



Town of Hilton Head Island

Planning Commission Meeting

Wednesday, February 19, 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 January 15, 2025
- 5. Unfinished Business**
- 6. New Business**
 - a. Public Hearing for Consideration of an Ordinance to Amend Title 16 of the Municipal Code of the Town of Hilton Head Island, the Land Management Ordinance, to amend the current design regulations and requirements for open space and pathways in Major Subdivisions to include sections: 16-3-104, 16-4-104, 16-5-104, 16-5-107, 16-5-115, 16-6-102, 16-10-102, 16-10-105, and Appendices A & D - Missy Luick, Director of Planning
 - b. Public Hearing for Consideration of an Ordinance to Amend Title 16 of the Municipal Code of the Town of Hilton Head Island, the Land Management Ordinance, to amend the procedures for Major Development Plan Reviews and Major Subdivision Plan Reviews to include the following sections: 16-2-101, 16-2-102, and 16-2-103 - Missy Luick, Director of Planning
- 7. Public Comment - Non Agenda Items**
- 8. Commission Business**
- 9. Chairman's Report**

10. Staff Reports

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, January 15, 2025, 2:00 PM Minutes

1. Call to Order

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

2. Pledge to the Flag

3. Adoption of the Agenda

Chairman Siebold requested a change to the Agenda. He would like New Business, Item 6 b. to be heard before Item 6 a. Commissioner Whaley moved to approve the request. Commissioner Mealer seconded. Commissioner Cordes moved to approve the Amended Agenda. Commissioner DuBois seconded. The Amended Agenda was unanimously approved.

4. Approval of the Minutes

a. Regular Meeting Minutes of December 18, 2024

Commissioner Henz moved to approve the Meeting minutes of December 18, 2024. Commissioner Lobaugh seconded. The Meeting minutes of December 18, 2024 were unanimously approved.

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.

Trey Lowe presented the Application which was included in Agenda Packet and advised staff recommends the Planning Commission deny the Application. The Applicant, Brandon Walton answered questions from the Commission. Chairman Siebold opened for public comment. Citizen comments were heard. After discussion by the Board, Commissioner Mealer moved to approve the Application as presented. Commissioner Henz seconded. The motion unanimously passed.

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.

Chris Breen, of Blue Hour Housing, the Applicant indicated he is proposing a Text Amendment that 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. Creation of a new use called "Adaptive Re-Use Hotel/Motel Conversion Program would permit the conversion of existing hotels and motels to a Multifamily Residential Use at a one guest room to one dwelling unit density conversion ratio, in addition to other requests.

Trey Lowe, Development Services Manager, advised the Commission that on December 11, 2024, the Applicant submitted a 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, to establish minimum unit sizes for use.

Mr. Lowe stated that 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:

1. Is in accordance with the Comprehensive Plan;
2. Is required by changed conditions;
3. Addresses a demonstrated community need;
4. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility along uses and ensure efficient development within the Town;
5. Would result in a logical and orderly development pattern; and
6. 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.

After a lengthy discussion, Commissioner Lobaugh moved to forward a recommendation of denial to Town Council with the understanding that the parties come together for a solution. Commissioner DuBois seconded. The motion passed with a vote of 5-3. Commissioners Campbell, Henz and Mealer were opposed.

- 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.

Missy Luick, Planning Director, indicated she will address the introduction of 10 Priority Amendments to the Land Management Ordinance. The purpose of introduction is to review, offer an opportunity for questions and suggestions in preparation for the Public Hearing that will be scheduled for February 19, 2025. We are not asking the Planning Commission to make any decisions today on any of these amendments that we will provide an overview on. We are looking for your initial comments. We would like to understand what additional information you need for the Public Hearing dates, so you are ready to make a decision. If after this review you have feedback that you would like to communicate, feel free to communicate through the Chairman to us so we can prepare for that Public Hearing.

Ms. Luick reviewed the 10 Priority Amendments with the Commission and a summary of proposed changes, as follows:

- 1) Workforce Housing Density Bonus
- 2) Single-Family Home & 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

Chairman Siebold thanked Ms. Luick for her very thorough presentation.

7. Public Comment - Non Agenda Items

8. Commission Business

a. Special Election

Chairman Siebold announced the need to hold a Special Election to appoint an Interim Vice Chairman. Vice Chairman O'Neil is on an extended, excused leave and will continue to serve as a Commissioner but is unable to fulfill the responsibilities of Vice Chairman.

Chairman Siebold invited nominations for the position. Commissioner Henz nominated Commissioner Campbell. Commissioner Campbell was unanimously approved as Vice Chairman to serve in the interim role, not to exceed June 30, 2025.

9. Chairman's Report

10. Staff Reports

a. Land Management Ordinance and Districts Project Updates

Regarding the Priority Amendments for the LMO, it is important to note that the full code overhaul remains in progress and is actively being developed behind the scenes.

11. Adjournment

The meeting was adjourned at 4:42 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

Planning Commission

TO: Planning Commission
FROM: Missy Luick, Director of Planning
VIA: Shawn Leininger, Assistant Town Manager
CC: Marc Orlando, Town Manager
DATE: February 19, 2025
SUBJECT: Consideration of an Ordinance of the Town Of Hilton Head Island to amend Title 16 of the Municipal Code, the Land Management Ordinance, to amend the current design regulations and requirements for Open Space and Pathways in Major Subdivisions to include Sections 16-3-104, 16-3-105, 16-4-104, 16-5-103, 16-5-104, 16-5-107, 16-5-115, 16-6-102, 16-10-102, 16-10-105, and Appendices A & D.

RECOMENDATION:

That the Planning Commission hold a public hearing to review and consider an Ordinance of the Town Of Hilton Head Island to amend Title 16 of the Municipal Code, the Land Management Ordinance, to amend the current design regulations and requirements for Open Space and Pathways in Major Subdivisions to include Sections 16-3-104, 16-3-105, 16-4-104, 16-5-103, 16-5-104, 16-5-107, 16-5-115, 16-6-102, 16-10-102, 16-10-105, and Appendices A & D., and forward a recommendation to Town Council.

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:

1. 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
2. Allow outdoor screened bike storage in Light Commercial District and Community Commercial District
3. Clarify the manufacturing use classification related to size of a brewery
4. Require July traffic counts rather than June for Traffic Impact Analysis Plans
5. Change when/how plantings are required as part of subdivision compliance
6. Amend the definition of changeable copy to allow for signs to be changed electronically with limitations
7. Amend the measurement for height calculation
8. Add owner's consent for minor subdivisions
9. 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.

On September 16, 2024, and September 24, 2024, Town Council held a workshop to discuss the LMO Priority Amendments Project and provided direction on the amendments that are subject to this review, which include the following topics:

1. Workforce Housing Density Bonus
2. Single-Family Home and Commercial Mass & Scale
3. Subdivision Regulations
4. Adaptive Re-Use of Existing Hotels and 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

SUMMARY:

Updates to the Town's subdivision requirements are driven by public 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 concerns that the current subdivision regulations are not providing the desired outcomes. Currently, subdivision regulations are scattered across multiple sections of the LMO, creating a complex and interconnected regulatory 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. However, the proposed priority amendments address specific, urgent concerns while providing a foundation for future, broader LMO revisions. The priority amendments for subdivision regulations focus on targeted improvements, specifically:

- Improving common open space regulations to better preserve the Island's character and ensure new developments align with community expectations; and
- Enhancing pedestrian and cyclist connectivity in new subdivisions.

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

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.

Further, the LMO does not mandate 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.

TOWN COUNCIL WORKSHOP:

At the September 24, 2024, Town Council Workshop, Town staff received the following comments and direction regarding this proposed amendment to the Subdivision Regulations.

- Subdivisions need more intentional, well-designed open space.

- Subdivision regulations need to be sensitive to the environment, celebrate trees, and viewsheds.
- The connection of common open space, tree protection, and lot coverage are all important steps to preserve the character of the island and development.
- Town regulations allow open spaces that are not functional or usable for residents, such as lagoons and wetlands.
- Ensure the definition of common open space does not allow impervious areas to be counted (i.e., shared parking lot).
- Concern that these regulations will result in smaller lots to provide additional open space compliant with the new regulations.
- Common open space should be required in minor subdivisions.
- The Land Acquisition Manual should support the purpose of property in existing neighborhoods to create open space where little or none exists.

PLANNING COMMISSION INTRODUCTION AND COMMENTS:

On January 15, 2025, the Planning Commission introduced the Subdivision Regulations Amendment concerning common open space and pathway connectivity. During the meeting, Town staff presented to the Planning Commission, and there were no questions or concerns to address from the Planning Commission.

APPLICABILITY:

The common open space and pathway connectivity requirements will only apply to major residential subdivisions outside of PD-1 that are platted after the effective date of this ordinance. They do not apply to minor subdivisions or family subdivisions.

ANALYSIS:

The proposed priority amendments aim to refine the definition, calculation, and design standards for open space within development, emphasizing connectivity and design consistency. This amendment prioritizes functional, connected, and accessible common open space, enhancing the quality of life for residents. It enhances walkability, improves community integration, and ensures a cohesive aesthetic within the Town's developments.

The following table demonstrates how the proposed amendments incorporated the Town Council's direction from September 24, 2024.

Issue	Proposed Amendment
Clarify definition of common open space. Remove detention facilities and natural water bodies from definition. Addition of docks and boardwalks to definition.	Sec.16-10-105. General Definitions. 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, 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 paddocks, docks and boardwalks located entirely within the development parcel, places for people to gather, and passive recreation areas.
Add clarifying language and additional design standards for common open spaces to require higher quality design and improved functional access via pathways and other means. Remove calculation of remnant open space that provides no value.	Sec.16-5-104. Common Open Space Standards C. Common Open Space Requirement 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. Sec.16-5-104. Common Open Space Standards D. Common Open Space Location and Configuration 1. Common open space shall be connected to all lots within the subdivision by pathways in accordance with Section 16-5-115 D.5. 2. The common open space shall be accessible to all residents of the subdivision development, subject to reasonable rules and regulations. Common open space may be dedicated for general public use; however, such dedication is not mandatory. 3. The design and establishment of common open space shall meet the following standards: - An area or multiple areas of common open space shall be planned for active or passive recreational use. - At least 75 percent of the common open space area shall be arranged in dimensions no less than 15 feet across in any direction. - At least 50 percent of the common open space shall be arranged in one contiguous area. For the purpose of this requirement, common open space areas divided by pathways, sidewalks, or streets that would otherwise be contiguous without the existence of the pathways, sidewalks, or streets shall be considered contiguous.

	d. The arrangement and design of common open space shall prioritize the preservation of existing tracts of specimen and significant trees. The applicant shall demonstrate how these priority areas have been considered during the application process.
Remove adjacent street and use buffer credit from open space calculations. Remove calculation of remnant open space that provides no value.	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. See Exhibits 1-3 for examples of open space that will no longer qualify.
Require pedestrian connectivity within subdivisions and require connections to the Town's Multi-use Pathway system if such connectivity is located within reasonable proximity to the development.	Sec.16-5-115. Subdivision Standards D. Layout of Lots and Blocks 5. <i>Pathway</i> Connectivity. a. Pathways are required throughout subdivisions. The provisions of this subsection shall not apply to Minor Subdivisions and Family Subdivisions. b. Pathways shall provide direct connectivity between all lots and the subdivision's community amenities, including usable common open space, mailbox facilities, community buildings, and recreational areas. For the purpose of this requirement, a residential lot located across a street from a pathway within the same subdivision or adjacent to a common open space having a pathway is considered to be served by and connected to that pathway. c. Pathways shall be designed to provide connectivity from within the subdivision to: - An existing pathway system located along an abutting right-of-way or easement, an existing pathway within an easement on the property, or a pathway on abutting Town-owned property; and - Any pathway system planned within an adopted Town pathway plan or the Capital Improvement Program (CIP) located along an abutting right-of-way or easement, an existing pathway easement on the property, or an abutting Town-owned property. d. If the land proposed for a subdivision serves as a priority connection between existing pathways and

	is included in an adopted Town pathway plan, the pathway system shall be designed to connect the existing pathways through the subdivision or along abutting street right-of-way. This requirement shall not be construed as requiring off-site improvements other than within an abutting street right-of-way.
Other notable changes and clarifications:	The term "open space" is updated to "common open space" to emphasize its shared use within developments. Pathways are required unless sidewalks are demonstrated to be more appropriate. Sidewalks can be incorporated where walking and wheelchair use is more common, for shorter stretches where speeds are slower, and where they better fit the context and character of the development (Sec.16-5-115. D.5.e). Specific design standards for pathways and sidewalks are included by reference to associated professional manuals and statutes (Sec.16-5-115. D.5.f). Included definitions of pathways and sidewalks (Sec.16-10-105).

Exhibit 1: Example of Adjacent Street Buffer Open Space that will No Longer Qualify

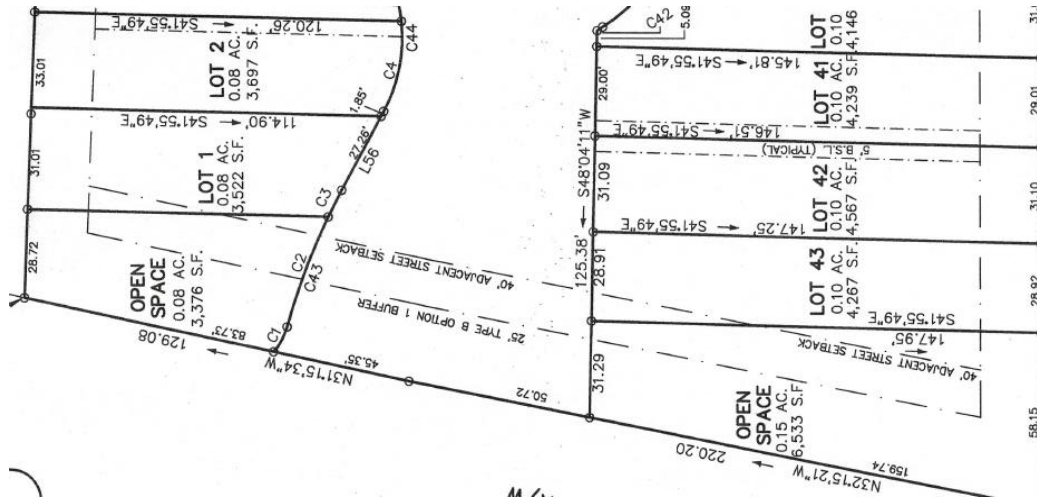


Exhibit 2: Example of Adjacent Use Buffer Open Space that will No Longer Qualify

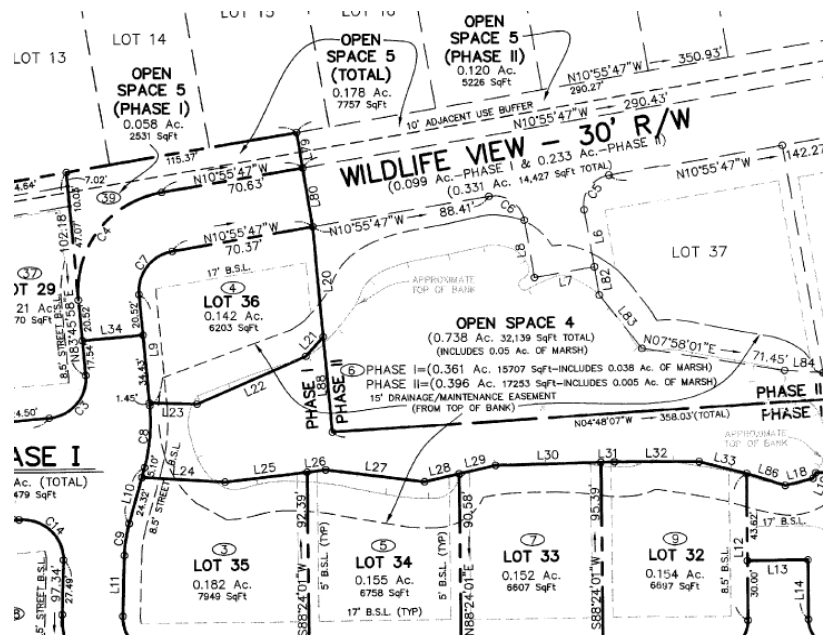


Exhibit 3: Example of Detention Pond Open Space that will No Longer Qualify



NONCONFORMITIES:

Chapter 16-7 provides standards for nonconformities. The purpose statement of the Nonconformities Chapter reads as follows, “the zoning regulations and development standards established by this Ordinance are designed to guide the future development and redevelopment of land within the Town by encouraging and regulating site development and appropriate groupings of compatible and related uses that promote and protect the public health, safety, and general welfare. While the Town recognizes the continued existence of nonconformities is generally inconsistent with the purpose and intent of this Ordinance, it also recognizes this Ordinance needs to provide flexibility to encourage redevelopment of nonconforming development if it lessens the degree of the nonconformity and if redevelopment is consistent with the goals of the Comprehensive Plan and the district in which the development is located. This Chapter provides for the regulation of nonconforming uses, structures, signs, and site features, and specifies those circumstances and conditions under which such nonconformities are allowed to continue and redevelop.”

If a structure is legally nonconforming, to redevelop, expand or relocate, it must meet the requirements of Chapter 16-7, or Chapter 16-9 Disaster Recovery and Chapter 13 Disaster emergency.

Chapter 16-7 outlines standards for nonconformities within the Town, acknowledging the need for flexibility in redevelopment while ensuring alignment with the Comprehensive Plan and district goals. Redevelopment, expansion, or relocation of legally nonconforming

structures must adhere to Chapter 16-7 and typically must meet the Substitutions of Nonconformities for Redevelopment requirements listed below:

- Will not include any new **development** that increases the amount of encroachment into any required buffer or setback;
- Will not increase the **impervious cover** on the **site** over the maximum allowed for the district or the existing **impervious cover**, whichever is greater;
- Will lessen the extent of existing **nonconforming site features** to the greatest extent possible;
- Will not have an adverse impact on the public health, safety or welfare; and
- Will lessen the extent of nonconformities related to any existing **nonconforming structure** on the **site** to the greatest extent possible.

Chapter 16-9 Disaster Recovery aims to expedite the rebuilding process post-natural disaster, allowing landowners to repair or reconstruct damaged structures without full review under normal ordinance procedures. This chapter applies to structures damaged in events declared as a State of Emergency and takes precedence over nonconformity regulations. However, alterations beyond pre-disaster conditions require compliance with standard permitting provisions.

In Chapter 13 Disaster Emergency, applies to structures damaged or destroyed in emergencies declared by the mayor, as defined in the Town's Municipal Code. Repair, reconstruction, or rebuilding must adhere to the state or condition existing before the emergency. Alterations beyond pre-emergency conditions require permits under Title 15.

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.

ATTACHEMENTS:

1. Text Amendment
2. Ordinance

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. Impervious Cover for All Development Except Single-Family	35%
Nonresidential	6,000 GFA		
MAX. BUILDING HEIGHT		Min. Open Space <u>Common Open Space</u> for Major Residential Subdivisions	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 = 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)

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. Impervious Cover for All Development Except Single-Family	35%
Nonresidential	6,000 GFA		
MAX. BUILDING HEIGHT		Min. Open Space <u>Common Open Space</u> for Major Residential Subdivisions	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 = **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 NET ACRE)		LOT COVERAGE	
Residential	6 du	Max. Impervious Cover for All Development Except Single-Family	35%
Nonresidential	6,000 GFA	Min. Open Space <u>Common Open Space</u> for Major Residential Subdivisions	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 NET ACRE) ²		LOT COVERAGE	
Residential ²	4 du (6 du if lot area is at least 3 acres; 8 du if lot area is	Max. Impervious Cover for All Development Except Single-Family 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. <i>Impervious Cover</i> for All <i>Development</i> Except <i>Single-Family</i> ¹	35%
Nonresidential	6,000 GFA		
MAX. BUILDING HEIGHT		Min. Open Space <u>Common Open Space</u> for Major Residential <i>Subdivisions</i>	16%
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 = ***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 (PERNET ACRE) ¹			LOT COVERAGE
Residential	12 du		Max. Impervious Cover for All Development Except Single-Family
Nonresidential	6,000 GFA		
MAX. BUILDING HEIGHT			Min. Open Space <u>Common Open Space</u> for Major Residential Subdivisions
All Development	45 ft		35%
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)

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. Open Space <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 = ***dwelling units***; sf = square feet; GFA = ***gross floor area*** in square feet; ft = feet; n/a = not applicable

1. The ***gross floor area*** per ***building*** shall be 20,000 square feet for ***buildings*** devoted to ***Commercial Services*** or ***Industrial Uses***.

2. Each ***building*** shall be separated by a minimum of 15 feet.

3. 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.

4. 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 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. <i>Impervious Cover</i>	60%
<i>Bed and Breakfasts</i>	10 rooms		
<i>Hotel</i>	35 rooms	Min. Open Space <i>Common Open Space</i> for Major Residential <i>Subdivisions</i>	16%
Nonresidential	9,000 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 = **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. Open-Space <u>Common Open Space</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 = 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 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. Open-Space <u>Common Open Space</u> 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. Open Space <u>Common Open Space</u> 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 or 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. Open Space <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 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

~~Required **common open space** shall be reasonably accessible from all parts of the **subdivision**, especially by pathways.~~

1. **Common open space** shall be connected to all lots within the **subdivision** by **pathways** in accordance with Section 16-5-115.D.5.

-
2. The **common open space** shall be accessible to all residents of the **subdivision** development, subject to reasonable rules and regulations. **Common open space** may be dedicated for general public use; however, such dedication is not mandatory.
 3. The design and establishment of **common open space** shall meet the following standards:
 - a. An area or multiple areas of **common open space** shall be planned for active or passive recreational use.
 - b. At least 75 percent of the **common open space** area shall be arranged in dimensions no less than 15 feet across in any direction.
 - c. At least 50 percent of the **common open space** shall be arranged in one contiguous area. For the purpose of this requirement, **common open space** areas divided by **pathways, sidewalks, or streets** that would otherwise be contiguous without the existence of the **pathways, sidewalks, or streets** shall be considered contiguous.
 - d. The arrangement and design of **common open space** shall prioritize the preservation of existing tracts of **specimen** and **significant trees**. The **applicant** shall demonstrate how these priority areas have been considered during the application process.

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

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-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.~~Pathway Connectivity.

a. Pathways are required throughout subdivisions. The provisions of this subsection shall not apply to Minor Subdivisions and Family Subdivisions.

b. Pathways shall provide direct connectivity between all lots and the subdivision's community amenities, including usable common open space, mailbox facilities, community buildings, and recreational areas. For the purpose of this requirement, a residential lot located across a street from a pathway within the same subdivision or adjacent to a common open space having a pathway is considered to be served by and connected to that pathway.

c. Pathways shall be designed to provide connectivity from within the subdivision to:

- i. An existing pathway system located along an abutting right-of-way or easement, an existing pathway within an easement on the property, or a pathway on abutting Town-owned property; and
- ii. Any pathway system planned within an adopted Town pathway plan or the Capital Improvement Program (CIP) located along an abutting right-of-way or easement, an existing pathway easement on the property, or an abutting Town-owned property.

d. If the land proposed for a subdivision serves as a priority connection between existing pathways and is included in an adopted Town pathway plan, the pathway system shall be designed to connect the existing pathways through the subdivision or along abutting street right-of-way. This requirement shall not be construed as requiring off-site improvements other than within an abutting street right-of-way.

e. As an alternative to pathway construction, a sidewalk may be approved by the Official if the proposed subdivision abuts a street with an existing sidewalk network or if the character or design of the proposed subdivision would clearly benefit from incorporating sidewalks instead of pathways. The incorporation of sidewalks shall meet all other requirements of this section. The Official may determine that a sidewalk is preferable over a pathway if:

- i. Spacing is not sufficient for a pathway based on existing natural features, infrastructure, utilities, easements, or built features;

ii. It would connect seamlessly to existing infrastructure;

iii. It would be more consistent with the design characteristics of the proposed **subdivision** and abutting **development**;

iv. The travel distance of the proposed route is significantly shorter than areas typically suitable for **pathways**; or

v. It would encourage slower travel speeds in areas of higher congestion.

f. **Pathways** or **sidewalks** shall be designed and constructed in accordance with the fifth edition of the AASHTO Guide for the Development of Bicycle Facilities and meet the accessibility guidelines promulgated under the Americans with Disabilities Act (ADA).

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/retention 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.~~

Pathway

An improved way for purposes of travel by non-motorized users outside the traveled way of vehicles and physically separated from the *street* by an open space or barrier and either within the *street right-of-way* or within an independent alignment. Most *pathways* are designed for two-way travel, and are generally constructed of asphalt. *Pathways* are used by cyclists, pedestrians, and other similar users. *Pathways* do not include *sidewalks*.

Sidewalk

An Improved surface intended for use by pedestrians located between the curb line or the lateral line of a *street* and the adjacent property line or on *easements* of private property. *Sidewalks* are generally constructed with concrete, asphalt or pavers.

(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. ~~Subdivison~~ 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, ~~Subdivison~~ 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.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO.: 2025-_____

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND TO AMEND CHAPTER 16 OF THE MUNICIPAL CODE, THE LAND MANAGEMENT ORDINANCE, TO AMEND THE CURRENT DESIGN REGULATIONS AND REQUIREMENTS FOR OPEN SPACE AND PATHWAYS IN MAJOR SUBDIVISIONS TO INCLUDE SECTIONS: 16-3-104, 16-3-105, 16-4-104, 16-5-103, 16-5-104, 16-5-107, 16-5-115, 16-6-102, 16-10-102, 16-10-105, AND APPENDICES A & D 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 finds that an amendment to the Land Management Ordinance to address development and design standards for major residential subdivisions by improving the definition and regulations is needed to promote the design and development of more functional common open space; and,

WHEREAS, the Town Council also finds that an amendment to the Land Management Ordinance to address development and design standards for major residential subdivisions is needed to require pathway connectivity for cyclists, pedestrians, users of manual and motorized wheelchairs, and other similar authorized non-motorized users; and,

WHEREAS, on February 19, 2025, the Planning Commission held a Public Hearing to consider the proposed amendments related to the definition and regulations for common open space and requirements for pathways, 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 definition and regulations for common open space and the requirements for pathway connectivity; and,

WHEREAS, the Town Council finds it is in the best interest of the Town and the health, safety and welfare of its citizens, residents and visitors to amend Land Management Ordinance by amending the definition and regulations for common open space and the requirements for pathway connectivity.

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

Introduced by Council Member:_____



TOWN OF HILTON HEAD ISLAND

Planning Commission

TO: Planning Commission
FROM: Missy Luick, Director of Planning
VIA: Shawn Leininger, Assistant Town Manager
CC: Marc Orlando, Town Manager
DATE: February 19, 2025
SUBJECT: Consideration of an Ordinance of the Town of Hilton Head Island to amend Title 16 of the Municipal Code, The Land Management Ordinance, to amend the procedures for Development Plan Reviews and Major Subdivision Plan Reviews to include the following Sections 16-2-101, 16-2-102, and 16-2-203.

RECOMENDATION:

That the Planning Commission hold a public hearing to review and consider an Ordinance of the Town of Hilton Head Island to amend Title 16 of the Municipal Code, The Land Management Ordinance, to amend the procedures for Development Plan Reviews and Major Subdivision Plan Reviews to include the following Sections 16-2-101, 16-2-102, and 16-2-203, and forward a recommendation to Town Council.

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:

1. 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
2. Allow outdoor screened bike storage in Light Commercial District and Community Commercial District
3. Clarify the manufacturing use classification related to size of a brewery
4. Require July traffic counts rather than June for Traffic Impact Analysis Plans
5. Change when/how plantings are required as part of subdivision compliance
6. Amend the definition of changeable copy to allow for signs to be changed electronically with limitations
7. Amend the measurement for height calculation
8. Add owner's consent for minor subdivisions
9. 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.

On September 16, 2024, and September 24, 2024, Town Council held a workshop to discuss the LMO Priority Amendments Project and provided direction on the amendments that are subject to this review, which include the following topics:

1. Workforce Housing Density Bonus
2. Single-Family Home and Commercial Mass & Scale
3. Subdivision Regulations
4. Adaptive Re-Use of Existing Hotels and 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

SUMMARY:

As priority amendments, changes are proposed to the Major Subdivision, Minor Development Plan, and Major Development Plan review processes. 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 mandate pre-application meetings with Town staff for Major Subdivisions and Major Development Plans to further improve transparency. These meetings will allow developers and residents to address questions and concerns before submitting formal applications. Next, these amendments will add a required Planning Commission review element to Major Subdivisions and Major Development Plans, which 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.

Additionally, the amendments will require a Planning Commission hearing for the review of Major Subdivisions and Major Development Plans. While our legal counsel advised against the Planning Commission providing a recommendation on these matters, the hearing process will ensure that larger developments are reviewed publicly and the community has a platform to learn about the project and ask questions. Finally, the changes will require the LMO Official to refer Minor Development Plan applications to the Planning Commission for a hearing if the property is adjacent to or across the street from residential uses. This ensures that even smaller developments that could impact residential areas undergo public review and consideration.

TOWN COUNCIL WORKSHOP:

At the September 24, 2024, Town Council Workshop, Town staff received the following comments and direction regarding this proposed amendment to the Subdivision Regulations.

- Major Developments and Subdivisions need to be communicated to the neighborhoods and communities impacted by these developments.
- The community wants to be more informed regarding planned developments and has asked for a more transparent process.
- Additional public review and scrutiny will result in better developments.
- The Planning Commission will need additional training on the Development Plan and Subdivision review.
- Minor Development Plans and Minor Subdivision Plans should be sent to the Planning Commission for a public hearing.
- There should be a larger radius for notice.
- In addition to placing signs on-site, signs should be placed in the vicinity.

PLANNING COMMISSION INTRODUCTION AND COMMENTS:

On January 15, 2025, the Planning Commission introduced the Major Subdivision & Development Plan Review Process Priority Amendment. During the meeting, Town staff presented to the Planning Commission, and there were no questions or concerns to address from the Planning Commission.

APPLICABILITY:

The proposed changes to review processes apply to Major Subdivision reviews, Minor Development Plan reviews when adjacent to or across the street from a residential use, and Major Development Plan reviews.

ANALYSIS:

The proposed priority amendments aim to enhance public engagement, improve transparency, ensure early stakeholder involvement, and strengthen oversight for developments with significant community impact.

The following table demonstrates how the proposed amendments incorporated the Town Council's direction from September 24, 2024.

Issue	Proposed Amendment
Require a Planning Commission public hearing with Planning Commission recommendation to LMO Official.	Sec.16-2-101. Summary Table of Review Procedures This table includes mandatory hearings for Major Subdivision and Major Development Plan reviews (indicated in the table as “<M>”). Additionally, pre-application conferences for major subdivision and major development plan reviews are proposed to be mandatory (indicated in the table as “M”). Based on legal review and further discussions, it is recommended that the Planning Commission hold the hearing for the purpose of the goals stated earlier, but the Planning Commission would not provide a recommendation to the LMO Official. Sec.16-2-103. Application Specific Review Procedures F. Subdivision Review (Minor or Major) 3. Subdivision Review (Minor or Major) Procedure d. Staff Review and Action – Major Subdivision i. The Official shall forward the application to the Planning Commission for review, and the Planning Commission shall review the application, staff report, and any public comment at a hearing. ii. Following review by the Planning Commission, the Official shall make a final decision on the application in accordance with Sec. 16-2-102.D. The Official's decision shall be based on the standards in Sec. 16-2-103.F.4, Subdivision Review (Minor or Major) Standards... Sec.16-2-103. Application Specific Review Procedures G. Development Plan Review (Minor or Major) 4. Development Plan Review (Minor or Major) Procedure d. Staff Review and Action – Major Development Plan Review

	i. The Official shall forward the application to the Planning Commission for review, and the Planning Commission shall review the application, staff report, and any public comment at a hearing. ii. Following review by the Planning Commission, the Official shall make a final decision on the application in accordance with Sec. 16-2-102.D. The Official's decision shall be based on the standards in Sec. 16-2-103.G.5, Development Plan Review Standards...			
Require pre-application meetings with Town staff for Major Subdivisions and Major Developments.	Sec.16-2-101. Summary Table of Review Procedures Pre-application conferences for Major Subdivision and Major Development Plan reviews are proposed to be mandatory (indicated in the table as “M”).			
Require applicant first class mailed advanced public notice to all owners and POAs within 500 feet of site.	Table 16-2-102.E.2: Hearing Notice Requirements			
	Major Subdivision/Major Development Plan	Publish notice of the hearing no less than 15 calendar days before the hearing date	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	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
	NOTES: 1. As identified in the latest Beaufort County ad valorem tax record. 2. Where properties within 350 or 500 feet, as applicable, 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.			
Allow LMO Official to advance minor development plan applications to Planning Commission for public hearing when the subject property is adjacent to or across the street from a residential use.	Sec.16-2-103. Application Specific Review Procedures G. Development Plan Review (Minor and Major) 4. Development Plan Review (Minor or Major) Procedure c. Staff Review and Action – Minor Development Plan Review ii. A Minor Development Plan Review when adjacent to or across the street from a residential use shall be reviewed by the Advisory Body in the same manner as a Major Development Plan Review.			

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.

ATTACHEMENTS:

1. Text Amendment
2. Ordinance

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 < > * = Public Hearing E = Encouraged <u>M = Mandatory</u>						
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 <u>M</u>	D		<u><M></u> <A>	
Development Plan Review (Sec. 16-2-103.G)	Minor	E	D		<A>	
	Major	E <u>M</u>	D		<u><M></u> <A>	
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

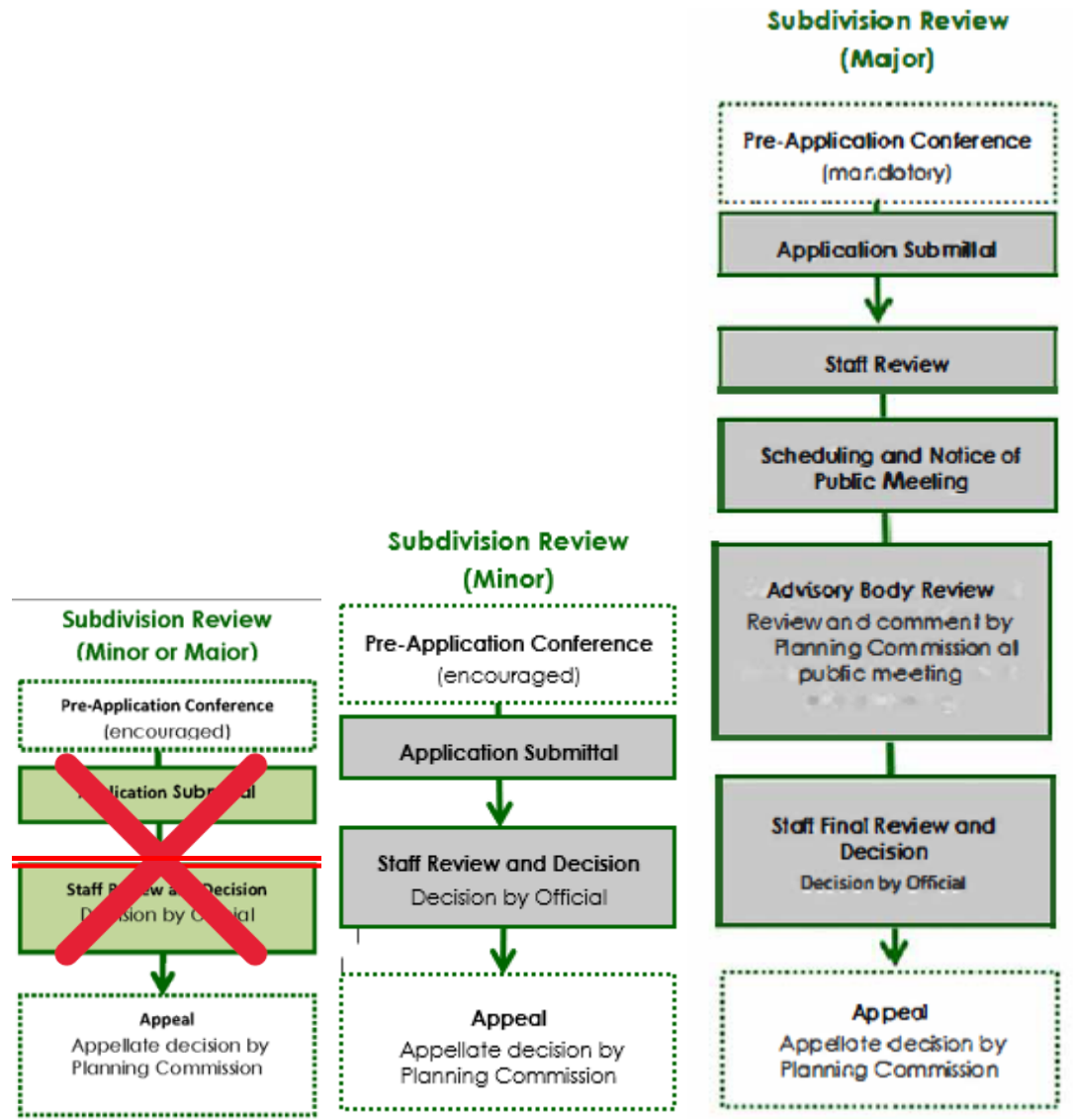
		days before the hearing date	
Subdivision Amendment	Publish notice of the hearing no less than 15 calendar days before the hearing date	Mail notice of the hearing to all owners of record of properties located within the subdivision no less than 15 calendar days before the hearing date	Post conspicuous 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. [The **Official** shall forward the **application** to the **Planning Commission** for review, and the **Planning Commission** shall review the application, staff report, and any public comment at a hearing.](#)
- ii. [Following review by the **Planning Commission**, the **Official** shall make a final decision on the **application** in accordance with Sec. 16-2-102.D. The **Official's** decision shall be based on the standards in Sec. 16-2-103.F.4, Subdivision Review \(Minor or Major\) Standards, and shall be one of the following:](#)
 01. [Approve the **application**;](#)
 02. [Approve the **application** subject to conditions of approval; or](#)
 03. [Deny the **application**.](#)
- iii. [The **Official** shall act on an **application**, in accordance with Sec. 16-2-102.D, within 60 days after it is submitted, or such extended time agreed to by the **applicant**. If the **Official** fails to take action on the **application** within this time period, the **application** shall be deemed approved, and the Town shall issue the **applicant** a letter of approval and written notice to proceed based on the submitted **application**.](#)

d.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.

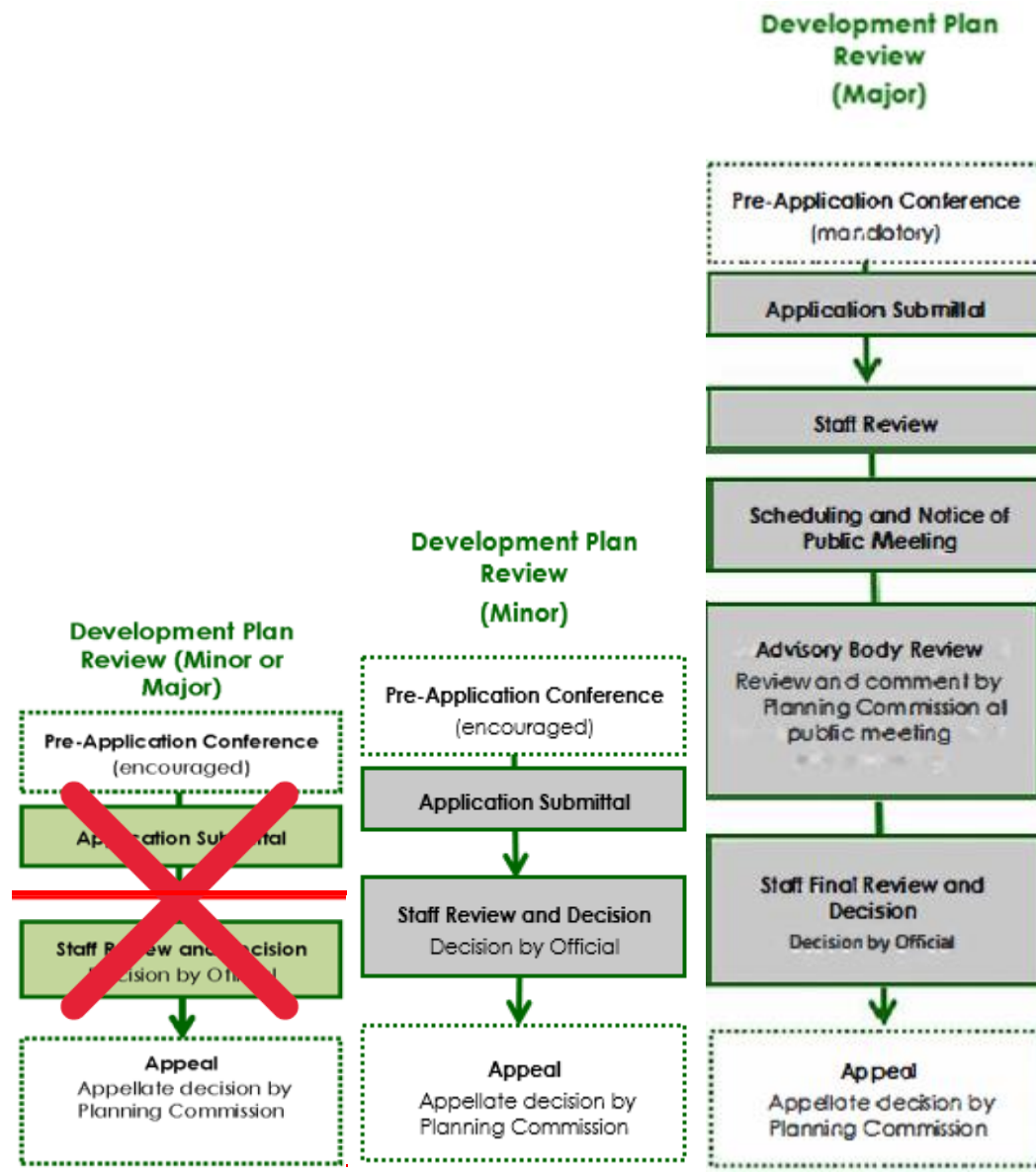
ii. Appeal

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



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. [A Minor Development Plan Review when adjacent to or across the street from a residential use shall be reviewed by the Advisory Body in the same manner as a Major Development Plan Review.](#)

- ~~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. [The **Official** shall forward the **application** to the **Planning Commission** for review, and the **Planning Commission** shall review the application, staff report, and any public comment at a hearing.](#)

- ii. [Following review by the **Planning Commission**, the **Official** shall make a final decision on the **application** in accordance with Sec. 16-2-102.D. The **Official's** decision shall be based on the standards in Sec. 16-2-103.G.5, Development Plan Review Standards, and shall be one of the following:](#)

[01. Approve the **application**;](#)

[02. Approve the **application** subject to conditions of approval; or](#)

[03. Deny the **application**.](#)

- iii. [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 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.**

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO.: 2025-_____

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND TO AMEND CHAPTER 16 OF THE MUNICIPAL CODE, THE LAND MANAGEMENT ORDINANCE, TO AMEND THE PROCEDURES FOR DEVELOPMENT PLAN REVIEWS AND MAJOR SUBDIVISION PLAN REVIEWS TO INCLUDE THE FOLLOWING SECTIONS: 16-2-101, 16-2-102, AND 16-2-103 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 finds that an amendment to the Land Management Ordinance procedures and public notice requirements for Development Plan Reviews and Major Subdivision Plan Reviews is needed to improve the effectiveness and transparency of the plan review process; and,

WHEREAS, on February 19, 2025, the Planning Commission held a Public Hearing to consider the proposed amendments related to the public notice procedures for Development Plan Reviews and Major Subdivision Plan Reviews, 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 related to the procedures for Development Plan Reviews and Major Subdivision Plan Reviews,; and,

WHEREAS, the Town Council finds it is in the best interest of the Town and the health, safety and welfare of its citizens, residents and visitors to amend Land Management Ordinance by amending the related to the procedures for Development Plan Reviews and Major Subdivision Plan Reviews.

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

| Introduced by Council Member:_____