
TABLE NOTES: P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = dwelling units ; sf = square feet; GFA = gross floor area in square feet; ft = feet; n/a = not applicable			
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.			
2. Density for development that includes the Workforce Housing shall be determined based on Sec. 16-4-105.A.			

(Revised 4-18-2017 - Ordinance 2017-05; revised 9-17-2019 - Ordinance 2019-20; revised 11-18-2020 - Ordinance 2020-27; revised 2-16-2021 - Ordinance 2021-02; revised 7-20-2021 - Ordinance 2021-15; revised 3-7-2023 - Ordinance 2023-04)

F. Moderate Density Residential District (RM-8) District

RM-8				
Moderate Density Residential District				
3. Development Form Standards				
MAX. DENSITY (PERNET ACRE) ²			LOT COVERAGE	
Residential	8 du		Max. Impervious Cover for All Development Except Single-Family ¹	35%
Nonresidential	6,000 GFA			
MAX. BUILDING HEIGHT			Min. Open Space <u>common open space</u> for Major Residential Subdivisions	16%
All Development	45 ft			
USE AND OTHER DEVELOPMENT STANDARDS				
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.				
TABLE NOTES:				
P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = dwelling units ; sf = square feet; GFA = gross floor area in square feet; ft = feet; n/a = not applicable				
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.				

(Revised 9-17-2019 - Ordinance 2019-20; revised 11-18-2020 - Ordinance 2020-27; revised 7-20-2021 - Ordinance 2021-15; revised 3-7-2023 - Ordinance 2023-04)

G. Moderate to High Density Residential District (RM-12) District

RM-12 Moderate to High Density Residential District			
3. Development Form Standards			
MAX. DENSITY (PER NET ACRE)¹		LOT COVERAGE	
Residential	12 du	Max. <i>Impervious Cover</i> for All	35%
Nonresidential	6,000 GFA	<i>Development</i> Except <i>Single-Family</i>	
MAX. BUILDING HEIGHT		Min. <i>Open Space</i> <i>common open space</i> for	16%
		Major Residential	
		<i>Subdivisions</i>	
All <i>Development</i>	45 ft		
USE AND OTHER DEVELOPMENT STANDARDS			
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.			
TABLE NOTES: P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = <i>dwelling units</i> ; sf = square feet; GFA = <i>gross floor area</i> in square feet; ft = feet; n/a = not applicable			
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.			

(Revised 9-17-2019 - Ordinance 2019-20; revised 11-18-2020 - Ordinance 2020-27; revised 7-20-2021 - Ordinance 2021-15; revised 3-7-2023 - Ordinance 2023-04)

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

B. Coligny Resort (CR) District

CR Coligny Resort District			
3. Development Form Standards			
MODIFIED ADJACENT STREET AND USE SETBACK STANDARDS			
Adjacent Street Setbacks	Along major and minor arterials, the minimum adjacent <i>street</i> setback distance shall be 30' as follows:		
	•	The first 15' of the setback (measured parallel to the required <i>street</i> setback starting from the property line along the <i>street</i> and moving inward) shall include a minimum 5' landscaped area. This landscaped area shall have one <i>street tree</i> planted every	

		25' along the street frontage . The remaining area may contain a pathway and shall not contain tables, chairs and fountains.	
		The second 15' of the setback (measured parallel to the required setback starting from the required setback line and moving towards the street) may include plazas, courtyards, tables and chairs, pervious pavers, landscaping and fountains.	
		The setback angle shall be 60°.	
	Along other streets , the minimum adjacent street setback distance shall be 20' as follows:		
		The first 15' of the setback (measured parallel to the required street setback starting from the property line along the street and moving inward) shall include a minimum 5' landscaped area. This landscaped area shall have one street tree planted every 25' along the street frontage . The remaining area may contain a pathway.	
		The remaining 5' of the setback (measured parallel to the required setback starting from the required setback line and moving towards the street) may pervious pavers, fountains and benches.	
		The setback angle shall be 60°.	
	Awnings, balconies and overhangs may occupy these setback areas.		
Adjacent Use Setbacks	The adjacent use setback standards set forth in Sec. 16-5-102.D, Adjacent Use Setback Requirements, shall apply only along the perimeter of the CR district.		
MODIFIED ADJACENT STREET BUFFER STANDARDS			
There are no adjacent street buffers in the CR zoning district.			
MAX. DENSITY (PERNET ACRE)		LOT COVERAGE	
All development	Undefined, but limited by applicable design and performance standards such as height and parking	Max. Impervious Cover	n/a
		Min. Open Space common open space for Major Residential Subdivisions	n/a
Residential ²			
MAX. BUILDING HEIGHT			
All development	36 ft along the adjacent street setback line; 60 ft once the setback angle is attained		
USE AND OTHER DEVELOPMENT STANDARDS			
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.			
TABLE NOTES:			
P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = dwelling units ; sf = square feet; GFA = gross floor area in square feet; ft = feet; n/a = not applicable			
1. Where all required parking spaces are located within a parking structure (e.g., parking deck or parking garage), the standards for the minimum number of parking spaces shall be reduced by 20 percent.			
2. For development that converts nonresidential square footage to residential use refer to Sec. 16-10-102.B.1.			

(Revised 4-18-2017 - Ordinance 2017-05; revised 12-5-2017 - Ordinance 2017-19; revised 11-4-2020 - Ordinance 2020-26)

D. Light Commercial (LC) District

LC

Light Commercial District

3. Development Form Standards				
MAX. DENSITY (PERNET ACRE)			LOT COVERAGE	
Residential ⁴	4 du		Max. <i>Impervious Cover</i>	60%
<i>Hotel</i>	35 rooms		Min. <i>Open Space</i> <i>common open space</i> for Major Residential <i>Subdivisions</i>	16%
Nonresidential ^{1,2}	10,000 GFA			
MAX. BUILDING HEIGHT				
All <i>Development</i>	45 ft			
USE AND OTHER DEVELOPMENT STANDARDS				
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.				
TABLE NOTES: P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = <i>dwelling units</i> ; sf = square feet; GFA = <i>gross floor area</i> in square feet; ft = feet; n/a = not applicable 1. The <i>gross floor area</i> per <i>building</i> shall be 20,000 square feet for <i>buildings</i> devoted to <i>Commercial Services</i> or <i>Industrial Uses</i> . 2. Each <i>building</i> shall be separated by a minimum of 15 feet. 3. The minimum number of off-street parking spaces for <i>mixed-use development</i> that contains <i>workforce housing</i> shall be calculated based on Section 16-5-107.D.2. 4. For <i>development</i> that converts nonresidential square footage to residential <i>use</i> refer to Sec. 16-10-102.B.1.				

(Revised 5-17-2016 - Ordinance 2016-07; revised 9-17-2019 - Ordinance 2019-20; revised 11-4-2020 - Ordinance 2020-26; revised 7-20-2021 - Ordinance 2021-15; revised 3-7-2023 - Ordinance 2023-04)

F. Main Street (MS) District

MS Main Street District				
3. Development Form Standards				
MAX. DENSITY (PERNET ACRE)			LOT COVERAGE	
Residential	12 du		Max. Impervious Cover	60%
Bed and Breakfasts	10 rooms			
Hotel	35 rooms		Min. Open Space common open space for Major Residential Subdivisions	16%
Nonresidential	9,000 GFA			
MAX. BUILDING HEIGHT				
All Development	45 ft			

USE AND OTHER DEVELOPMENT STANDARDS

See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = **dwelling units**; sf = square feet; GFA = **gross floor area** in square feet; ft = feet; n/a = not applicable

(Revised 4-18-2017 - Ordinance 2017-05; revised 7-20-2021 - Ordinance 2021-15; revised 3-7-2023 - Ordinance 2023-04)

G. Marshfront (MF) District**MF****Marshfront District****3. Development Form Standards**

MAX. DENSITY (PERNET ACRE) ²			LOT COVERAGE	
Residential ¹	Along major arterials	4 du (8 du if lot area is at least 3 acres)	Max. Impervious Cover	60%
	Along other streets	6 du (10 du if lot area is at least 3 acres)	Min. Open Space <u>common open space</u> for Major Residential Subdivisions	16%
Bed and Breakfasts		10 rooms		
Nonresidential		7,000 GFA		
MAX. BUILDING HEIGHT				
All Development		45 ft		
USE AND OTHER DEVELOPMENT STANDARDS				
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.				
TABLE NOTES:				
P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = dwelling units ; sf = square feet; GFA = gross floor area in square feet; ft = feet; n/a = not applicable				
1. For development that converts nonresidential square footage to residential use refer to Sec. 16-10-102.B.1.				
2. 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.				

(Revised 4-18-2017 - Ordinance 2017-05; revised 9-17-2019 - Ordinance 2019-20; revised 11-4-2020 - Ordinance 2020-26; revised 11-18-2020 - Ordinance 2020-27; revised 7-20-2021 - Ordinance 2021-15; revised 3-7-2023 - Ordinance 2023-04)

I. Mitchelville (MV) District

MV

Mitchelville District

3. Development Form Standards				
MAX. DENSITY (PERNET ACRE) ³			LOT COVERAGE	
Residential ¹	12 du		Max. <i>Impervious Cover</i>	50%
<i>Bed and Breakfasts</i>	10 rooms			
<i>Hotel</i>	35 rooms		Min. <i>Open Space</i> <u><i>common open space</i></u> for Major Residential <i>Subdivisions</i>	16%
<i>Interval Occupancy</i>	12 du			
Nonresidential	8,000 GFA			
MAX. BUILDING HEIGHT				
All <i>Development</i>	75 ft			
USE AND OTHER DEVELOPMENT STANDARDS				
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.				
TABLE NOTES: P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = <i>dwelling units</i>; sf = square feet; GFA = <i>gross floor area</i> in square feet; ft = feet; n/a = not applicable 1. For development that converts nonresidential square footage to residential use refer to Sec. 16-10-102.B.1. 2. The minimum number of off-street parking spaces for mixed-use or multifamily development that contains workforce housing shall be calculated based on Section 16-5-107.D.2. 3. 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.				

(Revised 4-18-2017 - Ordinance 2017-05; revised 12-5-2017 - Ordinance 2017-19; revised 9-17-2019 - Ordinance 2019-20; revised 8-18-2020 - Ordinance 2020-19; revised 11-4-2020 - Ordinance 2020-26; revised 11-18-2020 - Ordinance 2020-27; revised 7-20-2021 - Ordinance 2021-15)

J. Neighborhood Commercial (NC)

NC Neighborhood Commercial District				
3. Development Form Standards				
MAX. DENSITY (PERNET ACRE)²			LOT COVERAGE	
Residential ¹	4 du		Max. <i>Impervious Cover</i>	45%
Nonresidential	3,000 GFA		Min. <i>Open Space</i> <i>common open space</i> for Major Residential <i>Subdivisions</i>	16%
MAX. BUILDING HEIGHT				

All Development	35 ft ²		
USE AND OTHER DEVELOPMENT STANDARDS			
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.			
TABLE NOTES: P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = dwelling units ; sf = square feet; GFA = gross floor area in square feet; ft = feet; n/a = not applicable			
1. For development that converts nonresidential square footage to residential use refer to Sec. 16-10-102.B.1.			
2. 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.			

(Revised 9-17-2019 - Ordinance 2019-20; revised 11-4-2020 - Ordinance 2020-26; revised 11-18-2020 - Ordinance 2020-27; revised 7-20-2021 - Ordinance 2021-15; revised 3-7-2023 - Ordinance 2023-04)

L. Resort Development (RD) District

RD

Resort Development District

3. Development Form and Parameters

MAX. DENSITY (PERNET ACRE)			LOT COVERAGE	
Residential ^{1, 2}	16 du		Max. <i>Impervious Cover</i>	50%
<i>Bed and Breakfasts</i>	10 rooms			
<i>Interval Occupancy</i>	16 du			
<i>Hotel</i> ¹	35 rooms		Min. <i>Open Space</i> <i>common open space</i> for Major Residential <i>Subdivisions</i>	16%
Nonresidential	8,000 GFA			
MAX. BUILDING HEIGHT				
<i>Non Single-Family Development</i> on property landward of South Forest Beach Drive	60 ft			
All Other <i>Non Single-Family Development</i>	75 ft			
<i>Single-Family Development</i>	45 ft			
USE AND OTHER DEVELOPMENT STANDARDS				
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.				
TABLE NOTES: P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = <i>dwelling units</i> ; sf = square feet; GFA = <i>gross floor area</i> in square feet; ft = feet; n/a = not applicable				
[1] In order to promote flexibility, an <i>office, eating establishment</i> or <i>commercial services use</i> that is accessory to and within an existing residential or <i>hotel structure</i> may be converted to a residential <i>unit</i> or <i>units</i> upon the <i>Official's</i> determination that the <i>development</i> can support the required amount of parking. The alteration shall				

not expand beyond the footprint of the existing residential or **hotel structure**.

2. For development that converts nonresidential square footage to residential use refer to Sec. 16-10-102.B.1.

(Revised 5-17-2016 - Ordinance 2016-07; revised 4-18-2017 - Ordinance 2017-05; revised 4-18-2017 - Ordinance 2017-06; revised 11-4-2020 - Ordinance 2020-26; revised 7-20-2021 - Ordinance 2021-15)

M. Sea Pines Circle (SPC) District

SPC				
Sea Pines Circle District				
3. Development Form Standards				
MAX. DENSITY (PER NET ACRE)			LOT COVERAGE	
Residential	12 du		Max. <i>Impervious Cover</i>	60%
Nonresidential	10,000 GFA		Min. <i>Open Space</i> <i>common open space</i> for Major Residential <i>Subdivisions</i>	16%
MAX. BUILDING HEIGHT				
All <i>Development</i>	45 ft			
USE AND OTHER DEVELOPMENT STANDARDS				
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.				
TABLE NOTES:				
P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = <i>dwelling units</i> ; sf = square feet; GFA = <i>gross floor area</i> in square feet; ft = feet; n/a = not applicable				
1. <i>Islander Mixed-Use</i> has undefined density but limited by applicable design and performance standards such as height and parking.				

(Revised 4-18-2017 - Ordinance 2017-05; revised 3-7-2023 - Ordinance 2023-04; revised 10-3-2023 - Ordinance 2023-12)

N. Stoney (S) District

S	
Stoney District	
3. Development Form and Parameters	
MODIFIED ADJACENT STREET AND USE SETBACK STANDARDS	
Adjacent Street Setback	Except along major or minor arterials, the adjacent street setback distance established in Sec. 16-5-102.C, Adjacent Street Setback Requirements, may be reduced by up to 30 percent, provided the <i>applicant</i> demonstrates there is no other feasible or practicable alternative that will accommodate a permitted <i>use</i> on the site in compliance with all other requirements of the LMO and the required adjacent street buffer can be provided.
Adjacent Use Setback	The adjacent use setback distance established in Sec. 16-5-102.D, Adjacent Use Setback Requirements, may be reduced to ten feet where a public park adjoins

	another public park, or where a nonresidential use other than an industrial use adjoins another nonresidential use other than an industrial use		
MAX. DENSITY (PERNET ACRE)³			LOT COVERAGE
Residential ¹	10 du		Max. Impervious Cover 50%
Bed and Breakfasts	10 rooms		
Hotel	35 rooms		Min. Open Space common open space for Major Residential Subdivisions 16%
Nonresidential	7,000 GFA		
MAX. BUILDING HEIGHT			
All Development	45 ft		
USE AND OTHER DEVELOPMENT STANDARDS			
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.			
TABLE NOTES:			
P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = dwelling units ; sf = square feet; GFA = gross floor area in square feet; ft = feet; n/a = not applicable			
1. For development that converts nonresidential square footage to residential use refer to Sec. 16-10-102.B.1.			
2. The minimum number of off-street parking spaces for mixed-use development that contains workforce housing shall be calculated based on Section 16-5-107.D.2.			
3. 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.			

(Revised 4-18-2017 - Ordinance 2017-05; revised 9-17-2019 - Ordinance 2019-20; revised 11-4-2020 - Ordinance 2020-26; revised 11-18-2020 - Ordinance 2020-27; revised 7-20-2021 - Ordinance 2021-15; revised 3-7-2023 - Ordinance 2023-04)

O. Waterfront Mixed-Use (WMU) District

WMU			
Waterfront Mixed-Use District			
3. Development Form Standards			
MAX. DENSITY (PERNET ACRE)^{1, 5}			LOT COVERAGE
Residential ³	16 du		Max. Impervious Cover 50%
Bed and Breakfasts	10 rooms		
Hotel	35 rooms		Min. Open Space common open space for Major Residential Subdivisions 16%
Interval Occupancy	16 du		
Nonresidential	8,000 GFA		
MAX. BUILDING HEIGHT^{2, 3}			
All Development	75 ft		

USE AND OTHER DEVELOPMENT STANDARDS

See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = **dwelling units**; sf = square feet; GFA = **gross floor area** in square feet; ft = feet; n/a = not applicable

1. For purposes of calculating new **density**, only 25% of total square footage devoted to boat dry storage facilities shall be counted.
2. Where a **parcel** in the WMU District adjoins a zoning district with a **height** limit lower than that in the WMU District, no part of a **building** on the WMU-zoned **parcel** shall exceed a **height** equal to the **height** limit in the adjoining district plus 1 foot, or major fraction thereof, for each foot of horizontal distance from the adjoining district.
3. For development that converts nonresidential square footage to residential use refer to Sec. 16-10-102.B.1.
4. The minimum number of off-street parking spaces for mixed-use development that contains workforce housing shall be calculated based on Section 16-5-107.D.2.
5. 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.

(Revised 11-3-2015 - Ordinance 2015-23; revised 4-18-2017 - Ordinance 2017-05; revised 9-17-2019 - Ordinance 2019-20; revised 11-4-2020 - Ordinance 2020-26; revised 11-18-2020 - Ordinance 2020-27; revised 7-20-2021 - Ordinance 2021-15)

Chapter 16-4: Use Standards

Sec.16-4-104. Temporary Uses and Structures

D. Use-Specific Conditions for Temporary Uses and Structures

6. Outdoor Seasonal Sales of Christmas Trees and Pumpkins

A merchant may display and sell Christmas **trees** and pumpkins on a temporary basis, without establishing a permanent place of business, subject to the following conditions. [Note: The outdoor display and sale/rental of goods as accessory to an already established business is subject to the provisions of Sec. 16-4-103.E.5, Outdoor Storage (as an accessory use).]

- a. The property contains an area not currently used that will support the proposed temporary sale of Christmas **trees** or pumpkins without encroaching into or creating a negative impact on existing vegetated areas, common open space, landscaping, **trees**, traffic movements, parking-space availability, or pedestrian **access**.
- b. The display of the Christmas **trees** or pumpkins shall not occur in the public **right-of-way**.
- c. Any tent or other temporary **structure** shall be located so as not to interfere with the normal operations of any permanent **use** located on the property.

- d. The temporary display or sale of the Christmas **trees** or pumpkins shall not cause interference with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided.
- e. The sales activity shall not last longer than 45 days.
- f. The vendor, with the approval of the **Official**, may use a **recreational vehicle** to live on the site.

Chapter 16-5: Development and Design Standards

Sec.16-5-103. Buffer Standards

K. Credit Toward Open Space

Adjacent street and use buffers required by this section may be credited against the ~~common open space~~ required by Sec. 16-5-104, Open Space Standards.

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

Sec.16-5-104. Common Open Space Standards

B. Applicability

1. The provisions of this section apply to any Major Subdivisions (six or more **lots**) creating **lots** for residential **development**, unless expressly exempted in this section.
2. ~~The provisions of this section also shall apply to any Minor Subdivision (five or fewer **lots**) creating **lots** for residential **development** that is expanded onto **adjacent parcels** so the total number of **lots** in the **subdivision** is greater than five.~~
2. The provisions of this section do not apply to **Family Compounds** or **Family Subdivisions**.

C. Common Open Space Requirement

1. At least 16 percent of the **land** within the **subdivision** shall consist of **common open space** meeting the requirements of this section.
2. **Common open space** shall be depicted on any plat of the **development** submitted for approval and labeled "common open space."
3. **Common open space** must be visually identifiable, distinguished by elements such as signs, fencing, landscape buffers, trail systems, pools, sport facilities, grass lawns, or other means approved by the **Official**.

D. Common Open Space Location and Configuration

1. Required **common open space** shall be reasonably accessible from all parts of within the **subdivision** and connected to any abutting right-of way, sidewalks, and especially by pathways by internal common open space.

2. Open space shall be large enough and of proper dimensions to contribute significantly to the purpose and objectives of the development. Except when provided along waterways, trails, or paths, **common open space** shall not be established as thin strips but as larger land masses to encourage general community use rather than private use by adjacent property owners. Wildlife corridors shall be considered when planning continuous and connected open space.
3. **Common open space** must have no dimension less than fifteen (15) feet on any side.
4. To the greatest extent possible, **common open space** areas shall be continuous and connected throughout the development. Common **open space** must be organized around the site's natural features and be linked to other **common open spaces** within the **subdivision** with pathways where possible.
5. The **common open space** shall be available for all residents of the development, subject to reasonable rules and regulations, and shall be located to provide reasonable access to all residents. The **common open space** may, but is not required to be, dedicated for general public use.

E. Ownership, Management and Maintenance of Common Open Space

Common open space shall be maintained so that its use and enjoyment as **common open space** is not diminished or destroyed. Ownership of **common open space** shall be subject to deed restrictions or recorded covenants and restrictions that prevent **development** or subsequent **subdivision** of the **common open space** and provide responsibility for **maintenance** of the **common open space**.

Sec.16-5-107. Parking and Loading Standards

H. Off-Street Parking Alternatives

5. Deferred Parking

An alternative parking plan may propose to defer **construction** of up to 20 percent of the required minimum number of off-street parking spaces, in accordance with the following standards:

d. Maintenance of Reserve Areas as Common Open Space

As long as areas are reserved for future parking, they shall be maintained as **common open space**, without any clearing of **trees**. During such time, the reserve areas shall not count as **common open space** for purposes of complying with Sec. 16-5-104, **Common Open Space Standards**, and shall count as **impervious surface** for purposes of complying with Sec. 16-5-109, **Stormwater Management and Erosion and Sedimentation Control Standards**.

e. Deferred Parking Agreement

- i. A deferred parking agreement shall be included as part of any **development** approval which includes deferred parking. The agreement shall incorporate by reference the deferred parking plan and agreement by the owner to reserve a future parking area as **common open space** consistent with the deferred parking plan, and assurances that a parking demand study will be completed in accordance with the terms of the **development** approval and this section, and additional parking provided, if determined necessary.
- ii. An attested copy of an approved and executed agreement shall be recorded with the Beaufort County Register of Deeds before issuance of a **Building Permit** or Certificate of Occupancy for any **use** subject to deferred parking.

- iii. Any termination of a deferred parking agreement does not negate the **developer's** and owner's obligation to comply with parking requirements of this **Ordinance**. Failure to comply shall constitute a violation.

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

C. General Requirements

- 1. Layout of the **subdivision** shall be based on complete **site** analysis. **Streets** and **lots** shall be designed to preserve significant trees, stands of trees and understory vegetation and situated to minimize alteration of natural and historic **site** features to be preserved.
- 2. The **subdivision** layout shall consider the practicality and economic feasibility of **development** of individual **lots** including the environmental characteristics, size of the **site**, and the requirements of this **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**.
- 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.

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)

5. Pathways and sidewalks are encouraged throughout the **subdivision**. Pathways and sidewalks may be required by the **Official** to provide circulation or **access** to schools, playgrounds, shopping, or other community facilities. Interconnection with other pathways and sidewalks is also desirable.

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.
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)

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.
- 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.

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

Chapter 16-6: Natural Resource Protection

Sec.16-6-102. Wetland Protection

E. Wetland Alteration and Mitigation Requirements

1. Wetland Alteration Allowed Only Where Unavoidable

- a. Alteration to a wetland shall be allowed only when the **applicant** clearly demonstrates that **wetland alteration** cannot be avoided. **Wetland alteration** shall be considered unavoidable only if there no feasible alternative layout or design that would avoid disturbance of wetland and still practically accomplish the overall basic purpose of the proposed **development** or activity, or if an overriding public interest in the alteration can be demonstrated. Examples of alternative layouts and design that might allow **wetland alteration** to be avoided include, but are not limited to: ~~using wetland as required **open space**;~~ locating **buildings**, parking, and other disturbed areas in non-wetland areas; using existing wetland crossings for needed street or utility **access** to upland areas; renovating, remodeling, or expanding existing **buildings** rather than constructing new **buildings**; using already disturbed areas as **sites** for new **development**; and minimizing the footprint of **buildings** and parking areas (building "up" rather than "out").
- b. Where alteration to a wetland is allowed, any impact of the alteration on the wetland shall be minimized through the use of **best management practices**, re-design, innovative technology (e.g., **pervious** parking areas), preservation, and **legal protection** (e.g., deed restrictions, conservation **easements**).
- c. Any mitigation proposal to alter a wetland shall ensure that, upon completion, there will be no net loss to the wetland's values, functions, and area.

Chapter 16-10: Definitions, Interpretation, and Measurement

Sec.16-10-102. Rules of Measurement

E. Lot Coverage

3. Open Space

Land not utilized for *single-family lots*, rights-of-way, commercial *buildings*, *multifamily buildings*, parking, or loading areas.

Also See Sec. 16-5-104, Common Open Space Standards.

Sec.16-10-105. General Definitions

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

Common Open Space

Any part of a *development site*, meeting the requirements of Section 16-5-104, that is not utilized for *single-family lots*, *rights-of-way*, *streets*, commercial *structures*, *multifamily structures*, ~~and~~ parking and loading areas, *detention ponds*, and *natural water bodies*. The following are included in the definition of *common open space*: golf courses, tennis courts, areas for other court games, *swimming pools*, pedestrian and bicycle paths, equestrian trails, play fields, picnic areas, horse ~~stables~~ *paddocks*, *docks* and *boardwalks* located entirely within the development parcel, places for people to gather, and passive recreation areas.

Open Space

~~See Sec. 16-10-102.E.3, Open Space.~~

(Revised 11-3-2015 - Ord. No. 2015-23; revised 4-18-2017 - Ordinance 2017-05; revised 6-6-2017 - Ordinance 2017-08; revised 12-5-2017 - Ordinance 2017-19; revised 9-17-2019 - Ordinance 2019-20; revised 1-7-2020 - Ordinance 2020-02; revised 7-21-2020 - Ordinance 2020-16; revised 11-4-2020 - Ordinance 2020-26; revised 2-16-2021 - Ordinance 2021-02; revised 7-20-2021 - Ordinance 2021-15; revised 3-7-2023 - Ordinance 2023-04; revised 5-2-2023 - Ordinance 2023-06)

Appendix A:

Advisory and Decision Making Bodies and Persons

A-2. Planning Commission

The **Planning Commission** is established under this **Ordinance** in accordance with **State** law. The **Planning Commission** has the following powers and duties under this **Ordinance**:

A. Powers and Duties

1. Prepare and periodically revise plans and programs for the **development** and redevelopment of areas in the Town, as provided for in this **Ordinance**.
2. Prepare and recommend for adoption to the **Town Council** as a means for implementing the plans and programs:
 - a. Zoning ordinances to include a zoning map(s) and appropriate revisions thereof;
 - b. An official map and appropriate revisions of it showing the exact location of existing or proposed public **street**, highway and utility **rights-of-way**, and public **building** sites, together with regulations to control the erection of **buildings** or other **structures** or changes in **land use** within the **rights-of-way**, **building** sites, open spaces or common open spaces within its jurisdiction, or a specified portion of it;
 - c. A landscaping ordinance setting forth required planting, **tree** preservation and other aesthetic considerations for **land** and **structures**;
 - d. A **Capital Improvements Program** setting forth projects required to implement plans which have been prepared and adopted, including an annual listing of priority projects for consideration by the governmental bodies responsible for implementation prior to preparation of their capital budgets; and
 - e. Policies or procedures to facilitate implementation of planning documents.
3. Review and make decisions on **applications** for:
 - a. Street/Vehicular Access Easement Name Reviews (Sec. 16-2-103.O);
 - b. Public Project Reviews (Sec. 16-2-103.Q).
 - c. Traffic Impact Analysis Plans (Sec. 16-2-103.J.5.b.ii).
(Revised 5-17-2016 - Ordinance 2016-07)
4. Review and make recommendations to the **Town Council** on:
 - a. Text Amendments (Sec. 16-2-103.B);
 - b. Zoning Map Amendments (Rezoning) (Sec. 16-2-103.C); and
 - c. Planned Unit Development (PUD) Districts (Sec. 16-2-103.D).
5. Review and decide appeals (see Sec. 16-2-103.U) on:

- a. Subdivision Reviews (Minor and Major) (Sec. 16-2-103.F);
 - b. Development Plan Reviews (Minor and Major) (Sec. 16-2-103.G);
 - c. Development Project Name Reviews (Sec. 16-2-103.N); and
 - d. Small Residential Development Reviews (Sec. 16-2-103.H).
6. 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.*

Appendix D: Application Submittal Requirements

D-4. ~~Subdivision~~ Subdivision Review, Major

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

F. Common Open Space and Public Dedication Narrative

A detailed narrative explaining how the **subdivision** will meet the **common open space** and public dedication requirements, as applicable, Sec. 16-5-104. The narrative shall include:

1. Description of the form of organization proposed to own and maintain the **common open space** in conformance with the requirements for Property Owners Associations or the equivalent, as specified in Sec. 16-5-104.E.
2. Identification of how the **common open space** and facilities relate to existing and proposed **common open space** areas, bikeways and recreational facilities on Hilton Head Island, as shown in the Comprehensive Plan, or more detailed plans adopted by the **Planning Commission** such as **neighborhoods** plans.
3. If dedication is proposed to exceed the minimum **Town** standards, the **applicant** should state what bonus incentive, if any, is being requested as a result of such additional dedication.

D-5. Subdivision Review, Minor

A. Submittal Requirements

A minor **subdivision** plat shall be submitted with each of the items set forth in D-4, ~~Subdivision~~ Subdivision Review, Major, with the exception of the following:

1. Item F., Common Open space and Public Dedication narrative; and
2. Item H., Subdivision in Phases.

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

D-6. Development Plan Review, Major

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

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. 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. All permanent **structures** and facilities within approximately 50 feet of the proposed **development tract**.
8. 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.
9. Location of proposed drainage system, including **off-site** areas of interconnection.
10. Location of proposed water and sewer system, including **off-site** areas of interconnection.
11. Location of other proposed waste disposal systems, including solid waste collection areas.
12. Location and dimensions for parking and off-**street** loading areas, where applicable.
13. Location of other utilities such as electrical, telephone, gas line service and cable TV to the **development**.
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. 16-5-104, **Common Open Space Standards**.

16. Location of proposed buffer areas as required by Sec. 16-5-103.
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.

(Revised 8-18-2020 - Ordinance 2020-19)

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, 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.

(Ord. No. 2015-2311-3-2015)

D-7. Development Plan Review, Minor

C. 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, interval ownership, 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**.

D. Site Development Plan

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

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. All permanent **structures** and facilities within approximately 50 feet of the proposed **development tract**.
8. 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.
9. Location of proposed drainage system, including **off-site** areas of interconnection.
10. Location of proposed water and sewer system, including **off-site** areas of interconnection.
11. Location of other proposed waste disposal systems, including solid waste collection areas.
12. Location and dimensions for parking and off-street loading areas, where applicable.
13. Location of other utilities such as electrical, telephone, gas line service and cable TV to the **development**.
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. 16-5-104, Common Open Space Standards.
16. Location of proposed buffer areas as required by Sec. 16-5-103.
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.

(Revised 8-18-2020 - Ordinance 2020-19)

D-17. Certificate of Compliance

A. General Requirements

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

1. A registered engineer's or registered landscape architect's sealed certification of completed roads, parking, drainage systems and utilities.
2. Certification of compliance with approved landscaping and **tree** planting plan by a registered landscape architect or a landscape contractor.
3. One complete set of as-built drawings, indicating accurate **site** conditions of pavements, parking spaces, utilities, **structures** and drainage.
4. DHEC permits to operate water and sewer systems.
5. Public Service District or similar entity acceptance of completed water and sewer lines for permanent ownership, operation and **maintenance**.
6. Public entity acceptance of ownership and **maintenance** responsibility for dedicated roads and drainage systems where applicable.
7. Other applicable agencies' final certification.
8. An owner's affidavit stating that all work has been completed consistent with the **applicant's development** permit and any applicable provisions of this Title, plus a copy of the documents that clearly set forth the ownership and **maintenance** provisions and responsibilities for infrastructure **improvements**, amenities reflected under the approved plan and any **common open space** areas required.

Chapter 16-5: Development and Design Standards

Sec.16-5-115. Subdivision Standards

A. Purpose and Intent

The purpose of **subdivision** layout is to create a functional and attractive **development** with infrastructure and **lots** appropriately sized and located to minimize adverse impacts. The intent of this section is to provide clear requirements and guidelines for **subdivision** design for both Major and Minor Subdivisions.

Subdivisions should promote the health, safety, natural aesthetic, convenience, order, prosperity and welfare of the present and future residents of the **Town** by:

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

C. General Requirements

1. Layout of the **subdivision** shall be based on complete **site** analysis. **Streets** and **lots** shall be designed to preserve significant trees, stands of trees and understory vegetation and situated to minimize alteration of natural and historic **site** features to be preserved.
2. The **subdivision** layout shall consider the practicality and economic feasibility of **development** of individual **lots** including the environmental characteristics, size of the **site**, and the requirements of ~~this~~ the Ordinance.
3. The applicant is required to demonstrate that they have made all reasonable efforts to preserve unique and fragile elements on site, including but not limited to wetlands, ~~significant stands of~~ significant stands of trees and individual **trees** of significant size, with **development** reserved for environmentally stable areas.
(Revised 1-7-2020 - Ordinance 2020-02; revised 3-7-2023 - Ordinance 2023-04)
4. **Open space** and recreational areas shall be planned in accordance with Sec. 16-5-104, Open Space Standards.
5. **Lots** shall be situated so that stormwater may be easily directed away from **buildings** in subsequent **site-specific development**. **Lots** shall be configured so that **buildings** and general **flood** sensitive **site** facilities can be located out of drainageways. **Subdivisions** shall be designed so as to comply with Sec. 16-5-109, Stormwater Management and Erosion and Sedimentation Control Standards.
6. All **lots** shall have the **access** required by Sec. 16-5-105.I, Access to Streets.

Chapter 16-6: Natural Resource Protection

Sec.16-6-104. Tree Protection

B. Applicability

2. Exemptions

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

04. Property owners bear the burden of proving that they have met the above requirements.

ix. Removal or pruning of trees in the PD-1 zoning district under the following conditions:

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

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

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

C. Tree Protection Information in Applications

1. General

- a. Except as otherwise provided in subparagraph b below, all **applications** for a Natural Resources Permit or for new **development** shall include at least the following information:
 - i. A complete **tree survey**, as described in paragraph 2 below;
 - ii. A brief written narrative of proposed plans for **tree** protection and replacement;
 - iii. A complete **tree** tally sheet listing **trees** by category (See Sec. 16-6-104.H, Tree Equivalency Table);
 - iv. A complete **site development** plan showing utility lines, grading activities, sight triangles, and **building** elevations in relation to existing **trees** and denoting **trees** to be removed with an "X"; and
 - v. A replacement **tree** planting schedule, if required by Sec. 16-6-104.I.5, Timing.
- b. **Applications** for redevelopment or alteration of existing **development** may include a sketch plan showing the **trees** on the **site** and the proposed **buildings** in lieu of the information in provisions i, iii, iv, and v above.

2. Tree Survey

- a. The **tree survey** shall be in the form of a map or a **site plan** prepared and sealed by a registered **land** surveyor within two years of the date of **application**. The **tree survey** shall be at the same scale as the required **site development** plan and shall include the following information:
 - i. The location of all Category I, II and IV **trees** with a **DBH** of 6 inches or greater, Category III **trees** (other than cedar and palmetto **trees**) with a **DBH** of 12 inches or greater and cedar and palmetto **trees** with a **DBH** of 8 inches or greater within the areas to be developed and

within areas 25 feet beyond such area in each direction, or extending to the property line, whichever is less;

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

- ii. The location of any **trees** with a **DBH** less than 6 inches (Category I, II and IV), ~~less than 8-6 inches (cedar and palmetto **trees**)~~ and less than 12 inches (Category III other than cedar and palmetto **trees**) that the **applicant** wishes to count toward the minimum standard of **tree** coverage on the **site**; and

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

- iii. The species and **DBH** of all **trees**.
- b. In conjunction with the **tree survey**, **trees** shall be marked with color ribbons, using blue ribbons to mark **trees** to be preserved, red ribbons for **trees** to be removed, and orange ribbons for hazardous **trees** that are proposed to be removed (hazardous **trees** will not count towards the overall required **tree** replacement). In heavily wooded areas, the **Official** may allow ~~large groups of a significant stand of trees~~ to be preserved or removed to be marked with the appropriately colored ribbon extending around the perimeter of the group of **trees**.

F. Specimen and Significant Tree Preservation

1. Specimen and Significant Tree Defined

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

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

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

Black cherry	25	20
Sassafras	6	5

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

2. General Requirements

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

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

- i. Any activities performed within the drip line of a ***specimen tree*** shall have the prior approval of the ***Official***.
- ii. ***Specimen trees*** shall not be cut, removed, pushed over, killed, or otherwise harmed.
- iii. No more than 20 percent of the total area within the drip line of any ***specimen tree*** shall be subject to paving or soil compaction, and no paving or soil compaction is allowed within 15 feet of the ***tree*** trunk. (See Figure 16-6-104.F.2: Limits of Paving or Compaction near Specimen Trees.) The ***Official*** may allow paving or soil compaction beyond the 20 percent limit if low impact ***development*** techniques (e.g., ***pervious*** pavers, materials placed at or above ***grade***, no use of mechanical machinery) are used as an alternative means of protecting the ***specimen tree***.
- iv. To remove a ***Specimen Tree***, documentation is required from an ISA Certified Arborist recommending the tree removal due to the hazardous condition of the ***tree***, or the risk associated with not removing the ***tree***. This request must follow the Natural Resource Permit Review Procedure as stated in Sec. 16-2-103.K.

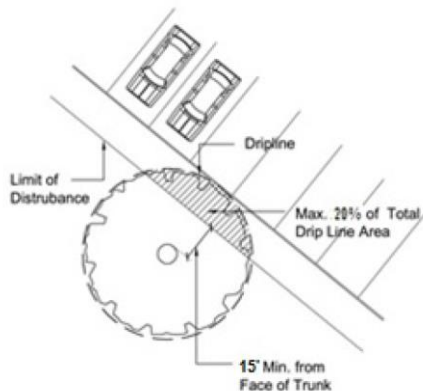


Figure 16-6-104.F.2: Limits of Paving or Compaction near Specimen Trees

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

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

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, family compound, 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.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 save significant trees and stands of trees. Reasonable tree replanting shall be required by the Official for these uses.

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.

(Revised 4-18-2017 - Ordinance 2017-05; revised 1-7-2020 - Ordinance 2020-02; revised 3-7-2023 - Ordinance 2023-04)

H. Tree Equivalency Table

The purpose of Table 16-6-104.H Tree Equivalency Table, is to illustrate the relative value of broad groups of **trees**, as well as individual **trees**, provide guidance in choosing **trees**, and provide guidance in selecting **trees** to supplement inadequate buffers.

TABLE 16-6-104.H TREE EQUIVALENCY TABLE	
COMMON NAME	LATIN NAME
CATEGORY I: BROAD-LEAVED EVERGREEN OVERSTORY HARDWOODS AND ENDANGERED SPECIES	
American Holly	Ilex opaca
Bald Cypress	Taxodium distichum
Laurel Oak	Quercus laurifolia
Live Oak	Quercus virginiana
Loblolly Bay	Gordonia lasianthus
Pond Cypress	Taxodium ascendens
Spruce Pine	Pinus glabra
Southern Magnolia	Magnolia grandiflora
CATEGORY II: DECIDUOUS OVERSTORY HARDWOODS AND BROAD-LEAVED EVERGREEN UNDERSTORY	
American Beech	Fagus grandifolia
American Elm	Ulmus americana
American Hornbeam	Carpinus caroliniana
American Sycamore	Platanus occidentalis
Bitternut Hickory	Carya cordiformis
Black Cherry	Prunus serotina
Black Gum	Nyssa sylvatica
Black Willow	Salix nigra
Boxelder	Acer negundo
Buckthorn Bumelia	Bumelia lycioides
Carolina Ash	Fraxinus caroliniana
Carolina Basswood	Tilia caroliniana
Carolina Buckthorn	Rhamnus caroliniana
Carolina Silverbell	Halesia carolina
Carolina Willow	Salix caroliniana
Common Persimmon	Diospyros virginiana
Dahoon Holly	Ilex cassine
Devilwood	Osmanthus americanus
Eastern Cottonwood	Populus deltoides
Eastern Hophornbeam	Ostrya virginiana
Florida Basswood	Tilia floridana
Florida Maple	Acer barbatum
Hercules Club	Zanthoxylum clava-herculis
Honeylocust	Gleditsia triacanthos
Mockernut Hickory	Carya tomentosa
Overcup Oak	Quercus lyrata
Pecan	Carya illinoensis
Pignut Hickory	Carya glabra
Post Oak	Quercus stellata
Red Buckeye	Aesculus pavia
Red Maple	Acer rubrum
Red Mulberry	Morus rubra

Redbay	<i>Persea borbonia</i>
River Birch	<i>Betula nigra</i>
Sand Hickory	<i>Carya pallida</i>
Sassafras	<i>Sassafras albidum</i>
Scrub Hickory	<i>Carya floridana</i>
Southern Bayberry	<i>Myrica cerifera</i>
Southern Red Oak	<i>Quercus falcata</i>
Sugarberry	<i>Celtis laevigata</i>
Swamp Chestnut Oak	<i>Quercus michauxii</i>
Swamp Cottonwood	<i>Populus heterophylla</i>
Sweet Gum	<i>Liquidambar styraciflua</i>
Sweetbay	<i>Magnolia virginiana</i>
Tough Bumelia	<i>Bumelia tenax</i>
Tupelo	<i>Nyssa biflora</i>
Turkey Oak	<i>Quercus laevis</i>
Water Hickory	<i>Carya aquatica</i>
Water Oak	<i>Quercus nigra</i>
Water Tupelo	<i>Nyssa aquatica</i>
Waterlocust	<i>Gleditsia aquatica</i>
White Oak	<i>Quercus alba</i>
Yaupon Holly	<i>Ilex vomitoria</i>
CATEGORY III: CONE-BEARING EVERGREENS AND PALMS	
Cabbage Palmetto	<i>Sabal palmetto</i>
Eastern Red Cedar	<i>Juniperus virginiana</i>
Loblolly Pine	<i>Pinus taeda</i>
Long Leaf Pine	<i>Pinus palustris</i>
Pond Pine	<i>Pinus serotina</i>
Slash Pine	<i>Pinus elliottii</i>
Shortleaf Pine	<i>Pinus echinata</i>
Southern Red Cedar	<i>Juniperus silicicola</i>
CATEGORY IV: ORNAMENTALS AND SMALL UNDERSTORY TREES	
American Plum	<i>Prunus americana</i>
Carolina Laurelcherry	<i>Prunus caroliniana</i>
Chickasaw Plum	<i>Prunus angustifolia</i>
Common Sweetleaf	<i>Symplocos tinctoria</i>
Crepe Myrtle	<i>Lagerstroemia indica</i>
Dahoon Holly	<i>Ilex cassine</i>
Eastern Coralbean	<i>Erythrina herbacea</i>
Eastern Redbud	<i>Cercis canadensis</i>
Flatwoods Plum	<i>Prunus umbellata</i>
Florida Chinkapin	<i>Castanea floridana</i>
Flowering Dogwood	<i>Cornus florida</i>
Fringetree	<i>Chionanthus virginicus</i>
Littlehip Hawthorn	<i>Crataegus spathulata</i>
Parsley Hawthorn	<i>Crataegus marshallii</i>
Possumhaw Holly	<i>Ilex decidua</i>
Southern Crab Apple	<i>Malus angustifolia</i>

Sparkleberry	Vaccinium arboreum
Swamp Dogwood	Cornus stricta
Witch Hazel	Hamamelis virginiana

I. Standards for Supplemental and Replacement Trees

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

3. Replacement Rate, Tree Category, Planting Size

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

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

TREE CATEGORY	MINIMUM HEIGHT (FEET)	MINIMUM TRUNK DIAMETER (INCHES) (USING ANSI STANDARDS)
Category I	10-12	2-4
Category II	10-12	2-4
Category III	6-8	1-2
Category IV	6-8	1-2

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

K. Tree Damage During Development

1. If a **specimen tree** or other existing **tree** to be preserved under the **tree** protection plan is damaged during **development** of the **development site**, an ~~arborist~~ ISA Certified Arborist or other qualified professional shall, at the expense of the **applicant**, assess the damage and provide a written report to the **Official** that documents the following:
 - a. Severity of the **tree** damage;
 - b. Determination on whether corrective measures can be taken to save the **tree** or whether the **tree** has been damaged beyond **repair**; and
 - c. Any corrective measures recommended to ensure the **tree's** survival (e.g., pruning damage to **tree** canopy, root pruning, fertilization, soil enhancements for damage to **tree** roots, and **application** of irrigation to compensate for root loss).
2. If the assessment concludes that the **tree** can survive with corrective measures, the **applicant** shall promptly have recommended corrective actions undertaken by an arborist or other qualified professional. Such corrective measures shall be completed before issuance of a Certificate of Compliance for the **development**.

3. If the assessment concludes that a **tree** has been damaged beyond **repair**, the **tree** shall be replaced with one or more **trees** that shall comply with the standards in Sec. 16-6-104.I, Standards for Supplemental and Replacement Trees.

Appendix C: Recommended Native Plants

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

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

RECOMMENDED NATIVE PLANTS FOR BUFFERS AND WETLANDS

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

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

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

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

RECOMMENDED INVASIVE TREES AND PLANTS FOR REMOVAL

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

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

Chapter 16-5: Development and Design Standards

Sec.16-5-114. Sign Standards

A. Purpose

1. General Purpose

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

1. ~~Maximize the value of commercial signage as a means of locating and identifying commercial establishments providing goods and services while, at the same time, discouraging the use of commercial signage to sell goods and services;~~
- 2-a. Encourage the **construction** of commercial **signs** of high-quality materials that are aesthetically pleasing and are compatible with their natural surroundings and with the **buildings** they identify;
3. ~~Avoid the creation of a distracting atmosphere that can result when businesses compete for attention through the use of commercial advertising signs;~~
- 4-b. Protect, preserve, and enhance the unique aesthetic character, beauty, and charm of the **Town**, and thereby encourage the continued economic **development** within the **Town**; and
- 5-c. ~~Improve pedestrian and traffic safety and eliminate physical and visual clutter caused by signs that compete for the attention of pedestrian and vehicular traffic. Prevent, eliminate, or minimize traffic hazards and pedestrian accidents caused by signage that obstructs vision or views, distracts or confuses motorists, or is improperly secured or constructed.~~
- d. Protect free speech and balance the individual rights of property owners to communicate their message with the public's right to be free of unreasonable distractions and aesthetic intrusions.
- e. Direct commercial and customer traffic to commercial areas of the **Town**, protect the public's ability to identify establishments and premises, and provide an environment that fosters the reasonable growth and development of business and commerce.

2. Content Neutrality and Free Expression.

Regarding content neutrality and constitutionally protected free expression, the Town finds that:

- a. Content neutrality, viewpoint neutrality, and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out in this section and the constitutionally protected right to free expression.
- b. The regulations set out in this chapter are unrelated to the suppression of constitutionally protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to the viewpoint of individual speakers.
- c. Notwithstanding the above, certain classifications of speech are not constitutionally protected due to the harm they cause to individuals or the community.

- d. Sign restrictions are based on compelling public interests and regulation of the location, number, materials, height, and size. The duration of the display of temporary signs is essential to preventing visual clutter and ensuring safe conditions in the Town.
- e. Temporary signs are not constructed to withstand long-term exposure to severe weather conditions or other physically damaging events and can result in safety and aesthetic concerns if not replaced or removed.

B. Applicability and Provisions

1. Applicability

- a. A **sign** may be erected, placed, established, painted, created, or maintained in the **Town** only in conformance with the standards, procedures, exemptions, and other requirements of this section and this **Ordinance**. Signs exempt from regulations under Sec. 16-5-114.E.1.b.ii, Signs Allowed Without a Sign Permit, shall not otherwise be subject to this **Ordinance**.
- b. ~~With the exception of Sec. 16-5-114.H.5, Residential Real Estate Sales Signs, and Sec. 16-5-114.H.6, Residential Short Term Rental Signs, the provisions of this **Ordinance** shall not apply to **single-family uses**.~~
- c.b. **Signs** located on property within those portions of a PD-1 district where vehicular **access** by the general public is restricted by a security **gate** staffed 8 hours each day by a security guard and within the Spanish Wells PD-1 District, and where such **signs** are not visible from any **beach**, navigable waterway, or **public street** are not subject to the provisions of this **Ordinance**.
- d.c. Notwithstanding any other provision of this section, no **sign** shall be subject to any limitation based on the content of the message contained on such **sign**.
- e.d. Any **legal sign** that does not comply with the provisions of this section due solely to the enactment of an amendment shall, upon the effective date of such amendment, become a legal **nonconforming sign** and shall be subject to the provisions of Title 16, Chapter 16-7: Nonconformities.
- f.e. All **signs** shall comply with applicable **building** and electrical code requirements.
- g.f. In accordance with IBC Section 1609.1, **applications** for new freestanding **signs** larger than 40 square feet shall include wind load calculations stamped and signed by a certified engineer and stating that the sign can withstand winds of up to 130 miles per hour.

2. Substitution of Noncommercial Message

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

C. Sign Design, Construction, and Maintenance Guidelines

1. Design Guide

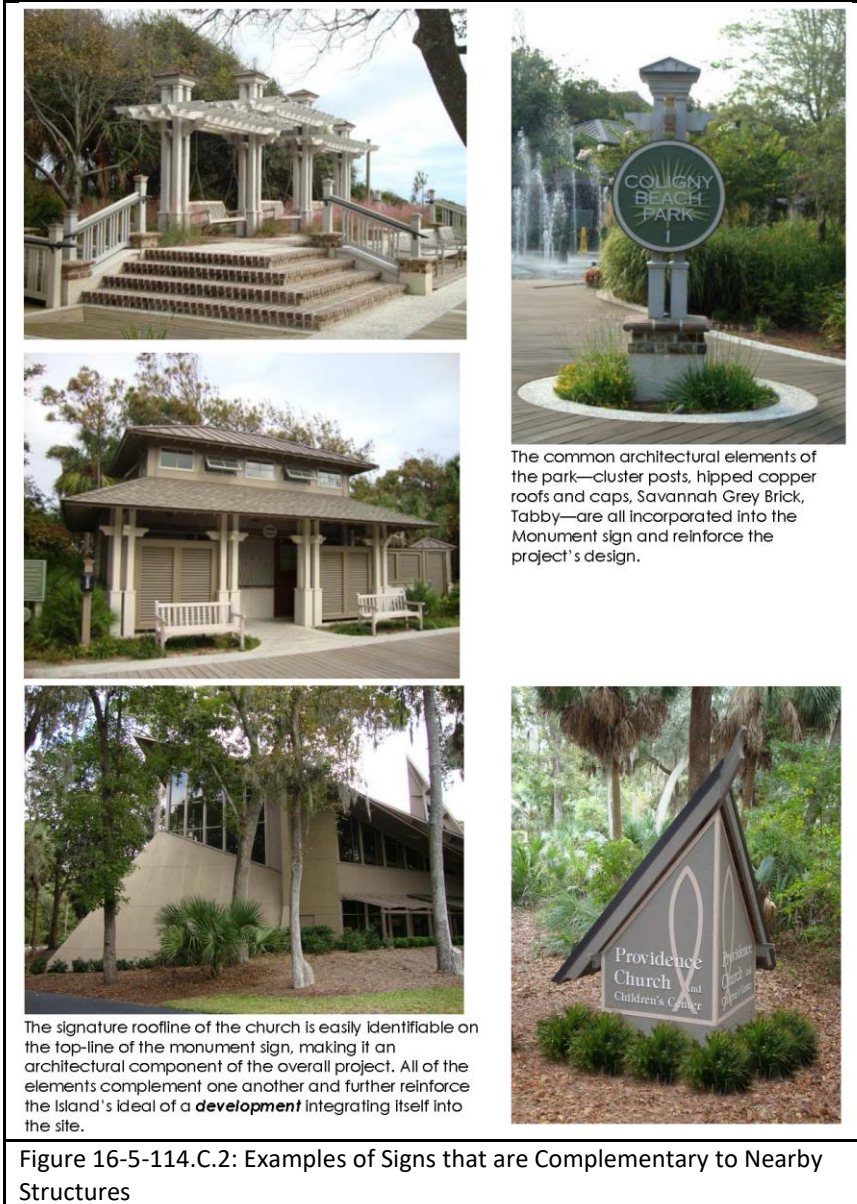
The Hilton Head Island Design Guide defines Island Character and describes how **development** should be directed to preserve Island Character. Goals of the Design Guide that pertain to sign design include:

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

2. Sign Design, Construction, and Maintenance Standards

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

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



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



The overall attention to detail makes both **signs** outstanding examples of what the Design Guide outlines for sign design. The strength of the graphic design, the subtleties in use of fonts, the shadow lines created by a deep third dimension, and the understated use of rich color to draw the eye, all contribute to the overall craftsmanship and design of the **signs** that make them unique. Although they both are predominantly nature blending in color, the **signs'** overall quality draws attention, as well as more traditional attention-grabbing elements, such as bright lights or colors, typically used in commercial signage.

Figure 16-5-114.C.3: Examples of Freestanding Signs that Meet the Intent of The Hilton Head Island Design Guide

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

D. Sign Illumination

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

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

E. Sign Permits

1. Applicability

a. General

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

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

b. Exemptions

i. Sign Alterations Exempt from Sign Permit

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

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

ii. Signs Allowed Without a Sign Permit

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

01. Flags

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

- (A) The **Design Review Board** approves a larger flag for use on a telecommunications tower designed as a flagpole; or
- (B) The **Town Council** approves a larger flag for display on public property or other appropriate noncommercial **sites** as determined by **Town Council**.

02. ~~Holiday~~ Seasonal ~~and~~ Decorations

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

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



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



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



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

03. ~~Incidental~~ Interior Site Signs

Addresses, ~~building~~ numbers, entrance and exit ~~signs~~, and traffic directional ~~signs~~ shall not require Sign Permits if they do not exceed four square feet in area per sign. If such ~~sign~~ contains commercial ~~copy~~, the ~~sign~~ counts toward the allowable square footage for ~~freestanding signs~~. Interior site ~~signs~~ that are internally oriented on commercial and multi-family property shall not require sign permits as long as, in the Official's reasonable opinion, are not readily legible or visible beyond the boundaries of the ~~parcel~~ on which they are located, do not exceed four square feet in area per sign, and do not fall within required ~~setback~~ areas.

04. ~~Interior~~ Indoor Signs

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

05. Nonresidential Real Estate for Lease or Rent Signs

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

06. Menus

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

07-05. Parking Signs Located Adjacent to Parking Spaces

~~Signs~~ that reserve ~~are located directly adjacent to parking spaces for specific uses or businesses, except that such signs are not allowed in shopping centers per Sec. 16-5-114.I, Prohibited Signs. Parking~~ These signs shall not exceed 1.5 square feet in area per ~~sign~~. No more than three 20% of the number of parking spaces on a property can have signs located directly adjacent to the parking space ~~parking signs~~ shall be displayed at any given time on each ~~parcel~~.

08-06. Public Signs

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

09-07. Sandwich Boards and Chalkboards/Message boards



Figure 16-5-114.E.1.b.ii.0907: Example of a Conforming Sandwich Board Sign

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

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

10. Shopping Cart Return

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

11-08. Stadium Signs

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

12-09. String Lights for Seasonal Decoration

- (A) Strings of lights, whether white or multi-colored, may be used for outside lighting or **tree** decoration from November 1 through January 15 of each year.

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

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

13.10. String Lights for Ambient Illumination

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



Figure 16-5-114.E.1.b.ii.~~13.10.~~: Example of Conforming Strings of Lights Used for Ambient Illumination

14. Towing Signs



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

~~(A) Public notice required by applicable law to be displayed on a property where vehicles may be towed.~~

~~(B) Such **signs** shall not exceed four square feet in size and shall be limited to one sign per vehicular entrance to the property.~~

15.11. Traffic Control Signs

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

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

16.12. Window Signs

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

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

2. Sign Review

a. Sign Review

i. Signs Subject to Administrative Sign Review

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

01. ~~Real estate~~Temporary Yard **signs**;

02. ~~Project~~ **signs**;

03. ~~Temporary~~ **signs**;

04.02. Sign systems not subject to DRB Sign Review; and

05.03. Permanent **signs**, including the **sign face** and **structure**, that are 40 square feet or less.

ii. Signs Subject to DRB Sign Review

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

b. Sign Review Procedures

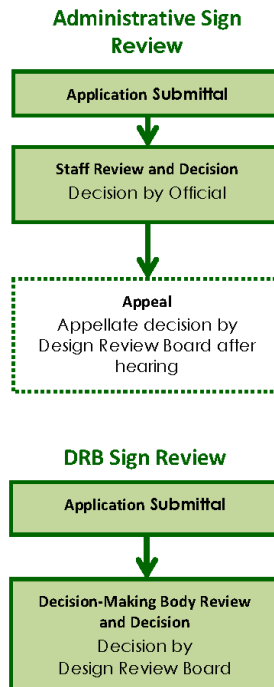
i. Application Submittal

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

ii. Staff Review and Action

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

(A) Approve the **application**;



(B) Approve the **application**, subject to conditions of approval; or

(C) Deny the **application**.

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

iii. Decision-Making Body Review and Decision

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

01. Approve the **application**;

02. Approve the **application**, subject to conditions of approval; or

03. Deny the application.

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

01. Notice of Decision

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

02. Appeal

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

3. Sign Review Standards

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

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

4. Effect of Approval

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

5. Expiration

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

6. Amendment

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

F. Freestanding Signs

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

TABLE 16-5-114.F: FREESTANDING SIGN STANDARDS

RESIDENTIAL DEVELOPMENT				
NUMBER OF DWELLING UNITS	NUMBER OF SIGNS	NUMBER OF FACES PER SIGN	NO SINGLE SIGN FACE SHALL EXCEED	TOTAL SIZE OF ALL SIGN FACES
> 500 Dwelling Units	1 per entrance	4	120 sf	240 sf
300—500 Dwelling Units	1 per entrance	4	80 sf	160 sf
< 300 Dwelling Units	1 per entrance	4	40 sf	80 sf
PUBLIC, CIVIC, INSTITUTIONAL, EDUCATIONAL, HEALTH SERVICES, RESORT ACCOMMODATIONS, COMMERCIAL RECREATION, OFFICE, COMMERCIAL SERVICES, VEHICLE SALES AND SERVICES, INDUSTRIAL OR OTHER USES				
TOTAL SQUARE FEET OF GROSS FLOOR AREA	NUMBER OF SIGNS	NUMBER OF FACES PER SIGN	NO SINGLE SIGN FACE SHALL EXCEED	TOTAL SIZE OF ALL SIGN FACES
> 100,000	6, if the <i>development</i> has <i>frontage</i> on 4 or more <i>streets</i> 4, if the <i>development</i> has <i>frontage</i> on 2 or 3 <i>streets</i> 2, if the <i>development</i> has <i>frontage</i> on 1 <i>street</i>	4	120 sf	480 sf
40,000—100,000	3, if the <i>development</i> has <i>frontage</i> on more than 1 <i>street</i> 2, if the <i>development</i> has <i>frontage</i> on 1 <i>street</i>	4	80 sf	320 sf
2,500—39,999	2	4	40 sf	160 sf
2,499 or Less ¹	1	2	40 sf	40 sf
NOTES sf = square feet 1. If an <i>applicant</i> in this category shall waive the right to have a <i>freestanding sign</i> , the <i>applicant</i> shall be permitted to exceed the size limitations of Sec. 16-5-114.G, Facade and Hanging Signs, by 50 percent.				

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

2. The maximum *height* of any *freestanding sign* above the average *grade* elevation surrounding the *sign* shall not exceed the following:
 - a. Eight feet where the *sign face* does not exceed 40 square feet;
 - b. Ten feet where the *sign face* does not exceed 60 square feet; or
 - c. Twelve feet where the *sign face* exceeds 60 square feet.
3. The bottom edge of the *sign* shall not exceed four feet in *height* from the lowest *grade* elevation at the base of the sign.
4. The maximum width of any *freestanding sign* shall not exceed the following:
 - a. Fifteen feet where the *sign face* does not exceed 40 square feet;

- b. Twenty feet where the **sign face** does not exceed 60 square feet; or
 - c. Twenty-five feet where the **sign face** exceeds 60 square feet.
5. All freestanding **signs** fronting on a **street right-of-way** shall be required to be set back at least 20 feet from the edge of the **adjacent street right-of-way**. However, if conditions exist so as to make this impractical, this setback may be reduced by the **Official** provided such reduction does not create a hazard to motorists or pedestrians and that no portion of the sign is located in the **right-of-way**.
 6. Freestanding **signs** shall be separated by a distance of not less than 200-foot intervals along each **street frontage** of the **premises**.
 - ~~7. Freestanding menu boards—including, but not limited to, those used for **drive-through eating establishments**—shall meet the standards of this section, but shall not count toward the total number of **signs** allowed for a business.~~
 - ~~8.7.~~ In lieu of a **freestanding sign**, a **development** may use **signs** on entrance **structures** such as fences or walls. The number of **sign faces** is limited to two per entrance, on either side of the entrance, and are confined to the entrance area. The distance between **sign faces** shall not exceed 100 feet. Such **signs** are subject to the size limitations of this section. Entrance **structures** are subject to the provisions of Sec. 16-5-102, Setback Standards.
 - ~~9.8.~~ **Signs** may be permitted in **access easements**, subject to the approval of the **Official**, if the **applicant** can demonstrate that the **access** easement provides a necessary means of vehicular **access** to the property for which the **sign** is proposed. In the event where a property is served by more than one necessary **access** easement, the **sign** shall be located within the easement that serves the **street** with the highest number of average daily vehicle traffic (ADT) as determined by the **Official**.
 - ~~10.9.~~ **Directory signs** are subject to the following standards:
 - a. Changing the tenant panels of a **directory sign** does not require a Sign Permit where the new panel matches the approved tenant panel design, including materials, dimensions, and colors.
 - b. The **sign** should not be, to the greatest extent practicable, visible from a **street** or **right-of-way**.

G. Facade and Hanging Signs

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





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

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

H. Standards for Specific Types of Signs

1. Temporary Yard Signs – Generally

- a. On **parcels** with residential uses, **temporary yard signs** shall comply with the following standards:
 - i. The maximum total area of **temporary yard signs** shall not exceed 12 square feet per **parcel**.
 - ii. The maximum area of an individual **temporary yard sign** shall not exceed 6 square feet.
 - iii. A maximum of 2 **temporary yard signs** are allowed per **parcel**.
 - iv. No internal or external illumination of the **temporary yard sign** is permitted.
 - v. A **temporary yard sign** shall be removed within 90 days from the date of its permit, unless an extension is approved by the **Official**.
- b. On **parcels** with non-residential uses, **temporary yard signs** shall comply with the following standards:
 - i. The maximum total area of **temporary yard signs** shall not exceed 20 square feet per street frontage per **parcel**.
 - ii. The maximum area of an individual **temporary yard sign** shall not exceed 10 square feet.
 - iii. A maximum of 2 **temporary yard signs** are allowed per **parcel**.
 - iv. No internal or external illumination of the **temporary yard signs** is permitted.
 - v. A **temporary yard sign** shall be removed 90 days from the date of its permit, unless an extension is approved by the **Official**.

1.2. Temporary Signs for Permitted Signs

- a. When a Sign Permit has been issued for a permanent commercial **sign**, a separate Sign Permit may be issued for a **temporary sign** to identify the business while the permanent **sign** is being constructed. The **temporary sign** shall comply with the following standards:
 - i. Only one **sign** with no more than two **sign faces** shall be displayed per proposed permanent sign.
 - ii. Any temporary **sign face** shall not exceed 16 square feet.
 - iii. The **copy**, logo, and colors on a **temporary sign** shall be identical to the **copy**, logo, and colors on the related permanent sign.
 - iv. A **temporary sign** shall be constructed of ½-inch MDO or a material of equal durability. Banners shall not be a permitted material.
 - v. A **temporary sign** shall be removed upon installation of the permanent identification sign or within 45 days from the date of its permit, unless an extension is approved in writing by the **Official**.
- ~~b. Temporary **signs** advertising a sales event, such as a grand opening or a seasonal sale, shall not be permitted.~~
- ~~c. Temporary **special event signs** are permitted as specified in Sec. 16-5-114.H.9, Temporary Special Event Signs.~~

 This sign would not be approved as a temporary sign for the following reasons: 1. It does not provide reasonable identification of a business. 2. The colors are not muted and nature-blending as specified in the Design Guide. 3. The material used for the sign board is corrugated plastic instead of MDO or a material of equal durability. Figure 16-5-114.H.1.a: Example of A Prohibited Temporary Sign	 This sign would be approved as a temporary sign for the following reasons: 1. It provides reasonable identification of a business. 2. The colors are muted and nature-blending. 3. The sign is constructed of MDO or a material of equal durability. Figure 16-5-114.H.1.b: Example of a Conforming Temporary Sign
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2.3. Construction Signs**Temporary Construction Site Signs**



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

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

- a. Quantity is limited to one per **street** front of the property on which the **construction** is occurring.
- b. The total area of a freestanding **construction sign** shall not exceed 40 square feet. The total area of a **facade construction sign** shall not exceed 20 square feet. Each **sign face** shall not exceed 20 square feet.
- c. A **freestanding sign** shall be mounted so that its top edge is no higher than eight feet above **grade**. A **facade-mounted sign** shall be mounted so that its top edge is no higher than eight feet above **grade**.
- d. Such **signs** shall not be illuminated by artificial light.
- e. Such **signs** shall be square or rectangular in shape.
- f. Such **signs** may not be erected prior to issuance of a **Building Permit** and shall be removed prior to the issuance of a Certificate of Occupancy.

3. Nonresidential Real Estate Sales Signs

- a. ~~A Sign Permit is required for the design of **signs** that advertise the sale of nonresidential property and are four square feet or smaller in size. Such **signs** shall comply with the following standards:~~
 - i. ~~The number of such **signs** placed on any one **premises** shall be limited to one sign per **street frontage** of the property being sold.~~
 - ii. ~~The **sign** shall be square or rectangular in shape.~~
 - iii. ~~The **sign** shall not exceed four square feet in area.~~
 - iv. ~~The amount of information on the **sign** shall be no more than is necessary to provide reasonable identification of the offering.~~
 - v. ~~The **sign** shall not be illuminated by artificial light.~~
 - vi. ~~The **sign** shall be removed within two days of completion of the sale of the property.~~
- b. ~~A Sign Permit is required for each **sign** that advertises the sale of nonresidential property and is larger than four square feet. Such **signs** shall comply with the following standards:~~
 - i. ~~The number of **signs** placed on any one **premises** shall be limited to one sign per **street frontage** of the property being sold.~~
 - ii. ~~The **sign** shall be rectangular or square in shape.~~

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

4. Nonresidential Real Estate Lease or Rent Signs

a. Buildings for Lease or Rent

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

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

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

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

b. Tenant Spaces for Lease or Rent

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

~~01. A Sign Permit is required.~~

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



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

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

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

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

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

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

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

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

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

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

5. Residential Real Estate Sales Signs

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

6. Residential Short-Term Rental Signs

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

- a. ~~Signs~~ are limited to one per residence. The ~~sign~~ shall be placed near the entrance of the residence, visible from the ~~street~~ and wall mounted no more than six feet above FEMA ~~base flood elevation~~. The ~~sign~~ shall not be visible from the ~~beach~~.
- b. The ~~sign~~ shall be 12 inches in ~~height~~ by 18 inches in length.
- c. The ~~sign~~ shall be made of ½ inch PVC sign board or another material approved by the ~~Official~~.
- d. The amount of information on the ~~sign~~ shall be no more than is necessary to provide reasonable identification of the offering.
- e. The ~~sign~~ shall not be illuminated by artificial light.

7.4. Sign Systems

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

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

8.5. Permanent Special Event Signs



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

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

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

9.6. Temporary Special Event Signs

The organizer of a special event (see definition in Sec. 16-10-105, General Definitions), shall obtain a Temporary Special Event Sign Permit prior to displaying temporary **signs** at a special event. The **application** shall state the location and dates of the event, the expected number of attendees, and the types and number of proposed temporary **signs**. The **application** shall be submitted no fewer than five business days prior to the event. The following temporary special event **signs** may be used as specified:

a. Temporary Off-Premises Directional Signs Directing Traffic

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

b. Temporary Off-Premises Signs Identifying Permitted Race Routes

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

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

c. Temporary Off-Premises Post Mounted Banners

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

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

d. Temporary On-Premises Signs Identifying at the Location, Entrance, and Exit of a Special Event

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

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

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

e. Temporary On-Premises Signs

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

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

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

10.7. Signs with Changeable Copy

a. **Description of Changeable Copy Types.**

- i. Manually activated **changeable copy** shall mean a sign or portion of a sign that can be changed or re-arranged manually or mechanically, and has a readerboard for the display of text information in which each alphanumeric character, graphic, or symbol is defined by objects, not consisting of an illumination device.
- ii. Electronically activated **changeable copy** shall mean a sign or portion of a sign that can be changed by means of remote electrically energized on-off switching combinations of alphanumeric character, graphic, or symbol.

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

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

d. **Copy height** shall be eight inches maximum and four inches minimum.

e. **Copy** shall be securely fastened to the **sign face** and neatly maintained.

f. **Changeable copy** shall be limited to ~~announcing four square feet maximum of area of the sign face:~~

i. ~~On **premises special events**.~~

ii. ~~Motion pictures or entertainment at a theater whose primary function is to provide musical or dramatic events; or~~

iii. ~~Gasoline prices as described in Sec. 16-5-114.H.11, Price Displays at Gas Establishments.~~

g. Permanent Special Event Signs as described in Sec. 16-5-114.H.8, Permanent Special Event Signs, are exempt from the requirements of this section.

h. Minimum Fixed Period. Electronic **changeable copy** shall remain fixed and should be changed no more than twice per day.

i. Transition Between Copy. The duration of change between electronic **changeable copy** shall be accomplished within two seconds or less.

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

11.8. Price Displays at Gas Sales Establishments

a. Petroleum product pumps and dispensers that are within view of a **public way** shall be allowed to display only the information needed to reasonably identify the products dispensed.

b. Premises from which retail petroleum products are dispensed by pump shall be allowed one additional sign with a maximum size of ten square feet announcing the price per gallon of the products. The additional sign shall require a Sign Permit.

- c. In lieu of the one additional sign allowed above, the price per gallon may be displayed by increasing by ten square feet the area allowed within this section for a single **freestanding sign**.

12.9. Planned Unit Development Off-Premises Signs

a. Planned Unit Development Off-Premises Directional Signs

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

b. Planned Unit Development Off-Premises Identification Signs

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

10. Driveway Access Point Signs

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

- a. The maximum area of an individual **driveway access point sign** is four (4) square feet.

b. A maximum of two (2) **driveway access point signs** are allowed per access point.

c. The maximum height of a **driveway access point sign** is three (3) feet.

11. Interior Site Signs- Non-Exempt

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

b. The maximum area of an individual **interior site sign** that requires a permit is four (4) square feet.

c. The maximum height of an individual **interior site sign** that requires a permit is three (3) feet.

I. Prohibited Signs

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

1. Abandoned, **dilapidated**, or **damaged signs** and **sign structures**.
2. **Signs** with animated or moving effects (including but not limited to **sign faces** that periodically change to show different images or messages), and **signs** carried, waved, or otherwise displayed by **persons** either on public ways or in a manner visible from public ways, are prohibited. This provision is directed toward such displays intended to draw attention for a commercial purpose, and is not intended to limit the display of placards, banners, flags, or other signage by **persons** participating in demonstrations, political rallies, and similar events.
3. Balloons.
4. Banners, except within the boundaries of a special event. (See Sec. 16-5-114.H.96, Temporary Special Event Signs.)
5. Bench **signs**.
6. ~~Dilapidated or damaged **signs**.~~
- 7-6. **Signs** attached to or painted upon piers, docks, or seawalls, other than official regulatory or warning **signs**.
- 8-7. **Signs** that emit sound, vapor, smoke, odor, particles, or gaseous matter.
- 9-8. Inflated **signs** and windblown **signs** other than ~~holiday seasonal~~ decorations.
10. ~~Information boxes not attached to a **real estate sign**.~~
- 11-9. Internally illuminated **signs** that contain a visible light source, except for those **signs** complying with the provisions of Sec. 16-5-114.D, Sign Illumination.
- 12-10. **Signs** that are displayed or erected for which a Sign Permit has been denied or has not been issued.
- 13-11. ~~**Signs** that exhibit statements, words, or pictures of an obscene or pornographic nature. No **sign** shall be prohibited based on the content or message it displays, except that threatening, sexually explicit, or profane signs are prohibited. The **Official** shall also consider the following criteria when providing a determination:~~
 - a. An average person, applying contemporary community standards, must find that the material, as a whole, appeals to the prurient interest, threatens the safety of a person or group of people, is offensive or profane, or the material depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable law; and
 - b. The material, taken as a whole, must lack serious literary, artistic, political, or scientific value.

- ~~14-12.~~ **Signs** that are not located on the **parcel** of the business or **development** it identifies, except ~~that special event signs, directional signs, public park signs, and other signs~~ that are specifically allowed under this section are exempt.
- ~~15-13.~~ Parking **signs** that limit parking spaces to certain **uses** or businesses within a **shopping center**.
- ~~16-14.~~ Pennants except within the boundaries of a special event. (See Sec. 16-5-114.H.96, Temporary Special Event Signs.)



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

- ~~17-15.~~ **Portable signs**, or any **sign** not permanently attached to the ground or other permanent **structure**, including but not limited to **signs** attached to or painted on vehicles or trailers other than those advertising the business which the vehicle is used to conduct, either parked or being driven, and visible from the **right-of-way**, unless said vehicle is used as a vehicle in the normal day-to-day operations of the business, except that sandwich boards, chalkboards, and other **signs** that are specifically allowed under this section are exempt.
- ~~18-16.~~ **Signs** located in the public **rights-of-way**, except **signs** in landscaped medians of private **streets** where the sign meets the minimum **sight triangle** distances of Sec. 16-5-105.H.4, Sight Triangles.
- ~~19-17.~~ **Signs** where the sign or any portion of the sign is located on or extends above the roof of the **building** where the sign is located.
- ~~20-18.~~ **Signs** attached to, placed on, painted on, or otherwise displayed on or from any **tree** or other vegetation.
- ~~21-19.~~ **Signs** in or upon any body of water, other than official regulatory or warning **signs**, including any sign located on any **land** subject to periodic inundation by tidal saltwater. The **Design Review Board** may approve a permanent monument sign in or upon a body of water within a **parcel** if the **Official** determines that there is no other reasonable location for that sign on that **parcel**.
- ~~22-20.~~ **Signs** towed behind a vehicle, watercraft, or aircraft.
- ~~23-21.~~ All other **signs** that are not expressly exempt from regulation or expressly allowed under this **Ordinance**.

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

Chapter 16-10: Definitions, Interpretation, and Measurement

Sec.16-10-105. General Definitions

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

Sign

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

Sign, Driveway Access Point

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

Sign, Indoor

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

Sign, Interior Site

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

Sign, Political

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

Sign, Project

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

Sign, Public Utility

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

Sign, Real Estate

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

Sign Regulatory Compliance

Any sign that is required by law to be displayed on a property.

Sign, Special Event

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

Sign, Temporary

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

Sign, Temporary Construction Site

A **sign** or **signs** temporarily posted on a site that has been issued a building permit to construct a **building** or **structure**.

Sign, Temporary Yard

A **temporary sign**, often double-faced, that is supported by metal legs or wooden post(s) anchored into a lawn or landscaped area with no permanent foundation. The **sign face** is typically made from lightweight materials such as corrugated plastic, cardboard, or wood, making it easy to install and remove.

Sign, Traffic Directional/Safety

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

Chapter 16-5: Development and Design Standards

Sec.16-5-117. Construction Management Standards

C. Construction Management Requirements

1. All construction site activities, unless expressly exempt in the Town's Municipal Code Section 17-4-115, must not exceed the sound levels prescribed in the Town's Municipal Code Section 17-4-114 for the zoning district of the parcel the noise from the construction site activities are being produced.

2. All construction site activities are limited to the hours between 7:00 a.m. and 7:00 p.m., or dark, whichever comes first, Monday through Saturday, excluding major holidays (New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day).

3. All construction site activities must adhere to the South Carolina Department of Health and Environmental Control (SCDHEC) NPDES General Permit SCR10000 for Stormwater Discharges from Construction Activities and the following Town Construction Management Requirements:

- i. A Refuse Disposal Plan is required to dispose of all construction and demolition material in accordance with local, state, and federal regulations. The Refuse Disposal Plan shall contain site cleaning schedule, designated disposal area labeled on the Erosion and Sediment Control Plan, and the final disposal site (ie. landfill).

Manifests containing the location of disposal are required to be kept onsite with plans and Stormwater Pollution Prevention Plan; or readily available within twenty-four (24) hours of request. For materials that are State or Federally regulated, manifests are required to be kept for at least three (3) years.

- ii. Refuse shall be contained in such a manner as to prevent contamination of any adjacent properties, storm-sewer conveyances, wetlands, and/or waters of the State.
- iii. It shall be the responsibility of the development permit holder to clean and remove all construction and demolition material onsite as well as all other related organic and inorganic materials prior to receiving the final **Certificate of Compliance** approval.
- iv. All permit holders are required to secure trash, debris, and construction and demolition materials at a site within 24 hours after the National Hurricane Center issues a Tropical Cyclone Watch or Warning (that could include wind and storm surge). This requirement shall remain in effect until the storm event's Watch or Warning has been lifted. Materials shall be removed from the site or secured in such a manner as to minimize the danger of such materials causing damage to person(s), properties, and the environment.
- v. A Construction Site Parking Plan is required to accommodate for parking for any and all parties involved, directly or indirectly, with the permitted project, and must be contained to the project site and not impede or encroach into any **Right-of-Way** or the **Town's** Multi-Use Pathway system.
- vi. A Traffic Control Plan is required for any project that involves any activity, in or on, any **Right-of-Way** or the **Town's** Multi-Use Pathway.

- vii. Failure to comply with this section may result in the permit holder being issued a Notice of Violation(s), Stop Work Order, and/or fines in accordance with this **Ordinance**.